



General Assembly

February Session, 2002

Amendment

LCO No. 3087

HB0537103087HR0

Offered by:

REP. WINKLER, 41st Dist.
REP. NYSTROM, 46th Dist.
SEN. PRAGUE, 19th Dist.
REP. STILLMAN, 38th Dist.
REP. URBAN, 43rd Dist.

To: Subst. House Bill No. 5371

File No. 121

Cal. No. 93

**"AN ACT CONCERNING OPERATING A MOTOR VEHICLE WHILE
UNDER THE INFLUENCE OF INTOXICATING LIQUOR."**

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- 1 After line 810, add the following:
- 2 "Sec. 11. Section 53a-213 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2002*):
- 4 (a) As used in this section:
- 5 (1) "Alcoholic liquor" shall have the same meaning as provided in
6 section 30-1;
- 7 (2) "Motor vehicle" shall have the same meaning as provided in
8 subdivision (47) of subsection (a) of section 14-1;
- 9 (3) "Passenger" means any occupant of a motor vehicle other than

10 the operator;

11 (4) "Possession" means the actual possession by a person of a bottle,
12 can, container or receptacle, or the conscious exercise by a person of
13 dominion and control over a bottle, can, container or receptacle; and

14 (5) "Recreational vehicle" shall have the same meaning as provided
15 in subdivision (64) of subsection (a) of section 14-1.

16 [(a)] (b) A person is guilty of drinking [while operating a motor
17 vehicle when he drinks any alcoholic liquor while operating a motor
18 vehicle] or possessing an open container of alcoholic liquor while
19 operating or riding as a passenger in a motor vehicle when such
20 person drinks or has in such person's possession any alcoholic liquor
21 contained in a bottle, can, container or receptacle which has been
22 opened, the seal of which has been broken or the contents of which
23 have been partially removed while operating a motor vehicle or riding
24 as a passenger in a motor vehicle that is being operated upon a public
25 highway of this state or upon any road of any specially chartered
26 municipal association or of any district organized under the provisions
27 of chapter 105, a purpose of which is the construction and maintenance
28 of roads and sidewalks, or in any parking area for ten cars or more, or
29 upon any private road on which a speed limit has been established in
30 accordance with the provisions of section 14-218a or upon any school
31 property. [As used in this section, "alcoholic liquor" shall have the
32 same meaning as in section 30-1.]

33 (c) The provisions of subsection (b) of this section shall not apply to
34 (1) any passenger in any motor vehicle in livery service, permitted and
35 registered in accordance with sections 13b-103 to 13b-106, inclusive, (2)
36 to any passenger within the living quarters of a recreational vehicle, (3)
37 the possession of an open container of alcoholic liquor provided such
38 container is resealable and is stored in the trunk or other area of the
39 motor vehicle that is not directly accessible to the operator or any
40 passenger, and (4) the possession of an open container of alcoholic
41 liquor by a person holding a permit to sell alcoholic liquor under

42 chapter 545 who is transporting such container to or from an event or
43 function.

44 [(b)] (d) Drinking or possessing an open container of alcoholic
45 liquor while operating or riding as a passenger in a motor vehicle is a
46 class C misdemeanor."