

House Bill 175 (COMMITTEE SUBSTITUTE) (AM)

By: Representatives Smith of the 13th, Post 2, Smith of the 87th, Smith of the 110th, and Smith of the 76th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to general provisions for offenses against public health and morals, so as to provide
3 for the crime of smoking in a motor vehicle while a child is restrained in a child passenger
4 restraining system; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
9 general provisions for offenses against public health and morals, is amended by adding a new
10 Code Section 16-12-2.1 to follow Code Section 16-12-2, relating to smoking in public places,
11 to read as follows:

12 "16-12-2.1.

13 (a) It shall be unlawful for any person to smoke tobacco in any form in the presence of a
14 child who is in a child passenger restraining system in a passenger automobile, van, or
15 pickup truck if the windows are closed preventing ventilation.

16 (b) A person who violates subsection (a) of this Code section may be fined no more than
17 \$15.00; provided, however, the provisions of Chapter 11 of Title 17 and any other
18 provision of law to the contrary notwithstanding, the costs of such prosecution shall not be
19 taxed nor shall any additional penalty, fee, or surcharge to a fine for such offense be
20 assessed against a person for conviction thereof. No law enforcement officer shall be
21 authorized to effectuate a traffic stop based upon the violation of this Code section."

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.