

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

SENATE BILL 40

5 By: Senator Wooldridge
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For An Act To Be Entitled

8 AN ACT TO PROHIBIT THE POSSESSION OF OR
9 CONSUMPTION FROM AN OPEN ALCOHOLIC BEVERAGE
10 CONTAINER WHILE IN THE PASSENGER AREA OF A MOTOR
11 VEHICLE; AND FOR OTHER PURPOSES.
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Subtitle

14 TO PROHIBIT THE POSSESSION OF OR
15 CONSUMPTION FROM AN OPEN ALCOHOLIC
16 BEVERAGE CONTAINER WHILE IN A MOTOR
17 VEHICLE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 5, Chapter 71, Subchapter 2 is amended
24 to add an additional section to read as follows:

25 5-71-230. Open alcoholic beverage container prohibited.

26 (a) As used in this section:

27 (1) "Alcoholic beverage" means:

28 (A) Beer, ale, porter, stout, and other similar fermented
29 beverages of a name or description containing five hundredths of a percent
30 (.005%) or more of alcohol by volume;

31 (B) Wine of not less than five hundredths of a percent
32 (.005%) of alcohol by volume; or

33 (C) Distilled spirits which is a substance known as ethyl
34 alcohol, ethanol, or spirits of wine in any form, including dilutions and
35 mixtures from whatever source or by whatever process produced.

36 (2) "Motor vehicle" means a vehicle driven or drawn by



1 mechanical power and manufactured primarily for use on public highways;

2 (3) "Open alcoholic beverage container" means a bottle, can, or
3 other receptacle that:

4 (A) Contains any amount of an alcoholic beverage; and

5 (B)(i) Is open;

6 (ii) Has a broken seal; or

7 (iii) The contents of which is partially removed;

8 (4) "Passenger area" means the area of a motor vehicle designed
9 to seat the driver and passengers while the motor vehicle is being operated
10 and the area of a vehicle that is accessible to the driver or a passenger
11 while in a seated position, including the glove compartment; and

12 (5) "Public highway" means the entire width between the boundary
13 lines of every publicly-maintained street, road, or highway that is open to
14 the use of the public for purposes of vehicular traffic, including the public
15 right-of-way.

16 (b)(1) It is unlawful for a person while in the passenger area of a
17 motor vehicle located on a public highway:

18 (A) To possess an open alcoholic beverage container; or

19 (B) To consume an alcoholic beverage from an open
20 alcoholic beverage container.

21 (2) However, it is not unlawful if the person is a passenger:

22 (A) In a motor vehicle that is designed, maintained, or
23 used primarily for-hire transportation of persons, including as a taxi or as
24 a transit bus, tour bus, charter bus; or

25 (B) In a motor vehicle's passenger area that is the
26 living-quarters area of a house coach, house trailer, or motor home.

27 (c) A violation of this section is a misdemeanor and shall be punished
28 by a fine of not less than fifty dollars (\$50.00) nor more than one hundred
29 and fifty dollars (\$150.00).

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