

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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Action:	Do Pass
Vote:	6 - 4 - 0
Yeas:	Bailey, Boone, Edwards D., Kahl, Schaufler, Beyer
Nays:	Bentz, Berger, Gilman, Weidner
Exc.:	0
Prepared By:	Patrick Brennan, Administrator
Meeting Dates:	1/30, 4/1

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**WHAT THE MEASURE DOES:** Prohibits smoking in a motor vehicle while a person age 16 or younger is in the vehicle. Creates graduated fine schedule for first, second and subsequent offenses.

**ISSUES DISCUSSED:**

- Health effects of secondhand cigarette smoke in confined spaces
- Comparison to other laws designed to protect children
- Privacy rights
- Similar laws enacted by other states
- Enforcement and citizen reports of violations
- Economic impact of tobacco use nationwide

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Currently, there are four states that have laws prohibiting smoking with children in a vehicle. Arkansas and Louisiana laws prohibit smoking if there is at least one child in a safety seat present in the vehicle (under 6 years of age and under 60 pounds); both states' laws took effect in August 2006. Maine prohibits smoking with a passenger under the age of 16 in the vehicle (effective October 2008) and California prohibits smoking in a vehicle if there is a minor under the age of 18 present in the vehicle (effective January 2008). Puerto Rico and several local governments nationwide also have similar laws and ordinances. Similar measures have been introduced in other states.

House Bill 2385 creates the offense of smoking in a motor vehicle with a person under age 17 also in the vehicle. Conviction for a first offense would be punishable as a Class D traffic violation with maximum fine of \$90, with the second conviction a Class C traffic violation (\$180 maximum fine) and third and subsequent convictions Class B traffic violations (\$360 maximum fine).