

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 459 be amended to read as follows:

- 1 Page 4, between lines 41 and 42, begin a new paragraph and insert:
- 2 "SECTION 3. IC 16-41-37-4 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. A person who
- 4 smokes:
- 5 (1) in a public building, except in an area designated as a
- 6 smoking area under section 5 of this chapter;
- 7 (2) in the retail area of a grocery store or drug store that is
- 8 designated as a nonsmoking area by the store's proprietor;
- 9 (3) in the dining area of a restaurant that is designated and posted
- 10 as the restaurant's nonsmoking area by the restaurant's proprietor;
- 11 or
- 12 (4) in a school bus during a school week or while the school bus
- 13 is being used for a purpose described in section 2.3(3) of this
- 14 chapter;
- 15 **(5) in a public means of mass transportation, including an**
- 16 **airplane; or**
- 17 **(6) in an enclosed area of a public mass transportation**
- 18 **terminal or waiting area or within fifty (50) feet of an**
- 19 **entrance to the public mass transportation terminal or**
- 20 **waiting area;**
- 21 commits a Class B infraction. However, the violation is a Class A
- 22 infraction if the person has at least three (3) previous unrelated
- 23 judgments for violating this section that are accrued within the twelve
- 24 (12) months immediately preceding the violation."
- 25 Renumber all SECTIONS consecutively.

(Reference is to ESB 459 as reprinted March 25, 2005.)

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Representative TURNER