

# HOUSE BILL 438

R2  
HB 966/09 – ENV

01r0884

---

By: **Delegate Barnes**

Introduced and read first time: January 29, 2010

Assigned to: Environmental Matters

---

## A BILL ENTITLED

1 AN ACT concerning

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

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

10 BY adding to

11 Article – Transportation  
12 Section 21–1128 and 27–115  
13 Annotated Code of Maryland  
14 (2009 Replacement Volume and 2009 Supplement)

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

17 **Article – Transportation**

18 **21–1128.**

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

22 **(B) THE DRIVER OF A MOTOR VEHICLE IN WHICH A PERSON WHO IS**  
23 **UNDER THE AGE OF 8 YEARS IS A PASSENGER MAY NOT ENGAGE IN SMOKING OR**  
24 **ALLOW A PASSENGER TO ENGAGE IN SMOKING IN THE MOTOR VEHICLE.**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(C) A VIOLATION OF THIS SECTION IS NOT A MOVING VIOLATION FOR**  
2 **PURPOSES OF § 16-402 OF THIS ARTICLE.**

3 **27-115.**

4           **ANY PERSON CONVICTED OF A VIOLATION OF § 21-1128 OF THIS ARTICLE**  
5 **IS SUBJECT TO A FINE OF NOT MORE THAN \$50.**

6           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
7 **October 1, 2010.**