

(3) A MOTION FOR A REVISION OF A JUDGMENT.

(E) THE STATE'S ATTORNEY FOR EACH COUNTY MAY:

(1) PROSECUTE A VIOLATION UNDER THIS PART IN THE SAME MANNER AS A PROSECUTION OF A CRIMINAL CASE, INCLUDING ENTERING A NOLLE PROSEQUI OR PLACING THE CASE ON VIOLATION ON A STET DOCKET; AND

(2) EXERCISE AUTHORITY IN THE SAME MANNER PRESCRIBED BY LAW FOR A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

**Article - Transportation**

21-903.

[A person may not consume an alcoholic beverage while driving a motor vehicle on a highway of this State.]

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "ALCOHOLIC BEVERAGE" MEANS A SPIRITUOUS, VINOUS, MALT, OR FERMENTED LIQUOR, LIQUID, OR COMPOUND THAT CONTAINS AT LEAST 0.5% ALCOHOL BY VOLUME AND IS FIT FOR BEVERAGE PURPOSES.

~~(3) "OPEN CONTAINER" MEANS A BOTTLE, CAN, OR OTHER RECEPTACLE:~~

~~(I) THAT IS OPEN;~~

~~(II) THAT HAS A BROKEN SEAL; OR~~

~~(III) FROM WHICH THE CONTENTS ARE PARTIALLY REMOVED.~~

(4) (3) (I) "PASSENGER AREA" MEANS AN AREA THAT:

1. IS DESIGNED TO SEAT THE DRIVER AND ANY PASSENGER OF A MOTOR VEHICLE WHILE THE MOTOR VEHICLE IS IN OPERATION; OR

2. IS READILY ACCESSIBLE TO THE DRIVER OR A PASSENGER OF A MOTOR VEHICLE WHILE IN THEIR SEATING POSITIONS.

(II) "PASSENGER AREA" DOES NOT INCLUDE:

1. A LOCKED GLOVE COMPARTMENT;

2. THE TRUNK OF A MOTOR VEHICLE; OR

3. IF A MOTOR VEHICLE IS NOT EQUIPPED WITH A TRUNK, THE AREA BEHIND THE REARMOST UPRIGHT SEAT OR AN AREA THAT IS NOT NORMALLY OCCUPIED BY THE DRIVER OR A PASSENGER OF THE MOTOR VEHICLE.

(B) THIS SECTION APPLIES TO A MOTOR VEHICLE THAT IS DRIVEN, STOPPED, STANDING, OR OTHERWISE LOCATED ON A HIGHWAY.

~~(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AN OCCUPANT OF A MOTOR VEHICLE MAY NOT POSSESS AN OPEN CONTAINER THAT~~