



NATIONAL CONFERENCE OF STATE LEGISLATURES

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Open Container and Open Consumption of Alcohol Statutes  
December 1, 2020

State:	Open Containers or Alcohol Consumption in Motor Vehicles	Open Containers or Alcohol Consumption in Public	Removing Opened Containers from Licensed Establishments and Take Out Purchases
Alabama	Ala. Code §32-5A-330 (a) As used in this section, the following terms are defined: (1) OPEN CONTAINER. A container which is other than in the manufacturer's sealed condition. (2) PUBLIC HIGHWAY or RIGHT-OF-WAY OF A PUBLIC HIGHWAY. The entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way when any part is open to the use of the public for purposes of motor vehicle travel. (b) It is unlawful for a person to have in his or her possession alcoholic beverages in an open container in the passenger area of a motor	Ala. Code §28-3A-17.1 Entertainment District	Ala. Code §28-3A-20.1 Partially consumed wine

	<p>vehicle of any kind on a public highway or right-of-way of a public highway of this state.</p> <p>(c) This section shall not apply to: (1) A passenger of a motor vehicle designed, maintained, or primarily used for the transportation of persons for compensation and the driver holds a valid commercial driver's license. (2) A passenger of a bus for which the driver holds a valid commercial driver's license. (3) A passenger of a motorized or non-motorized self-contained camper, motor home, house coach, or house trailer. (4) A motor vehicle trunk, storage, or luggage compartment or a truck bed, storage, or cargo compartment. (5) A locked case placed in an area that is not readily accessible behind the front seat of a pickup truck which has no trunk or separate enclosed area other than the cab of the truck. (6) A driver who does not have knowledge of and cannot access alcoholic beverages in an open container in the passenger area of the vehicle. (7) A motor vehicle which is parked or idle and does not have the engine running. This does not apply to the right-of-way of a public highway.</p> <p>(d) This section shall not be construed to prohibit the transporting of alcoholic beverages in closed containers.</p> <p>(e) A person who violates the provisions of this section is guilty of a Class C misdemeanor and, upon conviction, shall be fined not more than \$25, and court costs shall not be assessed.</p>		
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	(f) The penalties provided for violation of this section shall not constitute a moving violation and shall not have any effect on the driver's license points.		
Alaska	<p>Alaska Stat. §28.35.029</p> <p>(a) A person may not drive a motor vehicle on a highway or vehicular way or area, when there is an open bottle, can, or other receptacle containing an alcoholic beverage in the passenger compartment of the vehicle, except as provided in (b) of this section.</p> <p>(b) Except as provided in AS 28.33.130 , a person may transport an open bottle, can, or other receptacle containing an alcoholic beverage (1) in the trunk of a motor vehicle; (2) on a motor driven cycle, or behind the last upright seat in a motor home, station wagon, hatchback, or similar trunkless vehicle, if the open bottle, can, or other receptacle is enclosed within another container; (3) behind a solid partition that separates the vehicle driver from the area normally occupied by passengers; or (4) if the open bottle, can, or other receptacle is in the possession of a passenger in a motor vehicle for which the owner receives direct monetary compensation and that has a capacity of 12 or more persons.</p> <p>(c) In this section (1) “alcoholic beverage” has the meaning given in AS 04.21.080(b); (2) Repealed. (3) “motor vehicle” means a vehicle for which a driver's license is required; (4) “open” includes having a broken seal; (5) “passenger compartment” means the area</p>		Alaska Stat. §04.16.120 Partially consumed wine

	<p>normally occupied by the driver and passengers and includes a utility or glove compartment accessible to the driver or a passenger while the motor vehicle is being operated.</p> <p>(d) A person who violates (a) of this section is guilty of an infraction.</p>		
Arizona	<p>Ariz. Rev. Stat. Ann. §4-251</p> <p>A. It is unlawful for any person to: 1. Consume spirituous liquor while operating or while within the passenger compartment of a motor vehicle that is located on any public highway or right-of-way of a public highway in this state. 2. Possess an open container of spirituous liquor within the passenger compartment of a motor vehicle that is located on any public highway or right-of-way of a public highway in this state.</p> <p>B. A person who violates subsection A of this section is guilty of a class 2 misdemeanor.</p> <p>C. This section does not apply to: 1. A passenger in any bus, limousine, taxi or transportation network company vehicle as defined in §28-9551 while the vehicle is being used to provide transportation network services as defined in §28-9551. 2. A passenger in the living quarters of a motor home as defined in §28-4301.</p> <p>D. For the purposes of this section: 1. "Motor vehicle" means any vehicle that is driven or drawn by mechanical power and that is designed primarily for use on public highways. Motor vehicle does not include a vehicle operated exclusively on rails. 2. "Open</p>	<p>Ariz. Rev. Stat. Ann. §4-244</p> <p>Consume spirituous liquor in a public place, thoroughfare or gathering</p>	<p>Ariz. Rev. Stat. Ann. §4-244</p> <p>Partially consumed wine Refillable container of beer</p>

	<p>container” means any bottle, can, jar, container dispensed pursuant to §4-244, paragraph 32, subdivision (c) or other receptacle that contains spirituous liquor and that has been opened, has had its seal broken or the contents of which have been partially removed. 3. “Passenger compartment” means the area of a motor vehicle designed for the seating of the driver and other passengers of the vehicle. Passenger compartment includes an unlocked glove compartment and any unlocked portable devices within the immediate reach of the driver or any passengers. Passenger compartment does not include the trunk, a locked glove compartment or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk. 4. “Public highway or right-of-way of a public highway” means the entire width between and immediately adjacent to the boundary lines of every way maintained by the federal government, this state or a county, city or town if any part of the way is generally open to the use of the public for purposes of vehicular travel.</p>		
Arkansas	<p>Ark. Stat. Ann. §5-71-218  (a) It is unlawful for a person to possess an open alcoholic beverage container within an area of a motor vehicle if the area of the motor vehicle is: (1) Designated to seat the driver or a passenger in the motor vehicle; 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</p>	<p>Ark. Stat. Ann. §5-71-212  Drinking in public   Ark. Stat. Ann. §14-54-1412  Entertainment District</p>	<p>Ark. Admin. Code 006.02.1-1.79(27)  Partially consumed wine</p>

	<p>highway or the right-of-way of a public highway.</p> <p>(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) Behind the last upright seat or in an area not normally occupied by the driver or a passenger, in a motor vehicle that is not equipped with a trunk; 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.</p> <p>(c) A violation of this section is a Class C misdemeanor.</p>		
California	<p>Cal. Vehicle Code §23220 <i>et seq.</i></p> <p>(a) A person shall not drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while driving a motor</p>	<p>Cal. Business &amp; Professions Code §25608.5</p> <p>Possession of alcoholic beverages on Lower American</p>	<p>Cal. Business &amp; Professions Code §23396.5</p> <p>Partially consumed wine</p>

	<p>vehicle on any lands described in subdivision (c).</p> <p>(b) A person shall not drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while riding as a passenger in any motor vehicle being driven on any lands described in subdivision (c).</p> <p>(c) As used in this section, "lands" means those lands to which the Chappie-Z'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with §38000)) applies as to off-highway motor vehicles, as described in §38001.</p> <p>(d) A violation of subdivision (a) or (b) shall be punished as an infraction.</p> <p>Cal. Vehicle Code §23221</p> <p>(a) A driver shall not drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while driving a motor vehicle upon a highway.</p> <p>(b) A passenger shall not drink any alcoholic beverage or smoke or ingest marijuana or any marijuana product while in a motor vehicle being driven upon a highway.</p> <p>(c) A violation of this section shall be punished as an infraction.</p> <p>Cal. Vehicle Code §23222</p> <p>(a) A person shall not have in their possession on their person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (c) of §23220, a bottle, can, or other receptacle, containing an alcoholic</p>	<p>River</p> <p>Cal. Business &amp; Professions Code §25608.10</p> <p>Possession of alcoholic beverages on Truckee River</p> <p>Cal. Business &amp; Professions Code §25608.12</p> <p>Possession of alcoholic beverages on Sacramento River</p> <p>Cal. Business &amp; Professions Code §25620</p> <p>Possession of open containers</p>	
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	<p>beverage which has been opened, or a seal broken, or the contents of which have been partially removed.</p> <p>Cal. Vehicle Code §23223  (a) A driver shall not have in the driver's possession, while in a motor vehicle upon a highway or on lands, as described in subdivision (c) of §23220, any bottle, can, or other receptacle, containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed.  (b) A passenger shall not have in the passenger's possession, while in a motor vehicle upon a highway or on lands, as described in subdivision (c) of §23220, any bottle, can, or other receptacle containing any alcoholic beverage that has been opened or a seal broken, or the contents of which have been partially removed.</p> <p>Cal. Vehicle Code §23225  (a)(1) It is unlawful for the registered owner of any motor vehicle to keep in a motor vehicle, when the vehicle is upon any highway or on lands, as described in subdivision (c) of §23220, any bottle, can, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed, unless the container is kept in the trunk of the vehicle. (2) If the vehicle is not equipped with a trunk and is</p>		
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	<p>not an off-highway motor vehicle subject to identification, as defined in §38012, the bottle, can, or other receptacle described in paragraph (1) shall be kept in some other area of the vehicle that is not normally occupied by the driver or passengers. For the purposes of this paragraph, a utility compartment or glove compartment shall be deemed to be within the area occupied by the driver and passengers. (3) If the vehicle is not equipped with a trunk and is an off-highway motor vehicle subject to identification, as defined in subdivision (a) of §38012, the bottle, can, or other receptacle described in paragraph (1) shall be kept in a locked container. As used in this paragraph, “locked container” means a secure container that is fully enclosed and locked by a padlock, key lock, combination lock, or similar locking device.</p> <p>(b) Subdivision (a) is also applicable to a driver of a motor vehicle if the registered owner is not present in the vehicle.</p> <p>(c) This section shall not apply to the living quarters of a housecar or camper.</p> <p>Cal. Vehicle Code §23226</p> <p>(a) It is unlawful for any driver to keep in the passenger compartment of a motor vehicle, when the vehicle is upon any highway or on lands, as described in subdivision (c) of §23220, any bottle, can, or other receptacle containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed.</p>		
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	<p>(b) It is unlawful for any passenger to keep in the passenger compartment of a motor vehicle, when the vehicle is upon any highway or on lands, as described in subdivision (c) of §23220, any bottle, can, or other receptacle containing any alcoholic beverage that has been opened or a seal broken, or the contents of which have been partially removed.</p> <p>(c) This section does not apply to the living quarters of a housecar or camper.</p> <p>Cal. Vehicle Code §23229</p> <p>(a) Except as provided in §23229.1, §23221, as it applies to an alcoholic beverage, and §23223 do not apply to passengers in any bus, taxicab, or limousine for hire licensed to transport passengers pursuant to the Public Utilities Code or proper local authority, the living quarters of a housecar or camper, or of a pedicab operated pursuant to Article 4.5 (commencing with §21215) of Chapter 1.</p> <p>(b) Except as provided in §23229.1, §23225 does not apply to the driver or owner of a bus, taxicab, or limousine for hire licensed to transport passengers pursuant to the Public Utilities Code or proper local authority, or of a pedicab operated pursuant to Article 4.5 (commencing with §21215) of Chapter 1.</p>		
<p><b>Colorado</b></p>	<p>Colo. Rev. Stat. §42-4-1305</p> <p>(1) Definitions. As used in this section, unless the context otherwise requires: (a) “Alcoholic beverage” means a beverage as defined in 23 CFR 1270.3(a). (b) “Motor vehicle” means a</p>	<p>Colo. Rev. Stat. §44-3-301 Entertainment District</p>	<p>Colo. Rev. Stat. §44-3-423 Partially consumed wine</p> <p>2020 Chapter 262 Take-out and delivery from on-</p>

	<p>vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails. (c) “Open alcoholic beverage container” means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and: (I) That is open or has a broken seal; or (II) The contents of which are partially removed. (d) “Passenger area” means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment. (2)(a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a public highway of this state or the right-of-way of a public highway of this state may not knowingly: (I) Drink an alcoholic beverage; or (II) Have in his or her possession an open alcoholic beverage container. (b) The provisions of this subsection (2) shall not apply to: (I) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; (II) The possession by a passenger, other than the driver or a front seat passenger, of an open alcoholic beverage container in the living quarters of a house coach, house trailer, motor home, as defined in §42-1-102(57), or trailer</p>		<p>premise consumption licensees for off-premise consumption until July 1, 2021</p>
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	<p>coach, as defined in §42-1-102(106)(a); (III) The possession of an open alcoholic beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or (IV) The possession of an open alcoholic beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk. (c) A person who violates the provisions of this subsection (2) commits a class A traffic infraction and shall be punished by a fine of \$50 and a surcharge of \$16 as provided in §42-4-1701(4)(a)(I)(N). (3) Nothing in this section shall be construed to preempt or limit the authority of any statutory or home rule town, city, or city and county to adopt ordinances that are no less restrictive than the provisions of this section.</p>		
<p><b>Connecticut</b></p>	<p>Conn. Gen. Stat. §53a-213  (a) A person is guilty of drinking while operating a motor vehicle when he drinks any alcoholic liquor while operating a motor vehicle upon a public highway of this state or upon any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more, or upon any private road on which a speed limit has been established in accordance with the provisions of §14-218a or upon any school property. As used in this section, "alcoholic liquor" has the same meaning as provided in</p>		<p>Conn. Gen. Stat. §30-21  Partially consumed wine from hotel</p> <p>Conn. Gen. Stat. §30-22  Partially consumed wine</p> <p>Conn. Gen. Stat. §30-22a  Partially consumed wine from cafe</p>

