

HOUSE BILL 0013

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Ti HB0013 Motor vehicles-open container law.

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

Introduced by: *Wayne Johnson*

HOUSE ACTION ON HOUSE BILL

- 2/15 Introduced
Aye ___ No ___ Ex ___ Ab ___
- Read First Time and Ref. to Committee No. _____
- Failed Introduction
Aye 35 No 25 Ex 0 Ab 0
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Re-referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Sent to Senate (No Amendments)
- Sent to LSO for Engraving
- ENGROSSED
- Sent to Senate

SENATE ACTION ON HOUSE BILL

- Received. Read First Time.
- Referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Re-referred to Committee No. _____
- Returned from Committee No. _____
with Recommendation:
 Do Pass; Amend & Do Pass; Do Not Pass;
 W/O Recomm; Re-Refer to Committee No. _____
- Considered in Comm. of Whole
 Amended
 Recommended Do Pass
 Failed Comm. of Whole
 Indefinitely Postponed
 Other: _____
- Read Second Time
 Amended
 Do Pass
 Do Not Pass
 Accelerated to 3rd Rdg.
- Read Third Time
 Amended
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
 Held for Reconsideration
 Motion to Reconsider
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Third Reading Vote
(On Reconsideration)
 Passed Failed
Aye ___ No ___ Ex ___ Ab ___
- Sent to House
- Sent for Enrolling
HEA No. _____
- Signed by Speaker
- Signed by President
- Approved by Governor
- Chapter No. _____

HOUSE BILL NO. HB0013

Motor vehicles-open container law.

Sponsored by: Joint Transportation and Highways Interim
Committee

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; providing a penalty; and providing for an
5 effective date.

6

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

8

9 **Section 1.** W.S. 31-5-235 is created to read:

10

11 **31-5-235.** Transportation and possession of alcoholic
12 beverages in opened containers prohibited; definitions;
13 exceptions; exception for municipal ordinance; 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 vehicle designed primarily with living quarters
7 for recreational, camping, vacation or travel use but
8 excludes any vehicle which does not have plumbing and an
9 electrical system which operates above twelve (12) volts.

10

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

14

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;

19

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

24

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

4

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.

10

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

19

20 (d) This section shall not apply within the boundaries
21 of any incorporated municipality which has adopted an
22 ordinance prohibiting transportation or possession of any
23 open container of an alcoholic beverage in a vehicle on a
24 public street or public highway.

25

1 (e) Any person violating the provisions of this
2 section shall:

3

4 (i) For a first conviction be punished by a fine
5 of not more than two hundred dollars (\$200.00);

6

7 (ii) For a second conviction within one (1) year
8 after the first conviction, be punished by a fine of not
9 more than three hundred dollars (\$300.00) or by imprisonment
10 for not more than thirty (30) days, or both;

11

12 (iii) For a third or subsequent conviction within
13 one (1) year after the first conviction, be punished by a
14 fine of not more than five hundred dollars (\$500.00) or by
15 imprisonment for not more than six (6) months, or both.

16

17 **Section 2.** This act is effective July 1, 2000.

18

19

(END)

Motor vehicles-open container
law.

00LSO-0068.C1

FISCAL NOTE

No fiscal or personnel impact.

HB 13

FIFTY-FIFTH WYOMING STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
BUDGET SESSION
2000

SEQUENCE : 5539

FEBRUARY 15 2000

BILL : HB0013

11:50 AM

AMENDMENT:

MOVED BY :
TITLE1 : REP. W. JOHNSON
TITLE2 :
ACTION : TO INTRODUCE

SECONDED BY:

ANDERSON, J....	A	NELSON.....	A
ANDERSON, R....	A	NICHOLAS.....	N
BADGETT.....	A	OSBORN.....	A
BAKER.....	N	PARADY.....	A
BOSWELL.....	N	PASENEAUX.....	N
BURNS.....	N	PHILLIPS.....	N
CHILDERS.....	A	PHILP.....	N
COHEE.....	N	RARDIN.....	A
DEEGAN.....	N	REESE.....	N
DIERCKS.....	N	ROBINSON.....	A
ESQUIBEL.....	A	ROSE, J.....	A
EYRE.....	A	ROSE, T.....	A
FLEMING.....	A	ROSS.....	A
HAGEMAN.....	N	ROUNDS.....	N
HESSENTHALER...	A	RYCKMAN.....	N
HINES.....	N	SADLER.....	A
HUCKFELDT.....	N	SAMUELSON.....	A
ILLOWAY.....	A	SHIVLER.....	A
JOHNSON, L.....	N	SIMONS.....	N
JOHNSON, W.....	A	SIMPSON.....	A
JONES.....	N	STAFFORD.....	N
LANDON.....	N	TANNER.....	N
LAW.....	A	TEMPEST.....	A
LUTHI.....	A	TIPTON.....	A
MCGRAW.....	A	TOMASSI.....	A
MCMURTREY.....	A	WASSERBURGER...	A
MCOMIE.....	A	WILLFORD.....	N
MEULI.....	A	WOSTENBERG.....	N
MORGAN.....	A	ZANETTI.....	A
NAGEL.....	A	BEBOUT, MR. SPK	N

VOTE REQ: 2/3 OF MEMBERSHIP REQUIRED

AYES : 35
NOES : 25
EXCUSED : 0
ABSENT : 0
CONFLICT: 0

A=AYE N=NO E=EXCUSED
X=ABSENT C=CONFLICT