

**Senate File 2028 - Introduced**

SENATE FILE 2028

BY LOFGREN

**A BILL FOR**

1 An Act relating to a prohibition against smoking in a motor  
2 vehicle with a child present and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321.276A Smoking in a motor vehicle  
2 — child present — penalty.

3 1. For purposes of this section:

4 a. "Child" means a person under fourteen years of age.

5 b. "Smoke" or "smoking" means the same as defined in section  
6 142D.2.

7 2. A person shall not smoke in a motor vehicle if a child is  
8 present in the motor vehicle.

9 3. A violation of this section shall not be considered a  
10 moving violation for purposes of this chapter or rules adopted  
11 pursuant to this chapter.

12 4. A person convicted of a violation of this section is  
13 guilty of a simple misdemeanor punishable as a scheduled  
14 violation under section 805.8A, subsection 14, paragraph "m".

15 5. The department, in cooperation with the department of  
16 public safety, shall establish educational programs to foster  
17 compliance with the requirements of this section.

18 Sec. 2. Section 805.8A, subsection 14, Code 2020, is amended  
19 by adding the following new paragraph:

20 NEW PARAGRAPH. m. *Smoking in a motor vehicle — child*  
21 *present.* For violations under section 321.276A, the scheduled  
22 fine is seventy-five dollars.

23 EXPLANATION

24 The inclusion of this explanation does not constitute agreement with  
25 the explanation's substance by the members of the general assembly.

26 This bill relates to smoking in a motor vehicle with a child  
27 present. The bill prohibits a person from smoking in a motor  
28 vehicle if a person under 14 years of age is present in the  
29 motor vehicle. A violation of the bill shall not be considered  
30 a moving violation. A person convicted of a violation of  
31 the bill is guilty of a simple misdemeanor punishable as a  
32 scheduled violation, and the scheduled fine is \$75. The bill  
33 requires the department of transportation and the department  
34 of public safety to establish educational programs to foster  
35 compliance with the requirements of the bill.