

SMOKING BAN IN MOTOR VEHICLE

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: F. Jay Seegmiller

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by enacting a restriction on smoking in a motor vehicle when a child is present.

Highlighted Provisions:

This bill:

- ▶ prohibits a person from smoking in a motor vehicle if a child who is younger than eight years of age is restrained or is required to be restrained in a child restraint device in the motor vehicle;
- ▶ provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45;
- ▶ provides that a court may suspend the fine for a violation if the person proves that the person has enrolled in a smoking cessation program;
- ▶ provides that enforcement of the smoking prohibition shall be only as a secondary action; and
- ▶ provides that a violation of the smoking prohibition may not be used as a basis for or evidence of child abuse or neglect.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **41-6a-1716**, Utah Code Annotated 1953

31

32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **41-6a-1716** is enacted to read:

34 **41-6a-1716. Smoking in a vehicle prohibited when child is present -- Penalty --**
35 **Enforcement.**

36 (1) As used in this section, "smoking" has the same meaning as defined in Section
37 26-38-2.

38 (2) Smoking is prohibited in a motor vehicle if a child who is younger than eight years
39 of age is restrained or is required to be restrained in a child restraint device in the vehicle in
40 accordance with Section 41-6a-1803.

41 (3) A person who violates this section is guilty of an infraction and is subject to a
42 maximum fine of \$45.

43 (4) The court may suspend the fine for a violation of this section if:

44 (a) the person has not previously been convicted of a violation of this section; and

45 (b) the person proves to the court that the person has enrolled in a smoking cessation
46 program.

47 (5) Enforcement of this section by a state or local law enforcement officer shall be only
48 as a secondary action when the vehicle has been detained for a suspected violation by any
49 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

50 (6) A violation of this section may not be used as a basis for or evidence of child abuse
51 or neglect as defined in Section 62A-4a-402.

Legislative Review Note
as of 1-12-09 6:58 AM

Office of Legislative Research and General Counsel

H.B. 284 - Smoking Ban in Motor Vehicle

Fiscal Note

2009 General Session
State of Utah

State Impact

Enactment of this bill will require \$6,600 per year from the General Fund appropriated to the Courts beginning in FY 2010. The bill will also generate \$5,000 per year in new General Fund revenue beginning in FY 2010, for a net General Fund impact of \$1,600 per year.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund	\$0	\$6,600	\$6,600	\$0	\$5,000	\$5,000
Total	\$0	\$6,600	\$6,600	\$0	\$5,000	\$5,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Impact to local Justice Courts cannot be estimated as the level of compliance and the amount of fines that could be generated is unknown.