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HOUSE BILL 355

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. David Pederson

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING AN EXCEPTION TO THE OPEN CONTAINER LAW; AMENDING A SECTION OF THE MOTOR VEHICLE CODE.

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) 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 his possession on his person, while in a motor vehicle upon any public highway within this state, any bottle, can or other

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1 receptacle containing any alcoholic beverage [~~which~~] that has
2 been opened or had its seal broken or the contents of which
3 have been partially removed.

4 C. It is unlawful for the registered owner of any
5 motor vehicle to knowingly keep or allow to be kept in a motor
6 vehicle, when the vehicle is upon any public highway within
7 this state, any bottle, can or other receptacle containing any
8 alcoholic beverage [~~which~~] that has been opened or had its
9 seal broken or the contents of which have been partially
10 removed, unless the container is kept in:

11 (1) the trunk of the vehicle or in some other
12 area of the vehicle not normally occupied by the driver or
13 passengers if the vehicle is not equipped with a trunk;

14 (2) the living quarters of a motor home or
15 recreational vehicle;

16 (3) a truck camper; or

17 (4) the bed of a pick-up truck when the bed
18 is occupied by passengers.

19 A utility or glove compartment shall be deemed to be
20 within the area occupied by the driver and passengers. This
21 section does not apply to [~~the driver or owner of or~~] any
22 passenger in a bus, taxicab or limousine for hire licensed to
23 transport passengers pursuant to the Motor Carrier Act or
24 proper legal authority.

25 D. The provisions of this section do not apply to:

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(1) any person who, upon the recommendation of a doctor, carries alcoholic beverages in that person's motor vehicle for medicinal purposes;

(2) any clergyman or his agent who carries alcoholic beverages for religious purposes in the clergyman's or agent's motor vehicle; or

(3) any person who is employed by a person licensed by the [~~Alcoholic Beverage~~] Liquor Control Act, while discharging his duties as an employee. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1999.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 22, 1999
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8 Mr. Speaker:
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10 Your JUDICIARY COMMITTEE, to whom has been referred
11

12 HOUSE BILL 355
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14 has had it under consideration and reports same with
15 recommendation that it DO PASS.
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17 Respectfully submitted,
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20 _____
21 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HJ/HB 355

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Luna

13 Absent: None

15 J: \99BillSWP\H0355

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 22, 1999

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7 Mr. Speaker:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

10 HOUSE BILL 355

11
12 has had it under consideration and reports same with
13 recommendation that it DO PASS.

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15 Respectfully submitted,

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20 R. David Pederson, Chairman
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HJ/HB 355

Page 7

4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Luna

13 Absent: None

15 J: \99BillSWP\H0355

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FIRST SESSI ON, 1999

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March 10, 1999

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Mr. Presi dent:

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Your CORPORATIONS & TRANSPORTATION COMMITTEE, to

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whom has been referred

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HOUSE BILL 355

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has had it under consideration and reports same with

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recommenda tion that it DO PASS, and thence referred to the

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JUDICIARY COMMITTEE.

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Respectfully submi tted,

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Roman M. Maes, Chair man

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FORTY-FOURTH LEGISLATURE
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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 7 For 0 Against

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Yes: 7

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No: 0

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Excused: Aragon, Rawson, Robinson

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Absent: None

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FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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March 16, 1999

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Mr. Presi dent:

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Your JUDI CIARY COMMI TTEE, to whom has been referred

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HOUSE BILL 355

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has had it under consideration and reports same with
recomm~~endation~~ that it DO PASS.

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FORTY-FOURTH LEGISLATURE
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(Chief Clerk)

(Chief Clerk)

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Date _____

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The roll call vote was 8 For 0 Against

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Yes: 8

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No: 0

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Excused: None

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Absent: None

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