



LAWS OF ALASKA

1988

Source

CSHB 521(Jud) am S

Chapter No.

142

AN ACT

Relating to open containers of alcoholic beverages in motor vehicles.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 8, 1988
Actual Effective Date: September 6, 1988

AN ACT

Relating to open containers of alcoholic
beverages in motor vehicles.

* Section 1. AS 28.35 is amended by adding a new section to article 2
to read:

Sec. 28.35.029. OPEN CONTAINER. (a) A person may not drive a
motor vehicle on a highway or vehicular way or area, when there is an
open bottle, can, or other receptacle containing an alcoholic beverage
in the passenger compartment of the vehicle, except as provided in (b)
of this section.

(b) A person may transport an open bottle, can, or other recep-
tacle containing an alcoholic beverage

(1) in the trunk of a motor vehicle;

(2) on a motor driven cycle, or behind the last upright
seat in a motor home, station wagon, hatchback, or similar trunkless
vehicle, if the open bottle, can, or other receptacle is enclosed
within another container;

(3) behind a solid partition that separates the vehicle
driver from the area normally occupied by passengers; or

(4) if the open bottle, can, or other receptacle is in the
possession of a passenger in a commercial motor vehicle.

(c) In this section

(1) "alcoholic beverage" has the meaning given in AS 04.-
21.080(b);

Chapter 142

1 (2) "commercial motor vehicle" means a motor vehicle for
2 which the owner receives direct monetary compensation and that has a
3 capacity of 12 or more persons;

4 (3) "motor vehicle" means a vehicle for which a driver's
5 license is required;

6 (4) "open" includes having a broken seal;

7 (5) "passenger compartment" means the area normally oc-
8 cupied by the driver and passengers and includes a utility or glove
9 compartment accessible to the driver or a passenger while the motor
10 vehicle is being operated.

11 (d) A person who violates (a) of this section is guilty of an
12 infraction.

13 * Sec. 2. AS 28.35.031(b) is amended to read:

14 (b) A person who operates or drives a motor vehicle in this
15 state or who operates an aircraft or watercraft shall be considered to
16 have given consent to a preliminary breath test for the purpose of
17 determining the alcoholic content of the person's blood or breath. A
18 law enforcement officer may administer a preliminary breath test at
19 the scene of the incident if the officer has reasonable grounds to
20 believe that a person's ability to operate a motor vehicle, aircraft,
21 or watercraft is impaired by the ingestion of alcoholic beverages and
22 that the person

23 (1) was operating or driving a motor vehicle, aircraft, or
24 watercraft that is involved in an accident; [OR]

25 (2) committed a moving traffic violation or unlawfully
26 operated an aircraft or watercraft; in this paragraph, "unlawfully"
27 means in violation of any federal, state, or municipal statute, regu-
28 lation or ordinance, except for violations that do not provide reason
29 to believe that the operator's ability to operate the aircraft or
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1 watercraft was impaired by the ingestion of alcoholic beverages; or
2 (3) was operating or driving a motor vehicle in violation of
3 AS 28.35.029(a).
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