

ENROLLED ACT NO. 71, SENATE

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING
2007 GENERAL SESSION

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

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

Section 1. W.S. 31-5-235(a), (b) and by creating new subsections (d) and (e) is amended to read:

31-5-235. Consumption and possession of alcoholic beverages in opened containers by operator of vehicle prohibited; definitions; penalty.

(a) As used in this section:

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

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

(b) No person shall consume, transport or possess any alcoholic beverage ~~while operating in~~ a motor vehicle while the motor vehicle is in motion on a public street or public highway unless the beverage is:

(i) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed. Notwithstanding this section, a resealed

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bottle of wine may be transported as provided in W.S.
12-4-410(e) i-

(ii) In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion;

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

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

(v) Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.

(d) This section shall not apply to any passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of passengers for compensation. The driver of any vehicle under this subsection is prohibited from consuming or having an alcoholic beverage within the driver's zone of control.

(e) This section shall not apply within the boundaries of any incorporated municipality that has adopted an ordinance prohibiting transportation or

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possession of any open container of an alcoholic beverage
in a vehicle on a public street or public highway.

Section 2. This act is effective July 1, 2007.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk