

House Amendment 8014

Amendment Text

PAG LIN

1 1 Amend [House File 2162](#) as follows:
1 2 #1. Page 17, by inserting after line 1 the
1 3 following:
1 4 "Sec. ____ Section [321.284](#), Code 1997, is amended
1 5 to read as follows:
1 6 321.284 OPEN CONTAINERS IN MOTOR VEHICLES.
1 7 A person driving a motor vehicle shall not
1 8 knowingly possess in a motor vehicle upon a public
1 9 street or highway an open or unsealed bottle, can,
1 10 jar, or other receptacle containing an alcoholic
1 11 beverage, wine, or beer with the intent to consume the
1 12 alcoholic beverage, wine, or beer while the motor
1 13 vehicle is upon a public street or highway. Evidence
1 14 that an open or unsealed receptacle containing an
1 15 alcoholic beverage, wine, or beer was found during an
1 16 authorized search in the glove compartment, utility
1 17 compartment, console, front passenger seat, or any
1 18 unlocked portable device and within the immediate
1 19 reach of the driver while the motor vehicle is upon a
1 20 public street or highway is evidence from which the
1 21 court or jury may infer that the driver intended to
1 22 consume the alcoholic beverage, wine, or beer while
1 23 upon the public street or highway if the inference is
1 24 supported by corroborative evidence. However, an open
1 25 or unsealed receptacle containing an alcoholic
1 26 beverage, wine, or beer may be transported at any time
1 27 in the trunk of the motor vehicle or in some other
1 28 area of the interior of the motor vehicle not designed
1 29 or intended to be occupied by the driver and not
1 30 readily accessible to the driver while the motor
1 31 vehicle is in motion. A person convicted of a
1 32 violation of this section is guilty of a simple
1 33 misdemeanor punishable as a scheduled violation under
1 34 section 805.8, subsection 10

~~1 35 paragraph "c"~~
~~1 36 "~~

1 35 #2. By renumbering and changing internal
1 36 references as necessary.

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1 40 COMMITTEE ON [JUDICIARY](#)

1 41 LAMBERTI of Polk, Chairperson

1 42 [HF 2162.201](#) 77

1 43 lh/jl/28