

Offered: 2/18/85
Referred: Rules

Original sponsors: Szymanski, Boucher,
Duncan, et al

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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CS FOR HOUSE BILL NO. 3 (Judiciary) am

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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For an Act entitled: "An Act relating to open containers of alcoholic
beverages in motor vehicles."

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

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

10 to read:

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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.

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

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(c) In this section and AS 28.35.031(b)

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

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21.080(b);

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(2) "motor vehicle" means a vehicle for which a driver's

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license is required;

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

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(4) "passenger compartment" means the area of a motor

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vehicle normally occupied by the driver and passengers and includes a

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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.

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

5 (b) A person who operates or drives a motor vehicle in this
6 state shall be considered to have given consent to a preliminary
7 breath test for the purpose of determining the alcoholic content of
8 the person's blood or breath. A law enforcement officer may adminis-
9 ter a preliminary breath test at the scene of the incident if the
10 officer has reasonable grounds to believe that a person's ability to
11 operate a motor vehicle is impaired by the ingestion of alcoholic
12 beverages and that the person

13 (1) was driving a motor vehicle that is involved in an
14 accident; [OR]

15 (2) committed a moving traffic violation; or [.]

16 (3) was driving a motor vehicle with an open bottle, can, or
17 other receptacle containing an alcoholic beverage in the passenger
18 compartment of the vehicle.