

A bill for an act
relating to health; prohibiting smoking in motor vehicles with children;
appropriating money; amending Minnesota Statutes 2010, section 357.021,
subdivisions 6, 7; proposing coding for new law in Minnesota Statutes, chapter
169.

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

Section 1. **[169.381] SMOKING RESTRICTION.**

Subdivision 1. Definitions. As used in this section:

(1) "moving violation" has the meaning given in section 171.04, subdivision 1; and

(2) "smoke" means to inhale or exhale smoke from any lighted cigar, cigarette, pipe,
or any other lighted tobacco or plant product. Smoke also includes carrying a lighted
cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

Subd. 2. Prohibited conduct. (a) No person may smoke in a motor vehicle that
is transporting a child who is under the age of 16 years.

(b) The driver of the vehicle is guilty of a petty misdemeanor if the driver or a
passenger violates this section. A passenger who violates this section is also guilty of
a petty misdemeanor. A person convicted of a petty misdemeanor under this section
is subject to a \$25 fine.

(c) The Department of Public Safety may not record a violation of this section on a
person's driving record.

(d) A peace officer may not issue a citation for a violation of this section unless the
officer lawfully stopped or detained the driver of the vehicle for a moving violation as
defined in section 171.04, subdivision 1.

Subd. 3. Fine, surcharge; appropriation. (a) Fines collected under this section
must be deposited into the special revenue account.

(b) Money from fines described in paragraph (a) and from surcharges collected under section 357.021, subdivisions 6 and 7, paragraph (e), for violations of this section, are appropriated to the commissioner of health for tobacco prevention grants under section 144.396, subdivision 5.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to acts committed on or after that date.

Sec. 2. Minnesota Statutes 2010, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$12 surcharge, and other than a violation of section 169.381, for which there shall be a \$25 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of management and budget.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount

collected to the court administrator or other entity collecting the surcharge imposed by the court.

(f) A person who successfully completes a diversion or similar program for a violation of chapter 169 must pay the surcharge described in this subdivision.

(g) The surcharge does not apply to administrative citations issued pursuant to section 169.999.

EFFECTIVE DATE. This section is effective August 1, 2011, and applies to acts committed on or after that date.

Sec. 3. Minnesota Statutes 2010, section 357.021, subdivision 7, is amended to read:

Subd. 7. Disbursement of surcharges by commissioner of management and budget. (a) Except as provided in paragraphs (b), (c), ~~and (d), and (e),~~ the commissioner of management and budget shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the Department of Natural Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The commissioner of management and budget shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

(c) In addition to any amounts credited under paragraph (a), the commissioner of management and budget shall credit \$47 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

(d) If the Ramsey County Board of Commissioners authorizes imposition of the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the Second Judicial District shall transmit the surcharge to the commissioner of management and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account in the special revenue fund and amounts in the account are appropriated to the trial courts for the administration of the petty misdemeanor diversion program operated by the Second Judicial District Ramsey County Violations Bureau.

(e) The commissioner of finance shall deposit the entire surcharge collected under subdivision 6 for violations of section 169.381 in the special revenue account.

4.1 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to acts
4.2 committed on or after that date.