

1 State of Arkansas
2 85th General Assembly
3 First Extraordinary Session, 2006
4

As Engrossed: H4/6/06
A Bill

Call Item27

HOUSE BILL 1046

5 By: Representatives Mathis, Wills, Saunders, George
6 By: Senator T. Smith
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO PROTECT CHILDREN RESTRAINED IN CHILD
11 PASSENGER SAFETY SEATS IN ARKANSAS FROM
12 SECONDHAND SMOKE; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 THE ARKANSAS PROTECTION FROM SECONDHAND
16 SMOKE FOR CHILDREN ACT OF 2006.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Title.

22 This subchapter shall be known and may be cited as the "Arkansas
23 Protection From Secondhand Smoke for Children Act of 2006".
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25 SECTION 2. Definition.

26 As used in this subchapter "motor vehicle" means any motor vehicle,
27 except a school bus, church bus, and other public conveyance, which is
28 required by federal or state law or regulation to be equipped with a
29 passenger restraint system.
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31 SECTION 3. Tobacco use – Prohibitions.

32 Upon the effective date of this act, smoking is prohibited in all motor
33 vehicles in which a child who is less than six (6) years of age and who
34 weighs less than sixty pounds (60 lbs.) is restrained in a child passenger
35 safety seat properly secured to the vehicle in accordance with § 27-34-101 et
36 seq.



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SECTION 4. Penalty.

(a) A person who violates this subchapter is guilty of a violation and upon conviction shall be punished by a fine not to exceed twenty-five dollars (\$25.00).

(b) If a person is convicted, pleads guilty, pleads nolo contendere, or forfeits bond for violation of this subchapter, no court costs pursuant to § 16-10-305 or other costs or fees shall be assessed.

(c) Any person who proves to the court that he or she has entered into a smoking cessation program may have his or her fine eliminated for a first offense violation of this subchapter.

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the Eighty-fifth General Assembly that there is a pressing and immediate need to protect the children of Arkansas from secondhand smoke while they are in child restraint seats in motor vehicles. Therefore, an emergency is declared to exist and this act being necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/ Mathis, et al.