

By: Representative Busby

To: Drug Policy

HOUSE BILL NO. 1299

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



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

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

29 (2) It shall be unlawful for a person to possess an open
30 container or to consume an alcoholic beverage within the passenger
31 area of a motor vehicle while operating or occupying the motor
32 vehicle on any public road, highway or highway right-of-way in
33 this state. An open container shall be considered to be in the
34 possession of the operator of a vehicle if the bottle, can or
35 other container is in the passenger area of the motor vehicle.

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

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

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



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

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

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

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

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

58 **SECTION 2.** The provisions of Section 1 of this act shall not
59 be construed as exempting any person or vehicle from the
60 provisions of the Highway Safety Patrol and Driver's License Law
61 of 1938, the Mississippi Implied Consent Law or the provisions of
62 any other laws of this state.

63 **SECTION 3.** This act shall take effect and be in force from
64 and after July 1, 2018.

