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SENATE BILL NO. 237

INTRODUCED BY

Bishop

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING, EXCEPT WITHIN THE BOUNDARIES OF INCORPORATED CITIES AND TOWNS, THE DRINKING OF ALCOHOLIC BEVERAGES IN A MOTOR VEHICLE OR THE POSSESSION OR STORAGE OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR VEHICLE."

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

NEW SECTION. Section 1. Open containers in motor vehicles prohibited -- exceptions. (1) Except within the boundary of an incorporated city or town, it is unlawful:

- (a) to drink an alcoholic beverage in a motor vehicle;
- (b) for a person to possess while in a motor vehicle a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened, its seal has been broken, or its contents have been partially removed; or
- (c) for the registered owner of a motor vehicle or the driver, if the registered owner is not then present in the vehicle, to keep in a motor vehicle a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened, its seal has been broken, or its contents have been partially removed, unless the container is kept in the trunk of the vehicle or, if the vehicle does not have a trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is considered to be within the area occupied by the driver and passengers.

- (2) This section does not apply to:
- (a) a public conveyance that has been commercially chartered for group use;
 - (b) the living quarters of a motor home, recreational vehicle, or camper; or
 - (c) a paying passenger in a for-hire vehicle licensed under city, county, or state law. However, this subsection (2) may not be construed to authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle.

- (3) A person who violates this section is guilty of a misdemeanor and upon conviction shall be

1 imprisoned in the county jail for not more than 6 months, fined not more than \$500, or both.

2

3 NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
4 integral part of Title 61, chapter 8, part 4, and the provisions of Title 61, chapter 8, part 4, apply to
5 [section 1].

6

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0237, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill prohibiting, except within the boundaries of incorporated cities and towns, the drinking of alcoholic beverages in a motor vehicle or the possession or storage of open alcoholic beverage containers in a motor vehicle.

ASSUMPTIONS:

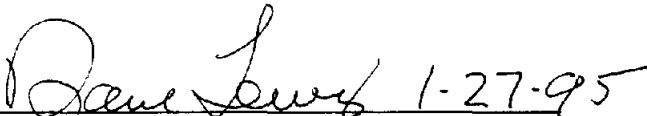
1. There are some 7,000 persons convicted of Driving Under the Influence (DUI) annually.
2. No data exists at the state level to determine how many persons convicted had open containers.
3. The state, cities and counties would share in any additional revenue.

FISCAL IMPACT:

No fiscal impact

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Some small, unknown amount of additional revenue is expected for cities and counties.

 1-27-95

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 _____
AL BISHOP, PRIMARY SPONSOR DATE

Fiscal Note for SB0237, as introduced

SB 237

APPROVED BY COM
ON JUDICIARY

1 SENATE BILL NO. 237

2 INTRODUCED BY BISHOP

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

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6 INCORPORATED CITIES AND TOWNS, THE DRINKING OF ALCOHOLIC BEVERAGES ~~IN A MOTOR VEHICLE~~
7 OR THE POSSESSION OR STORAGE OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR
8 VEHICLE IN TRANSPORT ON A WAY OF THE STATE OPEN TO THE PUBLIC."

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16 (b) for a person to possess while in a motor vehicle IN TRANSPORT a bottle, can, or other
17 receptacle containing an alcoholic beverage if the container has been opened, its seal has been broken, or
18 its contents have been partially removed; or

19 (c) for the registered owner of a motor vehicle or the driver, if the registered owner is not then
20 present in the vehicle, to keep in a motor vehicle IN TRANSPORT a bottle, can, or other receptacle
21 containing an alcoholic beverage if the container has been opened, its seal has been broken, or its contents
22 have been partially removed, unless the container is kept in the trunk of the vehicle or, if the vehicle does
23 not have a trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A
24 utility compartment or glove compartment is considered to be within the area occupied by the driver and
25 passengers.

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3 imprisoned in the county jail for not more than 6 months, fined not more than \$500, or both.

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 7 OR THE POSSESSION OR STORAGE OF OPEN ALCOHOLIC BEVERAGE CONTAINERS IN A MOTOR
 8 VEHICLE IN TRANSPORT ON A WAY OF THE STATE OPEN TO THE PUBLIC, THAT IS IN MOTION ON A
 9 WAY OF THE STATE OPEN TO THE PUBLIC OR THAT IS NOT IN MOTION BUT IS WITHIN THE PORTION
 10 OF A ROADWAY ORDINARILY USED BY MOTOR VEHICLES IN MOTION."

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 24 have been partially removed, unless the container is kept in the trunk of the vehicle or, if the vehicle does
 25 not have a trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A
 26 utility compartment or glove compartment is considered to be within the area occupied by the driver and
 27 passengers.

28 (2) THIS SECTION APPLIES ONLY TO:

29 (A) A MOTOR VEHICLE THAT IS IN MOTION ON A WAY OF THE STATE OPEN TO THE PUBLIC;

30 OR

