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HOUSE BILL NO. 1661

Offered January 13, 1999

A BILL to amend and reenact § 18.2-323.1 of the Code of Virginia, relating to open alcoholic beverage containers in cars; penalty.

Patrons—Almand, Brink, Darner, Grayson and Plum

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; possession of alcoholic beverages in open container; penalty.

A. It shall be unlawful for any person in the passenger area of a motor vehicle to consume an alcoholic beverage while driving a the motor vehicle is 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 upon a public highway of this Commonwealth, or the right-of-way thereof, in other than the manufacturer's unopened, original container. A violation of this subsection shall not be deemed to be illegal transportation of alcoholic beverages as provided in § 4.1-334.

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. "Passenger area of a 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 an unlocked glove compartment but does not mean (i) the trunk of any motor vehicle, (ii) the area behind the last upright back seat of a station wagon, hatchback, sport utility vehicle or any similar vehicle, (iii) any passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation, including a bus, taxi or limousine, or (iv) the living quarters of a house trailer or coach.

C. A violation of this section shall be punishable as a Class 4 misdemeanor.

INTRODUCED

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