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R3  
SB 315/95 - JPR

1996 Regular Session  
6lr1821  
CF 6lr1777

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**By: Senators Boozer, Ferguson, Forehand, Green, Hoffman, Jimeno, Kelley, and Ruben**

Introduced and read first time: January 29, 1996

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: February 21, 1996

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Vehicle Laws - Alcoholic Beverages - Open Containers**

3 FOR the purpose of prohibiting a person from keeping certain open containers with  
4 alcohol in the passenger compartment of a motor vehicle on a highway in the State;  
5 providing certain exceptions; defining certain terms; providing for a certain penalty;  
6 identifying persons to be charged; and generally relating to a prohibition against  
7 keeping an alcoholic beverage in an open container in a motor vehicle under certain  
8 circumstances.

9 BY adding to

10 Article - Transportation  
11 Section 21-905  
12 Annotated Code of Maryland  
13 (1992 Replacement Volume and 1995 Supplement)

14 BY repealing and reenacting, without amendments,

15 Article - Transportation  
16 Section 27-101(b)  
17 Annotated Code of Maryland  
18 (1992 Replacement Volume and 1995 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article - Transportation**

22 21-905.

2

1 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
2 INDICATED.

3 (2) (I) "PASSENGER COMPARTMENT" MEANS THE AREA OF A MOTOR  
4 VEHICLE THAT IS READILY ACCESSIBLE TO AN OCCUPANT OF THE MOTOR VEHICLE.

5 (II) "PASSENGER COMPARTMENT" INCLUDES A GLOVE  
6 COMPARTMENT OR UTILITY COMPARTMENT IN THE PASSENGER AREA OF THE  
7 VEHICLE.

8 (III) "PASSENGER COMPARTMENT" DOES NOT INCLUDE THE TRUNK  
9 OF A VEHICLE OR, IF THE VEHICLE IS NOT EQUIPPED WITH A TRUNK, THE CARGO  
10 AREA BEHIND THE LAST UPRIGHT BACK SEAT.

11 (3) "MOTOR HOME" MEANS A MOTOR VEHICLE THAT:

12 (I) IS DESIGNED TO PROVIDE TEMPORARY LIVING QUARTERS,  
13 BUILT INTO AS AN INTEGRAL PART OF, OR PERMANENTLY ATTACHED TO, A  
14 SELF-PROPELLED MOTOR VEHICLE CHASSIS OR VAN; AND

15 (II) CONTAINS PERMANENTLY INSTALLED INDEPENDENT LIFE  
16 SUPPORT SYSTEMS WHICH MEET THE ANSI/NFPA 501C STANDARD, AND PROVIDES AT  
17 LEAST FOUR OF THE FOLLOWING FACILITIES:

18 1. COOKING;

19 2. REFRIGERATION OR ICEBOX;

20 3. SELF-CONTAINED TOILET;

21 4. HEATING OR AIR CONDITIONING;

22 5. A POTABLE WATER SUPPLY SYSTEM INCLUDING A  
23 FAUCET AND SINK; AND

24 6. SEPARATE 110-125 VOLT ELECTRICAL POWER SUPPLY OR  
25 AN LP-GAS SUPPLY.

26 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT  
27 KEEP A BOTTLE, CAN, OR OTHER CONTAINER IN THE PASSENGER COMPARTMENT OF  
28 A MOTOR VEHICLE WHILE THAT VEHICLE IS ON ANY HIGHWAY IN THE STATE IF  
29 THAT BOTTLE, CAN, OR CONTAINER:

30 (1) CONTAINS AN ALCOHOLIC BEVERAGE AS DEFINED IN ARTICLE 2B  
31 OF THE CODE; AND

32 (2) IS OPEN OR HAS HAD ITS SEAL BROKEN OR ITS CONTENTS  
33 PARTIALLY REMOVED.

34 (C) NOTHING CONTAINED IN THIS SECTION PROHIBITS A PERSON FROM  
35 KEEPING A BOTTLE, CAN, OR OTHER CONTAINER DESCRIBED IN SUBSECTION (B) OF  
36 THIS SECTION IN AN AREA OTHER THAN THE PASSENGER COMPARTMENT OF A  
37 MOTOR VEHICLE WHILE THE VEHICLE IS ON A HIGHWAY IN THE STATE.

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1 (D) THIS SECTION DOES NOT PROHIBIT A PERSON OTHER THAN THE DRIVER  
2 FROM POSSESSING A BOTTLE, CAN, OR OTHER CONTAINER DESCRIBED IN  
3 SUBSECTION (B) OF THIS SECTION IN THE PASSENGER COMPARTMENT OF:

4 (1) A CLASS P (PASSENGER BUS) VEHICLE;

5 (2) A CLASS B (FOR HIRE) VEHICLE; OR

6 (3) THE LIVING QUARTERS OF A MOTOR HOME.

7 (E) THE OWNER OF THE VEHICLE, IF PRESENT IN THE VEHICLE, OR THE  
8 DRIVER OF THE VEHICLE IN THE OWNER'S ABSENCE, IS PRESUMED TO BE  
9 RESPONSIBLE FOR ANY VIOLATION OF THIS SECTION IF IT CANNOT BE DETERMINED  
10 WHICH OCCUPANT IS THE VIOLATOR.

11 27-101.

12 (b) Except as otherwise provided in this section, any person convicted of a  
13 misdemeanor for the violation of any of the provisions of the Maryland Vehicle Law is  
14 subject to a fine of not more than \$500.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 1996.