

HOUSE BILL 1016

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to possessing or consuming alcoholic beverages while in a motor vehicle.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section:

(1) "Alcoholic beverage" means any alcoholic beverage or wine as defined in § 57-4-102, or beer as defined in § 57-5-101;

(2) "Driving" means operating or being in physical control of a motor vehicle;

(3) "Open alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic beverage, and that is open, has a broken seal, or the contents of which are partially removed; and

(4) "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passengers while in their seating positions, including, but not limited to, an unlocked glove compartment. Passenger area does not include a locked glove compartment, the area behind the last upright seat, or an area not normally occupied by the driver or passenger in a motor vehicle without a trunk.

(b)

(1) It is an offense for the driver of a motor vehicle while driving a vehicle on a public highway or on the right-of-way of a public highway to:

(A) Consume an alcoholic beverage; or

(B) Knowingly possess an open alcoholic beverage container.

(2) For purposes of this subdivision (b)(1)(B):

(A) The driver does not possess an open alcoholic beverage container if the driver does not have knowledge of its presence or cannot, while driving the motor vehicle, access an open alcoholic beverage container in the passenger area of the vehicle; and

(B) "Motor vehicle" includes a motor vehicle used primarily for the transportation of persons for compensation as well as a motor vehicle used for non-commercial purposes.

(c)

(1) Except as otherwise provided in subdivision (c)(2), it is an offense for a person who is a passenger in a motor vehicle that is being driven on a public highway or on the right-of-way of a public highway to:

(A) Consume an alcoholic beverage; or

(B) Knowingly possess an open alcoholic beverage container within the passenger area of a motor vehicle.

(2) Subdivision (c)(1) does not apply to:

(A) A motor vehicle being used primarily for the transportation of persons for compensation;

(B) Passengers in the living quarters of a motor home, truck camper, house trailer, or other similar recreational vehicle primarily

designed as temporary living quarters for recreational camping or travel;
or

(C) A vehicle operated by a chauffeur in such chauffeur's for-hire
capacity.

(d) A violation of subsection (b) or subsection (c) is Class C misdemeanor,
punishable by a fine only of fifty dollars (\$50.00).

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it and
shall apply to applicable offenses committed on or after such date.