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## SENATE BILL NO. 843

Offered January 9, 2013

Prefiled January 2, 2013

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-800.3, relating to the possession of an open container of alcohol in a motor vehicle; penalty.*

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Patron—Barker

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Referred to Committee for Courts of Justice

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**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 46.2-800.3 as follows:****§ 46.2-800.3. Possession of open container of alcohol in a motor vehicle; penalty.**

A. No person shall knowingly or intentionally possess any alcoholic beverage in a motor vehicle that is upon a public highway of the Commonwealth, including the shoulder thereof, as defined in § 46.2-100, in other than the manufacturer's unopened, original container. If the seal on a container of an alcoholic beverage is broken or some of the contents have been removed, the container shall be presumed to be open.

B. This section shall not apply if the open container containing an alcoholic beverage is in a locked glove compartment or in the trunk of the motor vehicle, or is behind the last upright seat or in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

C. This section shall not apply if the open container containing an alcoholic beverage is in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or is in the living quarters of a motor home, provided that the container is not in the possession of the driver of the motor vehicle.

D. Any person who violates this section shall be subject to a civil penalty of \$25 and any such prosecution shall be instituted and conducted in the same manner as a prosecution for a traffic infraction. All penalties collected under this subsection shall be paid into the Motor Vehicle Special Fund, to be used by the Department of Motor Vehicles to design, implement, administer, and review special programs or projects to promote highway safety in the Commonwealth.

E. For purposes of this section, "public highway" shall not include any motor vehicle parking lot.

INTRODUCED

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