

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1859 Session of 2011

INTRODUCED BY DALEY, BISHOP, BRADFORD, V. BROWN, CALTAGIRONE, CARROLL, COHEN, DAVIDSON, HARHAI, JOSEPHS, MAHONEY, MICOZZIE, MOUL, STABACK, SWANGER AND TOHIL, SEPTEMBER 22, 2011

REFERRED TO COMMITTEE ON TRANSPORTATION, SEPTEMBER 22, 2011

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
 2 Statutes, providing for second-hand smoke protection for
 3 children.

4 The General Assembly of the Commonwealth of Pennsylvania
 5 hereby enacts as follows:

6 Section 1. Title 75 of the Pennsylvania Consolidated
 7 Statutes is amended by adding a section to read:

8 § 3701.2. Protection of children from second-hand smoke.

9 (a) Offense.--

10 (1) An individual may not smoke in a vehicle which is
 11 transporting a child under eight years of age.

12 (2) An individual shall not be convicted under this
 13 subsection unless the individual is also convicted for a
 14 violation of this title which occurred at the same time.

15 (b) Grading.--

16 (1) Except as set forth in paragraph (2), an individual
 17 who violates subsection (a) commits a summary offense and
 18 shall, upon conviction, be sentenced to pay a fine of \$100.

1 (2) An individual who, after being sentenced under
2 paragraph (1), violates subsection (a) commits a summary
3 offense and shall, upon conviction, be sentenced to pay a
4 fine of \$250.

5 (c) Definition.--As used in this section, the term "smoke"
6 means to carry a lighted cigar, cigarette, pipe or other smoking
7 device.

8 Section 2. This act shall take effect in 60 days.