

By: Representative Horan

To: Judiciary B

HOUSE BILL NO. 830

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 CIVIL 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 civil violation and, upon conviction, shall be  
54 fined not less than One Hundred Dollars (\$100.00) and not more  
55 than Two 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, 2018.

