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EXHIBIT 4
DATE 3/5/05
SB 80

Mothers Against Drunk Driving
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SB 80 Open Container

Mr. Chairman and Members of the Committee. For the record my name is Bill Muhs, from Bozeman. I am currently the Public Policy Liaison for MADD-Gallatin County. I was also a member of the Governor's Task Force on Alcohol, Tobacco, and Other Drugs.

Two states that perennially have the highest highway traffic fatality rate and the highest alcohol-related highway fatality rate have two things in common. Both states begin with the letter M and both are the only two states that do not place any restrictions upon open alcohol containers or consumption in motor vehicles. The states are Mississippi and Montana. A matter of coincidence? We think not. Of the 48 other states, 10 have some kind of Open Container law but they are not in compliance with TEA-21.

Following the last time the Legislature heard an open container bill, our alcohol-related fatalities increased 22 percent followed by a two percent increase in the latest year for which we have data. In the latest year, 49 percent of our highway fatalities were alcohol-related. In the last two years, how many more children have watched their parents drink and drive? Clearly, we must be much more serious about drunk driving and change our policies and enforcement efforts to make our highways a safer place.

Where is the first place to start? By prohibiting drinking and driving. Not having an open container law can be viewed as condoning drinking while driving, a behavior that creates unacceptable societal risk. Researchers have found that a large percentage of persons who drive while drunk also drink while driving. Other studies have found that as the severity of motor vehicle crashes increased, the frequency of an open alcohol container in a vehicle also increased. Research has also shown that **open container laws save lives.**

Permitting drinking while riding in a moving motor vehicle is contrary to the spirit of DUI laws and reduces the credibility of Montana's resolve to enforce our DUI laws. It has nothing to do with a loss of individual freedom but everything to do about safer highways.

Since we testified in Senate Judiciary on SB 80 it has been amended to mask the violation from offender's driving records. We do not support this amendment as we believe an open container violation is a serious offense and should be placed on the driver's record. Masking, and attempts to incorporate token fines, will only trivialize the offense and perpetuate the culture in Montana that it is ok to drink and drive.

It has been 22 years since President Ronald Reagan recommended that state governments adopt open container bans. Montana has not yet complied despite polls that show overwhelming public support for such a law. A Gallup Poll found that 81% of Montanans want an Open Container Law. Interestingly, this same poll found that 71% of Montanans already believed we have such a law. This is a common sense measure whose time has come. We urge your support. Thank you.


Bill Muhs

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