

1 **PROTECTION OF CHILDREN RIDING IN MOTOR**
2 **VEHICLES**

3 2011 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Patrice M. Arent**

6 Senate Sponsor: John L. Valentine

7
8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines smoking;
- 15 ▶ prohibits a person from smoking in a vehicle if a child who is 15 years of age or
16 younger is a passenger in the vehicle;
- 17 ▶ provides that violating the smoking prohibition is an infraction and has a maximum
18 fine of \$45;
- 19 ▶ provides that a court may suspend the fine for a violation if the person proves that
20 the person has enrolled in a smoking cessation program;
- 21 ▶ provides that enforcement of the smoking prohibition shall be only as a secondary
22 action; and
- 23 ▶ provides that a violation of the smoking prohibition may not be used as a basis for
24 or evidence of child abuse or neglect.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**



28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **41-6a-1717**, Utah Code Annotated 1953

32

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

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

35 **41-6a-1717. Smoking in a vehicle prohibited when child is present -- Penalty --**

36 **Enforcement.**

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

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

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.

Legislative Review Note
as of 1-5-11 5:29 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 89

SHORT TITLE: Protection of Children Riding in Motor Vehicles

SPONSOR: Arent, P.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enforcement through the courts will cost about \$6,600 in ongoing General Fund that will be off-set by annual revenues of \$5,000 for a new annual impact of \$1,600.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue:			
General Fund	\$0	\$5,000	\$5,000
Total Revenue	\$0	\$5,000	\$5,000
Expenditure:			
General Fund	\$0	\$6,600	\$6,600
Total Expenditure	\$0	\$6,600	\$6,600
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$1,600)	(\$1,600)
Net Impact, General/Education Funds	\$0	(\$1,600)	(\$1,600)

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Local Justice Courts may incur additional costs and/or associated revenue.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.