

SENATE BILL 21

Unofficial Copy  
R3

2002 Regular Session  
2lr0294  
CF 2lr0201

(PRE-FILED)

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By: **Senators Forehand and Ruben**

Requested: July 26, 2001

Introduced and read first time: January 9, 2002

Assigned to: Judicial Proceedings

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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)

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

1 **Article - Transportation**

2 21-903.

3 [A person may not consume an alcoholic beverage while driving a motor vehicle  
4 on a highway of this State.]5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.7 (2) "ALCOHOLIC BEVERAGE" MEANS A SPIRITUOUS, VINOUS, MALT, OR  
8 FERMENTED LIQUOR, LIQUID, OR COMPOUND THAT CONTAINS AT LEAST 0.5%  
9 ALCOHOL BY VOLUME AND IS FIT FOR BEVERAGE PURPOSES.

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

11 (I) THAT IS OPEN;

12 (II) THAT HAS A BROKEN SEAL; OR

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

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

15 1. IS DESIGNED TO SEAT THE DRIVER AND ANY PASSENGER  
16 OF A MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS IN OPERATION; OR17 2. IS READILY ACCESSIBLE TO THE DRIVER OR A PASSENGER  
18 OF A MOTOR VEHICLE WHILE IN THEIR SEATING POSITIONS.

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

20 1. A LOCKED GLOVE COMPARTMENT;

21 2. THE TRUNK OF A MOTOR VEHICLE; OR

22 3. IF A MOTOR VEHICLE IS NOT EQUIPPED WITH A TRUNK,  
23 THE AREA BEHIND THE REARMOST UPRIGHT SEAT OR AN AREA THAT IS NOT  
24 NORMALLY OCCUPIED BY THE DRIVER OR A PASSENGER OF THE MOTOR VEHICLE.25 (B) THIS SECTION APPLIES TO A MOTOR VEHICLE THAT IS DRIVEN, STOPPED,  
26 STANDING, OR OTHERWISE LOCATED ON A HIGHWAY.27 (C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN  
28 OCCUPANT OF A MOTOR VEHICLE MAY NOT POSSESS AN OPEN CONTAINER THAT  
29 CONTAINS AN ALCOHOLIC BEVERAGE OR CONSUME AN ALCOHOLIC BEVERAGE IN A  
30 PASSENGER AREA OF A MOTOR VEHICLE ON A HIGHWAY.31 (D) SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO THE POSSESSION  
32 OF AN OPEN CONTAINER THAT CONTAINS AN ALCOHOLIC BEVERAGE OR THE

1 CONSUMPTION OF AN ALCOHOLIC BEVERAGE BY AN OCCUPANT, OTHER THAN THE  
2 DRIVER, IN:

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

5 (I) A BUS;

6 (II) A TAXICAB; OR

7 (III) A LIMOUSINE; OR

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

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

12 27-101.

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

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

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

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

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

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