

SENATE FILE NO. SF0008

Open container law.

Sponsored by: Senator(s) Ross and Representative(s) Warren

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; and providing for an effective date.

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

7

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

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

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15 (a) As used in this section: 7

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

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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 that does not have plumbing and an
9 electrical system that operates above twelve (12) volts.

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

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15 (i) In the original unopened package or
16 container, the seal of which has not been broken and from
17 which the original cap, cork or other means of closure has
18 not been removed;~~;~~

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

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

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

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

20
21 (e) This section shall not apply within the
22 boundaries of any incorporated municipality that has
23 adopted an ordinance prohibiting transportation or

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

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4 **Section 2.** This act is effective July 1, 2005.

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6

(END)