

Chapter 371

(House Bill 430)

AN ACT concerning

Criminal Law – Alcoholic Beverages – Consumption and Possession in Motor Vehicles

FOR the purpose of altering a certain definition to expand the types of vehicles for which an occupant is prohibited from consuming or possessing an alcoholic beverage in the passenger area while on a highway; and generally relating to alcoholic beverage consumption or possession in motor vehicles.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–123
Annotated Code of Maryland
(2012 Replacement Volume and 2012 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Criminal Law

10–123.

- (a) In this part the following words have the meanings indicated.
- (b) “Alcoholic beverage” has the meaning stated in § 21–903 of the Transportation Article.
- (c) “Bus” has the meaning stated in § 11–105 of the Transportation Article.
- (d) “Highway” has the meaning stated in § 11–127 of the Transportation Article.
- (e) “Limousine” has the meaning stated in § 11–129.1 of the Transportation Article.
- (f) “Motor home” has the meaning stated in § 11–134.3 of the Transportation Article.
- (g) **(1)** “Motor vehicle” [has the meaning stated in § 11–135 of the Transportation Article.] **MEANS A VEHICLE THAT:**

(I) IS SELF-PROPELLED OR PROPELLED BY ELECTRIC POWER OBTAINED FROM OVERHEAD ELECTRICAL WIRES; AND

(II) IS NOT OPERATED ON RAILS.

(2) “MOTOR VEHICLE” INCLUDES:

(I) A LOW SPEED VEHICLE, AS DEFINED IN § 11-130.1 OF THE TRANSPORTATION ARTICLE;

(II) A MOPED, AS DEFINED IN § 11-134.1 OF THE TRANSPORTATION ARTICLE; AND

(III) A MOTOR SCOOTER, AS DEFINED IN § 11-134.5 OF THE TRANSPORTATION ARTICLE.

(h) “Moving violation” has the meaning stated in § 11-136.1 of the Transportation Article.

(i) “Open container” means a bottle, can, or other receptacle:

(1) that is open;

(2) that has a broken seal; or

(3) from which the contents are partially removed.

(j) “Passenger area” has the meaning stated in § 21-903 of the Transportation Article.

(k) “Taxicab” has the meaning stated in § 11-165 of the Transportation Article.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2013.

Approved by the Governor, May 2, 2013.