

# HOUSE BILL 357

R2  
HB 585/14 – ECM

5lr2452  
CF 5lr2006

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By: **Delegates B. Barnes, Beidle, Carr, Fraser–Hidalgo, Frush, Gilchrist, Healey, Holmes, Knotts, Lafferty, Lam, McCray, McIntosh, Pena–Melnik, S. Robinson, Stein, and Tarlau**

Introduced and read first time: February 5, 2015  
Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

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

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

9 BY adding to  
10 Article – Transportation  
11 Section 21–1130 and 27–116  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2014 Supplement)

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

### Article – Transportation

16  
17 **21–1130.**

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

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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 UNDER**  
2 **THE AGE OF 8 YEARS IS A PASSENGER MAY NOT ENGAGE IN SMOKING OR ALLOW A**  
3 **PASSENGER TO ENGAGE IN SMOKING IN THE MOTOR VEHICLE.**

4           **(C) THIS SECTION DOES NOT APPLY TO A MOBILE HOME WHEN THE MOBILE**  
5 **HOME IS BEING USED AS A PERMANENT OR TEMPORARY LIVING OR SLEEPING PLACE**  
6 **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 **27-116.**

10           **ANY PERSON CONVICTED OF A VIOLATION OF § 21-1130 OF THIS ARTICLE IS**  
11 **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, 2015.**