

Senator Margaret Dayton 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

7	Cosponsors:	Rebecca P. Edwards	Dixon M. Pitcher
8	Joel K. Briscoe	Brian S. King	Marie H. Poulson
9	Derek E. Brown	Kay L. McIff	Kraig Powell
10	Melvin R. Brown	Ronda Rudd Menlove	Paul Ray
11	Rebecca Chavez-Houck	Carol Spackman Moss	Evan J. Vickers
12	Jack R. Draxler	Lee B. Perry	

---

---

**LONG TITLE**

**General Description:**

This bill modifies the Traffic Code by amending provisions relating to smoking in a motor vehicle when a child is present in the motor vehicle.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ requires a state or local law enforcement officer to provide an information pamphlet to a person that informs the person of the dangers of secondhand smoke if:
  - the person is smoking in a vehicle and a child who is 15 years of age or younger is a passenger in the vehicle; and



- 25 • the vehicle has been detained for a suspected violation by any person in the
- 26 vehicle;
- 27 ▶ provides that a state or local law enforcement officer is not subject to a penalty for
- 28 failing to provide an information pamphlet to a person;
- 29 ▶ provides that no public funds may be spent in preparing or producing the
- 30 information pamphlets; and
- 31 ▶ provides that the requirement to provide an information pamphlet is repealed July 1,
- 32 2016.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 None

37 **Utah Code Sections Affected:**

38 AMENDS:

39 **63I-1-241**, as last amended by Laws of Utah 2010, Chapter 319

40 ENACTS:

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



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

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

45 **41-6a-1717. Information pamphlet to be provided to person smoking in a vehicle**  
46 **when child is present.**

47 (1) As used in this section, "smoking" has the same meaning as defined in Section  
48 26-38-2.

49 (2) A state or local law enforcement officer shall provide an information pamphlet  
50 described in Subsection (3) to a person if:

51 (a) the person is smoking in a vehicle;

52 (b) a child who is 15 years of age or younger is a passenger in the vehicle; and

53 (c) the vehicle has been detained for a suspected violation by any person in the vehicle  
54 of Title 41, Motor Vehicles, or for another offense.

55 (3) A state or local law enforcement officer shall provide a person described in

56 Subsection (2) with an information pamphlet that informs the person of the dangers of  
57 secondhand smoke.

58 (4) A state or local law enforcement officer is not subject to a penalty for failing to  
59 provide an information pamphlet to a person under this section.

60 (5) No public funds may be spent in preparing or producing the information pamphlets  
61 described in this section.

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

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

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