

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 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: S2/14/01

A Bill

SENATE BILL 256

5 By: Senator Wooldridge
6 By: *Representative Magnus*
7

For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE TITLE 5, CHAPTER 71,
11 SUBCHAPTER 2 TO ADD AN ADDITIONAL SECTION TO PROHIBIT
12 THE POSSESSION OF OR CONSUMPTION FROM AN OPEN
13 ALCOHOLIC BEVERAGE CONTAINER WHILE IN THE PASSENGER
14 AREA OF A MOTOR VEHICLE; AND FOR OTHER PURPOSES.

Subtitle

16 TO PROHIBIT THE POSSESSION OF OR
17 CONSUMPTION FROM AN OPEN ALCOHOLIC
18 BEVERAGE CONTAINER WHILE IN A MOTOR
19 VEHICLE.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. Arkansas Code Title 5, Chapter 71, Subchapter 2 is amended
26 to add an additional section to read as follows:

27 5-71-230. Open alcoholic beverage container in the passenger area
28 prohibited.

29 (a) As used in this section, unless the context otherwise requires:

30 (1) "Alcoholic beverage" means:

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

35 (B) Wine of not less than one-half of one per cent (.005%)
36 of alcohol by volume; or

1 (C) Distilled spirits which is that substance known as
2 ethyl alcohol, ethanol, or spirits of wine in any form including all
3 dilutions and mixtures thereof from whatever source or by whatever process
4 produced;

5 (2) "Motor vehicle" means a vehicle driven or drawn by
6 mechanical power and manufactured primarily for use on public highways, but
7 does not include a vehicle operated solely on a rail or rails;

8 (3) "Open alcoholic beverage container" means any bottle, can,
9 or other receptacle that:

10 (A) Contains any amount of alcoholic beverage; and

11 (B)(i) Is open or has a broken seal; or

12 (ii) The contents of which are partially removed;

13 (4) "Passenger area" means the area designed to seat the driver
14 and passengers while the motor vehicle is in operation and any area that is
15 readily accessible to the driver or a passenger while in their seating
16 positions, including the glove compartment; and

17 (5) "Public highway or right-of-way of a public highway" means
18 the entire width between and immediately adjacent to the boundary lines of
19 every way publicly maintained when any part thereof is open to the use of the
20 public for purposes of vehicular travel.

21 (b)(1) It shall be unlawful for any person to possess or consume, in
22 the passenger area of any motor vehicle located on a public highway or right-
23 of-way of a public highway, any alcoholic beverage in an open alcoholic
24 beverage container.

25 (2) However, it shall not be unlawful to:

26 (A) Possess or consume an alcoholic beverage in an open
27 alcoholic beverage container if the person is a passenger in the passenger
28 area of a motor vehicle:

29 (i) Designed, maintained, or used primarily for the
30 transportation of persons for compensation; or

31 (ii) Which is the living quarters of a house coach,
32 house trailer or motor home;

33 (B) To possess any open alcoholic beverage container
34 behind the rearmost seat of a motor vehicle that is not equipped with a
35 trunk.

36 (c) A violation of this section is a misdemeanor and shall be punished

1 by a fine of not less than fifty dollars (\$50.00) nor more than one hundred
2 fifty dollars (\$150.00).

3 */s/ Woolridge*

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