

**PROTECTION OF CHILDREN RIDING IN MOTOR  
VEHICLES**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Patrice M. Arent**

Senate Sponsor: Aaron Osmond

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**LONG TITLE**

**Committee Note:**

The Health and Human Services Interim Committee recommended this bill.

**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:

- ▶ defines smoking;
- ▶ prohibits a person from smoking in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle;
- ▶ provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45;
- ▶ provides that until July 1, 2014, a peace officer may not issue a citation to an individual for a violation of this section but shall issue the individual a warning informing the individual that smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle;
- ▶ provides that a court may suspend the fine for a violation if the person has not previously been convicted of smoking in a vehicle when a child is present and proves that the person has enrolled in a smoking cessation program;



- 28           ▶ provides that enforcement of the smoking prohibition shall be only as a secondary
- 29 action; and
- 30           ▶ provides that a violation of the smoking prohibition may not be used as a basis for
- 31 or evidence of child abuse or neglect.

32 **Money Appropriated in this Bill:**

33           None

34 **Other Special Clauses:**

35           None

36 **Utah Code Sections Affected:**

37 ENACTS:

38           **41-6a-1717**, Utah Code Annotated 1953



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

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

42           **41-6a-1717. Smoking in a vehicle prohibited when child is present -- Penalty --**  
43 **Enforcement.**

44           (1) As used in this section, "smoking" has the same meaning as defined in Section  
45 26-38-2.

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

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

50           (4) Until July 1, 2014, a peace officer may not issue a citation to an individual for a  
51 violation of this section but shall issue the individual a warning informing the individual that  
52 smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a  
53 passenger in the vehicle.

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

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

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

58           (6) Enforcement of this section by a state or local law enforcement officer shall be only

59 as a secondary action when the vehicle has been detained for a suspected violation by any  
60 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.  
61 (7) A violation of this section may not be used as a basis for or evidence of child abuse  
62 or neglect.

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**Legislative Review Note**  
as of 9-26-12 3:13 PM

**Office of Legislative Research and General Counsel**