ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 1430

By: Cargill, Easley, Phillips, Mitchell, Eddins, Smithson, Gilbert, Steele and Balkman of the House

and

Easley and Aldridge of the Senate

An Act relating to intoxicating liquors; amending 21 O.S. 2001, Section 1220, which relates to transporting open containers of intoxicating beverages or low-point beer; modifying fine; adding requirement for a DUI assessment; modifying deposit of portion of certain fines; creating the Substance Abuse Treatment Revolving Fund; stating purpose of fund; providing for codification; and providing an effective date.

AUTHORS: Add the following Senate Coauthors: Lawler and Monson

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and entire bill and insert

"An Act relating to intoxicating liquors; amending 21 O.S. 2001, Section 1220, which relates to transporting open containers of intoxicating beverages or low-point beer; modifying fine; requiring certain assessment as part of penalty; directing certain amount of fine be deposited in certain fund; creating the Substance Abuse Treatment Revolving Fund; stating purpose of fund; directing deposit of certain monies; providing for expenditure of certain funds for certain purpose; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1220, is amended to read as follows:

Section 1220. It shall be unlawful for any person to knowingly transport in any moving vehicle upon a public highway, street or alley any intoxicating beverage or low-point beer, as defined by

Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not ~~more~~ less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), and shall be subject to a driving under the influence (DUI) assessment pursuant to the provisions of Section 3-460 of Title 43A of the Oklahoma Statutes. For any fine imposed in excess of Fifty Dollars ($50.00), the remainder of such fine above Fifty Dollars ($50.00) shall be deposited in the Substance Abuse Treatment Revolving Fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-311 of Title 43A, unless there is created a duplication in numbering, reads as follows:

There is herby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Substance Abuse Treatment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Department of Mental Health and Substance Abuse Services from fines for violation of Section 1220 of Title 21 of the Oklahoma Statutes. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for the purpose of community mental health centers and substance abuse treatment programs. Expenditures from said fund shall be made upon warrants

issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 3. This act shall become effective November 1, 2003."

Passed the Senate the 16th day of April, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2003.

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Presiding Officer of the House
of Representatives