



Open Container Laws for Automobiles

Background

Open container laws refer to the restriction of opened containers of alcohol in non-commercial use motor vehicles operated on public roads. The Transportation Equity Act for the 21st Century (TEA-21) Restoration Act of 1998¹, required states to implement open container laws to reduce the rates of drunk driving by limiting the access of alcohol to the vehicle's occupants.² TEA-21 requires a minimum of six provisions within the open container laws to receive full federal monies.³ The six provisions as listed from TEA-21 are¹:

1. Prohibit possession of any alcoholic container and consumption of any alcoholic beverage in a motor vehicle
2. Specify passenger area of motor vehicle
3. Apply to all alcoholic beverages
4. Apply to all occupants
5. Specify on a public highway
6. Specify primary enforcement.

Provisions in Detail

Stuster, Burns, and Fiorentino (2002) outline the provisions in further detail³:

1. Prohibit any previously opened (i.e. broken seal on a bottle of wine) or open container (i.e. beer can) in the vehicle. Additionally, any and all consumption in a vehicle must be prohibited.
2. Define the passenger area as: the driver and passenger seats and any area readily accessible to the driver or passenger while in their upright sitting position. States that allow alcohol in an unlocked glove compartment does not satisfy this requirement. Opened

containers of alcohol are permitted in the trunk or trunk area of a vehicle under the assumption that passengers are not occupying the space.

3. Apply to all alcoholic beverages. Alcoholic beverages include spirits, wine, and beer, and any beverage containing 0.5% or more of alcohol by volume.
4. Apply to all occupants including driver and all passengers. Permissible exceptions include trailer homes and taxis.
5. Define the public highway or right-of-way of a public highway including roadways and the adjacent shoulders.
6. Specify primary enforcement of the law. Primary enforcement enables officers to enforce the law without having to provide probable cause that a different violation was committed (i.e. secondary enforcement). States enacting secondary enforcement do not meet this requirement.

State Compliance

The Alcohol Policy Information System (<https://alcoholpolicy.niaaa.nih.gov/>) provides states' compliance with the federal requirements as of January 1, 2015²:

- 78% or 39 states and Washington D.C. are in full compliance
- 8% or 4 states are in partial compliance (have four to five of the six provisions)
- 14% or 7 states do not have open container laws



Indiana is in full compliance with the federal provisions.²

Current Research

Though many states have employed open container laws, the enforcement, effectiveness, and research of these laws is low.⁴ About 40% of state and local agencies enforce open container laws.⁶ Some research has shown effectiveness of these laws in reducing fatal crashes involving alcohol through various strategies.⁵ These strategies include general enforcement practices, sobriety checkpoints, and saturation patrols.⁶ Research calls for higher rates of enforcement of these laws.⁶ Low enforcement is partly attributed to the lack of funding of enforcement agencies in this area.⁶

Impact

Through TEA-21 states were prompted to adopt specific open container laws. The federal government enforces TEA-21 by redirecting 3% of highway construction funding to drunk driving related programming if provisions are not met each fiscal year.²

Overall, the number of alcohol related fatalities has declined since TEA-21 and other policies have passed.⁶ Open container laws have shown effectiveness when enforced with sobriety checks, saturation patrol, and general enforcement of local agencies.⁶ Further research is needed to completely understand the impact of these laws. Additionally, state and local enforcement agencies are encouraged to obtain increased funding to enforce these laws.

References

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- ³Stuster, J., Burns, M., & Fiorentino, D.. (2002). Open container laws and alcohol involved crashes: Some preliminary data. *National Highway Traffic Safety Administration*. Retrieved from: http://www.nhtsa.gov/people/injury/research/opencontainer/tech_doc_page.htm
- ¹United States Department of Transportation. (2015). TEA-21 Moving Americans into the 21st century. Retrieved from: <http://www.fhwa.dot.gov/tea21/>