



General Assembly

January Session, 2003

Proposed Bill No. 6149

LCO No. 1696

Referred to Committee on Judiciary

Introduced by:

REP. WINKLER, 41st Dist.

REP. CARSON, 108th Dist.

**AN ACT CONCERNING OPEN CONTAINERS OF ALCOHOLIC LIQUOR
IN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 That section 53a-213 of the general statutes be amended to include
2 the following definitions for purposes of said section:

3 (1) "Alcoholic liquor" shall have the same meaning as provided in
4 section 30-1 of the general statutes;

5 (2) "Motor vehicle" shall have the same meaning as provided in
6 subdivision (47) of subsection (a) of section 14-1 of the general statutes;

7 (3) "Passenger" means any occupant of a motor vehicle other than
8 the operator;

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

12 (5) "Recreational vehicle" shall have the same meaning as provided

13 in subdivision (64) of subsection (a) of section 14-1 of the general
14 statutes.

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

30 The provisions of this section shall not apply to (1) any passenger in
31 any motor vehicle in livery service, permitted and registered in
32 accordance with sections 13b-103 to 13b-106, inclusive, of the general
33 statutes, (2) to any passenger within the living quarters of a
34 recreational vehicle, (3) the possession of an open container of
35 alcoholic liquor provided such container is resealable and is stored in
36 the trunk or other area of the motor vehicle that is not directly
37 accessible to the operator or any passenger, and (4) the possession of
38 an open container of alcoholic liquor by a person holding a permit to
39 sell alcoholic liquor under chapter 545 who is transporting such
40 container to or from an event or function.

41 It is further proposed that possession of an open container of
42 alcoholic liquor while operating or riding as a passenger in a motor
43 vehicle is a class C misdemeanor.

Statement of Purpose:

To provide that possession of an open container of alcoholic liquor while operating or riding as a passenger in a motor vehicle is a class C misdemeanor.