

FIRST REGULAR SESSION

SENATE BILL NO. 291

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WESTFALL

Read 1st time January 15, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1274S.011

AN ACT

To repeal section 577.017, RSMo 2000, relating to alcohol-related traffic offenses, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 577.017, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 577.017, to read as follows: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, **including the driver of the motor vehicle** shall consume [any] **an** alcoholic beverage [while operating a moving motor vehicle upon the highways, as defined in section 301.010, RSMo] **or possess an open alcoholic beverage container in any motor vehicle located on a highway or the right-of-way of a 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. The provisions of this section shall not apply to passengers who are occupying a chartered tour bus or a recreational motor vehicle, or to possession of an open alcoholic beverage container behind the last upright seat of a motor vehicle that is not equipped with a trunk.

5. "Alcoholic beverage" as used in this section includes all distilled spirits, regardless of the percentage of alcohol by volume the beverage contains. The term

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

alcoholic beverage includes beer and wine if they contain one-half of one percent or more of alcohol by volume. The term alcoholic beverage shall include "intoxicating liquor" as defined in section 311.020, RSMo, and "nonintoxicating beer" as defined in section 312.010, RSMo.

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