

SENATE FILE NO. SF0036

Open containers of alcohol.

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

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.

5

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:

10

11 **31-5-235. Consumption and possession of alcoholic**  
12 **beverages in opened containers by operator of vehicle**  
13 **prohibited; definitions; penalty.**

14

15 (a) As used in this section;

16

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);~~;~~

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

10

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

15

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. Notwithstanding this section, a resealed  
20 bottle of wine may be transported as provided in W.S.  
21 12-4-410(e);~~;~~

22

23           (ii) In the trunk or any other outside  
24 compartment of the vehicle that is not readily accessible

1 to any person in the vehicle while the vehicle is in  
2 motion;

3

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

7

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

13

14 (v) In a cabinet or compartment of a  
15 recreational vehicle that is locked and not readily  
16 accessible to the driver while the recreational vehicle is  
17 in motion.

18

19 (d) This section shall not apply to any passenger in  
20 a chartered bus designed to carry more than ten (10)  
21 persons or a chartered limousine when the vehicles are  
22 being used for the transportation of passengers. The driver  
23 of any bus or limousine is prohibited from consuming or

1 having an alcoholic beverage within the driver's zone of  
2 control.

3

4 (e) This section shall not apply within the  
5 boundaries of any incorporated municipality that 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 **Section 2.** This act is effective July 1, 2006.

11

12

(END)