

Now that won't be why he would be arrested for that. He won't be arrested for that.

SENATOR SMITH: Who would be arrested?

SENATOR SIECK: He would not be cited (sic) for that, the driver.

SENATOR SMITH: Oh, okay.

SENATOR SIECK: The individuals who have the open containers will be the ones that will be arrested.

SENATOR SMITH: But then you are back to what Senator Higgins was asking you a little while ago if you had five...one time you said four, then six, then five, and however many you have in the back, and how are you going to know who has been...who is responsible?

SENATOR SIECK: That's difficult and it is difficult right at the present time. You cannot...you cannot arrest or give anybody a citation in that car if you find an open container and there is nobody drinking it. So it would be the same situation. You have these problems but in most cases you will have all of them drinking. But if you have some of them that are not drinking and you can't prove it, he is stuck. He can't give them a citation. It would almost be impossible. He has to prove who has the container.

SENATOR SMITH: Well, then...so then how much good will this actually be doing when we already have the law and that is the purpose of this bill to make that law workable?

SENATOR SIECK: What good will the law do? It will do a lot of good because if they find an open container in the car, then the driver is up for citation if he admits that he was drinking, then he will be. No I think the law has got a lot to do...will keep a lot of drinking off the highway. Now if you don't want...if you want people to continue drinking on the highway, vote against it.

SENATOR SMITH: No, what I am concerned about is that it is becoming very confusing. I voted with you the first time but now I am really confused because now you just said again that he would receive a citation, the driver would receive a citation if there was an open container in the car.