



General Assembly

January Session, 2009

Amendment

LCO No. 7119

SB0015207119SD0

Offered by:

SEN. DEFRONZO, 6th Dist.
REP. GUERRERA, 29th Dist.
REP. SCRIBNER, 107th Dist.
REP. REYNOLDS, 42nd Dist.
REP. GREEN, 1st Dist.
REP. HEWETT, 39th Dist.

REP. DARGAN, 115th Dist.
REP. CLEMONS, 124th Dist.
REP. BYE, 19th Dist.
REP. FREY, 111th Dist.
REP. KLARIDES, 114th Dist.
REP. HEINRICH, 101st Dist.

To: Subst. Senate Bill No. 152

File No. 906

Cal. No. 296

**"AN ACT PROHIBITING OPEN ALCOHOLIC BEVERAGE
CONTAINERS IN MOTOR VEHICLES."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

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

7 (2) "Highway" has the same meaning as provided in section 14-1 of
8 the general statutes, but shall not include any place under the control
9 of the state or any political subdivision of the state open to public use
10 for parking for outdoor professional or college sporting events or other

11 outdoor entertainment events, during the period beginning six hours
12 prior to any such event and ending two hours after such event,
13 inclusive;

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

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

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

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

31 (c) The provisions of subsection (b) of this section shall not apply to:
32 (1) Any passenger in a motor vehicle designed, maintained and
33 primarily used for the transportation of persons for hire; (2) any
34 passenger in the living quarters of a recreational vehicle, as defined in
35 section 14-1 of the general statutes; (3) any passenger in a privately-
36 owned motor vehicle operated by a person in the course of such
37 person's usual employment transporting passengers at the direction of
38 such person's employer; (4) any passenger in a passenger motor
39 vehicle, if one of such passengers is the owner or lessee of such vehicle
40 and can establish, by means, including, but not limited to, a receipt for
41 payment made to the operator, that such operator has been hired by
42 such owner or lessee to operate such vehicle; or (5) any occupant of a

43 motor vehicle parked on a highway under the control of a political
44 subdivision of the state.

45 (d) The operator of any motor vehicle in which any person violates
46 the provisions of subsection (b) of this section shall commit an
47 infraction and be fined ninety dollars for a first violation, be fined two
48 hundred dollars for a second violation and be fined five hundred
49 dollars for any subsequent violation.

50 (e) No motor vehicle being operated on a highway may be stopped
51 by a law enforcement official for a violation of this section unless such
52 official has probable cause to stop such vehicle for a separate offense.
53 Any citation issued for a violation of this section shall set forth the
54 offense for which such vehicle was stopped."

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