

By: Martinson

To: Ways and Means

HOUSE BILL NO. 938

1 AN ACT TO CREATE NEW SECTION 63-11-55, MISSISSIPPI CODE OF
2 1972, TO PROHIBIT THE POSSESSION OF AN OPEN CONTAINER OF ALCOHOLIC
3 BEVERAGE BY A PERSON OPERATING A MOTOR VEHICLE UPON THE PUBLIC
4 HIGHWAYS, PUBLIC ROADS AND STREETS OF THIS STATE; AND FOR RELATED
5 PURPOSES.

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

7 SECTION 1. The following shall be codified as Section

8 63-11-55, Mississippi Code of 1972:

9 63-11-55. (1) As used in this section, "open container"
10 means any container from which the contents are capable of being
11 consumed immediately.

12 (2) No person shall have in their immediate possession an
13 open container of any alcoholic beverage while operating a motor
14 vehicle upon the public highways, public roads and streets of this
15 state. No person shall consume any alcoholic beverages in the
16 passenger area of any motor vehicle upon the public highways,
17 public roads and streets of this state.

18 (3) Any person who violates this section is subject to a
19 fine not to exceed Two Hundred Dollars (\$200.00) and shall be
20 subject to a chemical test or breath test in accordance with
21 Sections 63-11-5 and 63-11-7.

22 (4) A county or municipality shall not adopt an ordinance
23 that imposes more stringent restrictions on the possession of
24 alcoholic beverages in vehicles than those imposed by this
25 section, and any such ordinance adopted by a county or
26 municipality before the effective date of this act shall be void
27 and unenforceable.

28 SECTION 2. This act shall take effect and be in force from
29 and after July 1, 2000.