

out section 153 of title 23, United States Code, the Secretary shall make available \$5,000,000 in the aggregate in such fiscal years to carry out this subsection. Such funds shall remain available until expended.”

§ 154. Open container requirements

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) ALCOHOLIC BEVERAGE.—The term “alcoholic beverage” has the meaning given the term in section 158(c).

(2) MOTOR VEHICLE.—The term “motor vehicle” means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails.

(3) OPEN ALCOHOLIC BEVERAGE CONTAINER.—The term “open alcoholic beverage container” means any bottle, can, or other receptacle—

(A) that contains any amount of alcoholic beverage; and

(B)(i) that is open or has a broken seal; or
(ii) the contents of which are partially removed.

(4) PASSENGER AREA.—The term “passenger area” shall have the meaning given the term by the Secretary by regulation.

(b) OPEN CONTAINER LAWS.—

(1) IN GENERAL.—For the purposes of this section, each State shall have in effect a law that prohibits the possession of any open alcoholic beverage container, or the consumption of any alcoholic beverage, in the passenger area of any motor vehicle (including possession or consumption by the driver of the vehicle) located on a public highway, or the right-of-way of a public highway, in the State.

(2) MOTOR VEHICLES DESIGNED TO TRANSPORT MANY PASSENGERS.—For the purposes of this section, if a State has in effect a law that makes unlawful the possession of any open alcoholic beverage container by the driver (but not by a passenger)—

(A) in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) in the living quarters of a house coach or house trailer,

the State shall be deemed to have in effect a law described in this subsection with respect to such a motor vehicle for each fiscal year during which the law is in effect.

(c) TRANSFER OF FUNDS.—

(1) FISCAL YEARS 2001 AND 2002.—On October 1, 2000, and October 1, 2001, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 1½ percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b)¹ to the apportionment of the State under section 402—

(A) to be used for alcohol-impaired driving countermeasures; or

(B) to be directed to State and local law enforcement agencies for enforcement of

laws prohibiting driving while intoxicated or driving under the influence and other related laws (including regulations), including the purchase of equipment, the training of officers, and the use of additional personnel for specific alcohol-impaired driving countermeasures, dedicated to enforcement of the laws (including regulations).

(2) FISCAL YEAR 2012 AND THEREAFTER.—

(A) RESERVATION OF FUNDS.—On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1) and paragraph (3).

(B) TRANSFER OF FUNDS.—As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall—

(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and

(ii) release the reserved funds identified by the State as described in paragraph (3).

(3) USE FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

(A) IN GENERAL.—A State may elect to use all or a portion of the funds transferred under paragraph (2) for activities eligible under section 148.

(B) STATE DEPARTMENTS OF TRANSPORTATION.—If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds.

(4) FEDERAL SHARE.—The Federal share of the cost of a project carried out with funds transferred under paragraph (1) or (2), or used under paragraph (3), shall be 100 percent.

(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (2) may be derived from the following:

(A) The apportionment of the State under section 104(b)(1).

(B) The apportionment of the State under section 104(b)(2).

(6) TRANSFER OF OBLIGATION AUTHORITY.—

(A) IN GENERAL.—If the Secretary transfers under this subsection any funds to the apportionment of a State under section 402 for a fiscal year, the Secretary shall transfer an amount, determined under subparagraph (B), of obligation authority distributed for the fiscal year to the State for Federal-aid highway and highway safety construction programs for carrying out projects under section 402.

(B) AMOUNT.—The amount of obligation authority referred to in subparagraph (A) shall be determined by multiplying—

¹ See References in Text note below.

(i) the amount of funds transferred under subparagraph (A) to the apportionment of the State under section 402 for the fiscal year, by

(ii) the ratio that—

(I) the amount of obligation authority distributed for the fiscal year to the State for Federal-aid highways and highway safety construction programs, bears to

(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to any obligation limitation) for the fiscal year.

(7) **LIMITATION ON APPLICABILITY OF OBLIGATION LIMITATION.**—Notwithstanding any other provision of law, no limitation on the total of obligations for highway safety programs under section 402 shall apply to funds transferred under this subsection to the apportionment of a State under such section.

(Added Pub. L. 105-178, title I, §1405(a), as added Pub. L. 105-206, title IX, §9005(a), July 22, 1998, 112 Stat. 843; amended Pub. L. 109-59, title I, §1401(a)(3)(C), Aug. 10, 2005, 119 Stat. 1225; Pub. L. 112-141, div. A, title I, §1402, July 6, 2012, 126 Stat. 556.)

