

SENATE FILE NO. SF0037

Motor vehicles-open containers.

Sponsored by: Senator(s) Roberts

A BILL

for

1 AN ACT relating to motor vehicles; prohibiting  
2 transportation and possession of alcoholic beverages in  
3 motor vehicles as specified; providing definitions and  
4 exceptions; providing penalties and providing for an  
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*


8

9 **Section 1.** W.S. 31-5-235 is amended to read:

10

11 **31-5-235. Consumption and possession of alcoholic**  
12 **beverages in opened containers prohibited; definitions;**  
13 **exceptions; exception for municipal ordinance; penalty.**

14

15 (a) As used in this section: 

16

1        (i) "Alcoholic beverage" means alcoholic liquor or  
2 malt beverage as defined in W.S. 12-1-101(a)(i), (vii) and  
3 (x) ~~;~~

4  
5        (ii) "Recreational vehicle" means a self-  
6 propelled vehicle designed primarily with living quarters  
7 for recreational, camping, vacation or travel use but  
8 excludes any vehicle which does not have plumbing and an  
9 electrical system which operates above twelve (12) volts.

10

11        (b) No person shall ~~consume or possess any alcoholic~~  
12 ~~beverage while operating a motor vehicle on a public street~~  
13 ~~or public highway unless the beverage is in the original~~  
14 ~~unopened package or container, the seal of which has not~~  
15 ~~been broken and from which the original cap, cork or other~~  
16 ~~means of closure has not been removed.~~ transport or possess  
17 any alcoholic beverage in a vehicle on a public street or  
18 public highway unless the beverage is:

19

20        (i) In the original unopened package or  
21 container, the seal of which has not been broken and from  
22 which the original cap, cork or other means of closure has  
23 not been removed;

24

1           (ii) In the trunk or any other outside  
2 compartment of the vehicle which is not readily accessible  
3 to any person in the vehicle while the vehicle is in  
4 motion;

5  
6           (iii) In the unoccupied back of a pickup truck  
7 out of reach of the driver even though access is available  
8 through a window; or

9  
10           (iv) In an unoccupied rear compartment of a  
11 vehicle not equipped with a trunk or other outside  
12 compartment and the rear compartment is not readily  
13 accessible to the driver and not normally occupied by  
14 passengers while the vehicle is in motion.

15  
16           (c) This section shall not apply to any passenger in  
17 a chartered bus designed to carry more than ten (10)  
18 persons or a chartered limousine when the vehicles are  
19 being used for the transportation of passengers, or to any  
20 occupant in the living quarters of a recreational vehicle  
21 which are outside the driver's zone of control. The driver  
22 of any bus, limousine or recreational vehicle is prohibited  
23 from consuming or having any alcoholic beverage in or about

1 the driving area of the vehicle or within the driver's zone  
2 of control.

3

4 (d) This section shall not apply within the  
5 boundaries of any incorporated municipality which has  
6 adopted an ordinance prohibiting transportation or  
7 possession of any open container of an alcoholic beverage  
8 in a vehicle on a public street or public highway.

9

10 ~~(e)~~(e) Any person violating the provisions of this  
11 section shall:

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13 (i) For a first conviction or a subsequent  
14 conviction not occurring within one (1) year after the  
15 first conviction, be punished by a fine of not more than  
16 two hundred dollars (\$200.00);

17

18 (ii) For a second conviction within one (1) year  
19 after the first conviction, be punished by a fine of not  
20 more than three hundred dollars (\$300.00) or by  
21 imprisonment for not more than thirty (30) days, or both;

22

23 (iii) For a third or subsequent conviction  
24 within one (1) year after the first conviction, be punished

1 by a fine of not more than five hundred dollars (\$500.00)  
2 or by imprisonment for not more than six (6) months, or  
3 both.

4

5 **Section 2.** This act is effective July 1, 2002.

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7

(END)