

2000 SESSION

INTRODUCED

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SENATE BILL NO. 741

Offered January 24, 2000

A BILL to amend and reenact § 18.2-323.1 of the Code of Virginia relating to drinking or possessing opened alcoholic beverages while operating a motor vehicle; penalty.

Patron—Rerras

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-323.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-323.1. Drinking while operating a motor vehicle; open containers of alcohol in a motor vehicle; penalty.

A. It shall be unlawful for any person to consume an alcoholic beverage while driving a motor vehicle upon a public highway of this Commonwealth. ~~A violation of this section is punishable as a Class 4 misdemeanor.~~

B. *It shall be unlawful for any person to possess any alcoholic beverage in the passenger area of a motor vehicle in other than the manufacturer's unopened, original container. If the seal on a container of an alcoholic beverage is broken, the container shall be presumed to be open.*

"Passenger area of any motor vehicle" means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment, but does not mean the trunk of any passenger vehicle, the living quarters of a mobile home, or the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation, including a bus, taxi, or limousine. For the purposes of this section, the area behind the last upright back seat of a passenger van, station wagon, hatchback, sport utility vehicle or any similar vehicle, is deemed the same as the trunk of a passenger vehicle.

C. *A violation of this section shall be enforceable and punishable as a traffic infraction as defined in § 46.2-100 and shall not be deemed to be illegal transportation of alcoholic beverages as provided in § 4.1-334.*

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