

# HOUSE BILL NO. 2400

## 99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MESSENGER.

4175H.011

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal section 577.017, RSMo, and to enact in lieu thereof one new section relating to alcohol possession in motor vehicles, with penalty provisions.

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 577.017, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.017, to read as follows:

577.017. 1. ~~[A person commits the offense of consumption of an~~ **No person shall consume an** alcoholic beverage ~~[while driving if he or she operates a moving motor vehicle upon]~~ **or possess any open alcoholic beverage container in the passenger area of a motor vehicle located on** any public thoroughfare for vehicles, including state roads, county roads and public streets, avenues, boulevards, parkways or alleys in any municipality ~~[while consuming any alcoholic beverage]~~ .

2. ~~[The offense of consumption of an alcoholic beverage while driving is]~~ **Any person found guilty of violating the provisions of this section is guilty of an infraction [and] for which a fine not to exceed twenty-five dollars may be imposed.**

3. **Any infraction under this section** shall not be reflected on any records maintained by the department of revenue.

4. **The provisions of this section shall not apply to passengers in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or to passengers in the living quarters of a house coach, house trailer, or recreational motor vehicle. The provisions of this section shall not apply to the possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           **5. For purposes of this section, "alcoholic beverage" includes all distilled spirits,**  
19 **regardless of the percentage of alcohol by volume the beverage contains; includes beer and**  
20 **wine if the beer or wine contains one-half of one percent or more of alcohol by volume; and**  
21 **includes intoxicating liquor as defined in section 311.020.**

22           **6. For purposes of this section, "passenger area" means the area designated to seat**  
23 **the driver and passengers while the motor vehicle is in operation and any area that is**  
24 **readily accessible to the driver or a passenger while in their seating positions, including the**  
25 **glove compartment.**

26           **7. For purposes of this section, "open alcoholic beverage container" means any**  
27 **bottle, can, or other receptacle that:**

- 28           **(1) Contains any amount of alcoholic beverage;**
- 29           **(2) Is open or has a broken seal; or**
- 30           **(3) The contents of which are partially removed.**

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