

SENATE BILL 23

Unofficial Copy
R3
SB 179/01 - JPR

2002 Regular Session
2lr0585

(PRE-FILED)

By: **Senator Lawlah**
Requested: November 3, 2001
Introduced and read first time: January 9, 2002
Assigned to: Judicial Proceedings

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 a certain term;
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 (1999 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article - Transportation
16 Section 27-101(b)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2001 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, "PASSENGER COMPARTMENT" MEANS THE AREA
24 OF A MOTOR VEHICLE THAT IS READILY ACCESSIBLE TO AN OCCUPANT OF THE
25 MOTOR VEHICLE.

26 (2) "PASSENGER COMPARTMENT" INCLUDES A GLOVE COMPARTMENT
27 OR UTILITY COMPARTMENT IN THE PASSENGER AREA OF THE VEHICLE.

1 (3) "PASSENGER COMPARTMENT" DOES NOT INCLUDE THE TRUNK OF A
2 VEHICLE OR, IF THE VEHICLE IS NOT EQUIPPED WITH A TRUNK, THE CARGO AREA
3 BEHIND THE LAST UPRIGHT BACK SEAT.

4 (B) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PERSON MAY NOT
5 KEEP A BOTTLE, CAN, OR OTHER CONTAINER IN THE PASSENGER COMPARTMENT OF
6 A MOTOR VEHICLE ON A HIGHWAY, OR THE RIGHT-OF-WAY OF A HIGHWAY, IN THE
7 STATE IF THAT BOTTLE, CAN, OR CONTAINER:

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

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

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

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

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

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

21 (3) THE LIVING QUARTERS OF A MOTOR HOME THAT:

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

25 (II) CONTAINS PERMANENTLY INSTALLED INDEPENDENT LIFE
26 SUPPORT SYSTEMS THAT MEET THE ANSI/NFPA 501C STANDARD; AND

27 (III) PROVIDES AT LEAST FOUR OF THE FOLLOWING FACILITIES:

28 1. COOKING;

29 2. REFRIGERATION OR ICEBOX;

30 3. SELF-CONTAINED TOILET;

31 4. HEATING OR AIR-CONDITIONING;

32 5. A POTABLE WATER SUPPLY SYSTEM INCLUDING A FAUCET

33 AND SINK; AND

