
HOUSE BILL No. 1056

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-46-1-11.4.

Synopsis: Smoking in passenger vehicles. Provides a \$25 penalty for a person who smokes in a passenger motor vehicle while a minor who is less than 13 years of age is in the vehicle. Prohibits stopping, inspecting, or detaining a person solely to determine compliance. Provides that the penalty for a subsequent violation is \$100. Deposits penalties into the tobacco use prevention and cessation trust fund.

Effective: July 1, 2008.

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January 8, 2008, read first time and referred to Committee on Judiciary.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

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HOUSE BILL No. 1056



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 35-46-1-11.4 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2008]: **Sec. 11.4. (a) As used in this section,**
- 4 **"passenger motor vehicle" means a motor vehicle designed to:**
- 5 **(1) carry passengers; and**
- 6 **(2) operate on a public highway (as defined in IC 9-25-2-4).**
- 7 **The term does not include a motor scooter (as defined in**
- 8 **IC 9-13-2-104), a motorcycle (as defined in IC 9-13-2-108), a**
- 9 **motorized bicycle (as defined in IC 9-13-2-109), or an off-road**
- 10 **vehicle (as defined in IC 14-8-2-185).**
- 11 **(b) A person may not smoke or carry a lighted cigarette, cigar,**
- 12 **or pipe or other lighted smoking equipment in a passenger motor**
- 13 **vehicle while a child who is less than thirteen (13) years of age is in**
- 14 **the passenger motor vehicle.**
- 15 **(c) A person may not be stopped, inspected, or detained solely**
- 16 **to determine compliance with this section.**
- 17 **(d) A person who violates this section commits a Class C**



1 **infraction. Notwithstanding IC 34-28-5-4(c), a person who violates**
2 **this section is subject to a civil penalty of:**

- 3 **(1) twenty-five dollars (\$25) for the first violation; and**
4 **(2) one hundred dollars (\$100) for the second and each**
5 **subsequent violation.**

6 **(e) Notwithstanding IC 34-28-5-5(c), civil penalties collected**
7 **under this section must be deposited in the Indiana tobacco use**
8 **prevention and cessation trust fund established by IC 4-12-4-10.**

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