

Senate Bill 80

By: Senators James of the 35th and Cheeks of the 23rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,
2 relating to miscellaneous provisions of the uniform rules of the road, so as to change
3 provisions relating to possession of an open container of any alcoholic beverage while
4 operating a motor vehicle; to prohibit consumption or possession of any alcoholic beverage
5 in an open container in the passenger area of certain motor vehicles; to prohibit possession
6 of an open container of any alcoholic beverage by the operator of certain motor vehicles; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to
11 miscellaneous provisions of the uniform rules of the road, is amended by striking in its
12 entirety Code Section 40-6-253, relating to possession of an open container of alcoholic
13 beverage while operating a vehicle, and inserting in its place the following:

14 "40-6-253.

15 (a) As used in this Code section, 'open container' means any container which is
16 immediately capable of being consumed from or the seal of which has been broken.

17 (b) As used in this Code section, 'alcoholic beverage' means all alcohol, distilled spirits
18 regardless of the percentage of alcohol by volume contained therein, beer, malt beverage,
19 wine, or fortified wine.

20 (b)(c) No Except as otherwise provided in subsection (c) of this Code section for house
21 coaches, house trailers, and motor vehicles designed, maintained, or used primarily for the
22 transportation of persons for compensation, no person shall consume any alcoholic
23 beverage or possess an open container of any alcoholic beverage while operating a vehicle
24 in the passenger area of any motor vehicle located on a public highway or the right of way
25 of a public highway in this state. For the purposes of this Code section, an open container

1 shall be considered to be in the possession of ~~the operator of a vehicle if the container is~~
2 ~~not in the possession of a passenger~~ a person in the passenger area of a vehicle if the open
3 container is in the vehicle and is not located in a locked glove compartment, locked trunk,
4 or other locked nonpassenger area of the vehicle.

5 (d) No person shall possess an open container of any alcoholic beverage in the passenger
6 area of a motor vehicle designed, maintained, or used primarily for the transportation of
7 persons for compensation while such person is operating such motor vehicle on a public
8 highway or the right of way of a public highway in this state. No person shall possess an
9 open container of any alcoholic beverage in the living quarters of a house coach or house
10 trailer while such person is operating such house coach or house trailer or a motor vehicle
11 towing such house coach or house trailer on a public highway or the right of way of a
12 public highway in this state.

13 ~~(e)~~(e) Any person who violates this Code section is subject to a fine not to exceed \$200.00.

14 ~~(f)~~(f) A county or municipal corporation ordinance which imposes more stringent
15 restrictions on the possession of alcoholic beverages in vehicles than those imposed by this
16 Code section shall not be preempted by this Code section."

17 SECTION 2.

18 All laws and parts of laws in conflict with this Act are repealed.