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(PRE-FILED)

SB 338/96 - JPR

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**By: Senator Boozer**

Requested: November 4, 1996

Introduced and read first time: January 8, 1997

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: January 22, 1997

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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 1996 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 1996 Supplement)

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

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1           **Article - Transportation**

2 21-905.

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

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

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

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

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

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

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

20                                   1. COOKING;

21                                   2. REFRIGERATION OR ICEBOX;

22                                   3. SELF-CONTAINED TOILET;

23                                   4. HEATING OR AIR CONDITIONING;

24                                   5. A POTABLE WATER SUPPLY SYSTEM INCLUDING A  
25 FAUCET AND SINK; AND

26                                   6. SEPARATE 110-125 VOLT ELECTRICAL POWER SUPPLY OR  
27 AN LP-GAS SUPPLY.

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

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

34                           (2) IS OPEN OR HAS HAD ITS SEAL BROKEN OR ITS CONTENTS  
35 PARTIALLY REMOVED.

36           (C) NOTHING CONTAINED IN THIS SECTION PROHIBITS A PERSON FROM  
37 KEEPING A BOTTLE, CAN, OR OTHER CONTAINER DESCRIBED IN SUBSECTION (B) OF

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1 THIS SECTION IN AN AREA OTHER THAN THE PASSENGER COMPARTMENT OF A  
2 MOTOR VEHICLE WHILE THE VEHICLE IS ON A HIGHWAY IN THE STATE.

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

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

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

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

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

13 27-101.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 1997.