

# Montana State Legislature

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# Open Container Laws & Alcohol Involved Crashes:

## Some Preliminary Data

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16. Abstract  <p>This report presents the results of a study conducted for the National Highway Traffic Safety Administration (NHTSA) to assess the highway safety effects of laws that prohibit open containers of alcoholic beverages to be located in the passenger compartment of motor vehicles operated on public roadways. These laws are commonly referred to as "Open Container Laws." The Transportation Equity Act for the 21st Century (TEA-21), H.R. 2400, P.L. 105-178, was passed by the Senate and the House of Representatives on 22 May 1998, signed into law on 9 June 1998, and amended by a technical corrections bill, entitled the TEA-21 Restoration Act, P.L. 105-206, on 22 July 1998. The TEA-21 Restoration Act established a program to encourage states to enact and enforce open container laws that conform to a Federal Standard. States without conforming Open Container laws are subject to a transfer of highway construction funds.</p> <p>Four states passed legislation in 1999 in response to the TEA-21 Restoration Act (Iowa, Maine, Rhode Island, and South Dakota). Analyses indicated that three of the four states appeared to decline in their proportions of alcohol-involved fatal crashes during the first six months after enforcement of the conforming laws; however, the declines were not statistically significant.</p> <p>In addition to the before and after analyses, crash data (from 1999) were compared among states that have had fully-conforming laws since the enactment of the TEA-21 Restoration Act on July 22, 1998; states that enacted fully-conforming laws as of October 1, 2000, the date on which the first transfer of funds took effect; states that had partially-conforming laws as of October 1, 2000; and, states that had no Open Container laws at all, as of October 1, 2000. This analysis showed that states without Open Container Laws experienced significantly greater proportions of alcohol-involved fatal crashes than states with partially-conforming or fully-conforming laws. Also, it was noted that survey data show support for Open Container laws by a substantial majority of the general public, even in states without such laws.</p>					
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# OPEN CONTAINER LAWS AND ALCOHOL INVOLVED CRASHES

## SOME PRELIMINARY DATA

### EXECUTIVE SUMMARY

This report presents the results of a study conducted for the National Highway Traffic Safety Administration (NHTSA) to assess the highway safety effects of laws that prohibit open containers of alcoholic beverages to be located in the passenger compartment of motor vehicles operated on public roadways. These laws are commonly referred to as "Open Container laws." The Transportation Equity Act for the 21st Century (TEA-21), H.R. 2400, P.L. 105-178, was passed by the Senate and the House of Representatives on 22 May 1998, signed into law on 9 June 1998, and amended by a technical corrections bill, entitled the TEA-21 Restoration Act, P.L. 105-206, on 22 July 1998. The TEA-21 Restoration Act established a program to encourage states to enact and enforce open container laws that conform to a Federal standard. A percentage of a state's Federal-aid highway construction funds will be transferred for use in drinking and driving countermeasures programs, law enforcement, and hazard elimination if the state fails to enact and enforce a conforming "Open Container law." To avoid the transfer of funds, a state must enact and enforce a law that prohibits the possession of any open alcoholic beverage container, and the consumption of any alcoholic beverage, in the passenger area of any motor vehicle located on a public highway, or the right-of-way of a public highway, in the state.

Four states passed legislation in 1999 following enactment of the TEA-21 Restoration Act (Iowa, Maine, Rhode Island, and South Dakota). Analyses of data obtained from the states found that three of the four states appeared to decline in the proportions of all fatal crashes that were alcohol-involved during the first six months following the beginning of enforcement of the compliant laws. The changes were in the direction expected; however, the differences were not statistically significant.

In addition to the before and after analyses, crash data (from 1999) were compared among states that had fully-conforming laws (as of the enactment of the TEA-21 Restoration Act on July 22, 1998), states that enacted fully-conforming laws as of October 1, 2000, the date on which the first transfer of funds took place; states that had partially-conforming laws, as of October 1, 2000 and states that had no Open Container laws at all, as of October 1, 2000. This analysis showed that states without Open Container laws experienced significantly greater proportions of alcohol-involved fatal crashes than states with partially conforming or fully conforming laws.

It is also noted that NHTSA's 1999 national survey on drinking and driving revealed that a substantial majority of the general public supports Open Container laws, even in states without such laws.

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