REFERENCES IN TEXT

Section 104, referred to in subsec. (c)(1), was amended generally by Pub. L. 112-141, div. A, title I, §1105(a), July 6, 2012, 126 Stat. 427.

PRIOR PROVISIONS

A prior section 154, added Pub. L. 93-643, §114(a), Jan. 4, 1975, 88 Stat. 2286; amended Pub. L. 95-599, title II, §205, Nov. 6, 1978, 92 Stat. 2729; Pub. L. 97-35, title XI, §1108, Aug. 13, 1981, 95 Stat. 626; Pub. L. 100-17, title I, §174, Apr. 2, 1987, 101 Stat. 218; Pub. L. 102-240, title I, §1029(a), (b), (e), (g), Dec. 18, 1991, 105 Stat. 1968-1970, established the national maximum speed limit, prior to repeal by Pub. L. 104-59, title II, §205(d)(1)(B), (3), Nov. 28, 1995, 109 Stat. 577, applicable to State on 10th day following Nov. 28, 1995, except that if legislature was not in session on such date and chief executive officer declared before such date that legislature was not in session and that State preferred applicability date that was after date on which legislature would convene, applicable to State on 60th day following date on which legislature would next convene.

AMENDMENTS

2012—Subsec. (c)(2). Pub. L. 112-141, §1402(1), added par. (2) and struck out former par. (2). Prior to amendment, text read as follows: “On October 1, 2002, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall transfer an amount equal to 3 percent of the funds apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b) to the apportionment of the State under section 402 to be used or directed as described in subparagraph (A) or (B) of paragraph (1).”

Subsec. (c)(3). Pub. L. 112-141, §1402(2), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “A State may elect to use all or a portion of the funds transferred under paragraph (1) or (2) for activities eligible under section 148.”

Subsec. (c)(5). Pub. L. 112-141, §1402(3), added par. (5) and struck out former par. (5). Prior to amendment, text read as follows: “The amount to be transferred under paragraph (1) or (2) may be derived from one or more of the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(3).

“(C) The apportionment of the State under section 104(b)(4).”

2005—Subsec. (c)(3). Pub. L. 109-59 substituted “148” for “152”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

EFFECTIVE DATE

Section effective simultaneously with enactment of Pub. L. 105-178 and to be treated as included in Pub. L. 105-178 at time of enactment, see section 9016 of Pub. L. 105-206, set out as an Effective Date of 1998 Amendment note under section 101 of this title.

§ 155. Repealed. Pub. L. 112-141, div. A, title I, § 1519(b)(1)(A), July 6, 2012, 126 Stat. 575]

Section, added Pub. L. 93-643, §115(a), Jan. 4, 1975, 88 Stat. 2287; amended Pub. L. 95-599, title I, §129(e), Nov. 6, 1978, 92 Stat. 2708, related to access highways to public recreation areas on certain lakes.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of this title.

§ 156. Proceeds from the sale or lease of real property

(a) **MINIMUM CHARGE.**—Subject to section 142(f), a State shall charge, at a minimum, fair market value for the sale, use, lease, or lease renewal (other than for utility use and occupancy or for a transportation project eligible for assistance under this title) of real property acquired with Federal assistance made available from the Highway Trust Fund (other than the Mass Transit Account).

(b) **EXCEPTIONS.**—The Secretary may grant an exception to the requirement of subsection (a) for a social, environmental, or economic purpose.

(c) **USE OF FEDERAL SHARE OF INCOME.**—The Federal share of net income from the revenues obtained by a State under subsection (a) shall be used by the State for projects eligible under this title.

(Added Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167; amended Pub. L. 102-240, title I, §1027(f), Dec. 18, 1991, 105 Stat. 1967; Pub. L. 105-178, title I, §1303(a), June 9, 1998, 112 Stat. 227.)

PRIOR PROVISIONS

A prior section 156, added Pub. L. 94-280, title I, §132(a), May 5, 1976, 90 Stat. 441, authorized the Secretary to construct or reconstruct any public highway or highway bridge across any Federal public works project, specified conditions under which such work may be done, and authorized appropriations for such work of \$100,000,000 to be available in the fiscal year in which appropriated and for the two succeeding fiscal years, prior to repeal by Pub. L. 100-17, title I, §126(a), Apr. 2, 1987, 101 Stat. 167.

AMENDMENTS

1998—Pub. L. 105-178 amended section catchline and text generally. Prior to amendment, text read as fol-