

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 590
Committee Substitute Favorable 5/13/91

Short Title: No Opened Alcohol in Cars.

(Public)

Sponsors:

Referred to:

April 3, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN
MOTOR VEHICLES EXCEPT FOR MOTOR HOMES AND CERTAIN FOR-
HIRE VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 18B-401(a) reads as rewritten:

"(a) Opened Containers. – Except as provided in subsection (a1) of this section, it shall be unlawful for a person to transport fortified wine or spirituous liquor or possess alcoholic beverages in the passenger area of a motor vehicle in other than the manufacturer's unopened original container while the vehicle is in operation on a highway or public vehicular area. It shall also be unlawful for any person to consume alcoholic beverages in the passenger area of a motor vehicle while the vehicle is in operation on a highway or public vehicular area. It shall be unlawful for a person who is driving a motor vehicle on a highway or public vehicular area to consume in the passenger area of that vehicle any malt beverage or unfortified wine. Violation of this subsection shall constitute a misdemeanor punishable by a fine of twenty-five dollars (\$25.00) to five hundred dollars (\$500.00), imprisonment for not more than 30 days, or both."

Sec. 2. G.S. 18B-401 is amended by adding a new subsection to read:

"(a1) A person shall not be in violation of this section if the driver is not consuming alcohol or does not have remaining in his body a controlled substance previously consumed. An alcohol screening test as provided in G.S. 20-16.3 may be administered to the driver when a law enforcement officer reasonably suspects a

1 violation of this section. The results of any such test, or the driver's refusal to submit,
2 shall be admissable in evidence in any court or administrative proceeding to prove the
3 driver's alcohol concentration.

4 (a2) An offense under this section is an alcohol-related offense subject to the
5 implied-consent provisions of G.S. 20-16.2."

6 Sec. 3. This act becomes effective October 1, 1991.