

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1316

Page 1, line 2, after the third comma insert "39-08-18,"

Page 1, line 4, after the comma insert "open container prohibition,"

Page 1, line 5, remove "and"

Page 1, line 5, after "penalty" insert "; and to declare an emergency"

Page 3, line 27, remove "Is equipped with antilock brakes; and"

Page 3, line 28, remove "h."

Page 3, line 29, replace the underscored period with ":

h. Is equipped with at least one taillamp in accordance with section 39-21-04;

i. Is equipped with a stop lamp in accordance with subsection 1 of section 39-21-19; and

j. Is equipped with headlamps in accordance with section 39-27-17.1."

Page 18, line 16, replace "A" with "The driver of an autocyple is subject to a violation of this section but an autocyple"

Page 18, line 16, remove "on an autocyple"

Page 22, after line 26, insert:

"SECTION 3. AMENDMENT. Section 39-08-18 of the North Dakota Century Code is amended and reenacted as follows:

39-08-18. Open container law - Penalty.

1. A person may not drink or consume alcoholic beverages, as defined in section 5-01-01, in or on any motor vehicle when the vehicle is upon a public highway or in an area used principally for public parking. A person may not have in that person's possession on that person's person while in or on a private motor vehicle upon a public highway or in an area used principally for public parking, any bottle or receptacle containing alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed. It is unlawful for the owner of any private motor vehicle or the driver, if the owner be not then present in or on the motor vehicle, to keep or allow to be kept in a motor vehicle when such vehicle is upon the public highway or in an area used principally for public parking any bottle or receptacle containing such alcoholic beverages which has been opened, or the seal broken, or the contents of which have been partially removed except when such bottle or receptacle is kept in the trunk of the motor vehicle when such vehicle is equipped with a trunk, or kept in some other area of the vehicle not normally occupied by the driver or passengers, if the motor vehicle is not equipped with a trunk. A utility compartment or glove compartment must be deemed to be within the area

occupied by the driver and passengers. This subsection does not prohibit the consumption or possession of alcoholic beverages in a house car if the consumption or possession occurs in the area of the house car used as sleeping or living quarters and that area is separated from the driving compartment by a solid partition, door, curtain, or some similar means of separation; however, consumption is not authorized while the house car is in motion. Any person violating this subsection must be assessed a fee of fifty dollars; however, the licensing authority may not record the violation against the person's driving record unless the person was the driver of the motor vehicle at the time that the violation occurred.

2. Subsection 1 does not apply to a public conveyance that has been commercially chartered for group use, any passenger for compensation in a for-hire motor vehicle, or a privately owned motor vehicle operated by a person in the course of that person's usual employment transporting passengers at the employer's direction. This subsection does not authorize possession or consumption of an alcoholic beverage by the operator of any motor vehicle described in this subsection while upon a public highway or in an area used principally for public parking.
3. The driver of an autocyycle may not:
 - a. Drink or consume alcoholic beverages, as defined in section 5-01-01, while operating the autocyycle on any public street, road, path, or highway or while in an area used principally for parking; or
 - b. Have in the driver's possession on the driver's person while operating the autocyycle on a public street, road, path, or highway or while in an area used principally for parking, any bottle or receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed."

Page 23, after line 9, insert:

"SECTION 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly