

§2112-A. Open container; drinking in a vehicle prohibited

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

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 1/2 of 1% of alcohol by volume. [PL 1999, c. 293, §3 (NEW).]

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. [PL 1999, c. 293, §3 (NEW).]

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. [PL 1999, c. 293, §3 (NEW).]

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. [PL 1999, c. 293, §3 (NEW).]

[PL 1999, c. 293, §3 (NEW).]

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 [PL 1999, c. 293, §3 (NEW).]

B. Possesses an open alcoholic beverage container. [PL 1999, c. 293, §3 (NEW).]

[PL 1999, c. 293, §3 (NEW).]

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 occupied by the operator or passenger; [PL 1999, c. 293, §3 (NEW).]

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; [PL 1999, c. 293, §3 (NEW).]

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 [PL 1999, c. 293, §3 (NEW).]

D. The operator or the operator's employer holds a valid off-premise catering license issued under Title 28-A, section 1052 and the alcohol is being transported either to or from a catered event. [PL 1999, c. 293, §3 (NEW).]

[PL 1999, c. 293, §3 (NEW).]

SECTION HISTORY

PL 1999, c. 293, §3 (NEW).

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