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State of Minnesota  
HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3072

02/11/2020 Authored by Moran, Halverson, Edelson, Hassan, Klevorn and others  
The bill was read for the first time and referred to the Committee on Health and Human Services Policy  
02/27/2020 Adoption of Report: Amended and re-referred to the Transportation Finance and Policy Division

1.1 A bill for an act  
1.2 relating to motor vehicles; prohibiting smoking in passenger vehicles and public  
1.3 transportation vehicles used for personal use with persons under age 18 present;  
1.4 establishing a fine for violations; amending Minnesota Statutes 2018, sections  
1.5 144.414, subdivision 4, by adding a subdivision; 144.4167, subdivision 3; 171.16,  
1.6 subdivision 3; 357.021, subdivision 6; proposing coding for new law in Minnesota  
1.7 Statutes, chapter 169.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2018, section 144.414, subdivision 4, is amended to read:

1.10 Subd. 4. **Public transportation vehicles.** (a) Smoking is prohibited in public  
1.11 transportation vehicles ~~except that~~.

1.12 (b) Notwithstanding paragraph (a), the driver of a public transportation vehicle may  
1.13 smoke when the vehicle is being used for personal use, except that the driver of a public  
1.14 transportation vehicle using the vehicle for personal use shall not smoke if a person under  
1.15 age 18 is present in the vehicle. For purposes of this subdivision, "personal use" means that  
1.16 the public transportation vehicle is being used by the driver for private purposes and no  
1.17 for-hire passengers are present. If a driver smokes under this subdivision, the driver must  
1.18 post a conspicuous sign inside the vehicle to inform passengers.

1.19 Sec. 2. Minnesota Statutes 2018, section 144.414, is amended by adding a subdivision to  
1.20 read:

1.21 Subd. 6. Smoking in a passenger vehicle with a person under age 18 present. Smoking  
1.22 in a passenger vehicle when a person under age 18 is present in the vehicle is governed by  
1.23 section 169.477.

2.1 Sec. 3. Minnesota Statutes 2018, section 144.4167, subdivision 3, is amended to read:

2.2 Subd. 3. **Private places.** Except as provided in section 144.414, subdivision 2, nothing  
2.3 in sections 144.411 to 144.417 prohibits smoking in:

2.4 (1) private homes, or private residences, or private automobiles when during the period  
2.5 of time in which they are not in use as a place of employment, as defined in section 144.413,  
2.6 subdivision 1b; or

2.7 (2) private automobiles during the period of time in which they are not in use as a place  
2.8 of employment and no person under age 18 is present in the vehicle; or

2.9 ~~(2)~~ (3) a hotel or motel sleeping room rented to one or more guests.

2.10 Sec. 4. [169.477] SMOKING WITH A PERSON UNDER AGE 18 PRESENT.

2.11 Subdivision 1. Definitions. (a) The definitions in this subdivision apply to this section.

2.12 (b) "Passenger vehicle" has the meaning given in section 169.686, subdivision 1a.

2.13 (c) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated cigar, cigarette,  
2.14 pipe, or any other lighted or heated product containing, made, or derived from nicotine,  
2.15 tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation.  
2.16 Smoke includes to carry or use an activated electronic delivery device, as defined in section  
2.17 609.685.

2.18 Subd. 2. Prohibition on smoking. (a) No person may smoke in a passenger vehicle if  
2.19 a person under age 18 is present in the vehicle. This prohibition applies regardless of whether  
2.20 the vehicle's windows are open or closed.

2.21 (b) The first time a person violates paragraph (a), the person shall not pay a fine but  
2.22 shall receive a safety warning. A person who violates paragraph (a) a second or subsequent  
2.23 time shall pay a fine of \$50. The Department of Public Safety shall not record a violation  
2.24 of this subdivision on a person's driving record.

2.25 Subd. 3. Peace officer authority to stop or search. A peace officer may not issue a  
2.26 citation for a violation of this section unless the officer lawfully stopped or detained the  
2.27 driver of the passenger vehicle for a moving violation other than a violation involving  
2.28 passenger vehicle equipment.

2.29 EFFECTIVE DATE. This section is effective August 1, 2020, and applies to violations  
2.30 committed on or after that date.

Sec. 5. Minnesota Statutes 2018, section 171.16, subdivision 3, is amended to read:

Subd. 3. **Suspension for failure to pay fine.** When any court reports to the commissioner that a person: (1) has been convicted of violating a law of this state or an ordinance of a political subdivision which regulates the operation or parking of motor vehicles, (2) has been sentenced to the payment of a fine or had a surcharge levied against that person, or sentenced to a fine upon which a surcharge was levied, and (3) has refused or failed to comply with that sentence or to pay the surcharge, notwithstanding the fact that the court has determined that the person has the ability to pay the fine or surcharge, the commissioner shall suspend the driver's license of such person for 30 days for a refusal or failure to pay or until notified by the court that the fine or surcharge, or both if a fine and surcharge were not paid, has been paid. This subdivision does not apply to a fine levied for a violation of section 169.477.

Sec. 6. Minnesota Statutes 2018, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of: (1) a law or ordinance relating to vehicle parking, for which there shall be a \$12 surcharge; and (2) section 169.477, subdivision 2, for which no surcharge shall be imposed. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

4.1 (d) The court administrator or other entity collecting a surcharge shall forward it to the  
4.2 commissioner of management and budget.

4.3 (e) If the convicted person is sentenced to imprisonment and has not paid the surcharge  
4.4 before the term of imprisonment begins, the chief executive officer of the correctional  
4.5 facility in which the convicted person is incarcerated shall collect the surcharge from any  
4.6 earnings the inmate accrues from work performed in the facility or while on conditional  
4.7 release. The chief executive officer shall forward the amount collected to the court  
4.8 administrator or other entity collecting the surcharge imposed by the court.

4.9 (f) A person who enters a diversion program, continuance without prosecution,  
4.10 continuance for dismissal, or stay of adjudication for a violation of chapter 169 must pay  
4.11 the surcharge described in this subdivision. A surcharge imposed under this paragraph shall  
4.12 be imposed only once per case.

4.13 (g) The surcharge does not apply to administrative citations issued pursuant to section  
4.14 169.999.

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to violations  
4.16 committed on or after that date.