

**PROTECTION OF CHILDREN RIDING IN
MOTOR VEHICLES
2010 GENERAL SESSION
STATE OF UTAH**

Chief Sponsor: F. Jay Seegmiller

Senate Sponsor: Peter C. Knudson

LONG TITLE

General Description:

This bill modifies the Motor Vehicles Code by enacting a restriction on smoking in a motor vehicle when a child is present.

Highlighted Provisions:

This bill:

- ▶ defines smoking;
- ▶ prohibits a person from smoking in a vehicle if:
 - a child is a passenger in the vehicle; and
 - the child is younger than eight years of age and is restrained or is required to be restrained in a child restraint device;
- ▶ provides that violating the smoking prohibition is an infraction and has a maximum fine of \$45;
- ▶ provides that a court may suspend the fine for a violation if the person proves that the person has enrolled in a smoking cessation program;
- ▶ provides that enforcement of the smoking prohibition shall be only as a secondary action; and
- ▶ provides that a violation of the smoking prohibition may not be used as a basis for or evidence of child abuse or neglect.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **41-6a-1717**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **41-6a-1717** is enacted to read:

37 **41-6a-1717. Smoking in a vehicle prohibited when child is present -- Penalty --**

38 **Enforcement.**

39 (1) As used in this section, "smoking" has the same meaning as defined in Section
40 26-38-2.

41 (2) Smoking is prohibited in a motor vehicle if:

42 (a) a child is a passenger in the vehicle; and

43 (b) the child described in Subsection (2)(a) is:

44 (i) younger than eight years of age; and

45 (ii) restrained or required to be restrained in a child restraint device while riding in the
46 vehicle in accordance with Section 41-6a-1803.

47 (3) A person who violates this section is guilty of an infraction and is subject to a
48 maximum fine of \$45.

49 (4) The court may suspend the fine for a violation of this section if:

50 (a) the person has not previously been convicted of a violation of this section; and

51 (b) the person proves to the court that the person has enrolled in a smoking cessation
52 program.

53 (5) Enforcement of this section by a state or local law enforcement officer shall be only
54 as a secondary action when the vehicle has been detained for a suspected violation by any
55 person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.

56 (6) A violation of this section may not be used as a basis for or evidence of child abuse
57 or neglect as defined in Section 62A-4a-402.

Legislative Review Note
as of 11-30-09 2:41 PM

Office of Legislative Research and General Counsel

H.B. 82 - Protection of Children Riding in Motor Vehicles

Fiscal Note

2010 General Session

State of Utah

State Impact

Enacting this bill will require an estimated \$6,600 per year from the General Fund to Courts beginning in FY 2011. The bill will generate \$5,000 per year in new General Fund revenue beginning in FY 2011, for a net General Fund cost of \$1,600 per year.

	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2011</u> <u>Approp.</u>	<u>FY 2012</u> <u>Approp.</u>	<u>FY 2010</u> <u>Revenue</u>	<u>FY 2011</u> <u>Revenue</u>	<u>FY 2012</u> <u>Revenue</u>
General Fund	\$0	\$6,600	\$6,600	\$0	\$5,000	\$5,000
Total	\$0	\$6,600	\$6,600	\$0	\$5,000	\$5,000

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals or businesses. Local Justice Courts may incur additional costs and/or associated revenue.