

SENATE BILL 288

R2

9lr0904
CF 9lr2386

By: **Senators Lenett, Harrington, Jones, Madaleno, McFadden, Muse, Raskin,
and Robey**

Introduced and read first time: January 28, 2009

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; defining
8 a certain term; and generally relating to prohibitions against tobacco smoking
9 in a motor vehicle.

10 BY adding to
11 Article – Transportation
12 Section 21–1127 and 27–115
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2008 Supplement)

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

17 **Article – Transportation**

18 **21–1127.**

19 **(A) IN THIS SECTION, “SMOKING” MEANS THE BURNING OF A LIGHTED**
20 **CIGARETTE, CIGAR, PIPE, OR OTHER DEVICE OR SUBSTANCE THAT CONTAINS**
21 **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) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR**
5 **PURPOSES OF § 16-402 OF THIS ARTICLE.**

6 **27-115.**

7 **ANY PERSON CONVICTED OF A VIOLATION OF § 21-1127 OF THIS ARTICLE**
8 **IS SUBJECT TO A FINE OF NOT MORE THAN \$50.**

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2009.