

HB2724



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2724

by Rep. David A. Welter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-1432 new

Amends the Illinois Vehicle Code. Provides that a person shall not operate or be in actual physical control of a motor vehicle while a person in the motor vehicle is smoking if a person under 18 years of age is in the motor vehicle. Defines smoking as inhaling, exhaling, burning, or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic, or other combustible substance. Provides that a police officer may not stop a motor vehicle solely for a violation of the new provisions. Provides that a violation is a petty offense with a maximum fine of \$100. Provides that motorcycles and convertible motor vehicles in open-air or top down mode are exempt from this provision.

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A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 11-1432 as follows:

6 (625 ILCS 5/11-1432 new)

7 Sec. 11-1432. Prohibit smoking in a motor vehicle with a
8 minor present.

9 (a) For purposes of this Section:

10 "Smoking" means to inhale, exhale, burn, or carry a lighted
11 cigarette, cigar, pipe, weed, plant, regulated narcotic, or
12 other combustible substance.

13 (b) A person shall not operate or be in actual physical
14 control of a motor vehicle while a person in the motor vehicle
15 is smoking if a person under 18 years of age is in the motor
16 vehicle. This Section does not apply to the operator of a
17 motorcycle or a motor vehicle with a convertible or removable
18 roof in top-down, topless, or open air mode.

19 (c) A police officer may not stop or detain a motor vehicle
20 or its driver solely for a violation or suspected violation of
21 this Section.

22 (d) A violation of this Section is a petty offense with a
23 fine not to exceed \$100.