

HOLDER OR AN EMPLOYEE OF THE LICENSE HOLDER INSERTS A CORK IN ~~THE BOTTLE SO THAT THE TOP OF THE CORK IS LEVEL WITH THE LIP OF~~ OR PLACES A CAP ON THE BOTTLE.

(B) A BOTTLE OF WINE THAT IS REMOVED FROM THE LICENSED PREMISES UNDER SUBSECTION (A) OF THIS SECTION IS AN "OPEN CONTAINER" FOR PURPOSES OF § 10-125 OF THE CRIMINAL LAW ARTICLE.

Article - Criminal Law

10-123.

(i) "Open container" means a bottle, can, or other receptacle:

- (1) that is open;
- (2) that has a broken seal; or
- (3) from which the contents are partially removed.

(j) "Passenger area" has the meaning stated in § 21-903 of the Transportation Article.

10-125.

(a) (1) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not possess an open container that contains any amount of an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(2) A driver of a motor vehicle may not be subject to prosecution for a violation of this subsection based solely on possession of an open container that contains any amount of an alcoholic beverage by another occupant of the motor vehicle.

(b) (1) This subsection does not apply to the driver of a motor vehicle.

(2) Except as otherwise provided in subsection (c) of this section, an occupant of a motor vehicle may not consume an alcoholic beverage in a passenger area of a motor vehicle on a highway.

(c) Subsections (a)(1) and (b)(2) of this section do not apply to an occupant, who is not the driver, in:

(1) a motor vehicle designed, maintained, and used primarily for the transportation of a person for compensation, including:

- (i) a bus;
- (ii) a taxicab; or
- (iii) a limousine; or

(2) the living quarters of a motor home, motor coach, or recreational vehicle.