

HOUSE BILL 140

By Lundberg

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4 and Title 57, Chapter 4, relative to the sale, consumption, and possession of alcoholic beverages and alcoholic beverage containers.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-416, is amended by deleting the section in its entirety and substituting instead the following:

(a) As used in this section:

(1) "Alcoholic beverage" means any alcoholic beverage defined in § 55-50-102(2);

(2) "Alcoholic beverage container" means any bottle, can, or other receptacle that contains any amount of alcoholic beverage;

(3) "Driving" means operating or being in physical control of a motor vehicle;

(4) "Motor vehicle" includes a motor vehicle used primarily for the transportation of persons for compensation as well as a motor vehicle used for noncommercial purposes;

(5) "Open" means any alcoholic beverage container that has been opened, has a broken seal, or where the contents of the container have been partially removed; and

(6) "Passenger area" means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or passengers while in their seating positions, including,

but not limited to, an unlocked glove compartment. "Passenger area" does not include a locked glove compartment, the area behind the last upright seat, or an area not normally occupied by the driver of, or passenger in, a motor vehicle without a trunk.

(b)

(1) It is an offense for a person to drive a motor vehicle on a public highway or on the right-of-way of a public highway while that person is:

(A) Consuming an alcoholic beverage; or

(B) Knowingly possessing an open alcoholic beverage container.

(2) For purposes of subdivision (b)(1), the person driving the vehicle does not possess an open alcoholic beverage container if the driver does not have knowledge of its presence in the motor vehicle.

(c)

(1) It is an offense for a person who is a passenger in a motor vehicle that is being driven on a public highway or on the right-of-way of a public highway to:

(A) Consume an alcoholic beverage; or

(B) Knowingly possess an open alcoholic beverage container within the passenger area of a motor vehicle.

(2) Subdivision (c)(1) does not apply if:

(A) The motor vehicle is being used primarily for the transportation of persons for compensation;

(B) The passengers are in the living quarters of a motor home, truck camper, house trailer, or other similar recreational vehicle primarily designed as temporary living quarters for recreational camping or travel; or

(C) The vehicle is being operated by a chauffeur in the chauffeur's for-hire capacity.

(d) A violation of subsection (b) or subsection (c) is a Class C misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 57-4-101, is amended by adding the following as a new, appropriately designated subsection:

( ) It is lawful to sell or serve alcoholic beverages for consumption on the premises of a bowling center if:

(A) The bowling center has a restaurant or limited service restaurant licensed pursuant to this chapter; and

(B) The restaurant or limited service restaurant is located on the premises of the bowling center.

SECTION 3. This act shall take effect July 1, 2015, the public welfare requiring it, and shall apply to applicable offenses committed on or after that date.