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AN ACT
RELATING TO MOTOR VEHICLES; ELIMINATING CERTAIN EXCEPTIONS TO
THE PROHIBITION AGAINST OPEN CONTAINERS OF ALCOHOLIC
BEVERAGES IN A MOTOR VEHICLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-8-138 NMSA 1978 (being Laws 1989,
Chapter 316, Section 2, as amended by Laws 2001, Chapter 28,
Section 1 and also by Laws 2001, Chapter 120, Section 1) is
amended to read:

"66-8-138. CONSUMPTION OR POSSESSION OF ALCOHOLIC
BEVERAGES IN OPEN CONTAINERS IN A MOTOR VEHICLE PROHIBITED--
EXCEPTIONS.--

A. No person shall knowingly drink any alcoholic
beverage while in a motor vehicle upon any public highway
within this state.

B. No person shall knowingly have in the person's
possession on the person's body, while in a motor vehicle
upon any public highway within this state, any bottle, can or
other receptacle containing any alcoholic beverage that has
been opened or had its seal broken or the contents of which
have been partially removed.

C. It is unlawful for the registered owner of any
motor vehicle to knowingly keep or allow to be kept in a
motor vehicle, when the vehicle is upon any public highway

1 within this state, any bottle, can or other receptacle
2 containing any alcoholic beverage that has been opened or had
3 its seal broken or the contents of which have been partially
4 removed, unless the container is kept in:

5 (1) the trunk of the vehicle or in some
6 other area of the vehicle not normally occupied by the driver
7 or passengers if the vehicle is not equipped with a trunk. A
8 utility or glove compartment shall be deemed to be within the
9 area occupied by the driver and passengers;

10 (2) the living quarters of a motor home or
11 recreational vehicle;

12 (3) a truck camper; or

13 (4) the bed of a pick-up truck when the bed
14 is not occupied by passengers.

15 D. This section does not apply to any passenger in
16 a bus, taxicab or limousine for hire licensed to transport
17 passengers pursuant to the Motor Carrier Act or proper legal
18 authority." _____

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