

SENATOR SIECK: He will have to say who was drinking.

SENATOR HIGGINS: How does he know if he is in the front seat driving?

SENATOR SIECK: Then it would be up to the law officer to prove it.

SENATOR HIGGINS: Then it would be up to the law...but you said this would make it easier for them to enforce it.

SENATOR SIECK: It will. You took an example of...

SENATOR HIGGINS: I just...

SENATOR SIECK: ...a very rare case.

SENATOR HIGGINS: You know, like I said, I voted for your bill in committee. We discussed it. Senator Smith voted for it. But it just doesn't make a lot of sense to me on how an open container and five or six people sitting around, which one is going to point the finger, and I am going to say, Smith did it. It was Jackie Smith's can of beer. And she will say, it wasn't mine, it was Don Wesely's. Wesely will say, no, it was Senator Hannibal's. And Hannibal will say, no, it was Lowell Johnson's.

SENATOR SIECK: Okay...

SENATOR HIGGINS: And then who is the officer going to believe?

SENATOR SIECK: The amendment states that if...

SPEAKER NICHOL: One minute.

SENATOR SIECK: ...the open container in the automobile, the driver is subject to arrest. It says that.

SENATOR HIGGINS: So then you are going to arrest somebody like my husband who doesn't drink at all...

SENATOR SIECK: Right, because he is obligated to take care of those people within that automobile.