
By: **Delegates Petzold, W. Baker, Barkley, Barve, Bobo, Boutin, Brinkley, Bronrott, Cadden, Conroy, Cryor, D'Amato, James, Eckardt, Finifter, Heller, Howard, Goldwater, Hubbard, Hutchins, A. Jones, Kagan, Leopold, Mandel, Menes, Morhaim, Owings, Parrott, Pendergrass, Pitkin, Rawlings, Riley, Rosenberg, Rudolph, Sher, Stocksdale, Walkup, Elliott, Kopp, Bartlett, Burns, Carlson, Dypski, Franchot, Frush, Hecht, Hixson, Shriver, Snodgrass, Stern, and Vallario**

Introduced and read first time: February 8, 2001
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting a person from driving a motor vehicle if there is an
4 open container of alcoholic beverages in the passenger compartment of the
5 vehicle; prohibiting a passenger from possessing or consuming the contents of
6 an open container of alcoholic beverages; expanding the areas to which the
7 prohibition against consuming alcoholic beverages while driving applies;
8 providing certain exceptions to certain prohibitions; providing that a certain
9 violation of this Act is not considered a moving violation for certain purposes;
10 defining certain terms; providing for the application of this Act; providing for a
11 certain penalty; providing for the construction of this Act; and generally relating
12 to prohibiting open containers of alcoholic beverages in passenger areas of motor
13 vehicles.

14 BY repealing and reenacting, with amendments,
15 Article - Transportation
16 Section 21-903
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Transportation
21 Section 27-101(a) and (b)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2000 Supplement)

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

1 **Article - Transportation**

2 21-903.

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

5 (2) "ALCOHOLIC BEVERAGES" HAS THE MEANING INDICATED IN
6 ARTICLE 2B, § 1-102(A)(2) OF THE CODE.

7 (3) "OPEN CONTAINER" MEANS A BOTTLE, CAN, OR OTHER RECEPTACLE
8 AND:

9 (I) IS OPEN;

10 (II) HAS A BROKEN SEAL; OR

11 (III) HAS HAD ANY OF ITS CONTENTS PARTIALLY REMOVED.

12 (4) (I) "PASSENGER AREA" MEANS THE GENERAL AREA OF THE
13 VEHICLE DESIGNED OR USED FOR TRANSPORTING A PERSON.

14 (II) "PASSENGER AREA" DOES NOT INCLUDE:

15 1. A LOCKED GLOVE COMPARTMENT;

16 2. THE TRUNK OF A VEHICLE OR, IF THE VEHICLE IS NOT
17 EQUIPPED WITH A TRUNK, THE AREA BEHIND THE REARMOST SEAT; OR

18 3. IN A MOTOR HOME, THE LIVING QUARTERS.

19 (B) (1) THIS SECTION APPLIES TO EVERY MOTOR VEHICLE WHETHER THE
20 VEHICLE IS IN MOTION, STOPPED, STANDING, PARKED, OR OTHERWISE LOCATED ON
21 A HIGHWAY.

22 (2) THIS SECTION MAY NOT BE CONSTRUED TO ALLOW THE
23 CONSUMPTION OR POSSESSION OF ANY ALCOHOLIC BEVERAGES BY A PERSON
24 UNDER THE AGE OF 21 YEARS.

25 (C) A person may not [consume an alcoholic beverage]:

26 (1) CONSUME ANY ALCOHOLIC BEVERAGES while driving a motor
27 vehicle [on a highway of this State];

28 (2) SUBJECT TO SUBSECTION (D)(1) OF THIS SECTION, DRIVE A MOTOR
29 VEHICLE IF THERE IS AN OPEN CONTAINER THAT CONTAINS ANY ALCOHOLIC
30 BEVERAGES IN THE PASSENGER AREA OF THE VEHICLE; OR

31 (3) SUBJECT TO SUBSECTION (D)(2) OF THIS SECTION, IF THE PERSON IS
32 A PERSON OTHER THAN THE DRIVER, CONSUME ANY ALCOHOLIC BEVERAGES OR

1 POSSESS AN OPEN CONTAINER THAT CONTAINS ANY ALCOHOLIC BEVERAGES WHILE
2 IN THE PASSENGER AREA OF A MOTOR VEHICLE.

3 (D) (1) SUBSECTION (C)(2) OF THIS SECTION DOES NOT APPLY TO A DRIVER
4 OF A BUS OR A TAXICAB.

5 (2) SUBSECTION (C)(3) OF THIS SECTION DOES NOT APPLY TO A
6 PASSENGER IN A BUS OR A TAXICAB.

7 (E) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO THE PENALTIES
8 UNDER § 27-101 OF THIS ARTICLE.

9 (F) A VIOLATION OF SUBSECTION (C)(3) OF THIS SECTION IS NOT A MOVING
10 VIOLATION FOR THE PURPOSES OF § 16-402 OF THIS ARTICLE.

11 27-101.

12 (a) It is a misdemeanor for any person to violate any of the provisions of the
13 Maryland Vehicle Law unless the violation:

14 (1) Is declared to be a felony by the Maryland Vehicle Law or by any
15 other law of this State; or

16 (2) Is punishable by a civil penalty under the applicable provision of the
17 Maryland Vehicle Law.

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

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
22 construed to conform to the federal requirements under 23 U.S.C. § 154.

23 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2001.