

27 informing the individual that smoking is prohibited in a motor vehicle if a child who is 15  
28 years of age or younger is a passenger in the vehicle ~~H~~→ [-] ;

28a ▶ provides that if a peace officer issues a warning or a citation for a violation, the peace  
28b officer shall provide the individual with an information pamphlet that informs the individual  
28c of the dangers of secondhand smoke; ←~~H~~

29 ▶ provides that a court may suspend the fine for a violation if the person proves that  
30 the person has enrolled in a smoking cessation program;

31 ▶ provides that enforcement of the smoking prohibition shall be only as a secondary  
32 action;

33 ▶ provides that a violation of the smoking prohibition may not be used as a basis for  
34 or evidence of child abuse or neglect; and

35 ▶ provides that the prohibition of smoking in a vehicle when a child is present is  
36 repealed July 1, 2016.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 None

41 **Utah Code Sections Affected:**

42 AMENDS:

43 **63I-1-241**, as last amended by Laws of Utah 2010, Chapter 319

44 ENACTS:

45 **41-6a-1717**, Utah Code Annotated 1953



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

48 Section 1. Section **41-6a-1717** is enacted to read:

49 **41-6a-1717. Smoking in a vehicle prohibited when child is present -- Penalty --**

50 **Enforcement.**

51 (1) As used in this section, "smoking" has the same meaning as defined in Section  
52 26-38-2.

53 (2) Smoking is prohibited in a motor vehicle if a child who is 15 years of age or  
54 younger is a passenger in the vehicle.

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

57 (4) ~~H~~→ (a) ←~~H~~ Until July 1, 2012, a peace officer may not issue a citation to an individual  
57a for a

58 violation of this section but shall issue the individual a warning informing the individual that  
59 smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a  
60 passenger in the vehicle.

60a **Ĥ→ (b) If a peace officer issues a warning or a citation for a violation of this section, the peace**  
60b **officer shall provide the individual with an information pamphlet that informs the individual**  
60c **of the dangers of secondhand smoke.**

60d **(c) A peace officer is not subject to a penalty for failing to provide an information**  
60e **pamphlet to an individual under Subsection (4)(b).**

60f **(d) No public funds may be spent in preparing or producing the information pamphlets**  
60g **described in Subsection (4)(b).** ←Ĥ

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

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

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

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

68 (7) A violation of this section may not be used as a basis for or evidence of child abuse  
69 or neglect.

70 Section 2. Section **63I-1-241** is amended to read:

71 **63I-1-241. Repeal dates, Title 41.**

72 Section 41-6a-1717 is repealed July 1, 2016.