

HB0089S01 compared with HB0089

~~deleted text~~ shows text that was in HB0089 but was deleted in HB0089S01.

inserted text shows text that was not in HB0089 but was inserted into HB0089S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

Representative Patrice M. Arent proposes the following substitute bill:

PROTECTION OF CHILDREN RIDING IN MOTOR VEHICLES

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Patrice M. Arent

Senate Sponsor: ~~_____~~ John L. Valentine

Cosponsors:

Joel K. Briscoe

Derek E. Brown

Melvin R. Brown

Rebecca Chavez-Houck

Jack R. Draxler

Rebecca P. Edwards

Brian S. King

Kay L. McIff

Ronda Rudd Menlove

Carol Spackman Moss

Lee B. Perry

Dixon M. Pitcher

Marie H. Poulson

Kraig Powell

Paul Ray

Evan J. Vickers

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:

- ▶ defines smoking;

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- ▶ prohibits a person from smoking in a 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, 2012, 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 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 ~~and~~; and
- ▶ provides that the prohibition of smoking in a vehicle when a child is present is repealed July 1, 2016.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

ENACTS:

41-6a-1717, Utah Code Annotated 1953

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

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

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

Enforcement.

(1) As used in this section, "smoking" has the same meaning as defined in Section

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26-38-2.

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

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

(4) Until July 1, 2012, 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.

(~~4~~5) The court may suspend the fine for a violation of this section if:

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

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

(~~5~~6) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

(~~6~~7) A violation of this section may not be used as a basis for or evidence of child abuse or neglect.

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Legislative Review Note

— as of 1-5-11 5:29 PM

— ~~Office of Legislative Research and General Counsel~~; Section 2. Section 63I-1-241 is amended to read:

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

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