



Traffic Safety Facts Banner

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STATES WITH OPEN CONTAINER LAWS HAVE FEWER ALCOHOL-INVOLVED VEHICLE CRASHES

Section 154 of the Transportation Equity Act for the 21st Century (TEA-21) Restoration Act was established to reduce alcohol-impaired driving, a serious national public safety problem. It requires that states 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 right-of-way of a public highway. If a state fails to enact and enforce a conforming Open Container law, a percentage of a state's Federal-aid highway construction funds will be transferred to the state's alcohol-impaired driving countermeasures, the enforcement of drinking and driving laws, or for hazard elimination activities.

The National Highway Traffic Safety Administration (NHTSA) sponsored an evaluation of Open Container laws, conducted by Anacapa Sciences, Inc.

State Compliance

As of October 1, 2000, 31 states and the District of Columbia have Open Container laws that comply with the six required elements. Four states passed legislation in 1999, following the enactment of TEA-21 in order to conform to the Federal standard and 13 of the 31 states had passed legislation by October 2000. A fully conforming Open Container law has these six elements:

1. Any consumption or open alcoholic beverage within a motor vehicle is prohibited.
2. Designates the passenger portion of a motor vehicle, including the area in which an open container may be held for storage.
3. Describes all alcoholic beverages (wine, beer, distilled spirits).
4. Applies to all occupants of the motor vehicle.
5. Applies to all motor vehicles that are traveling anywhere on a public highway and/or right of way of the public highway.
6. Requires that primary enforcement law status must be given to open container laws. Secondary law status does not comply.

Before and After Data from 4 States

In 1999, Iowa, Maine, Rhode Island, and South Dakota modified their existing open container laws to comply with the Federal standard. All four states had been lacking some component(s) of the six elements which made them non-compliant.

The graph shows the pre and post data in these four states for the first six months after enactment of the new law, compared to the same six month period of the year before. While the apparent change is in the direction expected if the laws have an impact, the differences were not statistically significant.

Proportion of alcohol-involved fatal crashes 6 months after vs 6 months period of preceding year

Proportion of alcohol-involved fatal crashes 6 months after vs 6 months period of preceding year.

Alcohol-Involved Fatal Crashes higher in States without Open Container Laws

Alcohol-Involved Fatal Crashes higher in States without Open Container Laws

The next graph compares the percentages of all fatal crashes that were determined to be alcohol involved by the status of the State's Open Container law. States without laws prohibiting the possession and consumption of alcoholic beverages in a motor vehicle have higher proportions of alcohol-involved fatal crashes than states with either partially-conforming or fully-conforming laws. The differences amount to ten percent more alcohol-involved fatal crashes in states without Open Container laws, compared to states with either partially or fully-conforming laws.

Public Opinion

NHTSA's most recent National Survey of Drinking and Driving, conducted in 1999, asked "Do you think your state should have this type of open container law?" referring to laws that make it illegal to have open containers of alcohol inside a car while someone is driving.

More than 90 percent of respondents from states that had fully-conforming Open Container laws prior to the enactment of the TEA-21 Restoration Act, believe that states should have those laws. Similarly, 87 percent of those from states that had enacted fully conforming laws as of October 1, 2000, and 86 percent of those from states with partially-conforming laws as of October 1, 2000 agreed that Open Container laws are appropriate. Four out of five (83 percent) of people surveyed in states without Open Container laws reported that their states *should* have these laws.

Conclusions

Comparison of crash data showed that states that lacked Open Container laws had significantly greater percentages of alcohol-involved fatal and single-vehicle crashes than the states with partially or fully-conforming laws. Although the differences cannot be attributed with certainty to the presence or absence of Open Container laws, the results of the analyses suggest that conformance with some or all of the six elements of the Federal requirements contributes measurably to traffic safety.

HOW TO ORDER

For a copy of *Evaluation of the Highway Safety Impact of Open Container Laws*, (17 pages), write to Research and Traffic Records, NHTSA, NTS-31, 400 Seventh Street, S.W., Washington, DC 20590 or fax (202) 366-7096, or download <http://www.nhtsa.gov/people/injury/www.nhtsa.dot.gov> Paul J. Tremont, Ph.D., was the contract manager.

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