

**Effective 5/12/2015**

**41-6a-526 Drinking alcoholic beverage and open containers in motor vehicle prohibited -- Definitions -- Exceptions.**

- (1) As used in this section:
  - (a) "Alcoholic beverage" has the same meaning as defined in Section 32B-1-102.
  - (b) "Chartered bus" has the same meaning as defined in Section 32B-1-102.
  - (c) "Limousine" has the same meaning as defined in Section 32B-1-102.
  - (d)
    - (i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers.
    - (ii) "Passenger compartment" includes areas accessible to the operator and passengers while traveling, including a utility or glove compartment.
    - (iii) "Passenger compartment" does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.
  - (e) "Waters of the state" has the same meaning as defined in Section 73-18-2.
- (2) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.
- (3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.
- (4) Subsections (2) and (3) do not apply to a passenger:
  - (a) in the living quarters of a motor home or camper;
  - (b) who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32B-4-415(4)(b) and (c); or
  - (c) in a motorboat on the waters of the state.
- (5) Subsection (3) does not apply to passengers traveling in any licensed taxicab or bus.
- (6) A violation of Subsection (2) or (3) is a class C misdemeanor.

Amended by Chapter 412, 2015 General Session