

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass as Amended and Be Printed Engrossed

**Vote:** 4 - 1 - 0

**Yeas:** Close, Dingfelder, Roblan, Prozanski

**Nays:** Kruse

**Exc.:** 0

**Prepared By:** Anna Braun, Counsel

**Meeting Dates:** 2/21, 3/7

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**WHAT THE MEASURE DOES:** Makes smoking in a vehicle with a minor a Class D traffic violation and enforceable only as a secondary offense. Increases violation to a Class C traffic violation on subsequent offenses.

**ISSUES DISCUSSED:**

- Second hand smoke chemicals
- Open windows and sunroof
- Incorporating with driver's license test
- Definition of all smoke patterned after Maine

**EFFECT OF COMMITTEE AMENDMENT:** Includes all smoke, not just tobacco smoke. Makes subsequent offenses Class C traffic violations. The original bill continued to increase penalty on each subsequent offense.

**BACKGROUND:** Four other states (and Puerto Rico) have laws that prohibit smoking when a child is in the vehicle, although they differ on the age of the child and range from 13 to 18 years old.

Similar legislation has been introduced during the last three regular sessions. The 2009 version was passed by the House, but remained in the Senate Rules Committee upon adjournment, after a public hearing and work session in the Senate Judiciary Committee. The current bill differs from prior versions by setting higher fines for a subsequent offense, raising the age of the child-passenger from under 17 to under 18 years old, and only allowing for enforcement if the driver has already stopped and detained for another traffic violation.