



SPONSOR: Rep. Hensley

HOUSE OF REPRESENTATIVES  
152nd GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1  
TO  
HOUSE BILL NO. 118

1 AMEND House Bill No. 118 by inserting after line 20 the following and renumbering accordingly:

2 "Section 2. Amend Chapter 29, Title 16 of the Delaware Code by making deletions as shown by strike through and  
3 insertions as shown by underline as follows:

4 **§ 2904. Smoking restrictions inapplicable.**

5 This chapter shall not apply to:

6 (1) Private homes, private residences and private ~~automobiles~~ vehicles, excepting when a person under 18 years of  
7 age is in the private vehicle; provided, however, it shall ~~only~~ apply when such homes, residences or vehicles are being used  
8 for child care or day care or when the private vehicle is being used for the public transportation of children or as part of  
9 health-care or day care transportation;

10 (2) Any indoor area where private social functions are being held when seating arrangements are under the control  
11 of the sponsor of the function and not the owner, operator, manager or person in charge of such indoor area;

12 (3) Limousines under private hire, excepting when a person under 18 years of age is in the limousine;

13 (4) A hotel or motel room rented to 1 or more guests; provided that the total percentage of such hotel or motel  
14 rooms does not exceed 25%;

15 (5) Any fund raising activity or function sponsored by a volunteer fire company, auxiliary of a fire company, or a  
16 volunteer ambulance or volunteer rescue company; provided, however, that the fund raising activity or function takes place  
17 upon property owned or leased by the volunteer fire, rescue or ambulance company; and

18 (6) Any fund raising activity or function sponsored by a fraternal benefit society as defined by § 6201 of Title 18;  
19 provided, however, that the fund raising activity or function takes place upon property owned or leased by said  
20 organization.”.

SYNOPSIS

This Amendment removes a potential conflict between House Bill 118 and the rest of the Chapter by refining the chapter's exception to private vehicles.