	<p>§30-1.  (b) Drinking while operating a motor vehicle is a class C misdemeanor.</p>		
<b>Delaware</b>	<p>Del. Code Ann. tit. 21, §4177J  (a) No person shall consume an alcoholic beverage while driving a motor vehicle upon the highways of this state. "Consume," as used in this subsection, shall mean the ingestion of a substance containing alcohol while in the act of operating a motor vehicle in the presence of, or in the view of, a police officer.  (b) Whoever violates this section shall be fined for the first offense not less than \$25 nor more than \$200. For each subsequent like offense occurring within one year of the previous offense, the person shall be fined not less than \$50 nor more than \$400.</p>		<p>Del. Code Ann. tit. 4, §512  Partially consumed bottle of alcohol other than beer</p> <p>Del. Code Ann. tit. 4, §705  Containers for sale and delivery of beer for consumption off premises</p> <p>2020 Chapter 247  Take-out, curbside, or drive through service if the alcoholic beverages for off-premise consumption are in containers which are securely closed  Outdoor seating during state of emergency</p>
<b>District of Columbia</b>	<p>D.C. Code Ann. §25-1001  (a) Except as provided in subsections (b) and (c) of this section, no person in the District shall drink an alcoholic beverage or possess in an open container an alcoholic beverage in or upon any of the following places:  (2) A vehicle in or upon any street, alley, park, or parking area.</p> <p>(d) Any person violating the provisions of subsection (a) or (c) of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than the amount set forth in [§22-</p>	<p>D.C. Code Ann. §25-1001  Drinking of alcoholic beverage in public place prohibited;  intoxication prohibited</p>	<p>D.C. Code Ann. §25-113  2020 Act 23-317  Partially consumed wine  Carry-out or delivery of beer, wine, or spirits in closed containers accompanied by one or more prepared food items for off-premises consumption</p> <p>2020 Act 23-247  2020 Act 23-299  2020 Act 23-326  2020 Act 23-328  2020 Act 23-334</p>

	3571.01], or imprisoned for not more than 60 days, or both.		<p>Restaurant and on-premise consumption licenses carry-out and delivery</p> <p>2020 Act 23-286  2020 Act 23-328  2020 Act 23-346  2020 Act 23-478  2020 Act 23-495  2020 Law 23-130  Convention center and multipurpose facility or private club licenses carry-out and delivery</p>
Florida	<p>Fla. Stat. §316.1936</p> <p>(1) As used in this section, the term: (a) “Open container” means any container of alcoholic beverage which is immediately capable of being consumed from, or the seal of which has been broken. (b) “Road” means a way open to travel by the public, including, but not limited to, a street, highway, or alley. The term includes associated sidewalks, the roadbed, the right-of-way, and all culverts, drains, sluices, ditches, water storage areas, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel and all ferries used in connection therewith.</p> <p>(2)(a) It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage or consume an alcoholic beverage while operating a vehicle in the state or while</p>		<p>Fla. Stat. §564.09</p> <p>Partially consumed wine</p>

	<p>a passenger in or on a vehicle being operated in the state. (b) It is unlawful and punishable as provided in this section for any person to possess an open container of an alcoholic beverage or consume an alcoholic beverage while seated in or on a motor vehicle that is parked or stopped within a road as defined in this section. Notwithstanding the prohibition contained in this section, passengers in vehicles designed, maintained, and used primarily for the transportation of persons for compensation and in motor homes are exempt.</p> <p>(3) An open container shall be considered to be in the possession of the operator of a vehicle if the container is not in the possession of a passenger and is not located in a locked glove compartment, locked trunk, or other locked non-passenger area of the vehicle.</p> <p>(4) An open container shall be considered to be in the possession of a passenger of a vehicle if the container is in the physical control of the passenger.</p> <p>(5) This section shall not apply to: (a) A passenger of a vehicle in which the driver is operating the vehicle pursuant to a contract to provide transportation for passengers and such driver holds a valid commercial driver license with a passenger endorsement issued in accordance with the requirements of chapter 322; (b) A passenger of a bus in which the driver holds a valid commercial driver license with a passenger endorsement</p>		
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	<p>issued in accordance with the requirements of chapter 322; or (c) A passenger of a self-contained motor home which is in excess of 21 feet in length.</p> <p>(6) Any operator of a vehicle who violates this section is guilty of a noncriminal moving traffic violation, punishable as provided in chapter 318. A passenger of a vehicle who violates this section is guilty of a nonmoving traffic violation, punishable as provided in chapter 318.</p> <p>(7) A county or municipality may adopt an ordinance which imposes more stringent restrictions on the possession of alcoholic beverages in vehicles than those imposed by this section.</p> <p>(8) Nothing in this section prohibits the enforcement of §316.302.</p> <p>(9) A bottle of wine that has been resealed and is transported pursuant to §564.09 is not an open container under the provisions of this section.</p>		
<p><b>Georgia</b></p>	<p>Ga. Code §40-6-253</p> <p>(a) As used in this Code section, the term: (1) “Alcoholic beverage” means: (A) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (B) Wine of not less than 0.5% of alcohol by volume; or (C) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of</p>	<p><i>The Historic District of Savannah allows the use of to-go cups within the district through a municipal ordinance.</i></p>	<p>Ga. Code §3-6-4</p> <p>Partially consumed wine</p>

	<p>wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. (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 container that has been sealed or resealed pursuant to Code §3-5-4 or §3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code section.</p> <p>(3) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position; provided, however, that such term does not include any locked glove compartment or, in a passenger car not equipped with a trunk, any area behind the rearmost upright seat or not normally occupied by the driver or passengers.</p> <p>(b)(1) A person shall not: (A) Consume any alcoholic beverage; or (B) Possess any open alcoholic beverage container in the passenger area of any motor vehicle which is on the roadway or shoulder of any public highway.</p> <p>(2) The provisions of paragraph (1) of this subsection shall not apply to any passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or in the living quarters of a</p>		
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	<p>motor home or house trailer. (3) Only a person who consumes an alcoholic beverage or possesses an open alcoholic beverage container in violation of this Code section shall be charged with such offense; provided, however, that an operator of a motor vehicle who is alone in the passenger area of such motor vehicle shall be deemed to be in possession of any open alcoholic beverage container in such passenger area.</p> <p>(c) Any person who violates this Code section is subject to a fine not to exceed \$200.</p>		
<b>Guam</b>	<p>Guam Code Ann. tit. 9, §92114</p> <p>(a) It is unlawful for any person to transport or possess alcohol in a container in which the original cap or seal of the container has been opened, broken, or the contents of which have been partially removed when the vehicle is upon a public highway. Any person convicted of violating this section shall be guilty of a misdemeanor.</p> <p>(b) It is unlawful for the registered owner of a vehicle, when the registered owner is not then present in the vehicle, to knowingly permit another person to store in the registered owner's motor vehicle alcohol in a container in which the original cap or seal of the container has been opened, broken, or the contents of which have been partially removed when the vehicle is upon a public highway. Any person convicted of violating this section shall be guilty of a misdemeanor.</p> <p>(c) Subsection (a) does not prohibit the transport, possession or storage of alcoholic</p>		<p>Guam Code Ann. tit. 9, §92114</p> <p>Partially consumer alcohol</p>

	<p>in which the original cap or seal of the container has been opened, broken, or the contents of which have been partially removed if the container is secured in a rear compartment or trunk of the vehicle not normally occupied by the driver or a passenger, or a rear compartment which is not immediately accessible to the driver or any other passenger, while the vehicle is upon a public highway. A front passenger glove or utility compartment is not acceptable for purposes of this exemption.</p> <p>(d) This Section does not apply to living quarters of a motor home or camper, a bus, or a limousine; provided, that the driver is enclosed within a compartment not accessible to passengers, clients, or customers where alcohol is present while the vehicle is upon a public highway.</p>		
Hawaii	<p>Hawaii Rev. Stat. §291-3.1 <i>et seq.</i></p> <p>(a) No person shall consume any intoxicating liquor while operating a motor vehicle or moped upon any public street, road, or highway.</p> <p>(b) No person shall possess, while operating a motor vehicle or moped upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.</p> <p>(c) Any person violating this section shall be fined not more than \$2,000 or imprisoned not more than 30 days, or both.</p>		Hawaii Rev. Stat. §281-31 Partially consumed wine, liquor, or beer

	<p>Hawaii Rev. Stat. §291-3.2</p> <p>(a) No person shall consume any intoxicating liquor while a passenger in any motor vehicle or on any moped upon any public street, road, or highway.</p> <p>(b) No person shall possess, while a passenger in a motor vehicle or on a moped upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.</p> <p>(c) Any person violating this section shall be guilty of a petty misdemeanor.</p> <p>Hawaii Rev. Stat. §291-3.3</p> <p>(a) No person shall keep in a motor vehicle, or on a moped when such vehicle or moped is upon any public street, road, or highway or at any scenic lookout, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed or fully removed, unless such container is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.</p> <p>(b) No person shall consume any intoxicating liquor at any scenic lookout.</p>		
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	<p>(c) Subsection (a) shall not apply to a recreational or other vehicle not having a separate trunk compartment.</p> <p>(d) Any person violating this section shall be guilty of a violation.</p> <p>Hawaii Rev. Stat. §291-3.4  Sections 291-3.2 and 291-3.3 shall not apply to a motor vehicle for hire which has been issued a certificate of public convenience or necessity, 1-7 passenger classification by the public utilities commission so long as the motor vehicle has a barrier between the driver and the passengers sufficient to prevent intoxicating liquor from being passed between them and only the passengers behind the barrier consume the intoxicating liquor.</p>		
Idaho	<p>Idaho Code §23-505</p> <p>(1) Alcoholic liquor lawfully purchased may be transported, but no person shall break open, or allow to be broken or opened any container of alcoholic liquor, or drink, or use, or allow to be drunk, or used any alcoholic liquor therein while the same is being transported. Provided however, that an unsealed alcoholic beverage container may be transported in an enclosed trunk compartment or behind the last upright seat of a vehicle which has no trunk compartment.</p> <p>(2) No person in a motor vehicle, while the vehicle is on a public highway or the right-of-way of a public highway may drink or possess any open beverage containing alcoholic</p>		

	<p>liquor, as defined in §23-105, Idaho Code, beer as defined in §23-1001, Idaho Code, or wine as defined in §23-1303, Idaho Code, unless such person is a passenger in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or in the living quarters of a recreational vehicle as that term is defined in §49-119, Idaho Code. Violation of this section is a misdemeanor for the individual in actual physical control of the vehicle, as defined in §18-8004, Idaho Code, and an infraction for other individuals violating this section.</p> <p>Idaho Code §23-1333 No person may, while operating or riding in or upon a motor vehicle upon a public highway of this state, have in his possession any wine in an open or unsealed container of any kind.</p>		
Illinois	<p>Ill. Rev. Stat. ch. 625, §5/11-502 (a) Except as provided in paragraph (c) and in §§6-6.5 and 6-33 of the Liquor Control Act of 1934, no driver may transport, carry, possess or have any alcoholic liquor within the passenger area of any motor vehicle upon a highway in this state except in the original container and with the seal unbroken. (b) Except as provided in paragraph (c) and in §§6-6.5 and 6-33 of the Liquor Control Act of 1934, no passenger may carry, possess or have any alcoholic liquor within any passenger area of any motor vehicle upon a highway in this state except in the original</p>		<p>Ill. Rev. Stat. ch. 235, §5/6-28.8 Public Act 101-631 Delivery and carry out of mixed drinks until June 2, 2021</p> <p>Ill. Rev. Stat. ch. 235, §5/6-33 Partially consumed wine</p>

	<p>container and with the seal unbroken.</p> <p>(c) This section shall not apply to the passengers in a limousine when it is being used for purposes for which a limousine is ordinarily used, the passengers on a chartered bus when it is being used for purposes for which chartered buses are ordinarily used or on a motor home or mini motor home as defined in §1-145.01 of this Code. However, the driver of any such vehicle is prohibited from consuming or having any alcoholic liquor in or about the driver's area. Any evidence of alcoholic consumption by the driver shall be prima facie evidence of such driver's failure to obey this section. For the purposes of this section, a limousine is a motor vehicle of the first division with the passenger compartment enclosed by a partition or dividing window used in the for-hire transportation of passengers and operated by an individual in possession of a valid Illinois driver's license of the appropriate classification pursuant to Section 6-104 of this Code.</p> <p>(d) (Blank).</p> <p>(e) Any driver who is convicted of violating subsection (a) of this section for a second or subsequent time within one year of a similar conviction shall be subject to suspension of driving privileges as provided, in paragraph 23 of subsection (a) of §6-206 of this Code.</p> <p>(f) Any driver, who is less than 21 years of age at the date of the offense and who is convicted of violating subsection (a) of this</p>		
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	<p>section or a similar provision of a local ordinance, shall be subject to the loss of driving privileges as provided in paragraph 13 of subsection (a) of §6-205 of this Code and paragraph 33 of subsection (a) of §6-206 of this Code.</p>		
<b>Indiana</b>	<p>Ind. Code §9-30-15-1 <i>et seq.</i>  (a) This section does not apply to the following: (1) A container possessed by a person, other than the operator of the motor vehicle, who is in the: (A) passenger compartment of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or (B) living quarters of a house coach or house trailer. (2) A container located in a fixed center console or other similar fixed compartment that is locked. (3) A container located: (A) behind the last upright seat; or (B) in an area not normally occupied by a person; in a motor vehicle that is not equipped with a trunk.  (b) A person in a motor vehicle who, while the motor vehicle is in operation or while the motor vehicle is located on the right-of-way of a public highway, possesses a container: (1) that has been opened; (2) that has a broken seal; or (3) from which some of the contents have been removed; in the passenger compartment of the motor vehicle commits a Class C infraction.  (c) A violation of this section is not considered a moving traffic violation: (1) for purposes of IC 9-14-12-3; and (2) for which</p>		<p>Ind. Code §7.1-3-20-9.5  Carry-out privileges for restaurant retailer permits</p> <p>Ind. Code §7.1-3-20-9.6  Partially consumed wine</p> <p>Ind. Code §7.1-3-20-25  Carry-out privilege for city market permit</p>

