

HOUSE BILL 3

Unofficial Copy  
R3

2002 Regular Session  
2r0201  
CF 2r0294

(PRE-FILED)

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By: **Delegates Petzold, Goldwater, Taylor, Arnick, Busch, Conway,  
Dewberry, Doory, Harrison, Hixson, Howard, Hurson, Kopp, McIntosh,  
Menes, Owings, Rawlings, Rosenberg, and Vallario**

Requested: June 25, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws - Alcoholic Beverage Consumption or Possession of Open**  
3 **Container**

4 FOR the purpose of expanding a prohibition against consumption of an alcoholic  
5 beverage while driving a motor vehicle on a highway to include the driver's  
6 consumption of an alcoholic beverage in a motor vehicle otherwise located on a  
7 highway; prohibiting a driver of a motor vehicle from possessing an open  
8 container that contains an alcoholic beverage under certain circumstances;  
9 prohibiting a passenger in a motor vehicle from possessing an open container  
10 that contains an alcoholic beverage or consuming an alcoholic beverage under  
11 certain circumstances; providing for a certain penalty; providing that a violation  
12 of this Act is not a moving violation for certain purposes; defining certain terms;  
13 providing for the application and construction of this Act; providing for the  
14 effective date of this Act; and generally relating to prohibiting the possession of  
15 an open container containing an alcoholic beverage or consumption of an  
16 alcoholic beverage by certain occupants of a motor vehicle under certain  
17 circumstances.

18 BY repealing and reenacting, with amendments,  
19 Article - Transportation  
20 Section 21-903  
21 Annotated Code of Maryland  
22 (1999 Replacement Volume and 2001 Supplement)

23 BY repealing and reenacting, without amendments,  
24 Article - Transportation  
25 Section 27-101(a) and (b)  
26 Annotated Code of Maryland  
27 (1999 Replacement Volume and 2001 Supplement)

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

3 **Article - Transportation**

4 21-903.

5 [A person may not consume an alcoholic beverage while driving a motor vehicle  
6 on a highway of this State.]

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

9 (2) "ALCOHOLIC BEVERAGE" MEANS A SPIRITUOUS, VINOUS, MALT, OR  
10 FERMENTED LIQUOR, LIQUID, OR COMPOUND THAT CONTAINS AT LEAST 0.5%  
11 ALCOHOL BY VOLUME AND IS FIT FOR BEVERAGE PURPOSES.

12 (3) "OPEN CONTAINER" MEANS A BOTTLE, CAN, OR OTHER RECEPTACLE:

13 (I) THAT IS OPEN;

14 (II) THAT HAS A BROKEN SEAL; OR

15 (III) FROM WHICH THE CONTENTS ARE PARTIALLY REMOVED.

16 (4) (I) "PASSENGER AREA" MEANS AN AREA THAT:

17 1. IS DESIGNED TO SEAT THE DRIVER AND ANY PASSENGER  
18 OF A MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS IN OPERATION; OR

19 2. IS READILY ACCESSIBLE TO THE DRIVER OR A PASSENGER  
20 OF A MOTOR VEHICLE WHILE IN THEIR SEATING POSITIONS.

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

22 1. A LOCKED GLOVE COMPARTMENT;

23 2. THE TRUNK OF A MOTOR VEHICLE; OR

24 3. IF A MOTOR VEHICLE IS NOT EQUIPPED WITH A TRUNK,  
25 THE AREA BEHIND THE REARMOST UPRIGHT SEAT OR AN AREA THAT IS NOT  
26 NORMALLY OCCUPIED BY THE DRIVER OR A PASSENGER OF THE MOTOR VEHICLE.

27 (B) THIS SECTION APPLIES TO A MOTOR VEHICLE THAT IS DRIVEN, STOPPED,  
28 STANDING, OR OTHERWISE LOCATED ON A HIGHWAY.

29 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN  
30 OCCUPANT OF A MOTOR VEHICLE MAY NOT POSSESS AN OPEN CONTAINER THAT  
31 CONTAINS AN ALCOHOLIC BEVERAGE OR CONSUME AN ALCOHOLIC BEVERAGE IN A  
32 PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.

1 (D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO THE POSSESSION  
2 OF AN OPEN CONTAINER THAT CONTAINS AN ALCOHOLIC BEVERAGE OR THE  
3 CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN OCCUPANT, OTHER THAN THE  
4 DRIVER, IN:

5 (1) A MOTOR VEHICLE DESIGNED, MAINTAINED, AND USED PRIMARILY  
6 FOR THE TRANSPORTATION OF A PERSON FOR COMPENSATION, INCLUDING:

7 (I) A BUS;

8 (II) A TAXICAB; OR

9 (III) A LIMOUSINE; OR

10 (2) THE LIVING QUARTERS OF A MOTOR HOME, MOTOR COACH, OR  
11 RECREATIONAL VEHICLE.

12 (E) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR THE  
13 PURPOSES OF § 16-402 OF THIS ARTICLE.

14 27-101.

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

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

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

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

24 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
25 construed to conform to the provisions of 23 U.S.C. § 154.

26 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 September 30, 2002.