

Senate Bill 55

By: Senators Unterman of the 45th, Staton of the 18th, Balfour of the 9th, Orrock of the 36th, Harp of the 29th and others

AS PASSED**A BILL TO BE ENTITLED****AN ACT**

To amend Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to wine, so as to authorize restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a meal; to amend Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, so as to provide that a resealed partially consumed bottle of wine that was purchased with a meal is not an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to wine, is amended by inserting at the end thereof a new Code Section 3-6-4 to read as follows:

"3-6-4.

Notwithstanding any other contrary provision of law, any restaurant which is licensed to sell alcoholic beverages for consumption on the premises may permit a patron to remove one unsealed bottle of wine per patron for consumption off premises, if the patron has purchased a meal and consumed a portion of the bottle of wine which has been purchased on the premises with such meal on the restaurant's premises. A partially consumed bottle of wine that is to be removed from the premises must be securely resealed by the licensee or its employees before removal from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in such a manner that it is visibly apparent if the container has been subsequently opened or tampered with, and a dated receipt for the bottle of wine and meal shall be provided by the licensee and attached to the container. If transported in a motor vehicle, the container with the resealed bottle of wine

shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk."

SECTION 2.

Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, is amended by striking paragraph (2) of subsection (a) of Code Section 40-6-253, relating to consumption of alcoholic beverages or possession of open container of alcoholic beverage in passenger area, and inserting in its place a new paragraph (2) to read as follows:

"(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

(A) Contains any amount of alcoholic beverage; and

(B)(i) Is open or has a broken seal; or

(ii) The contents of which are partially removed.

A bottle of wine that has been resealed pursuant to Code Section 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code section."

SECTION 3.

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