	<p>points are assessed by the bureau under the point system.</p> <p>Ind. Code §9-30-15-4 The operator of a motor vehicle who knowingly consumes an alcoholic beverage while the motor vehicle is being operated upon a public highway commits a Class B infraction.</p>		
Iowa	<p>Iowa Code §321.284 1. A driver of a motor vehicle upon a public street or highway shall not possess in the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. "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 a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk. 2. A person under the age of 21 who violates this section is guilty of a violation of §123.47.</p> <p>Iowa Code §321.284A 1. A passenger in a motor vehicle upon a public street or highway shall not possess in</p>	<p>Iowa Code §123.46 Consumption or intoxication in public places</p>	<p>Iowa Code §123.30 Partially consumed wine</p> <p>2020 HB 2540 Iowa Code §123.178 Iowa Code §123.178A Iowa Code §123.178B Class B wine permits, Class B native wine permits and Class C native wine permits authorized to sell in containers no larger than 72 ounces. Iowa Code §123.30 Iowa Code §123.49 Class C liquor license Class "C" native distilled spirits liquor license Mixed drinks or cocktails mixed on premises may be sold if the mixed drink or cocktail is immediately sealed with a lid or other method of securing the product and is promptly taken from the licensed premises prior to consumption of the mixed</p>

	<p>the passenger area of the motor vehicle an open or unsealed bottle, can, jar, or other receptacle containing an alcoholic beverage. “Passenger area” means the area of a motor vehicle 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 a passenger while in their seating positions, including the glove compartment. An open or unsealed receptacle containing an alcoholic beverage may be transported in the trunk of the motor vehicle. An unsealed receptacle containing an alcoholic beverage may be transported behind the last upright seat of the motor vehicle if the motor vehicle does not have a trunk.</p> <p>2. This section does not apply to a passenger being transported in a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or a passenger being transported in the living quarters of a motor home, motorsports recreational vehicle, manufactured or mobile home, travel trailer, or fifth-wheel travel trailer.</p> <p>3. A person convicted of a violation of this section is guilty of a simple misdemeanor punishable as a scheduled violation under §805.8A, subsection 14, paragraph “e”.</p> <p>4. A person under the age of 21 years who violates this section is guilty of a violation of §123.47.</p> <p>5. The department shall not include a conviction for a violation of this section on</p>		<p>drink or cocktail.</p> <p>Iowa Code §123.131 Class B beer permit authorized to sell in containers no larger than 72 ounces.</p>
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	the individual driving record of the person committing the violation and the conviction shall not be considered by the department in any proceeding for suspension, revocation, barring, or denying of the person's driver's license or upon any application for renewal of driving privileges.		
<b>Kansas</b>	<p>Kan. Stat. Ann. §8-1599</p> <p>(b) No person shall transport in any vehicle upon a highway or street any alcoholic beverage unless such beverage is: (1) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed; (2) (A) in the locked rear trunk or rear compartment, or any locked outside compartment which is not accessible to any person in the vehicle while it is in motion; or (B) if a motor vehicle is not equipped with a trunk, behind the last upright seat or in an area not normally occupied by the driver or a passenger; or (3) in the exclusive possession of a passenger in a vehicle which is a recreational vehicle, as defined by K.S.A. 75-1212, and amendments thereto, or a bus, as defined by K.S.A. 8-1406, and amendments thereto, who is not in the driving compartment of such vehicle or who is in a portion of such vehicle from which the driver is not directly accessible.</p>	<p>Kan. Stat. Ann. §41-719</p> <p>Consumption of alcohol on public streets, alleys, roads or highways or inside vehicles while on the public streets, alleys, roads or highways</p> <p>Kan. Stat. Ann. §41-2659</p> <p>Common consumption areas</p>	<p>Kan. Stat. Ann. §41-308b</p> <p>Refillable and sealable containers of beer manufactured by microbreweries</p> <p>Kan. Stat. Ann. §41-2653</p> <p>Partially consumed alcohol</p> <p>Until Jan. 26, 2021: One or more containers of alcoholic liquor that is not in the original container that is placed in a transparent bag that is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened.</p>
<b>Kentucky</b>	<p>Ky. Rev. Stat. §189.530</p> <p>(1) No person shall provide a motor vehicle to another to operate upon a highway, knowing that the other person is in an intoxicated</p>	<p>Ky. Rev. Stat. §222.202</p> <p>Drinking alcohol in a public place, or in or upon any passenger coach, or other</p>	<p>Ky. Rev. Stat. §243.115 <i>et seq.</i></p> <p>Partially consumed wine</p> <p>2020 Act 73</p>

	<p>condition, or under the influence of any substance which may impair one's driving ability.</p> <p>(2) A person is guilty of possession of an open alcoholic beverage container in a motor vehicle, when he or she has in his or her possession an open alcoholic beverage container in the passenger area of a motor vehicle located on a public highway or on the right-of-way of a public highway. However, nothing in this section shall prohibit the possession of an open alcoholic beverage container by an individual who is strictly a passenger and not the driver, in the passenger area of a motor vehicle maintained or used primarily for the transportation of persons for compensation, such as buses, taxis, and limousines, or in a recreational vehicle, motor home, or motor coach.</p> <p>(3) For purposes of this section, "alcoholic beverage" means: (a) Beer, ale, porter, stout, and other similar fermented beverages including sake or similar products of any name or description containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor; (b) Wine of not less than 0.5% of alcohol by volume; or (c) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form including all dilutions and mixtures thereof from whatever source or by whatever process produced.</p> <p>(4) For the purposes of this section, "open</p>	<p>vehicle commonly used for the transportation of passengers, or in or about any depot, platform, or waiting room</p>	<p>Sale and delivery of alcoholic beverages by the drink at retail and by the package in closed sealed original containers, on a delivery, to-go, or take-out basis in conjunction with food sales during state of emergency.</p>
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	<p>alcoholic beverage container” means any bottle, can, or other receptacle that contains any amount of alcoholic beverage, and: (a) Is open or has a broken seal; or (b) The contents of which are partially removed.</p> <p>(5) For the purposes of this section, “passenger area” means the area designed to seat the driver and the passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including the glove compartment. Passenger area does not include possession of an open alcoholic beverage container in a locked glove compartment, or behind the last upright seat or in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.</p> <p>(6) For the purpose of this section, “public highway” or “right-of-way of a public highway” means the entire width between and immediately adjacent to the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.</p> <p>(7) No person shall, as a result of a single course of conduct, be tried for or convicted of a violation of this section and a violation of KRS 222.202 or 525.100. The attorney for the commonwealth shall elect under which statute to proceed. A conviction, decision not to prosecute, or dismissal of charges under any of these statutes shall operate as a bar to prosecution under any other of these statutes</p>		
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	for offenses arising out of the same course of conduct.		
Louisiana	<p>La. Rev. Stat. Ann. §32:300</p> <p>A. It shall be unlawful for the operator of a motor vehicle or the passenger in or on a motor vehicle, while the motor vehicle is operated on a public highway or right-of-way, to possess an open alcoholic beverage container, or to consume an alcoholic beverage, in the passenger area of a motor vehicle.</p> <p>B. For purposes of this Section, the following words have the following meanings ascribed to them: (1) "Alcoholic beverage" means any of the following: (a) Beer, ale, porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor. (b) Wine of not less than 0.5% of alcohol by volume. (c) Distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. (2) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways, but does not include a vehicle operated exclusively on a rail or rails. (3)(a) "Open alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic</p>	<p><i>The City of New Orleans allows the possession and consumption of alcohol in open plastic container in areas such as the French Quarter through a municipal ordinance.</i></p>	<p>La. Rev. Stat. Ann. §26:153 Delivery of alcoholic beverages</p> <p>La. Rev. Stat. Ann. §26:271.2 2020 Act 115 Take-out service Class A-General retail permit in compliance with La. Rev. Stat. ann. §26:308 2020 Act 115 Class A-restaurants authorized to deliver malt beverages, sparkling wine, and still wine in compliance with La. Rev. Stat. Ann. §26:308</p>

	<p>beverage and to which any of the following is applicable: (i) It is open or has a broken seal. (ii) Its contents have been partially removed. (b) "Open alcoholic beverage container" shall not mean any bottle, can, or other receptacle that contains a frozen alcoholic beverage unless the lid is removed, a straw protrudes therefrom, or the contents of the receptacle have been partially removed. (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 a passenger while in their seating positions, including the glove compartment. It shall not mean a locked glove compartment or behind the last upright seat, or any area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk. (5) "Public highway or right-of-way" means the entire width between and immediately adjacent to the boundary lines of publicly maintained highways or roads when any part thereof is open to the use of the public.</p> <p>C. Notwithstanding R.S. 32:391 and 411, whoever violates the provisions of this Section shall not be taken into custody by the arresting officer, but instead shall be required either to deposit his driver's license with the arresting officer or give his written promise to appear. Furthermore, a violation of the provisions of this section shall not be included in the records kept by the commissioner required in R.S. 32:393.1.</p>		
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	<p>D. (1) Whoever violates the provisions of this section shall be fined not more than \$100. Court costs shall be assessed in addition to the fine authorized by this Subsection. (2) For purposes of enforcement, the observance of a glass, cup, or other container that, on its face, does not indicate that the container contains an alcoholic beverage, shall not, absent other circumstances, constitute probable cause for a law enforcement officer to stop and question a person.</p> <p>E. This section shall preempt the authority of a municipal or parish governing authority to enact any code or ordinance regulating the possession of alcoholic beverages in motor vehicles. However, the local governing authority of a local governmental subdivision with a population of over 50,000 as of the most recent federal decennial census may enact a code or ordinance that does not conflict with the substantive provisions of this section, and such local code or ordinance may provide for the imposition and collection of fines and court costs for violations thereof for amounts in excess of the amounts provided in this section. The preemption contained in this subsection is solely for the purpose of providing for a uniform open container prohibition in motor vehicles throughout the state, and nothing in this section shall be construed to further preempt the authority of a local government to provide for any other type of alcohol beverage regulation within its jurisdiction.</p>		
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	<p>F. The provisions of this section shall not apply to the following persons or in the following areas: (1) Any person operating or occupying a motor vehicle who, as a condition of his employment and while acting in the course and scope of such employment, is required to carry open alcoholic beverage containers, provided that the operator or passenger does not consume the alcoholic beverages. (2) Any paid fare passenger on a common or contract carrier vehicle, as defined in R.S. 45:162. (3) Any paid fare passenger on a public carrier vehicle, as defined in R.S. 45:200.2. (4) Any passenger in a courtesy vehicle which is operated as a courtesy vehicle. (5) Any passenger of a self-contained motor home which is in excess of 21 feet in length. (6) Possession of an open container of alcoholic beverage in the trunk of a motor vehicle. (7) If the motor vehicle is not equipped with a trunk, possession of an open container or alcoholic beverages in any of the following areas: (a) In a locked glove or utility compartment. (b) In an area of the vehicle not normally occupied by, and not readily accessible, to the driver or passengers. (8) Passengers and krewe members riding on a parade float. (9) Any passenger in a privately owned limousine the driver of which possesses a Class D commercial driver's license.</p>		
<p><b>Maine</b></p>	<p>Me. Rev. Stat. Ann. tit. 29-A, §2112-A 1. Definitions. As used in this section, unless the context otherwise indicates, the</p>	<p>Me. Rev. Stat. Ann. tit. 17, §2003-A Crime of public drinking</p>	<p>Me. Rev. Stat. Ann. tit. 28-A, §1051 Partially consumed wine</p>

