

Offered: 2/18/85
Referred: Rules

Original sponsors: Szymanski, Boucher,
Duncan, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2

CS FOR HOUSE BILL NO. 3 (Judiciary)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to open containers of alcoholic

7

beverages in motor vehicles."

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

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

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

16 (b) A person may transport an open bottle, can, or other recep-
17 tacle containing an alcoholic beverage in the trunk of a motor vehicle
18 or, if the open bottle, can or other receptacle is enclosed within
19 another container, behind the last upright seat in a motor home,
20 station wagon, hatchback or similar trunkless vehicle.

21 (c) In this section

22 (1) "alcoholic beverage" has the meaning given in AS 04.-
23 21.080(b);

24 (2) "motor vehicle" means a vehicle for which a driver's
25 license is required;

26 (3) "open" includes having a broken seal;

27 (4) "passenger compartment" means the area of a motor
28 vehicle normally occupied by the driver and passengers and includes a
29 utility or glove compartment accessible to the driver or a passenger

1 while the vehicle is being operated.

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