

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4

As Engrossed: S2/22/99 S2/25/99

A Bill

SENATE BILL 454

5 By: Senator Wooldridge
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE UNLAWFUL THE POSSESSION OF ANY OPEN
10 ALCOHOLIC BEVERAGE CONTAINER, OR THE CONSUMPTION OF
11 ANY ALCOHOLIC BEVERAGE, IN THE PASSENGER AREA OF ANY
12 MOTOR VEHICLE (INCLUDING POSSESSION OR CONSUMPTION BY
13 THE DRIVER OF THE VEHICLE) LOCATED ON A PUBLIC
14 HIGHWAY; OR THE RIGHT-OF-WAY OF A PUBLIC HIGHWAY, IN
15 THIS STATE; TO PROVIDE PENALTIES; AND FOR OTHER
16 PURPOSES."

Subtitle

17
18 "OPEN CONTAINER LAW."
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. This act may be referred to and cited as 'The Open Container
24 Law.'

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26 SECTION 2. As used in this act:

27 (a) 'Alcoholic beverage' means:

28 (1) Beer, ale, porter, stout, and other similar fermented
29 beverages (including sake or similar products) of any name or description
30 containing one-half of one percent (.005%) or more of alcohol by volume,
31 brewed or produced from malt, wholly or in part, or from any substitute
32 therefor:

33 (2) Wine of one-half of one percent (.005%) or more of alcohol by
34 volume; or

35 (3) Distilled spirits, which is that substance known as ethyl
36 alcohol, ethanol, or spirits of wine in any form, including all dilutions and

1 mixtures thereof from whatever source or by whatever process produced.

2 (b) 'Motor vehicle' means a vehicle driven or drawn by mechanical power
3 and manufactured primarily for use on public highways, but does not include a
4 vehicle operated solely on a rail or rails.

5 (c) 'Open alcoholic beverage container' means any singular bottle,
6 singular can, or other singular receptacle that:

7 (1) Contains any usable amount of alcoholic beverage; and

8 (2)(A) Is open or has a broken seal; or

9 (B) The contents of which are partially removed.

10 (d) 'Passenger area' means the area designed to seat the driver and
11 passengers while the motor vehicle is in operation and any area that is
12 readily accessible to the driver or a passenger while in their seating
13 positions, including the glove compartment.

14 (e) 'Public highway or right-of-way of a public highway' means the
15 entire width between the right-of-way boundary lines of every way publicly
16 maintained when any part thereof is open to the use of the public for purposes
17 of vehicular travel.

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19 SECTION 3. It shall be unlawful for any person to possess any open
20 alcoholic beverage container or to consume any alcoholic beverage in the
21 passenger area of any motor vehicle, including possession or consumption by
22 the driver of the vehicle, located on a public highway, or the right-of-way of
23 a public highway, in this State.

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25 SECTION 4. Nothing in this act shall prohibit:

26 (a) The possession of an open alcoholic beverage container in the glove
27 compartment of a motor vehicle, provided such compartment is locked, nor

28 (b) The possession of an open alcoholic beverage container in the area
29 behind the last upright seat of a motor vehicle that is not equipped with a
30 trunk; nor

31 (c) The possession of an open alcoholic beverage container in any area
32 not normally occupied by the driver or a passenger in a motor vehicle that is
33 not equipped with a trunk; nor

34 (d) The possession of an open alcoholic beverage container by an
35 individual who is strictly a passenger, and not the driver, in the passenger
36 area of a motor vehicle designed, maintained, or used primarily for the

1 transportation of persons, for compensation, such as buses, taxis, and
2 limousines; nor

3 (e) The consumption of any alcoholic beverage by an individual who is
4 strictly a passenger, and not the driver, in the passenger area of a motor
5 vehicle designed, maintained, or used primarily for the transportation of
6 persons for compensation, such as buses, taxis, and limousines; nor

7 (f) The possession of an open alcoholic beverage container by an
8 individual who is strictly a passenger, and not the driver, in the living
9 quarters of a house coach or house trailer; nor

10 (g) The consumption of any alcoholic beverage by an individual who is
11 strictly a passenger, and not the driver, in the living quarters of a house
12 coach or house trailer.

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14 SECTION 5. Any person who violates any of the provisions of this Act
15 shall be deemed guilty of a Class C misdemeanor.

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17 SECTION 6. All provisions of this act of a general and permanent nature
18 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
19 Revision Commission shall incorporate the same in the Code.

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21 SECTION 7. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 8. All laws and parts of laws in conflict with this act are
28 hereby repealed.

29 /s/ Wool dridge
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