General Assembly

Committee Bill No. 152

January Session, 2009

LCO No. **3873**

03873SB00152TRA

Referred to Committee on Transportation

Introduced by:
(TRA)

AN ACT PROHIBITING OPEN ALCOHOLIC BEVERAGE CONTAINERS IN MOTOR VEHICLES.

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

Section 1. (NEW) (*Effective October 1, 2009*) (a) For the purposes of this section:

(1) "Alcoholic beverage" has the same meaning as provided in section 30-1 of the general statutes;

(2) "Highway" has the same meaning as provided in section 14-1 of the general statutes, but shall not include any place under the control of the state or any political subdivision of the state open to public use for parking for professional or college sporting events, during the period beginning six hours prior to any such event and ending two hours after such event, inclusive;

(3) "Open alcoholic beverage container" means a bottle, can or other receptacle that (A) contains any amount of an alcoholic beverage, and (B) (i) is open or has a broken seal, or (ii) the contents of which are partially removed;

15 (4) "Passenger" means any occupant of a motor vehicle other than
16 the operator; and

17 (5) "Passenger area" means (A) the area designed to seat the
18 operator of and any passenger in a motor vehicle while such vehicle is
19 being operated on a highway, or (B) any area of a motor vehicle that is
20 readily accessible to such operator or passenger; except that, in a motor
21 vehicle not equipped with a trunk, "passenger area" does not include a
22 locked glove compartment, the area behind the last upright seat closest
23 to the rear of the motor vehicle or an area not normally occupied by
24 the operator of or passengers in such motor vehicle.

25 (b) No person shall possess an open alcoholic beverage container
26 within the passenger area of a motor vehicle while such motor vehicle
27 is on any highway or highway right-of-way in this state.

28 (c) The provisions of subsection (b) of this section shall not apply to:
29 (1) Any passenger in a motor vehicle designed, maintained and
30 primarily used for the transportation of persons for hire; (2) any
31 passenger in the living quarters of a recreational vehicle, as defined in
32 section 14-1 of the general statutes; (3) any passenger in a privately-
33 owned motor vehicle operated by a person in the course of such
34 person's usual employment transporting passengers at the direction of
35 such person's employer; or (4) any passenger in a passenger motor
36 vehicle, if one of such passengers is the owner or lessee of such vehicle
37 and can establish, by means including, but not limited to, a receipt for
38 payment made to the operator, that such operator has been hired by
39 such owner or lessee to operate such vehicle.

40 (d) The operator or any motor vehicle in which any person violates
41 the provisions of subsection (b) of this section shall commit an
42 infraction and be fined ninety dollars for a first violation, be fined two
43 hundred dollars for a second violation and be fined five hundred
44 dollars for any subsequent violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*October 1, 2009*	New section

Statement of Purpose:

To prohibit the possession of open alcoholic beverage containers within the passenger area of a motor vehicle.

[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: SEN. DEFRONZO, 6th Dist.; SEN. STILLMAN, 20th Dist.
REP. KLARIDES, 114th Dist.; REP. SCRIBNER, 107th Dist.

S.B. 152