Metropolitan Nashville and Davidson County, TN

Legislation Text

File #: BL2021-866, **Version:** 1

An ordinance amending Chapter 11.12 of the Metropolitan Code of Laws to prohibit passengers in a motor vehicle from consuming or possessing an alcoholic beverage or beer during the operation of the vehicle.

WHEREAS, pursuant to Tennessee Code Annotated § 55-10-416(a)(1), a driver is prohibited from consuming any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle; and

WHEREAS, T.C.A. § 55-10-416(c) authorizes local governments to prohibit consumption or possession of an alcoholic beverage or beer by passengers in a motor vehicle during the operation of the vehicle by the driver.

NOW, THEREFORE BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Chapter 11.12 of the Metropolitan Code of Laws is hereby amended by adding the following new Section 11.12.100 as follows:

11.12.100 - Passenger in a Motor Vehicle - Open Containers.

A.1. Notwithstanding any provision of this Code to the contrary, no passenger in a motor vehicle shall consume any alcoholic beverage or beer or possess an open container of any alcoholic beverage or beer while a passenger in a motor vehicle during operation of the vehicle by its driver in the jurisdiction of the Metropolitan Government.

2. For purposes of this section:

a. “Open container” means any container containing alcoholic beverages or beer, the contents of which are immediately capable of being consumed or the seal of which has been broken;

b. An open container is in the possession of the driver when it is not in the possession of any passenger and is not located in a closed glove compartment, trunk or other nonpassenger area of the vehicle; and

c. A motor vehicle is in operation if its engine is operating, whether or not the motor vehicle is moving.

B. Any person violating this section shall be subject to a fine of $50.00.

C. The provisions of this Section shall expire and be of no further force and effect as of October 1, 2022, unless extended by resolution of the metropolitan council.

Section 2. That this ordinance shall take effect from and after its adoption, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

Analysis

This ordinance prohibits passengers in a motor vehicle from consuming or possessing an open container of an alcoholic beverage or beer while the motor vehicle is in operation. State law prohibits the driver of a motor vehicle consuming an alcoholic beverage or beer or having an open container during operation of a vehicle. This same state law provision authorizes local governments to prohibit consumption or possession of an open container by passengers. T.C.A. § 55-10-416.

Any person in violation of this ordinance would be subject to a fine of $50. This ordinance would sunset on October 1, 2022, unless extended by a resolution of the Metropolitan Council.