

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/14/17

A Bill

HOUSE BILL 1922

5 By: Representative D. Douglas
6

For An Act To Be Entitled

8 AN ACT CONCERNING THE POSSESSION OF AN OPEN CONTAINER
9 CONTAINING AN ALCOHOLIC BEVERAGE; AND FOR OTHER
10 PURPOSES.
11

Subtitle

14 CONCERNING THE POSSESSION OF AN OPEN
15 CONTAINER CONTAINING AN ALCOHOLIC
16 BEVERAGE.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 *SECTION 1. Arkansas Code Title 5, Chapter 71, Subchapter 2, is amended*
22 *to add an additional section to read as follows:*

23 *5-71-218. Possession of open container containing alcohol in a motor*
24 *vehicle.*

25 *(a) It is unlawful for a person to possess an open alcoholic beverage*
26 *container within an area of a motor vehicle that is:*

27 *(1) Designated to seat the driver or a passenger in the motor*
28 *vehicle and the motor vehicle is in operation; or*

29 *(2) Readily accessible to the driver or a passenger in the motor*
30 *vehicle while in a seated position and the motor vehicle is located on a*
31 *public highway or the right-of-way of a public highway.*

32 *(b) It is not an offense under this section if the open alcoholic*
33 *beverage container is possessed:*

34 *(1) Outside of the passenger area of the motor vehicle or other*
35 *area of the motor vehicle commonly used for the transportation of passengers,*
36 *such as in the trunk or cargo area of the motor vehicle;*



1 (2) In a locked area of the motor vehicle, including without
2 limitation a glove compartment or center console of the motor vehicle;

3 (3) In a permanently sealed container that cannot be unsealed
4 without breaking the seal or destroying the container; or

5 (4) By a passenger in the motor vehicle, but not the driver, as
6 long as the open alcoholic beverage container is possessed within the living
7 quarters of the motor vehicle or the area of the motor vehicle that is
8 designated for passengers only, the open alcoholic beverage container is not
9 readily accessible to the driver of the motor vehicle, and the motor vehicle
10 is:

11 (A) Designed, maintained, or used primarily for the
12 transportation of persons for compensation; or

13 (B) A recreational vehicle, motor home, or house trailer.

14 (c) A violation of this section is a Class C misdemeanor.

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17 /s/D. Douglas
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20 **APPROVED: 04/03/2017**
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