

SMOKING BAN IN MOTOR VEHICLE

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott D. McCoy

House Sponsor: Ronda Rudd Menlove

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 vehicle when a child is present.

Highlighted Provisions:

This bill:

- prohibits a person from smoking in a vehicle if a child that is less than five years of age is restrained or is required to be restrained in a child restraint device in the 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; ~~§~~ [and] ~~§~~

- 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

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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 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 less than five years of
39 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.

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

Legislative Review Note
as of 10-22-07 10:09 AM

Office of Legislative Research and General Counsel

S.B. 14 - Smoking Ban in Motor Vehicle

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
