

balcony. Senator Schellpeper's sister-in-law, Vivian Gardels of Norfolk, and his nieces, Ann and Barbara. Would you people please stand and be recognized. Thank you, we are pleased to have you with us. Senator Schmit, further discussion, followed by Senators Abboud, Chambers, and Moore.

SENATOR SCHMIT: Senator Abboud, I have a question if you would, please. It is always easy to arrest a single individual sitting in their driveway but I guess my question pertains to what happens with the so-called tailgate parties at the football games where you have hundreds if not even perhaps thousands of persons who have gathered in a sense of conviviality and partying and who from time to time have been known to take a drink, are you going to be out to arrest those individuals or to inspect them or to advise them, or will you ignore them and concentrate on Senator Hall, who is going to be sitting in his driveway meditating about whether or not he is going to finish mowing his lawn?

SENATOR ABOUD: Senator Schmit, I believe that this just deals with the situation where they are driving a motor vehicle, not out on the tailgate sipping beer, so they have to be driving the motor vehicle in order to be ticketed.

SENATOR SCHMIT: In other words, the vehicle has to be in motion?

SENATOR ABOUD: That is the way I view driving.

SENATOR SCHMIT: Well, you know, Senator, that isn't the way it is right now. That is not the way it is right now. If an officer suspects an individual who is parked and having control of the vehicle and decides to challenge that individual's sobriety, they can do so even though the individual is not moving the automobile. That is the law right now. Are you going to change that part of the law so that it actually has to be moving?

SENATOR ABOUD: Well, the section of the statute states driving, so that is the way I viewed it.

SENATOR SCHMIT: Let me give you an actual experience. A person that I knew went to visit his girl friend and she wasn't home. He had taken a 12-pack of beer along and so he had a couple of beers. He probably had more than he thought he had. Anyway