

SECOND REGULAR SESSION

HOUSE BILL NO. 1121

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DAVIS (19) (Sponsor), EMERY, PHILLIPS, DIXON,
KELLY (36), MYERS, MORRIS, VIEBROCK, JOLLY, HOLAND, BISHOP, SKAGGS,
ROARK AND WOOD (Co-sponsors).

Read 1st time January 15, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3822L.011

AN ACT

To repeal section 577.017, RSMo, and to enact in lieu thereof one new section relating to open alcoholic beverage containers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 577.017, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.017, to read as follows:

577.017. 1. No person shall consume [any] **or possess an open container of an** alcoholic beverage while [operating a moving] **occupying any** motor vehicle upon the highways, as defined in section 301.010, RSMo, **or the right-of-way of any such highway.**

2. Any person found guilty of violating the provisions of this section is guilty of an infraction.

3. Any infraction under this section shall not reflect on any records with the department of revenue.

4. **This section shall not apply to passengers who are occupying a recreational motor vehicle, or a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation, or to the possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.**

5. **As used in this section, "alcoholic beverage" means all distilled spirits, regardless of the percentage of alcohol by volume the beverage contains, includes beer and wine if such beverages contain one-half of one percent or more of alcohol by volume, includes**

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

- 16 **intoxicating liquor as defined in section 311.020, RSMo, and includes nonintoxicating beer**
17 **as defined in section 312.010, RSMo.**