	<p>following terms have the following meanings.</p> <p>A. "Alcohol" means spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquors, intended for human consumption that contains more than 0.5% of alcohol by volume. B. "Open alcoholic beverage container" means a bottle, can or other receptacle that contains any amount of alcohol, and that is open or has a broken seal, or the contents of which are partially removed. C. "Passenger area" means the area designed to seat the operator and passengers while a motor vehicle is in operation and any area readily accessible to the operator or a passenger, including the glove compartment, while in their seating positions. D. "Public way" means a way, including a right-of-way, owned and maintained by the state, a county or a municipality over which the general public has a right to pass.</p> <p>2. Violation. The operator of a vehicle on a public way is in violation of this section if the operator or a passenger in the passenger area of the vehicle: A. Consumes alcohol; or B. Possesses an open alcoholic beverage container.</p> <p>3. Exceptions. An operator of a vehicle is not in violation of this section if: A. The operator or a passenger possesses an open alcoholic beverage container in a vehicle not equipped with a trunk if the open alcoholic beverage container is located behind the last upright seat of the vehicle or in an area not normally</p>	<p>Me. Rev. Stat. Ann. tit. 28-A, §221 Entertainment districts</p>	
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	<p>occupied by the operator or passenger; B. A passenger transported for a fee consumes alcohol or possesses an open alcoholic beverage container in a vehicle designed for the for-hire transportation of passengers other than a taxicab; C. A passenger possesses an open alcoholic beverage container or a passenger consumes alcohol in the living quarters of a motor home, trailer, semitrailer or truck camper; or D. The operator or the operator's employer holds a valid off-premise catering license issued under Title 28-A, §1052 and the alcohol is being transported either to or from a catered event.</p>		
<b>Maryland</b>	<p>Md. Criminal Law Code Ann. §10-123 <i>et seq.</i>  (a) Open container in passenger area. -- (1) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not possess an open container that contains any amount of an alcoholic beverage in a passenger area of a motor vehicle on a highway. (2) A driver of a motor vehicle may not be subject to prosecution for a violation of this subsection based solely on possession of an open container that contains any amount of an alcoholic beverage by another occupant of the motor vehicle.  (b) Consumption in passenger area. -- (1) This subsection does not apply to the driver of a motor vehicle. (2) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not consume an alcoholic beverage in a passenger area of a</p>	<p>Md. Alcoholic Beverages Code Ann. §6-321  Consumption of alcoholic beverages in public   Md. Alcoholic Beverages Code Ann. §6-322  Possession of open container   Md. Alcoholic Beverages Code Ann. §13-2704  Possession of open container – Motorcycles (Baltimore County)   Md. Alcoholic Beverages Code Ann. §15-2702 (Caroline County)  Md. Alcoholic Beverages Code</p>	<p>Md. Alcoholic Beverages Code Ann. §2-208  Refillable containers of malt beverages by Class 6 pub-brewery license   Md. Alcoholic Beverages Code Ann. §2-209  Refillable containers of beer by Class 7 micro-brewery license   Md. Alcoholic Beverages Code Ann. §4-1102  Md. Alcoholic Beverages Code Ann. §4-1103  Partially consumed wine   Md. Alcoholic Beverages Code Ann. §4-1104</p>

	<p>motor vehicle on a highway.</p> <p>(c) Exceptions. -- Subsections (a)(1) and (b)(2) of this section do not apply to an occupant, who is not the driver, in: (1) a motor vehicle designed, maintained, and used primarily for the transportation of a person for compensation, including: (i) a bus; (ii) a taxicab; or (iii) a limousine; or (2) the living quarters of a motor home, motor coach, or recreational vehicle.</p> <p>(d) Statewide application. -- Notwithstanding §6-320, §6-321, or §6-322 of the Alcoholic Beverages Article, or any other provision of law, the prohibitions contained in this section apply throughout the State.</p> <p>(e) Classification of violation. -- A violation of this section is not: (1) a moving violation for the purposes of §16-402 of the Transportation Article; or (2) a traffic violation for the purposes of the Maryland Vehicle Law.</p>	<p>Ann. §19-2707 (Dorchester County)</p> <p>Md. Alcoholic Beverages Code Ann. §22-2704 (Harford County)</p> <p>Md. Alcoholic Beverages Code Ann. §25-2704 (Montgomery County)</p> <p>Md. Alcoholic Beverages Code Ann. §26-2706 (Prince George's County)</p> <p>Md. Alcoholic Beverages Code Ann. §32-2704 (Wicomico County)</p> <p>Possession of open container -- Written consent required</p> <p>Md. Alcoholic Beverages Code Ann. §16-2703</p> <p>Possession of open container on private property or motorcycle (Carroll County)</p> <p>2020 Chapter 81 Class C (Weinberg Center for the Arts) beer, wine, and liquor license</p> <p>2020 Chapter 186 Consumption only marketplace license for shopping centers.</p>	<p>Refillable containers of draft beer</p> <p>Md. Alcoholic Beverages Code Ann. §4-1105</p> <p>Refillable containers of wine</p> <p>Md. Alcoholic Beverages Code Ann. §12-1102 (Baltimore County)</p> <p>Md. Alcoholic Beverages Code Ann. §17-1102 (Cecil County)</p> <p>Md. Alcoholic Beverages Code Ann. §19-1102 (Dorchester County)</p> <p>Refillable container permit--Draft beer</p>
Massachusetts	<p>Mass. Gen. Laws Ann. ch. 90, §24I</p> <p>(a) As used in this section, the following</p>		<p>Mass. Gen. Laws Ann. ch. 138, §12</p> <p>Partially consumed wine</p>

	<p>words shall have the following meanings:</p> <p>“Open container,” a bottle, can or other receptacle used to contain a liquid that has been opened or has a broken seal or the contents of which have been partially removed or consumed; provided, however, that a bottle resealed pursuant to §12 of chapter 138 shall not be considered an open container; provided further, that a resealed bottle shall not be transported in the passenger area. “Passenger area,” 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 a passenger while in a seated position including, but not limited to, the glove compartment; provided, however, that the passenger area shall not include a motor vehicle’s trunk or a locked glove compartment or, if a motor vehicle is not equipped with a trunk, the area behind the last upright seat or an area not normally occupied by the driver or passenger.</p> <p>(b) Whoever, upon any way or in any place to which the public has a right of access, or upon any way or in any place to which members of the public have access as invitees or licensees, possesses an open container of alcoholic beverage in the passenger area of any motor vehicle shall be punished by a fine of not less than \$100 nor more than \$500.</p> <p>(c) This section shall not apply to (1) the passengers of a motor vehicle designed, maintained and used for the transportation of</p>		<p>2020 Chapter 53 Wine or malt beverages sold by on-premises establishment for off-premises consumption during emergency</p> <p>2020 Chapter 118 Mixed drinks sold by on-premises establishment for off-premises consumption during emergency</p>
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	<p>persons for compensation, or (2) the living quarters of a house coach or house trailer.</p> <p>(d) Notwithstanding this section, the driver of any motor vehicle, including but not limited to a house coach or house trailer, shall not possess an open container of alcoholic beverage.</p>		
<b>Michigan</b>	<p>Mich. Comp. Laws §257.624a</p> <p>(1) Except as provided in subsections (2) and (5), a person who is an operator or occupant shall not transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway, or within the passenger area of a moving vehicle in any place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles, in this state.</p> <p>(2) Except as otherwise provided in subsection (5), a person may transport or possess alcoholic liquor in a container that is open or uncapped or upon which the seal is broken within the passenger area of a vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of vehicles in this state, if the vehicle does not have a trunk or compartment separate from the passenger area, and the container is in a locked glove compartment, behind the last upright seat, or in an area not normally occupied by the operator or a passenger.</p>	<p>Mich. Comp. Laws §436.1551 Social district permit</p> <p>Mich. Comp. Laws §436.1915 Possessing or consuming alcoholic liquor on public highway or in park, place of amusement, or publicly owned area</p> <p>Mich. Comp. Laws §436.2021 Hotel guests may enter and exit the licensed premises with alcoholic liquor purchased from an off-premises retailer</p>	<p>Mich. Comp. Laws §436.1537 Refillable containers of beer</p> <p>2020 Public Act 125 Mich. Comp. Laws §436.1537a Qualified containers with alcoholic liquor for consumption off the premises until Dec. 31, 2025</p> <p>Mich. Comp. Laws §436.2021 Partially consumed wine</p>

	<p>(3) A person who violates this section is guilty of a misdemeanor. As part of the sentence, the person may be ordered to perform community service and undergo substance abuse screening and assessment at his or her own expense as described in §703(1) of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1703. A court shall not accept a plea of guilty or nolo contendere for a violation of this section from a person charged solely with a violation of §625(6).</p> <p>(4) This section does not apply to a passenger in a chartered vehicle authorized to operate by the state transportation department.</p> <p>(5) Except as otherwise provided in this subsection, unless prohibited by local ordinance, subsections (1) and (2) do not apply to a passenger in a commercial quadricycle. A passenger in a commercial quadricycle shall not transport or possess alcoholic liquor other than beer, wine, spirits, or a mixed spirits drink.</p> <p>(6) As used in this section: (a) "Glove compartment" means a recess with a hinged and locking door in the dashboard of a motor vehicle. (b) "Passenger area" means the area designed to seat the operator and passengers of a motor vehicle while it is in operation and any area that is readily accessible to the operator or a passenger while in his or her seating position, including the glove compartment.</p> <p>Mich. Comp. Laws §324.81133</p>		
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	<p>(1) An individual shall not operate an ORV:  (r) While transporting or possessing, in or on the vehicle, alcoholic liquor in a container that is open or uncapped or upon which the seal is broken, except under either of the following circumstances: (i) The container is in a trunk or compartment separate from the passenger compartment of the vehicle. (ii) If the vehicle does not have a trunk or compartment separate from the passenger compartment, the container is encased or enclosed.</p>		
Minnesota	<p>Minn. Stat. §169A.35  Subdivision 1. Definitions. As used in this section: (1) "alcoholic beverage" has the meaning given it in §340A.101, subdivision 2; (2) "distilled spirits" has the meaning given it in §340A.101, subdivision 9; (3) "motor vehicle" does not include motorboats in operation, or off-road recreational vehicles except when being operated on a roadway or shoulder of a roadway that is not part of a grant-in-aid trail or trail designated for that vehicle by the commissioner of natural resources; (4) "possession" means either that the person had actual possession of the bottle or receptacle or that the person consciously exercised dominion and control over the bottle or receptacle; and (5) "3.2% malt liquor" has the meaning given it in §340A.101, subdivision 19.  Subd. 1a. Alcoholic beverage, distilled spirit, 3.2 malt liquor; determination. For purposes of this section only, when determining</p>		<p>Minn. Stat. §340A.404  Partially consumed wine   2020 Chapter 75  Limited off-sale for take-out orders for restaurants closed by executive order</p>

	<p>whether a beverage is an alcoholic beverage, a distilled spirit, or 3.2% malt liquor: (1) "alcohol by volume" means milliliters of alcohol per 100 milliliters of beverage; and (2) "alcohol by weight" means grams of alcohol per 100 grams of beverage.</p> <p>Subd. 2. Drinking and consumption; crime described. It is a crime for a person to drink or consume an alcoholic beverage, distilled spirit, or 3.2% malt liquor in a motor vehicle when the vehicle is upon a street or highway.</p> <p>Subd. 3. Possession; crime described. It is a crime for a person to have in possession, while in a private motor vehicle upon a street or highway, any bottle or receptacle containing an alcoholic beverage, distilled spirit, or 3.2% malt liquor that has been opened, or the seal broken, or the contents of which have been partially removed.</p> <p>Subd. 4. Liability of non-present owner; crime described. It is a crime for the owner of any private motor vehicle or the driver, if the owner is not present in the motor vehicle, to keep or allow to be kept in a motor vehicle when the vehicle is upon a street or highway any bottle or receptacle containing an alcoholic beverage, distilled spirit, or 3.2% malt liquor that has been opened, or the seal broken, or the contents of which have been partially removed.</p> <p>Subd. 5. Criminal penalty. A person who violates subdivisions 2 to 4 is guilty of a misdemeanor.</p> <p>Subd. 6. Exceptions. (a) This section does not</p>		
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	<p>prohibit the possession or consumption of alcoholic beverages by passengers in: (1) a bus that is operated by a motor carrier of passengers, as defined in §221.012, subdivision 26; (2) a vehicle that is operated for commercial purposes in a manner similar to a bicycle as defined in §169.011, subdivision 4, with five or more passengers who provide pedal power to the drive train of the vehicle; or (3) a vehicle providing limousine service as defined in §221.84, subdivision 1. (b) Subdivisions 3 and 4 do not apply to a bottle or receptacle that is in the trunk of the vehicle if it is equipped with a trunk, or that is in another area of the vehicle not normally occupied by the driver and passengers if the vehicle is not equipped with a trunk. However, a utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.</p>		
Mississippi	<i>Not specified in statute</i>	Miss. Code Ann. §67-1-101 Leisure and recreation districts	Miss. Code Ann. §67-1-51 Partially consumed wine
Missouri	<p>Mo. Rev. Stat. §577.017 1. No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the highways, as defined in §301.010. 2. The offense of consumption of an alcoholic beverage while driving is an infraction and shall not be reflected on any records maintained by the department of revenue.</p>	<p>Mo. Rev. Stat. §311.086 Entertainment district</p> <p>Mo. Rev. Stat. §574.075 Drinking in schoolhouse, church house or courthouse</p>	Mo. Rev. Stat. §311.101 Partially consumed wine
Montana	Mont. Code Ann. §61-8-460 <i>et seq.</i> (1) Except as provided in subsection (2), a	Mont. Code Ann. §16-2-107 Open containers in agency	Mont. Code Ann. §16-3-303 Refillable containers of beer

	<p>person commits the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle if the person knowingly possesses an open alcoholic beverage container within the passenger area of a motor vehicle on a highway.</p> <p>(2) This section does not apply to an open alcoholic beverage container: (a) in a locked glove compartment or storage compartment; (b) in a motor vehicle trunk or luggage compartment or in a truck bed or cargo compartment; (c) behind the last upright seat of a motor vehicle that is not equipped with a trunk; (d) in a closed container in the area of a motor vehicle that is not equipped with a trunk and that is not normally occupied by the driver or a passenger; or (e) in the immediate possession of a passenger: (i) of a motor vehicle, including a bus, taxi, or limousine, that is used for the transportation of persons for compensation and that includes the provision of a hired driver; or (ii) in the living quarters of a camper, travel trailer, or motor home.</p> <p>(3) (a) A person convicted of the offense of unlawful possession of an open alcoholic beverage container in a motor vehicle shall be fined an amount not to exceed \$100. (b) A violation of this section is not a criminal offense within the meaning of §§3-1-317, 3-1-318, 45-2-101, 46-18-236, 61-8-104, and 61-8-711 and may not be recorded or charged against a driver's record, and an insurance company may not hold a violation of this section</p>	store	
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	<p>against the insured or increase premiums because of the violation. The surcharges provided for in §§3-1-317, 3-1-318, and 46-18-236 may not be imposed for a violation of this section.</p>		
Nebraska	<p>Neb. Rev. Stat. §60-6,211.08  (1) For purposes of this section: (a) Alcoholic beverage means (i) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing 0.5% or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (ii) wine of not less than 0.5% of alcohol by volume, or (iii) distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. Alcoholic beverage does not include trace amounts not readily consumable as a beverage; (b) Highway means a road or street including the entire area within the right-of-way; (c) Limousine means a luxury vehicle used to provide prearranged passenger transportation on a dedicated basis at a premium fare that has a seating capacity of at least five and no more than 14 persons behind the driver with a physical partition separating the driver seat from the passenger compartment. Limousine does not include taxicabs, hotel or airport buses or shuttles, or buses; (d) Open alcoholic beverage container, except as</p>	<p>Neb. Rev. Stat. §53-123.17  Entertainment district</p> <p>Neb. Rev. Stat. §53-138 <i>et seq.</i>  Pedal-pub vehicles</p> <p>Neb. Rev. Stat. §53-186 <i>et seq.</i>  Consumption on public property</p>	<p>Neb. Rev. Stat. §53-123.04  Neb. Rev. Stat. §53-123.11  Partially consumed wine</p>

