

1 SENATE BILL 345

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 John M. Sapien

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; ELIMINATING CERTAIN EXCEPTIONS TO
12 THE PROHIBITION AGAINST OPEN CONTAINERS OF ALCOHOLIC BEVERAGES
13 IN A MOTOR VEHICLE.

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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 66-8-138 NMSA 1978 (being Laws 1989,
17 Chapter 316, Section 2, as amended by Laws 2001, Chapter 28,
18 Section 1 and also by Laws 2001, Chapter 120, Section 1) is
19 amended to read:

20 "66-8-138. CONSUMPTION OR POSSESSION OF ALCOHOLIC
21 BEVERAGES IN OPEN CONTAINERS IN A MOTOR VEHICLE PROHIBITED--
22 EXCEPTIONS.--

23 A. No person shall knowingly drink any alcoholic
24 beverage while in a motor vehicle upon any public highway
25 within this state.

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underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 B. No person shall knowingly have in [~~his~~] the
2 person's possession on [~~his person~~] the person's body, while in
3 a motor vehicle upon any public highway within this state, any
4 bottle, can or other receptacle containing any alcoholic
5 beverage that has been opened or had its seal broken or the
6 contents of which have been partially removed.

7 C. It is unlawful for the registered owner of any
8 motor vehicle to knowingly keep or allow to be kept in a motor
9 vehicle, when the vehicle is upon any public highway within
10 this state, any bottle, can or other receptacle containing any
11 alcoholic beverage that has been opened or had its seal broken
12 or the contents of which have been partially removed, unless
13 the container is kept in:

14 (1) the trunk of the vehicle or in some other
15 area of the vehicle not normally occupied by the driver or
16 passengers if the vehicle is not equipped with a trunk. A
17 utility or glove compartment shall be deemed to be within the
18 area occupied by the driver and passengers;

19 (2) the living quarters of a motor home or
20 recreational vehicle;

21 (3) a truck camper; or

22 (4) the bed of a pick-up truck when the bed is
23 not occupied by passengers.

24 ~~[A utility or glove compartment shall be deemed to be~~
25 ~~within the area occupied by the driver and passengers.]~~

underscoring material = new
~~[bracketed material] = delete~~

1 D. This section does not apply to any passenger in
2 a bus, taxicab or limousine for hire licensed to transport
3 passengers pursuant to the Motor Carrier Act or proper legal
4 authority.

5 ~~[D. The provisions of this section do not apply to:~~

6 ~~(1) any person who, upon the recommendation of~~
7 ~~a doctor, carries alcoholic beverages in that person's motor~~
8 ~~vehicle for medicinal purposes; or~~

9 ~~(2) any clergyman or his agent who carries~~
10 ~~alcoholic beverages for religious purposes in the clergyman's~~
11 ~~or agent's motor vehicle.]"~~