

SECOND REGULAR SESSION

HOUSE BILL NO. 2539

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BUTZ.

5282H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 577, RSMo, by adding thereto one new section relating to the offense of possession of an open alcoholic beverage container in a motor vehicle, with a penalty provision.

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

Section A. Chapter 577, RSMo, is amended by adding thereto one new section, to be known as section 577.018, to read as follows:

577.018. 1. A person commits the offense of possession of an open alcoholic beverage container in a motor vehicle if the person possesses an open container containing an alcoholic beverage while in the passenger area of a motor vehicle that is on any public thoroughfare, including state roads; county roads; and public streets, avenues, boulevards, parkways, or alleys, or any public highway.

2. The offense of possession of an open alcoholic beverage container in a motor vehicle is an infraction and shall not be reflected on any records maintained by the department of revenue.

3. As used in this section, the following terms mean:

(1) "Open alcoholic beverage container", any bottle, can, or other receptacle that contains any amount of alcoholic beverage and:

(a) Is open or has a broken seal; or

(b) The contents of which are partially removed;

(2) "Passenger area", the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position; provided however, such term shall not

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.

17 **include any locked glove compartment or, in a passenger car not equipped with a trunk,**
18 **any area behind the rearmost upright seat or not normally occupied by the driver or**
19 **passenger.**

20 **4. The provisions of subsection 1 of this section shall not apply to any passenger**
21 **in the passenger area of a motor vehicle designed, maintained, or used primarily for the**
22 **transportation of persons for compensation or in the living quarters of a motor home or**
23 **house trailer.**

24 **5. Only a person who possesses an open alcoholic beverage container in a motor**
25 **vehicle in violation of this section shall be charged with an offense under this section;**
26 **provided however, that an operator of a motor vehicle who is alone in the passenger area**
27 **of the motor vehicle shall be deemed to be in possession of any open alcoholic beverage**
28 **container in such passenger area.**

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