

## HB0089S03 compared with HB0089S02

~~{deleted text}~~ shows text that was in HB0089S02 but was deleted in HB0089S03.

inserted text shows text that was not in HB0089S02 but was inserted into HB0089S03.

**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 Bradley M. Daw}~~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

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

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#### LONG TITLE

#### General Description:

This bill modifies the Traffic Code by amending provisions relating to smoking in a

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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
  - the vehicle has been detained for a suspected violation by any person in the vehicle;
- ▶ provides that a state or local law enforcement officer is not subject to a penalty for failing to provide an information pamphlet to a person;
- ▶ provides that no public funds may be spent in preparing or producing the information pamphlets ~~{ described in this section }~~; and
- ▶ provides that the requirement to provide an information pamphlet is repealed July 1, 2016.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

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

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

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

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

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26-38-2.

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

(a) the person is smoking in a vehicle;

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

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

(3) A state or local law enforcement officer shall provide a person described in Subsection (2) with an information pamphlet that informs the person of the dangers of secondhand smoke.

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

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

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.