

1 H.596
2 Introduced by Representatives Baker of West Rutland, Acinapura of Brandon,
3 Adams of Hartland, Ainsworth of Royalton, Andrews of
4 Rutland City, Bohi of Hartford, Clarkson of Woodstock,
5 Consejo of Sheldon, Donaghy of Poultney, Donahue of
6 Northfield, Donovan of Burlington, Edwards of Brattleboro,
7 Evans of Essex, Fagan of Rutland City, Fisher of Lincoln, Helm
8 of Castleton, Howrigan of Fairfield, Krawczyk of Bennington,
9 Lawrence of Lyndon, Lewis of Derby, Lorber of Burlington,
10 Martin of Wolcott, McAllister of Highgate, McCullough of
11 Williston, McNeil of Rutland Town, Moran of Wardsboro,
12 Morrissey of Bennington, Mrowicki of Putney, O'Donnell of
13 Vernon, Orr of Charlotte, Ram of Burlington, Rodgers of
14 Glover, Savage of Swanton, Shaw of Pittsford, South of
15 St. Johnsbury, Stevens of Waterbury, Till of Jericho, Townsend
16 of Randolph, Turner of Milton and Wright of Burlington and
17 Young of St. Albans City
18 Referred to Committee on
19 Date:
20 Subject: Motor vehicles; possession of open container by passenger; operator
21 with alcohol concentration of 0.00

1 Statement of purpose: This bill proposes to permit a passenger in a motor
2 vehicle to possess an open container containing alcoholic beverages if the
3 operator has an alcohol concentration of 0.00.

4 An act relating to an exception to the open container law for designated
5 drivers

6 It is hereby enacted by the General Assembly of the State of Vermont:

7 Sec. 1. 23 V.S.A. § 1134a is amended to read:

8 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR
9 POSSESSION OF ALCOHOL

10 (a) Except as provided in subsection (c) of this section, a passenger in a
11 motor vehicle shall not consume alcoholic beverages or possess any open
12 container which contains alcoholic beverages in the passenger area of any
13 motor vehicle on a public highway. As used in this section, “alcoholic
14 beverages” shall have the same meaning as “intoxicating liquor” as defined in
15 section 1200 of this title.

16 (b) For the purposes of this section, “passenger area” shall mean the area
17 designed to seat the operator and passengers while the motor vehicle is in
18 operation and any area that is readily accessible to the operator or passengers
19 while in their seating positions, including the glove compartment, unless the
20 glove compartment is locked. In a motor vehicle that is not equipped with a

1 trunk, the term shall exclude the area behind the last upright seat or any area
2 not normally occupied by the operator or passengers.

3 (c) A person, other than the operator, may possess an open container which
4 contains alcoholic beverages in the passenger area of a motor vehicle;

5 (1) designed, maintained, or used primarily for the transportation of
6 persons for compensation or in the living quarters of a motor home or trailer
7 coach; or

8 (2) if the operator has an alcohol concentration of 0.00 as demonstrated
9 by an evidentiary test of the person's breath administered by a law
10 enforcement officer.

11 (d) A person who violates this section shall be fined not more than \$25.00.