

# House Bill 3147

Sponsored by Representative HELFRICH (at the request of Governor's Advisory Committee on DUII)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Expands open container law to include adult use cannabis item. Defines "adult use cannabis item."

## A BILL FOR AN ACT

1 Relating to the open container law; creating new provisions; and amending ORS 811.170.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 811.170 is amended to read:

4 811.170. (1) A person commits the offense of violation of the open container law in a motor ve-  
5 hicle if the person does any of the following:

6 (a) Drinks any alcoholic liquor in a motor vehicle when the vehicle is upon a highway.

7 (b) Possesses on one's person, while in a motor vehicle upon a highway, any bottle, can or other  
8 receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents  
9 of which have been partially removed.

10 (c) Keeps in a motor vehicle when the vehicle is upon any highway, any bottle, can or other  
11 receptacle containing any alcoholic liquor, which has been opened, or a seal broken, or the contents  
12 of which have been partially removed. The following apply to this paragraph:

13 (A) This paragraph applies only to the registered owner of any motor vehicle or, if the regis-  
14 tered owner is not then present in the vehicle, to the driver of the vehicle.

15 (B) This paragraph does not apply if the bottle, can or other receptacle is kept in the trunk of  
16 the vehicle, or kept in some other area of the vehicle not normally occupied by the driver or pas-  
17 sengers if the vehicle is not equipped with a trunk.

18 (C) For purposes of this paragraph, a utility compartment or glove compartment is considered  
19 within the area occupied by the driver and passengers.

20 (D) This paragraph does not apply to the living quarters of a camper or motor home.

21 **(d) Keeps in a motor vehicle when the vehicle is upon any highway, any adult use**  
22 **cannabis item or receptacle containing any adult use cannabis item, which has been opened,**  
23 **or a seal broken, or the contents of which have been partially removed. The following apply**  
24 **to this paragraph:**

25 (A) This paragraph applies only to the registered owner of any motor vehicle or, if the  
26 registered owner is not then present in the vehicle, to the driver of the vehicle.

27 (B) This paragraph does not apply if the adult use cannabis item or receptacle containing  
28 the adult use cannabis item is kept in the trunk of the vehicle, or kept in some other area  
29 of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped  
30 with a trunk.  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (C) For purposes of this paragraph, a utility compartment or glove compartment is con-  
2 sidered within the area occupied by the driver and passengers.

3 (D) This paragraph does not apply to any adult use cannabis item purchased at a  
4 marijuana retailer licensed under ORS 475C.097, and that remains in its unopened, original  
5 packaging.

6 (2) As used in this section, “adult use cannabis item” has the meaning given that term  
7 in ORS 475C.009.

8 [(2)] (3) The offense described in this section does not apply to passengers in a motor vehicle  
9 operated by a common carrier and used primarily to carry passengers for hire.

10 [(3)] (4) The offense described in this section, violation of the open container law in a motor  
11 vehicle, is a Class B traffic violation.

12 **SECTION 2. The amendments to ORS 811.170 by section 1 of this 2023 Act apply to of-**  
13 **fenses committed on or after the effective date of this 2023 Act.**

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