

ISSUE NUMBER

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ISSUE NAME

OOSC, Part I, Item. 8. Intoxicating Beverages - Alcohol

STATUS

Open

Driver-Traffic Enforcement Committee

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AGENCY

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I am requesting clarification or guidance for inspecting vehicles where the driver is in possession of non-alcoholic beer. The Out of service criteria published by the CVSA states that the driver is to be put out of service if the driver possesses or consumes an intoxicating beverage regardless of its alcoholic content. While that is clear when it comes to beer, wine and liquor; it is not clear in regards to non-alcoholic beer. Despite being labeled non- alcoholic, these beverages can contain up to 0.5% alcohol and still legally be considered non-alcoholic. A customer still has to be of legal drinking age to purchase the product due to its small amount of alcohol. My issue is the OOSC states "regardless of alcohol content" so would an inspector confiscate the beverages and place the driver out of service for possession of an alcoholic beverage.

JUSTIFICATION OR NEED

I believe the wording of the rule holds firm in almost all situations but stating any intoxicating beverage regardless of alcohol content could include grape and orange juice which have ABV of 0.04% up to 0.5%.

REQUEST FOR ACTION

My request is to receive clarification on what the CVSA considers an alcoholic beverage, and either add a footnote or amend the wording of the OOSC to state what is considered alcoholic. I would also like to receive guidance from the CVSA on how it would like inspectors to approach these situations.

Thank you,