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House BILL NO. *657*

INTRODUCED BY *Wendell Anderson, Atty. Gen. Hagen, Kvaalen, Seeburg, Schuyf, Rasmussen*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND THE POSSESSION OF OPEN RECEPTACLES CONTAINING ALCOHOLIC BEVERAGES IN OR ON MOTOR VEHICLES WHILE UPON PUBLIC HIGHWAYS."

Shelden Holmes

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Definitions. As used in this act:

(1) "Alcoholic beverages" means any liquid suitable for drinking by human beings, that contains one-half of one percent (1/2 of 1%) or more of alcohol by volume.

(2) "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(3) "Motor vehicle" includes every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

Section 2. Open container law -- penalty. (1) No person may drink or consume alcoholic beverages in or on any motor vehicle when that vehicle is upon a public highway. No person may have in his possession on his person while in

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or on a private motor vehicle upon a public highway, any bottle or receptacle containing alcoholic beverages that has been opened, the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of a private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle, when that vehicle is upon the public highway, any bottle or receptacle containing alcoholic beverages that has been opened, the seal broken, or the contents of which have been partially removed except when the bottle or receptacle is kept in the trunk of the motor vehicle when the vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment is within the area occupied by the driver and passengers. In self-propelled motor homes, bottles or receptacles may be kept in storage areas that are more than five (5) feet from the driver's seat.

(2) A person violating the provisions of this section is guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100). The highway patrol bureau shall not record the violation against the driving record of such person unless he was the driver of the motor vehicle at the

1 time the violation occurred.

-End-