



General Assembly

January Session, 2003

Committee Bill No. 6149

LCO No. 3589

Referred to Committee on Judiciary

Introduced by:
(JUD)

***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 Section 1. Section 53a-213 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) As used in this section:

4 (1) "Alcoholic liquor" has the same meaning as provided in section
5 30-1;

6 (2) "Motor vehicle" has the same meaning as provided in
7 subdivision (47) of subsection (a) of section 14-1;

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

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

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

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

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

43 [(b)] (d) Drinking or possessing an open container of alcoholic
44 liquor while operating or riding as a passenger in a motor vehicle is a

45 class C misdemeanor.

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| This act shall take effect as follows: | |
| Section 1 | October 1, 2003 |

Statement of Purpose:

To prohibit the possession of an open container of alcoholic liquor by a driver or passenger in a motor vehicle that is being operated upon the highways of the state.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WINKLER, 41st Dist.; REP. CARSON, 108th Dist.

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