

By: Senator(s) White (29th)

To: Finance

SENATE BILL NO. 2827

1 AN ACT TO PROHIBIT CONSUMPTION OR POSSESSION OF ALCOHOLIC  
2 BEVERAGES, LIGHT WINE OR BEER IN MOTOR VEHICLES; TO ENACT  
3 DEFINITIONS; TO PRESCRIBE PENALTIES; AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 SECTION 1. (1) The following words and phrases shall have  
6 the meaning ascribed herein:

7 (a) "Open container" means any glass, metal, plastic or  
8 other container which contains or contained any alcoholic beverage  
9 as defined in Section 67-1-5, Mississippi Code of 1972, or light  
10 wine or beer as defined in Section 67-3-1, Mississippi Code of  
11 1972, and which has been opened or punctured or cut in such a way  
12 that the contents may be consumed by any person or has been  
13 constructed in such a way that the contents may be consumed by any  
14 person without opening or puncturing or cutting it.

15 (b) An open container shall be considered to be in the  
16 possession of the operator of a vehicle if the bottle, can or  
17 other container is in the passenger area of the motor vehicle.

18 (c) "Motor vehicle" means a vehicle driven or drawn by  
19 mechanical power and manufactured primarily for use on public  
20 highways, but does not include a vehicle operated solely on a rail  
21 or rails.

22 (d) "Passenger area" means the area designed to seat  
23 the driver and passengers while the motor vehicle is in operation  
24 and any area that is readily accessible to the driver or a  
25 passenger while in their seated positions, including the glove  
26 compartment.

27           (e) "Public highway or right-of-way" means the entire  
28 width between the right-of-way boundary lines of every way  
29 publicly maintained when any part thereof is open to the use of  
30 the public for purposes of vehicular travel.

31           (f) "Public place" means any place where people  
32 customarily gather for any purpose and includes, but is not  
33 limited to, parking lots, parking areas and undedicated private  
34 roads.

35           (2) A person commits an offense under this section if:

36           (a) It shall be unlawful for a person to possess an  
37 open container or to consume an alcoholic beverage within the  
38 passenger area of a motor vehicle while operating or occupying the  
39 motor vehicle on any public road, highway or highway right-of-way  
40 in this state.

41           (b) It shall be unlawful for any person to operate a  
42 motor vehicle in which there is an open container in any public  
43 place.

44           (3) Nothing in this act shall prohibit the possession of an  
45 open container:

46           (a) By a passenger in the living quarters of a parked  
47 and non-moving house coach or house trailer; or

48           (b) By a passenger, other than the driver, who has  
49 hired the vehicle that is owned, operated and driven by a person  
50 presently engaged in the business of transporting passengers for  
51 compensation; or

52           (c) When the open container is located behind the last  
53 upright seat of a motor vehicle not equipped with a trunk; or

54           (d) When the open container is located in an area not  
55 normally occupied by the driver or passengers in a motor vehicle  
56 not equipped with a trunk; or

57           (e) When the open container is located in a locked  
58 glove compartment.

59           (4) Any person who violates the provisions of this act shall

60 be guilty of a misdemeanor and shall be fined not less than One  
61 Hundred Dollars (\$100.00) and not more than Two Hundred Dollars  
62 (\$200.00).

63 (5) Any local ordinance which imposes more stringent  
64 restrictions on the possession of open containers in vehicles than  
65 those imposed by this section shall not be preempted by this  
66 section.

67 SECTION 2. The provisions of subsection (1) of this section  
68 shall not be construed as exempting any person or vehicle from the  
69 provisions of the Highway Safety Patrol and Driver's License Law  
70 of 1938, the Mississippi Implied Consent Law or the provisions of  
71 any other laws of this state.

72 SECTION 3. This act shall take effect and be in force from  
73 and after July 1, 1999.