

House Bill 1138

By: Representatives Smith of the 13<sup>th</sup>, Post 2, Greene of the 134<sup>th</sup>, Smith of the 110<sup>th</sup>, and Benfield of the 56<sup>th</sup>, Post 1

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 on a state highway, county road, or municipal  
4 street or on private property while a child is restrained in a child passenger restraining  
5 system; to provide for related matters; to repeal conflicting laws; and for other 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 on a state highway, county road, or municipal street or on private property if  
16 the windows are closed preventing ventilation.

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

22 **SECTION 2.**

23 All laws and parts of laws in conflict with this Act are repealed.