

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: April 11, 2011
POSITION: Neutral

BILL NUMBER: AB 45
AUTHOR: J. Hill

BILL SUMMARY: Charter-Party Carriers of Passengers: Open Containers

Existing law, except as specified, requires the driver of any limousine for hire operated by a charter-party carrier of passengers (carrier) under a valid PUC certificate or permit to comply with prescribed alcoholic beverage requirements, including determining (1) if any passenger is under the age of 21 years, (2) reading to the passenger a statement that any alcohol consumption in the vehicle is unlawful and requiring such a passenger to sign the statement. If a minor passenger has consumed any alcoholic beverage during the course of the ride, the carrier is to terminate the contract of hire and return the passenger to the point of origin. Existing law subjects the carrier to specified civil penalties for conviction of a driver, or any officer, director, agent, or employee of the carrier, of a violation of the Vehicle Code that prohibits storage of an opened container of an alcoholic beverage in a motor vehicle.

This bill would expand the application of those alcoholic beverage provisions concerning passengers under the age of 21 years by applying those requirements, except as specified, to the driver of any vehicle used in the transportation of passengers for hire operated by a permitted or certificated carrier. The bill also would make the 3rd or subsequent violation of the open container prohibition by a carrier driver operating under a valid PUC certificate or permit a misdemeanor.

FISCAL SUMMARY

PUC staff state this bill would not result in a fiscal impact to the PUC. The Department of Finance (Finance) concurs. The bill, by creating a new crime, would impose a state-mandated local program; however, no state reimbursement would be required. We note that the bill contains an appropriate "crime or infraction" state mandate cost disclaimer.

COMMENTS

Finance is neutral on this bill. The bill is intended to address the problem of underage drinking in charter-party vehicles by extending current statutory safeguards that apply only to limousines to all charter-party vehicles, including those being promoted by carriers as "party buses."

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)							Fund Code	
	SO	LA	CO	PROP	FC	FC	FC		
	(Dollars in Thousands)								
	RV	98	FC	2010-2011	FC	2011-2012	FC	2012-2013	Code
8660/PUC	SO	No		-----	No/Minor	Fiscal Impact	-----		0461
<u>Fund Code</u>	<u>Title</u>								
0461	Public Util Comm Transport Reimb Acct								

Analyst/Principal (0623) J. McGuinn	Date	Program Budget Manager Karen Finn	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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