

**SENATE . . . . . No. 962**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Bruce E. Tarr***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to safe driving and open containers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>1/27/2017</i>
<i>Daniel M. Donahue</i>	<i>16th Worcester</i>	<i>1/27/2017</i>
<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>1/31/2017</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/1/2017</i>
<i>Steven Ultrino</i>	<i>33rd Middlesex</i>	<i>2/3/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/3/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>3/3/2017</i>

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By Mr. Tarr, a petition (accompanied by bill, Senate, No. 962) of Bruce E. Tarr, F. Jay Barrows, Daniel M. Donahue, Angelo L. D'Emilia and other members of the General Court for legislation relative to safe driving and open containers. The Judiciary.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act relative to safe driving and open containers.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 90 of the General Laws is hereby amended after Section 24I by  
2 inserting the following new section:-

3 Section 24I½. Possession of narcotic drugs and marihuana in motor vehicles.

4 Section 24I½. (a) As used in this section, the following word shall have the following  
5 meaning:

6 “Open container,” a prescription bottle, plastic bag, or other receptacle used to contain a  
7 narcotic drug or marihuana, as defined in Section 1 of Chapter 93C of the General Laws, that has  
8 been opened or has a broken seal or the contents of which have been partially removed or  
9 consumed.

10 (b) Whoever, upon any way or in any place to which the public has a right of access, or  
11 upon any way or in any place to which members of the public have access as invitees or

12 licensees, possesses an open container of a narcotic drug or marihuana in the passenger area of  
13 any motor vehicle, as defined by Section 24I of Chapter 90 for the General Laws, shall be  
14 punished by a fine of not less than \$100 nor more than \$500.