
By: Delegates Menes, Hecht, Frush, and Hubbard

Introduced and read first time: February 2, 1996

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smoking - Vehicles - Child in a Safety Seat**

3 FOR the purpose of prohibiting smoking in certain vehicles when certain children are in
4 the vehicles; defining a certain term; providing certain penalties; specifying that a
5 police officer may enforce certain provisions of law only as a secondary violation;
6 and generally relating to smoking in certain vehicles in which minors are present.

7 BY adding to

8 Article - Transportation
9 Section 21-1121
10 Annotated Code of Maryland
11 (1992 Replacement Volume and 1995 Supplement)

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

14 **Article - Transportation**

15 21-1121.

16 (A) IN THIS SECTION, "SMOKING" MEANS THE ACT OF SMOKING OR
17 CARRYING A BURNING:

- 18 (1) CIGAR;
19 (2) CIGARETTE;
20 (3) PIPE; OR
21 (4) OTHER TOBACCO PRODUCT.

22 (B) THIS SECTION APPLIES TO SMOKING IN A VEHICLE REGISTERED, OR A
23 TYPE CAPABLE OF BEING REGISTERED, IN THIS STATE AS A:

- 24 (1) CLASS A (PASSENGER) VEHICLE;
25 (2) CLASS E (TRUCK) WITH A MANUFACTURER'S RATED CAPACITY OF
26 3/4 TON OR LESS, THE GROSS WEIGHT OF WHICH DOES NOT EXCEED 7,000 POUNDS;
27 OR

2

1 (3) CLASS M (MULTIPURPOSE) VEHICLE.

2 (C) AN INDIVIDUAL MAY NOT SMOKE IN A VEHICLE THAT IS SUBJECT TO THE
3 PROVISIONS OF THIS SECTION WHEN A CHILD REQUIRED TO BE IN A SAFETY SEAT
4 UNDER § 22-412.2 OF THIS ARTICLE IS IN THE VEHICLE.

5 (D) (1) AN INDIVIDUAL CONVICTED OF VIOLATING THIS SECTION IS
6 SUBJECT TO A FINE OF \$25.

7 (2) A VIOLATION OF THIS SECTION IS NOT CONSIDERED A MOVING
8 VIOLATION FOR THE PURPOSE OF ASSESSING POINTS UNDER § 16-402 OF THIS
9 ARTICLE.

10 (3) A POLICE OFFICER MAY ENFORCE THE PROVISIONS OF THIS
11 SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A
12 DRIVER OF A MOTOR VEHICLE FOR A SUSPECTED VIOLATION OF ANOTHER
13 PROVISION OF THE CODE.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1996.