



February 16, 2007

HOUSE BILL No. 1337

DIGEST OF HB 1337 (Updated February 13, 2007 12:37 pm - DI 107)

Citations Affected: IC 16-41; IC 35-46.

Synopsis: Smoking in a vehicle with children. 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. Provides that the penalty for a subsequent violation is \$100. Deposits penalties into the tobacco use prevention and cessation trust fund. Provides that a person may not be stopped, inspected, or detained to determine if the person smoked in a passenger motor vehicle with a minor in the vehicle. Prohibits smoking in a public means of mass transportation, in an enclosed area of a public mass transportation terminal, or in a public area within 100 feet of an entrance to a public mass transportation terminal.

Effective: July 1, 2007.

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January 16, 2007, read first time and referred to Committee on Judiciary.
February 15, 2007, amended, reported — Do Pass.

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HB 1337—LS 7071/DI 77+



February 16, 2007

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1337

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco violations.

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

1 SECTION 1. IC 16-41-37-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who
3 smokes:

4 (1) in a public building, except in an area designated as a smoking
5 area under section 5 of this chapter;

6 (2) in the retail area of a grocery store or drug store that is
7 designated as a nonsmoking area by the store's proprietor;

8 (3) in the dining area of a restaurant that is designated and posted
9 as the restaurant's nonsmoking area by the restaurant's proprietor;

10 or

11 (4) in a school bus during a school week or while the school bus
12 is being used for a purpose described in section 2.3(3) of this
13 chapter;

14 (5) in a public means of mass transportation, including a
15 train, an airplane, a taxicab, or a bus; or

16 (6) in an enclosed public mass transportation terminal or in a
17 public area within one hundred (100) feet of an entrance to an

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1 **enclosed public mass transportation terminal;**
 2 commits a Class B infraction. However, the violation is a Class A
 3 infraction if the person has at least three (3) previous unrelated
 4 judgments for violating this section that are accrued within the twelve
 5 (12) months immediately preceding the violation.

6 SECTION 2. IC 35-46-1-11.4 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2007]: **Sec. 11.4. (a) "Passenger motor**
 9 **vehicle" means a motor vehicle designed:**

10 **(1) for carrying passengers; and**

11 **(2) to permit its operation on a public highway (as defined in**
 12 **IC 9-25-2-4).**

13 The term does not include a motor scooter (as defined in
 14 IC 9-13-2-104, a motorcycle (as defined in IC 9-13-2-108), a
 15 motorized bicycle (as defined in IC 9-13-2-109), or an off-road
 16 vehicle (as defined in IC 14-8-2-185).

17 **(b) A person may not smoke or carry a lighted cigarette, cigar,**
 18 **pipe, or any other lighted smoking equipment in a passenger motor**
 19 **vehicle while a minor who is less than thirteen (13) years of age is**
 20 **in the vehicle.**

21 **(c) A person who violates this section commits a Class C**
 22 **infraction. Notwithstanding IC 34-28-5-4(c), a person who violates**
 23 **this section is subject to a civil penalty of:**

24 **(1) twenty-five dollars (\$25) for the first violation; and**

25 **(2) one hundred dollars (\$100) for the second and each**
 26 **subsequent violation.**

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

30 **(e) A person may not be stopped, inspected, or detained solely**
 31 **to determine compliance with this section.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1337, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-41-37-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. A person who smokes:

- (1) in a public building, except in an area designated as a smoking area under section 5 of this chapter;
- (2) in the retail area of a grocery store or drug store that is designated as a nonsmoking area by the store's proprietor;
- (3) in the dining area of a restaurant that is designated and posted as the restaurant's nonsmoking area by the restaurant's proprietor;
- or
- (4) in a school bus during a school week or while the school bus is being used for a purpose described in section 2.3(3) of this chapter;
- (5) in a public means of mass transportation, including a train, an airplane, a taxicab, or a bus; or**
- (6) in an enclosed public mass transportation terminal or in a public area within one hundred (100) feet of an entrance to an enclosed public mass transportation terminal;**

commits a Class B infraction. However, the violation is a Class A infraction if the person has at least three (3) previous unrelated judgments for violating this section that are accrued within the twelve (12) months immediately preceding the violation."

Page 2, after line 7, begin a new paragraph and insert:

"(e) A person may not be stopped, inspected, or detained solely to determine compliance with this section."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1337 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 9, nays 1.

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