

By Mrs. Cleven of Chelmsford, petition of Carol C. Cleven, Walter A. DeFilippi and Philip Travis for legislation to further regulate the consumption and possession of alcoholic beverages in motor vehicles. Criminal Justice.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Nine.

AN ACT FURTHER REGULATING THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES IN MOTOR VEHICLES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws is hereby amended by striking
2 out section 24I, as appearing in the 1986 Official Edition, and
3 inserting in place thereof the following section: —

4 Section 24I. Whoever, upon any way or in any place to which
5 the public has a right of access, or upon any way or in any place
6 to which members of the public have access as invitees or licensees,
7 operates a motor vehicle while drinking from an open container
8 of any alcoholic beverage, or possesses any bottle or receptacle
9 containing any alcoholic beverage which has been opened, or the
10 seal broken, or the contents of which have been partially removed
11 within the passenger compartment of the vehicle shall be punished
12 by a fine of not less than one hundred nor more than five hundred
13 dollars.

14 This section does not apply if the bottle or receptacle is kept
15 in the trunk of the vehicle or, if the vehicle has no trunk, in some
16 other area of the vehicle not normally occupied by the driver or
17 passengers. A utility compartment or glove compartment is
18 considered to be within the area normally occupied by the driver
19 and passengers.

20 This section shall not apply to passengers in commercially
21 chartered vehicles or to the living quarters of a motor home or

22 camper or to passengers in a limousine operated by a chauffeur,
 23 provided that nothing in this section shall be construed to
 24 authorize possession or consumption of an alcoholic beverage by
 25 the operator of any vehicle while operating said vehicle.