

By: Representative Reeves

To: Judiciary A

HOUSE BILL NO. 579

1 AN ACT TO PROHIBIT THE POSSESSION OF AN OPEN ALCOHOLIC
2 BEVERAGE, LIGHT WINE OR BEER CONTAINER OR THE CONSUMPTION OF
3 ALCOHOLIC BEVERAGES, LIGHT WINE OR BEER, WITHIN THE PASSENGER
4 COMPARTMENT OF A MOTOR VEHICLE; TO PRESCRIBE PENALTIES FOR
5 VIOLATIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** (1) The following words and phrases shall have
8 the meaning ascribed herein:

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

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

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

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

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

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

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

39 (a) By a passenger in the living quarters of a parked
40 and nonmoving house coach or house trailer; or

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

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

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

50 (e) When the open container is located in a locked
51 glove compartment.

52 (4) Any person who violates the provisions of this act shall
53 be guilty of a misdemeanor and, upon conviction, shall be fined
54 not less than One Hundred Dollars (\$100.00) and not more than Two
55 Hundred Dollars (\$200.00).

56 (5) Any local ordinance which imposes more stringent
57 restrictions on the possession of open containers in vehicles than
58 those imposed by this section shall be preempted by this section.

59 **SECTION 2.** The provisions of Section 1 of this act shall not
60 be construed as exempting any person or vehicle from the

61 provisions of the Highway Safety Patrol and Driver's License Law
62 of 1938, the Mississippi Implied Consent Law or the provisions of
63 any other laws of this state.

64 **SECTION 3.** This act shall take effect and be in force from
65 and after July 1, 2004.