

SENATE FILE NO. SF0038

Motor vehicles-open containers.

Sponsored by: Senator(s) Roberts, Barrasso, Boggs, Massie,  
Scott and Sessions and Representative(s)  
Iekel, Johnson, W., McMurtrey, Ross and  
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:*

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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: T

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

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

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

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

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

(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.

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

(e) This section shall not apply within the boundaries of any incorporated municipality that has

1 adopted an ordinance prohibiting transportation or  
2 possession of any open container of an alcoholic beverage  
3 in a vehicle on a public street or public highway.

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5 **Section 2.** This act is effective July 1, 2003.

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(END)