	<p>provided in subsection (3) of §53-123.04 and subdivision (1)(c) of §53-123.11, means any bottle, can, or other receptacle: (i) That contains any amount of alcoholic beverage; and (ii)(A) That is open or has a broken seal or (B) the contents of which are partially removed; and (e) 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 a passenger while in their seating positions, including any compartments in such area. Passenger area does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk.</p> <p>(2) Except as otherwise provided in this section, it is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this state.</p> <p>(3) Except as provided in §53-186 or subsection (4) of this section, it is unlawful for any person to consume an alcoholic beverage (a) in a public parking area or on any highway in this state or (b) inside a motor vehicle while in a public parking area or on any highway in this state.</p> <p>(4) This section does not apply to persons who are passengers of, but not drivers of, a limousine or bus being used in a charter or</p>		
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	<p>special party service as defined by rules and regulations adopted and promulgated by the Public Service Commission and subject to Chapter 75, article 3. Such passengers may possess open alcoholic beverage containers and may consume alcoholic beverages while such limousine or bus is in a public parking area or on any highway in this state if (a) the driver of the limousine or bus is prohibited from consuming alcoholic liquor and (b) alcoholic liquor is not present in any area that is readily accessible to the driver while in the driver's seat, including any compartments in such area.</p>		
<p><b>Nevada</b></p>	<p>Nev. Rev. Stat. §484B.150  1. It is unlawful for a person to drink an alcoholic beverage while the person is driving or in actual physical control of a motor vehicle upon a highway.  2. Except as otherwise provided in this subsection, it is unlawful for a person to have an open container of an alcoholic beverage within the passenger area of a motor vehicle while the motor vehicle is upon a highway. This subsection does not apply to: (a) The passenger area of a motor vehicle which is designed, maintained or used primarily for the transportation of persons for compensation; or (b) The living quarters of a house coach or house trailer, but does apply to the driver of such a motor vehicle who is in possession or control of an open container of an alcoholic beverage.  3. A person who violates any provision of this</p>		

	<p>section may be subject to any additional penalty set forth in NRS 484B.130 or 484B.135.</p> <p>4. As used in this section: (a) “Alcoholic beverage” has the meaning ascribed to it in NRS 202.015. (b) “Open container” means a container which has been opened or the seal of which has been broken. (c) “Passenger area” means that area of a vehicle which is designed for the seating of the driver or a passenger.</p>		
New Hampshire	<p>N.H. Rev. Stat. Ann. §265-A:44</p> <p>I. The words “liquor” and “beverage” as used in this section shall have the same meanings as defined in RSA 175:1.</p> <p>II. Except as provided in paragraph V, no driver shall transport, carry, possess, or have any liquor or beverage within the passenger area of any motor vehicle or OHRV upon any way in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages shall be stored and transported in the trunk of the motor vehicle or OHRV. If the motor vehicle or OHRV does not have a trunk, such containers shall be stored and transported in that compartment or area of the vehicle or OHRV which is the least accessible to the driver.</p> <p>III. Except as provided in paragraph V, no passenger shall carry, possess, or have any liquor or beverage within any passenger area of any motor vehicle or OHRV upon any way or in an area principally used for public</p>		N.H. Rev. Stat. Ann. §179:27-a Partially consumed wine

	<p>parking in this state except in the original container and with the seal unbroken. Securely capped partially filled containers of liquor or beverages may be stored and transported in that compartment or area of the vehicle or OHRV which is the least accessible to the driver.</p> <p>IV. A person who violates this section shall be guilty of a violation and shall be subject to a fine of \$150. In addition, a person who violates paragraph II of this section may have his or her drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first offense and up to one year for a second or subsequent offense.</p> <p>V. This section shall not apply to persons transporting, carrying, possessing, or having any liquor or beverage in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver of any of said vehicles is prohibited from having any liquor or beverage in or about the driver's area.</p> <p>VI. For the purposes of this section only: (a) "Passenger area of any motor vehicle or OHRV" shall not include any section of a motor vehicle or OHRV which has been designed or modified for the overnight accommodation of persons or as living quarters. (b) "Way" shall mean the entire width between the boundary lines of any public highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority of statute, or any such way provided and maintained by a public</p>		
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	<p>institution to which state funds are appropriated for public use or any such way which has been used for public travel for 20 years.</p>		
New Jersey	<p>N.J. Rev. Stat. §39:4-51a</p> <p>a. A person shall not consume an alcoholic beverage while operating a motor vehicle. A passenger in a motor vehicle shall not consume an alcoholic beverage while the motor vehicle is being operated. This subsection shall not apply to a passenger of a charter or special bus operated as defined under R.S.48:4-1 or a limousine service.</p> <p>b. A person shall be presumed to have consumed an alcoholic beverage in violation of this section if an unsealed container of an alcoholic beverage is located in the passenger compartment of the motor vehicle, the contents of the alcoholic beverage have been partially consumed and the physical appearance or conduct of the operator of the motor vehicle or a passenger may be associated with the consumption of an alcoholic beverage. For the purposes of this section, the term “unsealed” shall mean a container with its original seal broken or a container such as a glass or cup.</p> <p>c. For the first offense, a person convicted of violating this section shall be fined \$200 and shall be informed by the court of the penalties for a second or subsequent violation of this section. For a second or subsequent offense, a person convicted of violating this section shall be fined \$250 or shall be ordered by the</p>		<p>2020 Chapter 33</p> <p>During state of emergency:  Delivery by plenary retail consumption license, plenary retail consumption license used in connection with a hotel or motel, or seasonal retail consumption license issued pursuant to R.S.33:1-12, or concessionaire permit  Craft distillery license shall be entitled to sell on the licensed premises for consumption off the licensed premises</p>

	<p>court to perform community service for a period of 10 days in such form and on such terms as the court shall deem appropriate under the circumstances.</p> <p>N.J. Rev. Stat. §39:4-51b</p> <p>a. All occupants of a motor vehicle located on a public highway, or the right-of-way of a public highway, shall be prohibited from possessing any open or unsealed alcoholic beverage container. This subsection shall not apply to a passenger of a charter or special bus operated as defined under R.S.48:4-1 or a limousine service.</p> <p>b. A person shall not be deemed to be in possession of an opened or unsealed alcoholic beverage container pursuant to this section if such container is located in the trunk of a motor vehicle, behind the last upright seat in a trunkless vehicle, or in the living quarters of a motor home or house trailer. For the purposes of this section, the term “open or unsealed” shall mean a container with its original seal broken or a container such as a glass or cup.</p> <p>c. For a first offense, a person convicted of violating this section shall be fined \$200 and shall be informed by the court of the penalties for a second or subsequent violation of this section. For a second or subsequent offense, a person convicted of violating this section shall be fined \$250 or shall be ordered by the court to perform community service for a period of 10 days in such form and on such</p>		
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	terms as the court shall deem appropriate under the circumstances.		
New Mexico	<p>N.M. Stat. Ann. §66-8-138</p> <p>A. No person shall knowingly drink any alcoholic beverage while in a motor vehicle upon any public highway within this state.</p> <p>B. No person shall knowingly have in the person's possession on the person's body, while in a motor vehicle upon any public highway within this state, any bottle, can or other receptacle containing any alcoholic beverage that has been opened or had its seal broken or the contents of which have been partially removed.</p> <p>C. It is unlawful for the registered owner of any motor vehicle to knowingly keep or allow to be kept in a motor vehicle, when the vehicle is upon any public highway within this state, any bottle, can or other receptacle containing any alcoholic beverage that has been opened or had its seal broken or the contents of which have been partially removed, unless the container is kept in: (1) the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers; (2) the living quarters of a motor home or recreational vehicle; (3) a truck camper; or (4) the bed of a pick-up truck when the bed is not occupied by passengers.</p> <p>D. This section does not apply to any</p>	<p>N.M. Stat. Ann. §60-7A-22</p> <p>Consumption in non-licensed public establishments</p>	<p>N.M. Stat. Ann. §60-3A-12</p> <p>Partially consumed wine</p>

	passenger in a bus, taxicab or limousine for hire licensed to transport passengers pursuant to the Motor Carrier Act or proper legal authority.		
New York	<p>N.Y. Vehicle &amp; Traffic Law §1227</p> <p>1. The drinking of alcoholic beverages, or the possession of an open container containing an alcoholic beverage, in a motor vehicle located upon the public highways or right-of-way public highway is prohibited. Any operator or passenger violating this section shall be guilty of a traffic infraction.</p> <p>The provisions of this section shall not be deemed to prohibit the drinking of alcoholic beverages or the possession of an open container containing an alcoholic beverage by passengers in passenger vehicles operated pursuant to a certificate or permit issued by the department of transportation or the U.S. department of transportation. Furthermore, the provisions of this section shall not be deemed to prohibit the possession of wine which is: (a) resealed in accordance with the provisions of subdivision four of §81 of the alcoholic beverage control law; and (b) is transported in the vehicle's trunk or is transported behind the last upright seat or in an area not normally occupied by the driver or passenger in a motor vehicle that is not equipped with a trunk.</p> <p>2. For the purposes of this section, a passenger vehicle shall mean a vehicle designed to carry ten or more passengers and used to carry passengers for profit or hire.</p>		<p>N.Y. Alcoholic Beverage Control Law §81</p> <p>N.Y. Alcoholic Beverage Control Law §106</p> <p>Partially consumed wine</p>

	3. Repealed by L.2005, c. 60, pt. F, § 2, eff. April 12, 2005.		
North Carolina	<p>N.C. Gen. Stat. §18B-401</p> <p>(a) Opened Containers.--It shall be unlawful for a person to transport fortified wine or spirituous liquor in the passenger area of a motor vehicle in other than the manufacturer's unopened original container. It shall be unlawful for a person who is driving a motor vehicle on a highway or public vehicular area to consume in the passenger area of that vehicle any malt beverage or unfortified wine. Violation of this subsection shall constitute a Class 3 misdemeanor.</p> <p>(b) Taxis.--It shall be unlawful for a person operating a for-hire passenger vehicle as defined in G.S. 20-4.01(27)f., to transport fortified wine or spirituous liquor unless the vehicle is transporting a paying passenger who owns the alcoholic beverage being transported. Not more than 8 liters of fortified wine or spirituous liquor, or combination of the two, may be transported by each passenger. A violation of this subsection shall not be grounds for suspension of the driver's license for illegal transportation of intoxicating liquors under G.S. 20-16(a)(8).</p> <p>(c) Definitions.--The definitions in Chapter 20 of the General Statutes apply in interpreting this section. If the seal on a container of alcoholic beverages has been broken, it is opened within the meaning of</p>	<p>N.C. Gen. Stat. §18B-301</p> <p>Unlawful possession or use</p> <p>N.C. Gen. Stat. §18B-1000 <i>et seq.</i></p> <p>Common area entertainment permit</p>	

