

A Bill for an Act Relating to Intoxicating Liquors.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 291, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“§291- Consuming or possessing intoxicating liquor while operating a motor vehicle. (a) No person shall consume any intoxicating liquor while operating a motor vehicle upon any public street, road, or highway.

(b) No person shall possess, while operating a motor vehicle upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.

(c) As used in this section, “intoxicating liquor” means the same as the term is defined in section 281-1.

(d) This section shall not apply to the living quarters of a trailer or camper.

(e) Any person violating this section shall be guilty of a misdemeanor.

§291- Consuming or possessing intoxicating liquor while a passenger in a motor vehicle. (a) No person shall consume any intoxicating liquor while a passenger in any motor vehicle upon any public street, road, or highway.

(b) No person shall possess, while a passenger in a motor vehicle upon any

public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed.

(c) As used in this section, "intoxicating liquor" means the same as the term is defined in section 281-1.

(d) This section shall not apply to the living quarters of a trailer or camper.

(e) Any person violating this section shall be guilty of a petty misdemeanor.

§291- Storage of opened container containing intoxicating liquor. (a) No person shall keep in a motor vehicle, when such vehicle is upon any public street, road, or highway, any bottle, can, or other receptacle containing any intoxicating liquor which has been opened, or a seal broken, or the contents of which have been partially removed or fully removed, unless such container is kept in the trunk of the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers.

(b) As used in this section, "intoxicating liquor" means the same as the term is defined in section 281-1.

(c) This section shall not apply to a recreational or other vehicle not having a separate trunk compartment, or to the living quarters of a trailer or camper.

(d) Any person violating this section shall be guilty of a violation."

SECTION 2. New statutory material is underscored.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 16, 1981.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.