

# H.F. 3072

As amended by H3072A1-1

**Subject** Smoking in vehicles with minors present prohibited

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## Overview

This bill prohibits smoking in a passenger vehicle when a person under 18 is present in the vehicle. A person who violates this prohibition is subject to a safety warning for a first violation and a \$50 fine for a second or subsequent violation.

## Summary

Section	Description
1	<p><b>Public transportation vehicle.</b></p> <p>Amends § 144.414, subd. 4. Under current law, the Clean Indoor Air Act prohibits smoking in public transportation vehicles, except the driver of a public transportation vehicle may smoke when the vehicle is being used for personal use. This section prohibits smoking by a driver of a public transportation vehicle using the vehicle for personal use, if a person under 18 is present in the vehicle.</p>
2	<p><b>Smoking in passenger vehicle with a person under age 18 present.</b></p> <p>Adds subd. 6 to § 144.414. Adds a reference in the Clean Indoor Air Act to a section in chapter 169 that prohibits smoking in a passenger vehicle when a person under age 18 is present in the vehicle.</p>
3	<p><b>Private places.</b></p> <p>Amends § 144.4167, subd. 3. Under current law, the Clean Indoor Air Act does not prohibit smoking in private automobiles when they are not in use as a place of employment. This section provides that the act does not prohibit smoking in private automobiles when they are not in use as a place of employment and when no person under 18 is present in the vehicle.</p>
4	<p><b>Smoking with a person under age 18 present.</b></p> <p>Adds § 169.477. Prohibits smoking in a passenger vehicle when a person under age 18 is present in the vehicle and establishes a fine for violations.</p>

**Subd. 1. Definitions.** Defines terms for this section: passenger vehicle and smoke.

Section	Description
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	<p><b>Subd. 2. Prohibition on smoking.</b> Prohibits smoking in a passenger vehicle if a person under 18 is present in the vehicle. Provides a person who violates this section shall receive a safety warning for the first violation and a \$50 fine for a second or subsequent violation. Prohibits the Department of Public Safety from recording a violation of this subdivision on the person's driving record.</p>
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	<p><b>Subd. 3. Peace officer authority to stop or search.</b> Prohibits a peace officer from issuing a citation for a violation of this section unless the officer stopped the passenger vehicle driver for a moving violation other than a violation involving vehicle equipment.</p>
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	<p>Makes this section effective August 1, 2020, for violations committed on or after that date.</p>
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5	<p><b>Suspension for failure to pay fine.</b></p>
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	<p>Amends § 171.16, subd. 3. Provides that a person who violates section 169.477 and has not paid the fine shall not have his or her driver's license suspended.</p>
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6	<p><b>Surcharges on criminal and traffic offenders.</b></p>
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	<p>Amends § 357.021, subd. 6. Provides that a person who violates section 169.477 will not have to pay the \$75 surcharge established by this subdivision for felony, gross misdemeanor, misdemeanor, or petty misdemeanor offenses.</p>
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	<p>Makes this section effective August 1, 2020, for violations committed on or after that date.</p>
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