

Senate Bill 130

By: Senators Thompson of the 14th, Unterman of the 45th, Stone of the 23rd, Henson of the 41st, Seay of the 34th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated,  
2 relating to general provisions relative to the uniform rules of the road, so as to provide that  
3 any person in control of a motor vehicle who smokes or permits another occupant to smoke  
4 when a person under the age of 15 is in the vehicle shall be guilty of a misdemeanor; to  
5 provide for secondary enforcement; to define a certain term; to provide a penalty; to provide  
6 a short title; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Smokefree Cars for Children Act."

10 **SECTION 2.**

11 Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to  
12 general provisions relative to the uniform rules of the road, is amended by adding a new  
13 Code section to read as follows:

14 "40-6-18.

15 (a) As used in this Code section, the term 'smoke' means to inhale, exhale, burn, or carry  
16 a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic, or other combustible  
17 substance.

18 (b) A person who is the driver of or is in control of a motor vehicle that is required to be  
19 registered under this title, whether or not such motor vehicle is being driven on the public  
20 ways or is stopped on a public or private way, commits the offense of smoking in a motor  
21 vehicle if the person smokes or permits another occupant of the motor vehicle to smoke in  
22 such motor vehicle while a person under 15 years of age is in the motor vehicle; provided,  
23 however, that a person shall not be charged with a violation of this subsection alone, but  
24 may be charged with violating this subsection in addition to any other traffic offense.

25 (c) A violation of this Code section shall be a misdemeanor punishable by a fine not to  
26 exceed \$100.00."

27

**SECTION 3.**

28 All laws and parts of laws in conflict with this Act are repealed.