

**SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION**

S.F. No. 3276

(SENATE AUTHORS: HALL, Klein and Franzen)

DATE
02/17/2020

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Introduction and first reading
Referred to Transportation Finance and Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to motor vehicles; prohibiting smoking in passenger vehicles and public
1.3 transportation vehicles used for personal use with persons under age 18 present;
1.4 establishing a fine for violations; amending Minnesota Statutes 2018, sections
1.5 144.414, subdivision 4, by adding a subdivision; 144.4167, subdivision 3; proposing
1.6 coding for new law in Minnesota Statutes, chapter 169.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2018, section 144.414, subdivision 4, is amended to read:

1.9 Subd. 4. **Public transportation vehicles.** (a) Smoking is prohibited in public
1.10 transportation vehicles ~~except that~~.

1.11 (b) Notwithstanding paragraph (a), the driver of a public transportation vehicle may
1.12 smoke when the vehicle is being used for personal use, except that the driver of a public
1.13 transportation vehicle using the vehicle for personal use shall not smoke if a person under
1.14 age 18 is present in the vehicle. For purposes of this subdivision, "personal use" means that
1.15 the public transportation vehicle is being used by the driver for private purposes and no
1.16 for-hire passengers are present. If a driver smokes under this subdivision, the driver must
1.17 post a conspicuous sign inside the vehicle to inform passengers.

1.18 Sec. 2. Minnesota Statutes 2018, section 144.414, is amended by adding a subdivision to
1.19 read:

1.20 Subd. 6. **Smoking in a passenger vehicle with a person under age 18 present.** Smoking
1.21 in a passenger vehicle when a person under age 18 is present in the vehicle is governed by
1.22 section 169.477.

2.1 Sec. 3. Minnesota Statutes 2018, section 144.4167, subdivision 3, is amended to read:

2.2 Subd. 3. **Private places.** Except as provided in section 144.414, subdivision 2, nothing
2.3 in sections 144.411 to 144.417 prohibits smoking in:

2.4 (1) private homes, or private residences, or private automobiles when during the period
2.5 of time in which they are not in use as a place of employment, as defined in section 144.413,
2.6 subdivision 1b; or

2.7 (2) private automobiles during the period of time in which they are not in use as a place
2.8 of employment and no person under age 18 is present in the vehicle; or

2.9 ~~(2)~~ (3) a hotel or motel sleeping room rented to one or more guests.

2.10 Sec. 4. [169.477] SMOKING WITH A PERSON UNDER AGE 18 PRESENT.

2.11 Subdivision 1. Definition. (a) The definitions in this subdivision apply to this section.

2.12 (b) "Passenger vehicle" has the meaning given in section 169.686, subdivision 1a.

2.13 (c) "Smoke" means to inhale, exhale, burn, or carry any lighted or heated cigar, cigarette,
2.14 pipe, or any other lighted or heated product containing, made, or derived from nicotine,
2.15 tobacco, marijuana, or other plant, whether natural or synthetic, that is intended for inhalation.
2.16 Smoke includes to carry or use an activated electronic delivery device, as defined in section
2.17 609.685.

2.18 Subd. 2. Prohibition on smoking. (a) No person may smoke in a passenger vehicle if
2.19 a person under age 18 is present in the vehicle. This prohibition applies regardless of whether
2.20 the vehicle's windows are open or closed.

2.21 (b) The first time a person violates paragraph (a), the person shall not pay a fine but
2.22 shall receive a safety warning. A person who violates paragraph (a) a second or subsequent
2.23 time shall pay a fine of \$100.

2.24 Subd. 3. Police officer authority to stop or search. A police officer shall not stop or
2.25 detain a passenger vehicle, search the vehicle, or search the driver or a passenger in the
2.26 vehicle solely based on a suspected violation of this section.