

HOUSE BILL 430

E4

3lr0121

By: **Chair, Judiciary Committee (By Request – Departmental –
Transportation)**

Introduced and read first time: January 28, 2013

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Alcoholic Beverages – Consumption and Possession in Motor**
3 **Vehicles**

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

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 10–123
11 Annotated Code of Maryland
12 (2012 Replacement Volume and 2012 Supplement)

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

15 **Article – Criminal Law**

16 10–123.

17 (a) In this part the following words have the meanings indicated.

18 (b) “Alcoholic beverage” has the meaning stated in § 21–903 of the
19 Transportation Article.

20 (c) “Bus” has the meaning stated in § 11–105 of the Transportation Article.

21 (d) “Highway” has the meaning stated in § 11–127 of the Transportation
22 Article.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Limousine" has the meaning stated in § 11-129.1 of the Transportation
2 Article.

3 (f) "Motor home" has the meaning stated in § 11-134.3 of the Transportation
4 Article.

5 (g) **(1)** "Motor vehicle" [has the meaning stated in § 11-135 of the
6 Transportation Article.] **MEANS A VEHICLE THAT:**

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

9 **(II) IS NOT OPERATED ON RAILS.**

10 **(2) "MOTOR VEHICLE" INCLUDES:**

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

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

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

17 (h) "Moving violation" has the meaning stated in § 11-136.1 of the
18 Transportation Article.

19 (i) "Open container" means a bottle, can, or other receptacle:

20 (1) that is open;

21 (2) that has a broken seal; or

22 (3) from which the contents are partially removed.

23 (j) "Passenger area" has the meaning stated in § 21-903 of the
24 Transportation Article.

25 (k) "Taxicab" has the meaning stated in § 11-165 of the Transportation
26 Article.

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