

# HOUSE BILL 1360

R5

8lr2489

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By: **Delegates Barnes, Cardin, Frush, Hubbard, Tarrant, and Valderrama**

Introduced and read first time: February 8, 2008

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicles – Smoking in Vehicle with Child Passenger – Prohibition**

3 FOR the purpose of prohibiting the driver of a motor vehicle from smoking or allowing  
4 a passenger to smoke a tobacco product in the motor vehicle if any passenger in  
5 the motor vehicle is under a certain age; excluding motorcycle drivers from the  
6 provisions of this Act; authorizing a police officer to enforce this Act only as a  
7 secondary action when detaining a driver for another suspected violation of law;  
8 establishing that a violation of this Act is not a moving violation for certain  
9 purposes; establishing a certain penalty; and generally relating to a prohibition  
10 on smoking in a motor vehicle in which a child is a passenger.

11 BY adding to

12 Article – Transportation  
13 Section 21–1127 and 27–106(d)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume and 2007 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 **21–1127.**

20 (A) **THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A DRIVER OF**  
21 **A MOTORCYCLE.**

22 (B) **THE DRIVER OF A MOTOR VEHICLE MAY NOT SMOKE A TOBACCO**  
23 **PRODUCT OR ALLOW A PASSENGER TO SMOKE A TOBACCO PRODUCT IN THE**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **MOTOR VEHICLE IF ANY PASSENGER IN THE MOTOR VEHICLE IS UNDER THE AGE**  
2 **OF 6 YEARS.**

3 **(C) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A**  
4 **SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS THE DRIVER FOR A**  
5 **SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**

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

8 27-106.

9 **(D) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 21-1127 OF**  
10 **THIS ARTICLE IS SUBJECT TO A FINE OF NOT MORE THAN \$50.**

11 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
12 **October 1, 2008.**