

SENATE BILL 82

R2
SB 30/13 – JPR

(PRE-FILED)

4lr0978

By: **Senators Forehand and Zirkin**

Requested: November 15, 2013

Introduced and read first time: January 8, 2014

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young**
3 **Child**

4 FOR the purpose of prohibiting the driver of a motor vehicle in which a person who is
5 under a certain age is a passenger from smoking a tobacco product or allowing a
6 passenger to smoke in the motor vehicle; establishing a penalty for a violation of
7 this Act; providing that a violation of this Act is not a moving violation for
8 certain purposes; providing for the application of this Act; defining a certain
9 term; and generally relating to prohibitions against tobacco smoking in a motor
10 vehicle.

11 BY adding to
12 Article – Transportation
13 Section 21–1130 and 27–115
14 Annotated Code of Maryland
15 (2012 Replacement Volume and 2013 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Transportation**

19 **21–1130.**

20 **(A) IN THIS SECTION, “SMOKING” MEANS THE BURNING OF A LIGHTED**
21 **CIGARETTE, CIGAR, PIPE, OR ANY OTHER DEVICE OR SUBSTANCE THAT**
22 **CONTAINS TOBACCO.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(B) THE DRIVER OF A MOTOR VEHICLE IN WHICH A PERSON WHO IS**
2 **UNDER THE AGE OF 8 YEARS IS A PASSENGER MAY NOT ENGAGE IN SMOKING OR**
3 **ALLOW A PASSENGER TO ENGAGE IN SMOKING IN THE MOTOR VEHICLE.**

4 **(C) THIS SECTION DOES NOT APPLY TO A MOBILE HOME WHEN THE**
5 **MOBILE HOME IS BEING USED AS A PERMANENT OR TEMPORARY LIVING OR**
6 **SLEEPING PLACE AND NOT A CONVEYANCE ON HIGHWAYS.**

7 **(D) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR**
8 **PURPOSES OF § 16-402 OF THIS ARTICLE.**

9 **27-115.**

10 **ANY PERSON CONVICTED OF A VIOLATION OF § 21-1130 OF THIS ARTICLE**
11 **IS SUBJECT TO A FINE OF NOT MORE THAN \$50.**

12 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
13 **October 1, 2014.**