

# HOUSE BILL 1431

R5  
HB 357/15 – ENV

6lr0732

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By: **Delegates Lam, B. Barnes, Fraser–Hidalgo, Barkley, Brooks, Ebersole, Frush, Haynes, Hill, Jameson, Lafferty, Luedtke, Miele, Pena–Melnyk, Pendergrass, Valderrama, West, and K. Young**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Prohibition Against Smoking in Vehicle Containing Young Child**

3 FOR the purpose of prohibiting the driver of a motor vehicle in which a person who is under  
4 a certain age is a passenger from smoking a tobacco product or allowing a passenger  
5 to smoke in the motor vehicle; establishing a penalty for a violation of this Act;  
6 providing that a violation of this Act is not a moving violation for certain purposes;  
7 providing for the application of this Act; defining a certain term; and generally  
8 relating to prohibitions against tobacco smoking in a motor vehicle.

9 BY adding to

10 Article – Transportation

11 Section 21–1130 and 27–116

12 Annotated Code of Maryland

13 (2012 Replacement Volume and 2015 Supplement)

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

16 **Article – Transportation**

17 **21–1130.**

18 **(A) IN THIS SECTION, “SMOKING” MEANS THE BURNING OF A LIGHTED**  
19 **CIGARETTE, CIGAR, PIPE, OR ANY OTHER DEVICE OR SUBSTANCE THAT CONTAINS**  
20 **TOBACCO.**

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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 UNDER**  
2 **THE AGE OF 8 YEARS IS A PASSENGER MAY NOT ENGAGE IN SMOKING OR ALLOW A**  
3 **PASSENGER TO ENGAGE IN SMOKING IN THE MOTOR VEHICLE.**

4           **(C) THIS SECTION DOES NOT APPLY TO A MOBILE HOME WHEN THE MOBILE**  
5 **HOME IS BEING USED AS A PERMANENT OR TEMPORARY LIVING OR SLEEPING PLACE**  
6 **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 **27-116.**

10           **A PERSON WHO VIOLATES § 21-1130 OF THIS ARTICLE IS GUILTY OF A**  
11 **MISDEMEANOR AND ON CONVICTION 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, 2016.**