

SENATE BILL 415

R2

11r2446
CF 11r1907

By: **Senators Forehand, Kelley, Madaleno, Manno, Montgomery, Pinsky, Rosapepe, and Young**

Introduced and read first time: February 4, 2011

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;
8 providing for the application of this Act; defining a certain term; and generally
9 relating to prohibitions against tobacco smoking in a motor vehicle.

10 BY adding to

11 Article – Transportation
12 Section 21–1130 and 27–115
13 Annotated Code of Maryland
14 (2009 Replacement Volume and 2010 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 **21–1130.**

19 **(A) IN THIS SECTION, “SMOKING” MEANS THE BURNING OF A LIGHTED**
20 **CIGARETTE, CIGAR, PIPE, OR ANY OTHER DEVICE OR SUBSTANCE THAT**
21 **CONTAINS 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) THIS SECTION DOES NOT APPLY TO A MOBILE HOME WHEN THE**
5 **MOBILE HOME IS BEING USED AS A PERMANENT OR TEMPORARY LIVING OR**
6 **SLEEPING PLACE 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 **27-115.**

10 **ANY PERSON CONVICTED OF A VIOLATION OF § 21-1130 OF THIS ARTICLE**
11 **IS 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, 2011.