

# 1997 SESSION

INTRODUCED

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## HOUSE BILL NO. 2118

Offered January 15, 1997

*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—Purkey, Croshaw, Forbes, Howell, Johnson, McDonnell and Mims; Senators: Benedetti, Norment and Stolle

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; transport of alcoholic beverages in open container; 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~~ the Commonwealth. ~~A violation of this section is punishable as a Class 4 misdemeanor.~~

B. It shall be unlawful for any person to transport any alcoholic beverage in the passenger area of a motor vehicle 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.

For the purposes of this subsection, if the seal on a container of an alcoholic beverage is broken, the container shall be presumed to be open. Further, "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.

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

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