

Your car is not a barstool

Published: 6 Oct 2013 at 00.00

Newspaper section: Spectrum

<http://www.bangkokpost.com/news/investigation/373213/your-car-is-not-a-barstool>

Last week we outlined the possible scenarios a person might face under the Road Traffic Act BE 2522 (1979) if they are found to be over the legal blood alcohol concentration (BAC) limit while operating a motor vehicle. What if, in addition to having you blow into a breathalyzer, the police officer took the opportunity to have a look in your vehicle, where he found an open beer in the cup holder and happened to notice that your friend sitting in the passenger seat was also holding (but attempting to hide) an open beer as well.



Today we will examine how the two of you will fare under the new Ministerial Regulation on Prohibition for Selling or Consuming Alcohol Drinks on Road which has been in force since Aug 8 and was issued pursuant to the Alcohol Control Act BE 2551 (2008).

Occupants of vehicles of any kind, either passengers or drivers, who drink alcohol during travel, are now subject to six months imprisonment and/or a 10,000 baht fine, according to the Office of Alcoholic Beverages.

Even if it is only the passenger who is drinking, the driver of the vehicle can be held equally liable for the open container of alcohol. This also applies to motorbikes. Gone are the days of drinking a pre-party beer on the back of a motorbike taxi as you weave through traffic on your way to Saturday night festivities.

Alternatively, what if while your friend the driver had to run into Tesco for some mixers and snacks to bring to the party, you get thirsty while waiting in the parked vehicle and decide to crack open one of the cold beers sitting behind you in the ice chest?

Suddenly there is a knock on the window and an opportunistic police officer staring back at you. In addition to it now being illegal to drink alcohol as a passenger in a moving vehicle, it is now also illegal to drink alcohol while sitting in or on a vehicle parked on pavements or shoulders of public roads, regardless of whether you are the driver or an occupant or whether or not the engine is running.

The fine is the same as if the vehicle was moving and you were the one driving, which does not seem to make a whole lot of sense. This parked provision also applies to motorbikes, so don't forget that it is now illegal to use your motorbike as a chair while sipping a cleansing ale with friends. Of course, if your motor vehicle is parked on your own property and you're sitting on or inside it consuming alcohol, no problem.

Under the same ministerial regulation, it is also illegal, with the same accompanying penalties, to sell alcohol from a parked vehicle, which makes one wonder how those vans parked on Sukhumvit Soi 11 that look suspiciously like retro-fitted mobile bars do not qualify as motor vehicles. However, we have been advised that the regulation prohibits any driver or passenger from selling or consuming alcoholic beverages in a vehicle on the public road, with vehicles in this context being those used for the purpose of travelling from one place to another.

Apparently those vans on Soi 11 are considered mobile shops which just happen to sell alcoholic beverages. The purpose and usage of such vans is for merchandising rather than travelling. Therefore, the vans on Soi 11 are not covered by the regulation unless they are used for travelling. So as long as they remain permanently parked, they are not classified as a motor vehicle according to the regulation. This crafty maneuvering through regulatory technicalities has definitely created a profitable business for a few entrepreneurs in one of Bangkok's central party districts. So, unless you find yourself at one of these unique mobile shops or are parked in your garage or driveway, don't consume alcohol as a driver or passenger in a motor vehicle, regardless of whether the vehicle is moving or engine is running. Although that puts a kibosh on "tailgate parties", as evidenced by the mobile bartenders where there's a will there's a way.

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