

Introduced: 1/22/85
Referred: State Affairs, Judiciary
and Finance

BY DEVRIES
AND V. FISCHER

1 IN THE SENATE

2 SENATE BILL NO. 71

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 operate a
12 motor vehicle when there is an open bottle, can or other receptacle
13 containing an alcoholic beverage in the passenger compartment of the
14 vehicle.

15 (b) In this section

16 (1) "motor vehicle" means a vehicle for which a driver's
17 license is required;

18 (2) "open" includes having a broken seal.

19 (c) A person who violates (a) of this section is guilty of an
20 infraction.

21 (d) Upon conviction under this section the court shall impose a
22 minimum fine of not less than \$25.

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

24 (b) A person who operates or drives a motor vehicle in this
25 state shall be considered to have given consent to a preliminary
26 breath test for the purpose of determining the alcoholic content of
27 the person's blood or breath. A law enforcement officer may
28 administer a preliminary breath test at the scene of the incident if
29 the officer has reasonable grounds to believe that a person was

1 operating or driving a motor vehicle while there was an open bottle,
2 can, or other receptacle containing an alcoholic beverage in the
3 passenger compartment of the vehicle, or that a person's ability to
4 operate a motor vehicle is impaired by the ingestion of alcoholic
5 beverages and that the person

6 (1) was driving a motor vehicle that is involved in an
7 accident; or

8 (2) committed a moving traffic violation.

9 * Sec. 3. AS 28.40.100(a) is amended by adding a new paragraph to read:

10 (20) "passenger compartment" means the area of a motor
11 vehicle normally occupied by the driver and passengers and includes a
12 utility or glove compartment accessible to the driver or a passenger
13 while the vehicle is being operated.