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H.20

Introduced by Representatives McCoy of Poultney and Shaw of Pittsford
Referred to Committee on
Date:
Subject: Motor vehicles; operation of vehicles; marijuana
Statement of purpose of bill as introduced: This bill proposes to establish civil penalties for consuming marijuana or having an open container of marijuana while in an operating motor vehicle.

An act relating to prohibiting consumption of marijuana in a motor vehicle

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 1134 is amended to read:

§ 1134. MOTOR VEHICLE OPERATOR; CONSUMPTION OR
POSSESSION OF ALCOHOL OR MARIJUANA

(a) A person shall not consume alcoholic beverages or marijuana while operating a motor vehicle on a public highway. As used in this section, “alcoholic beverages” shall have the same meaning as “intoxicating liquor” as defined in section 1200 of this title.

(b) A person operating a motor vehicle on a public highway shall not possess any open container which contains alcoholic beverages or marijuana in the passenger area of the motor vehicle.

1 (c) As used in this section, “passenger area” shall mean the area designed
2 to seat the operator and passengers while the motor vehicle is in operation and
3 any area that is readily accessible to the operator or passengers while in their
4 seating positions, including the glove compartment, unless the glove
5 compartment is locked. In a motor vehicle that is not equipped with a trunk,
6 the term shall exclude the area behind the last upright seat or any area not
7 normally occupied by the operator or passengers.

8 (d) A person who violates subsection (a) of this section shall be assessed a
9 civil penalty of not more than \$500.00. A person who violates subsection (b)
10 of this section shall be assessed a civil penalty of not more than ~~\$25.00~~ \$50.00.
11 A person adjudicated and assessed a civil penalty for an offense under
12 subsection (a) of this section shall not be subject to a civil violation for the
13 same actions under subsection (b) of this section.

14 Sec. 2. 23 V.S.A. § 1134a is amended to read:

15 § 1134a. MOTOR VEHICLE PASSENGER; CONSUMPTION OR

16 POSSESSION OF ALCOHOL OR MARIJUANA

17 (a) Except as provided in subsection (c) of this section, a passenger in a
18 motor vehicle shall not consume alcoholic beverages or marijuana or possess
19 any open container which contains alcoholic beverages or marijuana in the
20 passenger area of any motor vehicle on a public highway. As used in this

1 section, “alcoholic beverages” shall have the same meaning as “intoxicating
2 liquor” as defined in section 1200 of this title.

3 (b) As used in this section, “passenger area” shall mean the area designed
4 to seat the operator and passengers while the motor vehicle is in operation and
5 any area that is readily accessible to the operator or passengers while in their
6 seating positions, including the glove compartment, unless the glove
7 compartment is locked. In a motor vehicle that is not equipped with a trunk,
8 the term shall exclude the area behind the last upright seat or any area not
9 normally occupied by the operator or passengers.

10 (c) A person, other than the operator, may possess an open container which
11 contains alcoholic beverages or marijuana in the passenger area of a motor
12 vehicle designed, maintained, or used primarily for the transportation of
13 persons for compensation or in the living quarters of a motor home or trailer
14 coach.

15 (d) A person who violates this section shall be fined not more than \$25.00.

16 Sec. 3. EFFECTIVE DATE

17 This act shall take effect on passage.