	<p>this section. For purposes of this section, “passenger area of a motor vehicle” means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment. In the case of a station wagon, hatchback or similar vehicle, the area behind the last upright back seat shall not be considered part of the passenger area.</p> <p>N.C. Gen. Stat. §20-138.7  (a) Offense.--No person shall drive a motor vehicle on a highway or the right-of-way of a highway: (1) While there is an alcoholic beverage in the passenger area in other than the unopened manufacturer's original container; and (2) While the driver is consuming alcohol or while alcohol remains in the driver's body.  (a1) Offense.--No person shall possess an alcoholic beverage other than in the unopened manufacturer's original container, or consume an alcoholic beverage, in the passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-way of a highway. For purposes of this subsection, only the person who possesses or consumes an alcoholic beverage in violation of this subsection shall be charged with this offense.  (a2) Exception.--It shall not be a violation of subsection (a1) of this section for a passenger to possess an alcoholic beverage other than in the unopened manufacturer's original</p>		
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	<p>container, or for a passenger to consume an alcoholic beverage, if the container is: (1) In the passenger area of a motor vehicle that is designed, maintained, or used primarily for the transportation of persons for compensation; (2) In the living quarters of a motor home or house car as defined in G.S. 20-4.01(27)k.; or (3) In a house trailer as defined in G.S. 20-4.01(14).</p> <p>(a3) Meaning of Terms.--Under this section, the term "motor vehicle" means any vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways and includes mopeds.</p> <p>(b) Subject to Implied-Consent Law.--An offense under this section is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2.</p> <p>(c) Odor Insufficient.--The odor of an alcoholic beverage on the breath of the driver is insufficient evidence to prove beyond a reasonable doubt that alcohol was remaining in the driver's body in violation of this section, unless the driver was offered an alcohol screening test or chemical analysis and refused to provide all required samples of breath or blood for analysis.</p> <p>(d) Alcohol Screening Test.-- Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violating subsection (a) of this section, and the results of an alcohol screening test or the driver's refusal to submit may be used by a law enforcement</p>		
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	<p>officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the Commission for Public Health, and the screening test is conducted in accordance with the applicable regulations of the Commission as to the manner of its use.</p> <p>(e) Punishment; Effect When Impaired Driving Offense Also Charged. -- Violation of subsection (a) of this section shall be a Class 3 misdemeanor for the first offense and shall be a Class 2 misdemeanor for a second or subsequent offense. Violation of subsection (a) of this section is not a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under subsection (a) of this section and of an offense involving impaired driving arising out of the same transaction, the punishment imposed by the court shall not exceed the maximum applicable to the offense involving impaired driving, and any minimum applicable punishment shall be imposed. Violation of subsection (a1) of this section by the driver of the motor vehicle is a lesser included offense of subsection (a) of this section. A violation of subsection (a) shall be considered a moving violation for purposes of G.S. 20-16(c). Violation of subsection (a1) of this section shall be an infraction and shall not be considered a moving violation for purposes of</p>		
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	<p>G.S. 20-16(c).</p> <p>(f) Definitions.--If the seal on a container of alcoholic beverages has been broken, it is opened within the meaning of this section. For purposes of this section, "passenger area of a motor vehicle" means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment. The area of the trunk or the area behind the last upright back seat of a station wagon, hatchback, or similar vehicle shall not be considered part of the passenger area. The term "alcoholic beverage" is as defined in G.S. 18B-101(4).</p> <p>(g) Pleading.--In any prosecution for a violation of subsection (a) of this section, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a motor vehicle on a highway or the right-of-way of a highway with an open container of alcoholic beverage after drinking.</p> <p>In any prosecution for a violation of subsection (a1) of this section, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that (i) the defendant possessed an open container of alcoholic beverage in the passenger area of a motor vehicle while the motor vehicle was on a highway or the right-of-way of a highway, or (ii) the defendant consumed an alcoholic beverage in the passenger area of a motor vehicle while the</p>		
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	<p>motor vehicle was on a highway or the right-of-way of a highway.</p> <p>(h) Limited Driving Privilege.--A person who is convicted of violating subsection (a) of this section and whose drivers license is revoked solely based on that conviction may apply for a limited driving privilege as provided for in G.S. 20-179.3. The judge may issue the limited driving privilege only if the driver meets the eligibility requirements of G.S. 20-179.3, other than the requirement in G.S. 20-179.3(b)(1)c. G.S. 20-179.3(e) shall not apply. All other terms, conditions, and restrictions provided for in G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this subsection, governs the issuance of a limited driving privilege to a person who is convicted of violating subsection (a) of this section and of driving while impaired as a result of the same transaction.</p>		
<p>North Dakota</p>	<p>N.D. Cent. Code §39-08-18</p> <p>1. A person may not drink or consume alcoholic beverages, as defined in §5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of any</p>		<p>N.D. Cent. Code §5-02-13</p> <p>Partially consumed wine</p>

	<p>private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of \$50; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.</p>		
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	2. Subsection I does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.		
N. Mariana Islands	<i>Statutes unavailable</i>		
Ohio	Ohio Rev. Code Ann. §4301.62 (A) As used in this section: (1) "Chauffeured limousine" means a vehicle registered under §4503.24 of the Revised Code. (2) "Street," "highway," and "motor vehicle" have the same meanings as in §4511.01 of the Revised Code. (B) No person shall have in the person's possession an opened container of beer or intoxicating liquor in any of the following circumstances: (1) Except as provided in division (C)(1)(e) of this section, in an agency store; (2) Except as provided in division (C) of this section, on the premises of the holder of any permit issued by the division of liquor control; (3) In any other public place; (4) Except as provided in division (D) or (E) of this section, while operating or being a passenger in or on a motor vehicle on any street, highway, or other public or private	Ohio Rev. Code Ann. §4301.62 Open container prohibited; exceptions	Ohio Rev. Code Ann. §4301.62 Partially consumed wine  2020 Session Law 51 Ohio Rev. Code Ann. §4303.185 A qualified permit holder may sell alcoholic beverages by the individual drink in sealed, closed containers to a personal consumer for off-premises consumption, including via delivery to the location of the personal consumer.

	<p>property open to the public for purposes of vehicular travel or parking; (5) Except as provided in division (D) or (E) of this section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.</p> <p>(C)(1) A person may have in the person's possession an opened container of any of the following: (a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, E, F, F-2, F-5, F-7, or F-8 permit; (b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit, wine served as a tasting sample by an A-2 permit holder or S permit holder for consumption on the premises of a farmers market for which an F-10 permit has been issued, or wine served for consumption on the premises by the holder of an F-4 or F-6 permit; (c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in §4303.201 of the Revised Code; (d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission; (e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in §4301.171 of the Revised Code. (2) A person may have in the</p>		
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	<p>person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least 3 consecutive days and located on an area of land of at least 40 acres. (3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued. (b) As used in division (C)(3)(a) of this section: (i) "Orchestral performance" means a concert comprised of a group of not fewer than 40 musicians playing various musical instruments. (ii) "Outdoor performing arts center" means an outdoor performing arts center that is located on not less than 150 acres of land and that is open for performances from the first day of April to the</p>		
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	<p>last day of October of each year. (4) A person may have in the person's possession an opened or unopened container of beer or intoxicating liquor at an outdoor location at which the person is attending an orchestral performance as defined in division (C)(3)(b)(i) of this section if the person with supervision and control over the performance grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of that outdoor location. (5) A person may have in the person's possession on an F-9 liquor permit premises an opened or unopened container of beer or intoxicating liquor that was not purchased from the holder of the F-9 permit if the person is attending either of the following: (a) An orchestral performance and the F-9 permit holder grants permission for the possession and consumption of beer or intoxicating liquor in certain predesignated areas of the premises during the period for which the F-9 permit is issued; (b) An outdoor performing arts event or orchestral performance that is free of charge and the F-9 permit holder annually hosts not less than 25 other events or performances that are free of charge on the permit premises. As used in division (C)(5) of this section, "orchestral performance" has the same meaning as in division (C)(3)(b) of this section. (6)(a) A person may have in the person's possession on the property of an outdoor motorsports facility an opened or unopened container of</p>		
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	<p>beer or intoxicating liquor that was not purchased from the owner of the facility if both of the following apply: (i) The person is attending a racing event at the facility; and (ii) The owner of the facility grants permission for the possession and consumption of beer or intoxicating liquor on the property of the facility. (b) As used in division (C)(6)(a) of this section: (i) "Racing event" means a motor vehicle racing event sanctioned by one or more motor racing sanctioning organizations. (ii) "Outdoor motorsports facility" means an outdoor racetrack to which all of the following apply: (I) It is 2.4 miles or more in length. (II) It is located on 200 acres or more of land. (III) The primary business of the owner of the facility is the hosting and promoting of racing events. (IV) The holder of a D-1, D-2, or D-3 permit is located on the property of the facility. (7)(a) A person may have in the person's possession an opened container of beer or intoxicating liquor at an outdoor location within an outdoor refreshment area created under §4301.82 of the Revised Code if the opened container of beer or intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, A-2f, D class, or F class permit holder to which both of the following apply: (i) The permit holder's premises is located within the outdoor refreshment area. (ii) The permit held by the permit holder has an outdoor refreshment area designation. (b) Division (C)(7) of this section does not authorize a</p>		
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	<p>person to do either of the following: (i) Enter the premises of an establishment within an outdoor refreshment area while possessing an opened container of beer or intoxicating liquor acquired elsewhere; (ii) Possess an opened container of beer or intoxicating liquor while being in or on a motor vehicle within an outdoor refreshment area, unless the possession is otherwise authorized under division (D) or (E) of this section. (c) As used in division (C)(7) of this section, “D class permit holder” does not include a D-6 or D-8 permit holder. (8)(a) A person may have in the person's possession on the property of a market, within a defined F-8 permit premises, an opened container of beer or intoxicating liquor that was purchased from a D permit premises that is located immediately adjacent to the market if both of the following apply: (i) The market grants permission for the possession and consumption of beer and intoxicating liquor within the defined F-8 permit premises; (ii) The market is hosting an event pursuant to an F-8 permit and the market has notified the division of liquor control about the event in accordance with division (A)(3) of §4303.208 of the Revised Code. (b) As used in division (C)(8) of this section, “market” means a market, for which an F-8 permit is held, that has been in operation since 1860. (D) This section does not apply to a person who pays all or a portion of the fee imposed for the use of a chauffeured limousine</p>		
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	<p>pursuant to a prearranged contract, or the guest of the person, when all of the following apply: (1) The person or guest is a passenger in the limousine. (2) The person or guest is located in the limousine, but is not occupying a seat in the front compartment of the limousine where the operator of the limousine is located. (3) The limousine is located on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.</p> <p>(E) An opened bottle of wine that was purchased from the holder of a permit that authorizes the sale of wine for consumption on the premises where sold is not an opened container for the purposes of this section if both of the following apply: (1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with. (2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.</p> <p>(F)(1) Except if an ordinance or resolution is enacted or adopted under division (F)(2) of this section, this section does not apply to a</p>		
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	<p>person who, pursuant to a prearranged contract, is a passenger riding on a commercial quadricycle when all of the following apply: (a) The person is not occupying a seat in the front of the commercial quadricycle where the operator is steering or braking. (b) The commercial quadricycle is being operated on a street, highway, or other public or private property open to the public for purposes of vehicular travel or parking. (c) The person has in their possession on the commercial quadricycle an opened container of beer or wine. (d) The person has in their possession on the commercial quadricycle not more than either 36 ounces of beer or 18 ounces of wine. (2) The legislative authority of a municipal corporation or township may enact an ordinance or adopt a resolution, as applicable, that prohibits a passenger riding on a commercial quadricycle from possessing an opened container of beer or wine. (3) As used in this section, "commercial quadricycle" means a vehicle that has fully-operative pedals for propulsion entirely by human power and that meets all of the following requirements: (a) It has four wheels and is operated in a manner similar to a bicycle. (b) It has at least five seats for passengers. (c) It is designed to be powered by the pedaling of the operator and the passengers. (d) It is used for commercial purposes. (e) It is operated by the vehicle owner or an employee of the owner.</p>		
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	<p>(G) This section does not apply to a person that has in the person's possession an opened container of beer or intoxicating liquor on the premises of a market if the beer or intoxicating liquor has been purchased from a D liquor permit holder that is located in the market. As used in division (G) of this section, "market" means an establishment that: (1) Leases space in the market to individual vendors, not less than 50% of which are retail food establishments or food service operations licensed under Chapter 3717. of the Revised Code; (2) Has an indoor sales floor area of not less than 22,000 square feet; (3) Hosts a farmer's market on each Saturday from April through December.</p> <p>Ohio Rev. Code Ann. §4301.64 No person shall consume any beer or intoxicating liquor in a motor vehicle. This section does not apply to persons described in division (D) of §4301.62 of the Revised Code.</p>		
<p><b>Oklahoma</b></p>	<p>Okla. Stat. tit. 21, §1220 A. Except as provided in subsection C of this section, it shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any intoxicating beverage or low-point beer, as defined by §§163.1 and 163.2 of Title 37 of the Oklahoma Statutes, except in the original container which shall not have been opened and from which the original cap or seal shall</p>	<p>Okla. Stat. tit. 37A, §6-101 Consumption prohibited in package store, grocery store, convenience store or drug store or in public place</p>	<p>Okla. Stat. tit. 37A, §6-102 Partially consumed wine Open container of beer or wine as specified</p> <p>Okla. Stat. tit. 37A, §2-161 Authorizes curbside and delivery sales by retail spirit licensees; restaurants, bars and clubs holding mixed beverage, beer and wine, or caterer/mixed beverage</p>

	<p>not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in subsection A of §566 of Title 37 of the Oklahoma Statutes.</p> <p>B. Any person convicted of violating any provision of subsection A of this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of \$100 to be deposited into the Trauma Care Assistance Revolving Fund created in §1-2522 of Title 63 of the Oklahoma Statutes.</p> <p>C. The provisions of subsection A of this section shall not apply to the passenger area of buses and limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver's immediate possession any intoxicating beverage or low-point beer.</p> <p>D. No city, town, or county may adopt any order, ordinance, rule or regulation concerning the consumption or serving of intoxicating beverages or low-point beer in buses or limousines.</p> <p>E. As used in this section: 1. "Bus" means a vehicle as defined in §1-105 of Title 47 of the Oklahoma Statutes chartered for</p>		<p>licenses; grocery and convenience stores holding a retail beer and/or retail wine license in sealed original containers or closed packages, as specified.</p>
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	<p>transportation of persons for hire. It shall not mean a school bus, as defined by §1-160 of Title 47 of the Oklahoma Statutes, transporting children or a vehicle operated pursuant to a franchise with a city or town operating over a regularly scheduled route; and 2. "Limousine" means a chauffeur-driven motor vehicle, other than a bus or taxicab, as defined by §1-174 of Title 47 of the Oklahoma Statutes, designed and used for transportation of persons for compensation.</p>		
Oregon	<p>Or. Rev. Stat. §811.170  (1) A person commits the offense of violation of the open container law in a motor vehicle if the person does any of the following: (a) Drinks any alcoholic liquor in a motor vehicle when the vehicle is upon a highway. (b) Possesses on one's person, while in a motor vehicle upon a highway, any bottle, can or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed. (c) Keeps in a motor vehicle when the vehicle is upon any highway, any bottle, can or other receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents of which have been partially removed. The following apply to this paragraph: (A) This paragraph applies only to the registered owner of any motor vehicle or, if the registered owner is not then present in the vehicle, to the driver of the vehicle. (B) This paragraph does not apply if the bottle, can or</p>		<p>Or. Rev. Stat. §471.175  Or. Rev. Stat. §471.178  Or. Rev. Stat. §471.223  Or. Rev. Stat. §471.227  Partially consumed wine</p>

