

HOUSE BILL 348

Unofficial Copy
R3

1999 Regular Session
9r0492
CF 9r2195

By: **Delegates Petzold, Bronrott, Barkley, Brown, Bobo, Burns, Cane, Cryor,
D. Davis, Franchot, Goldwater, Hecht, Heller, Hutchins, Kagan, Kopp,
Leopold, Mandel, Menes, Morhaim, Pitkin, Rudolph, Sophocleus, and
Stern**

Introduced and read first time: February 5, 1999
Assigned to: Commerce and Government Matters

A BILL ENTITLED

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 or
5 right-of-way in the State; providing certain exceptions; defining certain terms;
6 providing for a certain penalty; identifying persons to be charged; and generally
7 relating to a prohibition against keeping an alcoholic beverage in an open
8 container in a motor vehicle under certain circumstances.

9 BY adding to
10 Article - Transportation
11 Section 21-905
12 Annotated Code of Maryland
13 (1998 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Transportation
16 Section 27-101(b)
17 Annotated Code of Maryland
18 (1998 Replacement Volume and 1998 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.

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

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

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

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

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

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

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

16 1. COOKING;

17 2. REFRIGERATION OR ICEBOX;

18 3. SELF-CONTAINED TOILET;

19 4. HEATING OR AIR CONDITIONING;

20 5. A POTABLE WATER SUPPLY SYSTEM INCLUDING A FAUCET
21 AND SINK; AND

22 6. SEPARATE 110-125 VOLT ELECTRICAL POWER SUPPLY OR
23 AN LP-GAS SUPPLY.

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

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

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

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

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
16 effect October 1, 1999.