

HOUSE BILL 1658

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 55,
Chapter 10, Part 4, relative to alcoholic beverage
containers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416, is amended by deleting the section in its entirety and substituting instead the following:

(a) It is an offense for a person in a motor vehicle that is being operated in this state to:

(1) Consume an alcoholic beverage in the passenger area of the motor vehicle; or

(2) Knowingly possess in the passenger area of the motor vehicle an alcoholic beverage container:

(A) That has been opened;

(B) That has a broken seal; or

(C) From which some of the contents have been removed.

(b) Subsection (a) shall not apply if:

(1) A passenger consumes an alcoholic beverage or possesses an alcoholic beverage container:

(A) In the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) In the living quarters of a motor home, truck camper, house trailer, or other similar recreational vehicle; or

(2) The container is located:

(A) In a closed and locked glove compartment or center console;

or

(B) In an area behind the last upright seat or in an area not normally occupied by a person if the motor vehicle is not equipped with a trunk.

(c) A violation of this section is a Class C misdemeanor, punishable by fine only.

(d) For purposes of this section:

(1) "Alcoholic beverage" means any alcoholic beverage as defined in § 55-50-102;

(2) "Alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic beverage;

(3) "Operated" means a motor vehicle with a running engine, regardless if the motor vehicle is moving; and

(4) "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger in a seating position.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.