THE STATE SENATE
Monday, April 4, 2005

ENGROSSED

House Bill No. 1461

ENGROSSED HOUSE BILL NO. 1461 - By: SHERRER and NANCE of the House and EASLEY of the Senate.

An Act relating to crimes and punishments; 21 O.S. 2001, Section 1220, as last amended by Section 1, Chapter 386, O.S.L. 2004 (21 O.S. Supp. 2004, Section 1220), which relates to transporting intoxicating beverage or low-point beer; clarifying scope of prohibited act; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1220, as last amended by Section 1, Chapter 386, O.S.L. 2004 (21 O.S. Supp. 2004, Section 1220), is amended to read as follows:

Section 1220. A. It shall be unlawful for any person <u>or passenger</u> to knowingly transport <u>or possess</u> in any moving vehicle upon a public highway, street or alley any intoxicating beverage or low-point beer, as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other

(Bold face denotes Committee Amendments)

person in the vehicle while it is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not more than Fifty Dollars ($50.00).

B. Any person convicted of violating any provision of subsection A of this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

C. The provisions of subsection A of this section shall not apply to the passenger area of buses and limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver's immediate possession any intoxicating beverage or low-point beer.

D. No city, town, or county may adopt any order, ordinance, rule or regulation concerning the consumption or serving of intoxicating beverages or low-point beer in buses or limousines.

E. As used in this section:

1. "Bus" means a vehicle as defined in Section 1-105 of Title 47 of the Oklahoma Statutes chartered for transportation of persons for hire. It shall not mean a school bus, as defined by Section 1-160 of Title 47 of the Oklahoma Statutes, transporting children or a

vehicle operated pursuant to a franchise with a city or town operating over a regularly scheduled route; and

2. "Limousine" means a chauffeur-driven motor vehicle, other than a bus or taxicab, as defined by Section 1-174 of Title 47 of the Oklahoma Statutes, designed and used for transportation of persons for compensation.

SECTION 2. This act shall become effective November 1, 2005.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND SECURITY, dated 3-29-05 - DO PASS.