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FISCAL IMPACT REPORT

ORIGINAL DATE 02/11/13

SPONSOR Sapient LAST UPDATED _____ HB _____

SHORT TITLE Eliminate Some Open Container Exceptions SB 345

ANALYST Jorgensen

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Recurring	

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Attorney General's Office (AGO)
 Department of Health (DOH)
 Department of Public Safety (DPS)
 Taxation and Revenue Department (TRD)
 Department of Transportation (DOT)
 Public Defender Department (PDD)

SUMMARY

Synopsis of Bill

Senate Bill 345 (SB 345) amends NMSA1978, Section 66-8-138, proposing changes to the scope of the prohibition on open alcohol containers in motor vehicles. The bill creates a new express exception to the prohibition for any passenger in a bus, taxicab, or limousine, while deleting exceptions for (i) a person carrying alcoholic beverages for medicinal purposes and (ii), a clergyman transporting alcohol for religious purposes.

SIGNIFICANT ISSUES

The main thrust of SB 345 is to allow for alcohol consumption by passengers of vehicles for hire that are licensed to transport passengers. This would allow people to consume alcohol in chartered busses and limousines. It would not apply to public transportation vehicles (which are not for hire).

The removal of the exemptions for people who carry alcoholic beverages for medicinal or religious purposes clarifies that open containers can be carried in a motor vehicle but not within the area occupied by the driver and passengers such as the utility or glove compartment.

NCJ/svb