	<p>other receptacle is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. (C) For purposes of this paragraph, a utility compartment or glove compartment is considered within the area occupied by the driver and passengers. (D) This paragraph does not apply to the living quarters of a camper or motor home.</p> <p>(2) The offense described in this section does not apply to passengers in a motor vehicle operated by a common carrier and used primarily to carry passengers for hire.</p> <p>(3) The offense described in this section, violation of the open container law in a motor vehicle, is a Class B traffic violation.</p>		
Pennsylvania	<p>Pa. Cons. Stat. tit. 75, §3809</p> <p>(a) General rule.--Except as set forth in subsection (b), an individual who is an operator or an occupant in a motor vehicle may not be in possession of an open alcoholic beverage container or consume a controlled substance as defined in the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or an alcoholic beverage in a motor vehicle while the motor vehicle is located on a highway in this Commonwealth.</p> <p>(b) Exception.--This section does not prohibit possession or consumption by any of the following: (1) A passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the lawful</p>		<p>Pa. Stat. tit. 47, §4-406 Pa. Stat. tit. 47, §4-409 Partially consumed wine</p> <p>Pa. Stat. tit. 47-§4-407 Malt or brewed beverages for consumption off the premises where sold in quantities of not more than 192 fluid ounces in a single sale</p> <p>Pa. Stat. tit. 47, §4-415 A wine expanded permit holder may sell for off-premises consumption, in a single transaction, up to 3,000 milliliters of wine.</p>

	<p>transportation of persons for compensation. This paragraph includes buses, taxis and limousines. (2) An individual in the living quarters of a house coach or house trailer. (c) Penalty.--An individual who violates this section commits a summary offense.</p>		<p>Pa. Stat. tit. 47, §4-417 2020 Act 21 Restaurant or hotel liquor licenses authorized to do curbside and pickup sales during disaster</p> <p>Pa. Stat. tit. 47, §4-442 No retail dispenser may sell malt or brewed beverages for consumption off the premises in quantities in excess of 192 fluid ounces.</p>
<p><b>Puerto Rico</b></p>	<p>P.R. Code Ann. tit. 9, §5297 Drivers or passengers of motor vehicles shall obey the following rules: (f) It is hereby prohibited to transport any type of open container which contains any type of alcoholic beverage with a content of more than 0.5% of alcohol per volume in the passenger area of any motor vehicle while traveling on a public highway or lane of the country, with the exception of the area designated for storage or the trunk. This measure shall apply to all vehicles or motor vehicles, with the exception of those designated, maintained and used for the transportation of passengers for pay, such as: buses, limousines and motor homes. Any person who violates the provisions in subsections (c), (d), (e), or (f) of this section shall incur an administrative fault and shall be fined a \$100. Provided, That the provisions</p>		

	described in §§5201-5210 of this title may be applied.		
<b>Rhode Island</b>	<p>R.I. Gen. Laws §31-22-21.1</p> <p>(a) No person shall operate a motor vehicle upon the public highways with any unsealed alcoholic beverage container within the passenger section of the vehicle.</p> <p>(b) Any person found in violation of this section may be fined not more than \$200 or have his or her driver's license suspended for up to six months, or both, for the first violation, and for each subsequent violation may be fined not more than \$500 or have his or her driver's license suspended for up to one year, or both.</p> <p>(c) The operator of a rented limousine or bus shall not be subject to the provisions of this section provided neither the operator nor any passenger under the age of 21 is in possession of any unsealed alcoholic beverage container.</p> <p>(d) The original jurisdiction of this section shall be exclusively in the traffic tribunal.</p>		R.I. Gen. Laws §3-8-16 Partially consumed wine
<b>South Carolina</b>	<p>S.C. Code Ann. §61-4-110</p> <p>It is unlawful for a person to have in his possession, except in the trunk or luggage compartment, beer or wine in an open container in a motor vehicle of any kind while located upon the public highways or highway rights of way of this state. This section must not be construed to prohibit the transporting of beer or wine in a closed container, and this section does not apply to vehicles parked in legal parking places during functions such as sporting events where law enforcement</p>	<p>S.C. Code Ann. §61-4-140</p> <p>Open containers on Sundays</p> <p>S.C. Code Ann. §61-6-1620</p> <p>(A) This article authorizes the possession or consumption of alcoholic liquors on premises open to the general public for which a license has been obtained pursuant to §61-6-1600 or §61-6-1610.</p>	

	<p>officers are on duty to perform traffic control duties. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned not more than 30 days. For purposes of this section, beer or wine means any beer or wine containing 0.5% or more of alcohol by volume.</p> <p>S.C. Code Ann. §61-6-4020  (A) A person who is 21 years of age or older may transport lawfully acquired alcoholic liquors to and from a place where alcoholic liquors may be lawfully possessed or consumed. If the cap or seal on the container has been opened or broken, it is unlawful to transport the liquors in a motor vehicle, except in a trunk, luggage compartment, or cargo area that is separate and distinct from the driver's and passengers' compartments. For purposes of this exception, the luggage compartment or cargo area is not required to be a closed trunk that is accessible only from the exterior of the motor vehicle. A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not more than \$100 or imprisoned for not more than 30 days. For purposes of this section, alcoholic liquors means all distilled spirits regardless of the percentage of alcohol by volume that they contain.  (B) Sections 61-6-4290 and 61-6-4300 do not apply to violations of this section, including violations prior to the effective date of this</p>	<p>(B) Alcoholic liquors may be possessed or consumed in separate and private areas of an establishment whether or not the establishment includes premises which are licensed pursuant to §61-6-1600 or §61-6-1610, where specific individuals have leased these areas for a function not open to the general public.</p>	
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	<p>section.</p> <p>S.C. Code Ann. §61-6-4030  It is unlawful for a person to transport alcoholic liquors in a motor vehicle used as a taxi or used in the transportation of passengers for hire; however, this prohibition does not apply to lawful alcoholic liquors belonging to a passenger being transported when the alcoholic liquors are in the baggage of the passenger or upon his or her person. If alcoholic liquors are found in the vehicle, the vehicle must be seized and forfeited as provided for in §§61-6-4350 to 61-6-4460, and the alcoholic liquors must be seized as contraband and sold as provided in §61-6-4310.</p> <p>A person who violates this section is guilty of a misdemeanor and, upon conviction, must be punished as follows: (a) for a first offense, by a fine of not less than \$600 or imprisonment for six months; (b) for a second offense, by a fine of \$1,500 or imprisonment for one year; and (c) for a third or subsequent offense, by a fine of \$3,000 or imprisonment for two years.</p>		
<b>South Dakota</b>	<p>S.D. Codified Laws Ann. §35-1-9.1  It is a Class 2 misdemeanor for any person occupying a motor vehicle located upon a public highway or the right-of-way of a public highway to consume any alcoholic beverage or have a package or any receptacle containing an alcoholic beverage in that person's possession unless the seal of the original package remains unbroken or the</p>	<p>S.D. Codified Laws Ann. §35-1-5.3  Consumption of distilled spirits in public place as misdemeanor</p>	<p>S.D. Codified Laws Ann. §35-1-5.7  Partially consumed wine</p> <p>S.D. Codified Laws Ann. §35-1-9.4  Partially consumed wine</p>

	alcoholic beverage is so removed from the passenger area of the motor vehicle that no occupant of the motor vehicle has access to it.		
A. Samoa	<i>Statutes unavailable</i>		
Tennessee	<p>Tenn. Code Ann. §55-10-416  (a)(1) No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state. (2) For purposes of this section: (A) "Open container" means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken; (B) An open container is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk or other non-passenger area of the vehicle; and (C) A motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.  (b)(1) A violation of this section is a Class C misdemeanor, punishable by fine only. (2) For a violation of this section, a law enforcement officer shall issue a citation in lieu of continued custody, unless the offender refuses to sign and accept the citation, as provided in §40-7-118.  (c) This section shall not be construed to prohibit any municipality, by ordinance, or any county, by resolution, from prohibiting the passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer in an open container during</p>		<p>Tenn. Code Ann. §57-4-203  Partially consumed wine</p>

	the operation of the vehicle by its driver, or be construed to limit the penalties authorized by law for violation of the ordinance or resolution.		
Texas	<p>Tex. Penal Code Ann. §49.031</p> <p>(a) In this section: (1) “Open container” means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and that is open, that has been opened, that has a broken seal, or the contents of which are partially removed. (2) “Passenger area of a motor vehicle” means the area of a motor vehicle designed for the seating of the operator and passengers of the vehicle. The term does not include: (A) a glove compartment or similar storage container that is locked; (B) the trunk of a vehicle; or (C) the area behind the last upright seat of the vehicle, if the vehicle does not have a trunk. (3) “Public highway” means the entire width between and immediately adjacent to the boundary lines of any public road, street, highway, interstate, or other publicly maintained way if any part is open for public use for the purpose of motor vehicle travel. The term includes the right-of-way of a public highway.</p> <p>(b) A person commits an offense if the person knowingly possesses an open container in a passenger area of a motor vehicle that is located on a public highway, regardless of whether the vehicle is being operated or is stopped or parked. Possession by a person of one or more open containers in a single</p>	<p>Tex. Alcoholic Beverage Code Ann. §28.01 Authorized activities for mixed beverage permit for an establishment in a hotel</p> <p>Tex. Alcoholic Beverage Code Ann. §28.10 <i>Effective Sept. 1, 2021</i> Mixed beverage permittee and adjoining public sidewalk</p> <p>Tex. Alcoholic Beverage Code Ann. §28.101 Public consumption at municipally owned conference center</p> <p>Tex. Alcoholic Beverage Code Ann. §28.19 <i>Effective Sept. 1, 2021</i> Sales at temporary location</p> <p>Tex. Alcoholic Beverage Code Ann. §31.06 Public consumption</p> <p>Tex. Alcoholic Beverage Code Ann. §101.75 Consumption of alcoholic</p>	<p>Tex. Alcoholic Beverage Code Ann. §28.10 Partially consumed wine</p> <p>Tex. Alcoholic Beverage Code Ann. §28.1001 Off-Premises Delivery of Alcoholic Beverages</p>

	<p>criminal episode is a single offense.</p> <p>(c) It is an exception to the application of Subsection (b) that at the time of the offense the defendant was a passenger in: (1) the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, including a bus, taxicab, or limousine; or (2) the living quarters of a motorized house coach or motorized house trailer, including a self-contained camper, a motor home, or a recreational vehicle.</p> <p>(d) An offense under this section is a Class C misdemeanor.</p> <p>(e) A peace officer charging a person with an offense under this section, instead of taking the person before a magistrate, shall issue to the person a written citation and notice to appear that contains the time and place the person must appear before a magistrate, the name and address of the person charged, and the offense charged. If the person makes a written promise to appear before the magistrate by signing in duplicate the citation and notice to appear issued by the officer, the officer shall release the person.</p>	<p>beverages near schools</p> <p>Tex. Alcoholic Beverage Code Ann. §108.82 Alcoholic beverage consumption in public entertainment facilities</p> <p>Tex. Alcoholic Beverage Code Ann. §109.35 Orders for prohibition on consumption</p> <p>Tex. Alcoholic Beverage Code Ann. §109.36 Consumption of alcoholic beverages near homeless shelter or substance abuse treatment center</p>	
Utah	<p>Utah Code Ann. §32B-2-504</p> <p>(1) Liquor to be sold from a state store may be transported from a warehouse authorized by the department to the state store if transported by a person authorized by the department to transport the liquor to the state store, including a common carrier.</p> <p>(2) A person, while in or about a vehicle in</p>	<p>Utah Code Ann. §32B-4-421 Unlawful consumption in public place</p>	<p>Utah Code Ann. §32B-5-307 Partially consumed wine</p>

