

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H3/14/17
A Bill

HOUSE BILL 1922

By: Representative D. Douglas

For An Act To Be Entitled

AN ACT CONCERNING THE POSSESSION OF AN OPEN CONTAINER
CONTAINING AN ALCOHOLIC BEVERAGE; AND FOR OTHER
PURPOSES.

Subtitle

CONCERNING THE POSSESSION OF AN OPEN
CONTAINER CONTAINING AN ALCOHOLIC
BEVERAGE.

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

SECTION 1. Arkansas Code Title 5, Chapter 71, Subchapter 2, is amended to add an additional section to read as follows:

5-71-218. Possession of open container containing alcohol in a motor vehicle.

(a) It is unlawful for a person to possess an open alcoholic beverage container within an area of a motor vehicle that is:

(1) Designated to seat the driver or a passenger in the motor vehicle and the motor vehicle is in operation; or

(2) Readily accessible to the driver or a passenger in the motor vehicle while in a seated position and the motor vehicle is located on a public highway or the right-of-way of a public highway.

(b) It is not an offense under this section if the open alcoholic beverage container is possessed:

(1) Outside of the passenger area of the motor vehicle or other area of the motor vehicle commonly used for the transportation of passengers, such as in the trunk or cargo area of the motor vehicle;



(2) In a locked area of the motor vehicle, including without limitation a glove compartment or center console of the motor vehicle;

(3) In a permanently sealed container that cannot be unsealed without breaking the seal or destroying the container; or

(4) By a passenger in the motor vehicle, but not the driver, as long as the open alcoholic beverage container is possessed within the living quarters of the motor vehicle or the area of the motor vehicle that is designated for passengers only, the open alcoholic beverage container is not readily accessible to the driver of the motor vehicle, and the motor vehicle is:

(A) Designed, maintained, or used primarily for the transportation of persons for compensation; or

(B) A recreational vehicle, motor home, or house trailer.

(c) A violation of this section is a Class C misdemeanor.

/s/D. Douglas

APPROVED: 04/03/2017