

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

House Bill 1360
Economic Matters

(Delegate Barnes, *et al.*)

Motor Vehicles - Smoking in Vehicle with Child Passenger - Prohibition

This bill prohibits a person from smoking a tobacco product in a vehicle in which a child younger than six is a passenger. The prohibition against smoking applies to both the driver and other passengers. A police officer may enforce this prohibition only as a secondary action when the officer detains the driver for a suspected violation of another law. The offense is not a moving violation for which points may be assessed. A person who violates this provision is subject to a maximum fine of \$50. The bill does not apply to the driver of a motorcycle.

Fiscal Summary

State Effect: Potential minimal increase in general fund revenues due to the bill's penalty provision. No effect on expenditures.

Local Effect: None. The bill's provisions could be enforced with existing resources.

Small Business Effect: None.

Analysis

Current Law: "Smoking" under the Health-General Article means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco. A "vehicle" means any device in, on, or by which any individual or property is or might be transported or towed on a highway. It has to be self propelled or propelled by electric power obtained from overhead electrical wires and cannot be operated on rails; the

definition excludes mopeds and motor scooters but includes low speed vehicles except for electronic personal assistive motoring devices.

The Clean Indoor Air Act of 2007 (Chapters 501 and 502 of 2007) does not limit the smoking of tobacco products by adults in private residences or in privately owned vehicles; however, it does specifically prohibit smoking in a private vehicle that is being used for the public transportation of children or as health care or day care transportation facilities. The prohibition applies to children of any age. State law and regulations generally prohibit the smoking of tobacco products on public modes of transportation, in government buildings, and in the workplace. That prohibition does not apply to a tobacconist. The Clean Indoor Air Act of 2007 generally prohibits smoking in restaurants, bars, and other indoor areas open to the public.

State Fiscal Effect: General fund revenues could increase minimally under the bill's monetary penalty provision for those cases heard in the District Court. No effect on expenditures.

Additional Information

Prior Introductions: A similar bill, SB 629 of 2007, received an unfavorable report from the Senate Finance Committee.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Health and Mental Hygiene, Maryland Department of Transportation, Department of Legislative Services

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