	<p>which liquor is being transported, may not open, break, or allow to be opened or broken, a container containing liquor.</p> <p>(3) A person may not drink, use, or allow to be drunk or used, liquor while it is in transit under this section.</p> <p>Utah Code Ann. §32B-2-606</p> <p>(1) Liquor to be sold from a package agency may be transported from a warehouse or state store authorized by the department to the package agency if transported by a person authorized by the department to transport the liquor to the package agency, including a common carrier.</p> <p>(2) A person, while in or about a vehicle in which liquor is being transported, may not open, break, or allow to be opened or broken, a container containing liquor.</p> <p>(3) A person may not drink, use, or allow to be drunk or used, any liquor while the liquor is in transit under this section.</p> <p>Utah Code Ann. §41-6a-526</p> <p>(1) As used in this section: (a) “Alcoholic beverage” has the same meaning as defined in §32B-1-102. (b) “Chartered bus” has the same meaning as defined in §32B-1-102. (c) “Limousine” has the same meaning as defined in §32B-1-102. (d)(i) “Passenger compartment” means the area of the vehicle normally occupied by the operator and passengers. (ii) “Passenger compartment” includes areas accessible to the operator and</p>		
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	<p>passengers while traveling, including a utility or glove compartment. (iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle. (e) "Waters of the state" has the same meaning as defined in §73-18-2.</p> <p>(2) A person may not drink an alcoholic beverage while operating a golf cart, a motor vehicle, a motor assisted scooter, or a class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.</p> <p>(3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, on a golf cart, on a motor assisted scooter, or on a class 2 electric assisted bicycle, when the vehicle is on any highway or waters of the state, any container that contains an alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.</p> <p>(4) Subsections (2) and (3) do not apply to a passenger: (a) in the living quarters of a motor home or camper; (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with §32B-4-415(4)(b) and (c); or (c) in a motorboat on the waters of the state.</p> <p>(5) Subsection (3) does not apply to</p>		
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	<p>passengers traveling in any licensed taxicab or bus.</p> <p>(6) A violation of Subsection (2) or (3) is a class C misdemeanor.</p>		
<b>Vermont</b>	<p>Vt. Stat. Ann. tit. 23, §1134</p> <p>(a) A person shall not consume alcoholic beverages while operating a motor vehicle on a public highway. As used in this section, "alcoholic beverages" shall have the same meaning as "alcohol" as defined in §1200 of this title.</p> <p>(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains alcoholic beverages in the passenger area of the motor vehicle.</p> <p>(c) As used in this section, "passenger area" shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.</p> <p>(d) A person who violates subsection (a) of this section shall be assessed a civil penalty of not more than \$ 500. A person who violates subsection (b) of this section shall be assessed a civil penalty of not more than \$25. A person adjudicated and assessed a civil penalty for an offense under subsection (a) of</p>	<p>Vt. Stat. Ann. tit. 7, §227</p> <p>Outside consumption permits; first-, third-, and fourth-class licenses</p> <p>Vt. Stat. Ann. tit. 24, §2291</p> <p>Enumeration of powers for a town, city, or incorporated village</p>	<p>Vt. Stat. Ann. tit. 7, §721</p> <p>Partially consumed vinous beverages or specialty beers</p>

	<p>this section shall not be subject to a civil violation for the same actions under subsection (b) of this section.</p> <p>Vt. Stat. Ann. tit. 23, §1134a  (a) Except as provided in subsection (c) of this section, a passenger in a motor vehicle shall not consume an alcoholic beverage or marijuana in the passenger area of any motor vehicle on a public highway.  (b) A passenger in a motor vehicle shall not possess any open container which contains an alcoholic beverage or marijuana in the passenger area of the motor vehicle.  (c) As used in this section: (1) “Alcoholic beverage” shall have the same meaning as “alcohol” as defined in §1200 of this title. (2) “Passenger area” shall mean the area designed to seat the operator and passengers while the motor vehicle is in operation and any area that is readily accessible to the operator or passengers while in their seating positions, including the glove compartment, unless the glove compartment is locked. In a motor vehicle that is not equipped with a trunk, the term shall exclude the area behind the last upright seat or any area not normally occupied by the operator or passengers.  (d) A person, other than the operator, may possess an open container which contains an alcoholic beverage in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation or in the living quarters of a</p>		
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	<p>motor home or trailer coach.</p> <p>(e) A person who consumes an alcoholic beverage or possesses an open container which contains an alcoholic beverage in violation of this section shall be assessed a civil penalty of not more than \$25. A person who consumes marijuana or possesses an open container which contains marijuana in violation of this section shall be assessed a civil penalty of not more than \$200.</p>		
Virginia	<p>Va. Code §4.1-309.1 Any person who possesses or consumes an alcoholic beverage while operating a school bus and transporting children is guilty of a Class 1 misdemeanor. For purposes of this section, “school bus” shall have the same meaning as provided in §46.2-100.</p> <p>Va. Code §4.1-312 The transportation of alcoholic beverages in any motor vehicle which is being used, or is licensed, for the transportation of passengers for hire is prohibited, except when carried in the possession of a passenger who is being transported for compensation at the regular rate and fare charged other passengers. Any person convicted of a violation of this section shall be guilty of a Class 1 misdemeanor.</p> <p>Va. Code §18.2-323.1 A. It shall be unlawful for any person to consume an alcoholic beverage while driving a motor vehicle upon a public highway of this</p>	<p>Va. Code §4.1-128 Local ordinances or resolutions regulating or taxing alcoholic beverages</p> <p>Va. Code §4.1-308 Drinking alcoholic beverages, or offering to another, in public place</p> <p>Va. Code §4.1-309 Drinking or possessing alcoholic beverages in or on public school grounds</p> <p>Va. Code §4.1-206 2020 Chapter 755 Va. Code §4.1-206.3 Commercial lifestyle centers</p>	<p>Va. Admin. Code tit. 3, §5-40-30 Refillable containers of wine, beer and cider Wine sold for on-premises consumption shall not be removed from the licensed premises except in the original container with closure.</p>

	<p>commonwealth.</p> <p>B. A rebuttable presumption that the driver has consumed an alcoholic beverage in violation of this section shall be created if (i) an open container is located within the passenger area of the motor vehicle, (ii) the alcoholic beverage in the open container has been at least partially removed and (iii) the appearance, conduct, odor of alcohol, speech or other physical characteristic of the driver of the motor vehicle may be reasonably associated with the consumption of an alcoholic beverage.</p> <p>For the purposes of this section:  “Open container” means any vessel containing an alcoholic beverage, except the originally sealed manufacturer’s container.  “Passenger area” means the area designed to seat the driver of any motor vehicle, any area within the reach of the driver, including an unlocked glove compartment, and the area designed to seat passengers. This term shall not include the trunk of any passenger vehicle, the area behind the last upright seat of a passenger van, station wagon, hatchback, sport utility vehicle or any similar vehicle, the living quarters of a motor home, or the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation, including a bus, taxi, or limousine, while engaged in the transportation of such persons.</p> <p>C. A violation of this section is punishable as</p>		
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	a Class 4 misdemeanor.		
<b>U.S. Virgin Islands</b>	<i>Not specified in statutes</i>		
<b>Washington</b>	<p>Wash. Rev. Code §46.61.519</p> <p>(1) It is a traffic infraction to drink any alcoholic beverage in a motor vehicle when the vehicle is upon a highway.</p> <p>(2) It is a traffic infraction for a person to have in his or her possession while in a motor vehicle upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage if the container has been opened or a seal broken or the contents partially removed.</p> <p>(3) It is a traffic infraction for the registered owner of a motor vehicle, or the driver if the registered owner is not then present in the vehicle, to keep in a motor vehicle when the vehicle is upon a highway, a bottle, can, or other receptacle containing an alcoholic beverage which has been opened or a seal broken or the contents partially removed, unless the container is kept in the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.</p> <p>(4) This section does not apply to a public conveyance that has been commercially chartered for group use or to the living quarters of a motor home or camper or, except as otherwise provided by RCW 66.44.250 or local law, to any passenger for</p>	<p>Wash. Rev. Code §66.44.100</p> <p>Opening or consuming liquor in public place</p>	<p>Wash. Rev. Code §66.24.170</p> <p>Partially consumed wine</p> <p>Wash. Rev. Code §66.24.320</p> <p>Wash. Rev. Code §66.24.400</p> <p>Partially consumed wine or sake</p>

	<p>compensation in a for hire vehicle licensed under city, county, or state law, or to a privately owned vehicle operated by a person possessing a valid operator's license endorsed for the appropriate classification under chapter 46.25 RCW in the course of his or her usual employment transporting passengers at the employer's direction: PROVIDED, That nothing in this subsection shall be construed to authorize possession or consumption of an alcoholic beverage by the operator of any vehicle while upon a highway.</p> <p>Wash. Rev. Code §66.24.240  Every person engaged wholly or in part in the business of carrying passengers for hire, and every agent, servant, or employee of such person, who knowingly permits any person to drink any intoxicating liquor in any public conveyance, except in the compartment where such liquor is sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. This section does not apply to a public conveyance that is commercially chartered for group use or a for hire vehicle licensed under city, county, or state law.</p> <p>Wash. Rev. Code §66.24.250  Every person who drinks any intoxicating liquor in any public conveyance, except in a compartment or place where sold or served under the authority of a license lawfully issued, is guilty of a misdemeanor. With respect to a public conveyance that is</p>		
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	commercially chartered for group use and with respect to a for hire vehicle licensed under city, county, or state law, this section applies only to the driver of the vehicle.		
<b>West Virginia</b>	<p>W. Va. Code §17C-5D-1 <i>et seq.</i></p> <p>(a) It is unlawful for the operator or a passenger of a motor vehicle to consume any alcoholic beverage in the passenger area of a motor vehicle located on a public highway or right-of-way of a public highway in this state, whether the vehicle is in motion or at rest.</p> <p>(b) It is unlawful for the operator or a passenger of a motor vehicle to knowingly possess any open alcoholic beverage container in the passenger area of any motor vehicle that is located on a public highway or right-of-way of a public highway in this state, whether the vehicle is in motion or at rest. Possession by a person of one or more open containers in a single criminal occurrence is a single offense.</p> <p>(c) The provisions of this section are not applicable to a passenger: (1) In the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of persons for compensation including, but not limited to, a bus, taxicab or limousine; or (2) In the living quarters of a motorized or nonmotorized house coach, house trailer, motor home or self-contained camper.</p> <p>(d) A person who violates the provisions of subsection (a) or (b) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$50 nor</p>	<p>W. Va. Code §60-6-9</p> <p>Intoxication or drinking in public places</p>	<p>W. Va. Code §60-8-3</p> <p>Partially consumed wine</p>

	more than \$100.		
Wisconsin	<p>Wis. Stat. §346.935</p> <p>(1) No person may drink alcohol beverages or inhale nitrous oxide while he or she is in any motor vehicle when the vehicle is upon a highway.</p> <p>(2) No person may possess on his or her person, in a privately owned motor vehicle upon a public highway, any bottle or receptacle containing alcohol beverages or nitrous oxide if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released.</p> <p>(3) The owner of a privately owned motor vehicle, or the driver of the vehicle if the owner is not present in the vehicle, shall not keep, or allow to be kept in the motor vehicle when it is upon a highway any bottle or receptacle containing alcohol beverages or nitrous oxide if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released. This subsection does not apply if the bottle or receptacle is kept in the trunk of the vehicle or, if the vehicle has no trunk, in some other area of the vehicle not normally occupied by the driver or passengers. A utility compartment or glove compartment is considered to be within the area normally occupied by the driver and passengers.</p> <p>(4)(a) In this subsection: 1. "Chauffeur" means a person employed full time or on a</p>		<p>Wis. Stat. §125.51</p> <p>Partially consumed wine</p>

	<p>regular basis, including leased drivers, for the principal purpose of operating a motor vehicle. 2. "Limousine" means any motor vehicle for charter or hire which is operated by a chauffeur and designed for transporting persons rather than property. (b) This section does not apply to passengers in a limousine or in a motor bus who possess any bottle or receptacle containing alcohol beverages that has been opened, on which the seal has been broken or the contents of which have been partially removed or released if the vehicle is operated by a chauffeur holding a valid license and endorsements authorizing operation of the vehicle as provided in ch. 343 and is in compliance with any local ordinance or regulation adopted under §349.24. (5) In addition to any other penalty prescribed by law, any violation of this section by an operator of a commercial motor vehicle shall be punished under §346.65(2u).</p>		
<p><b>Wyoming</b></p>	<p>Wyo. Stat. §31-5-235  (a) As used in this section: (i) "Alcoholic beverage" means alcoholic liquor or malt beverage as defined in W.S. 12-1-101(a)(i), (vii) and (x); (ii) "Recreational vehicle" means a self-propelled motor vehicle designed primarily with living quarters for recreational, camping, vacation or travel use but excludes any vehicle that does not have plumbing and an electrical system that operates above 12 volts.  (b) No person shall consume, transport or possess any alcoholic beverage in a motor</p>		<p>Wyo. Stat. §12-4-410  Partially consumed wine</p>

	<p>vehicle while the motor vehicle is in motion on a public street or public highway unless the beverage is: (i) In the original unopened package or container, the seal of which has not been broken and from which the original cap, cork or other means of closure has not been removed. Notwithstanding this section, a resealed bottle of wine may be transported as provided in W.S. 12-4-410(e); (ii) In the trunk or any other outside compartment of the vehicle that is not readily accessible to any person in the vehicle while the vehicle is in motion; (iii) In the unoccupied back of a pickup truck out of reach of the driver even though access is available through a window; (iv) In an unoccupied rear compartment of a vehicle not equipped with a trunk or other outside compartment and the rear compartment is not readily accessible to the driver and not normally occupied by passengers while the vehicle is in motion; or (v) Secured in a cabinet or compartment of a recreational vehicle, and the cabinet or compartment is not readily accessible to the driver while the recreational vehicle is in motion. The alcoholic beverage shall remain secured and shall not be accessed by the driver or any passenger at any time the vehicle is in motion.</p> <p>(c) Any person violating the provisions of this section shall: (i) For a first conviction or a subsequent conviction not occurring within one year after the first conviction, be punished by a fine of not more than \$200; (ii)</p>		
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	<p>For a second conviction within one year after the first conviction, be punished by a fine of not more than \$300 or by imprisonment for not more than 30 days, or both; (iii) For a third or subsequent conviction within one year after the first conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or both.</p> <p>(d) This section shall not apply to any passenger in the passenger area of a motor vehicle designed, maintained or used primarily for the transportation of passengers for compensation. The driver of any vehicle under this subsection is prohibited from consuming or having an alcoholic beverage within the driver's zone of control.</p> <p>(e) This section shall not apply within the boundaries of any incorporated municipality that has adopted an ordinance prohibiting transportation or possession of any open container of an alcoholic beverage in a vehicle on a public street or public highway.</p>		
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