SENATE, No. 475

STATE OF NEW JERSEY

214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:
Senator RAYMOND J. LESNIAK
District 20 (Union)

SYNOPSIS

Creates motor vehicle offense of smoking in motor vehicle with a child present and dedicates penalties to "Smoking Cessation Fund."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel

AN ACT concerning smoking in a motor vehicle and supplementing Titles 26 and 39 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. a. As used in this section:

"Child" means a person under 16 years of age.

"Smoke" means the burning of, inhaling from, exhaling the smoke from or the possession of, a lighted cigar, cigarette or pipe or any other matter or substance which contains tobacco or any other matter that can be smoked.

b. No person shall smoke in a motor vehicle in which there is a child present.

c. A person who violates the provisions of this section shall be fined $100. In no case shall motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) be assessed against any person for a violation of this section. A person shall not be subject to a surcharge under the New Jersey Merit Rating Plan as provided in section 6 of P.L.1983, c.65 (C.17:29A-35) for a violation of this section.

d. The penalties collected pursuant to this section shall be deposited in the "Smoking Cessation Fund," established pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill).

e. Nothing in this section shall be construed to preclude or limit any prosecution for violation of any provision of chapter 35 or 36 of Title 2C of the New Jersey Statutes or any other provision of law.

2. There is established in the Department of Health and Senior Services the "Smoking Cessation Fund," which shall be a nonlapsing fund comprised of penalties collected pursuant to section 1 of P.L. , c. (C.) (pending before the Legislature as this bill).

The monies in the fund shall be used by the department to fund smoking cessation programs in the State.

3. This act shall take effect immediately.

STATEMENT

This bill would make the smoking of tobacco in a motor vehicle when a child under the age of 16 is present a motor vehicle offense. A violation of the provisions of the bill would be punishable by a

fine of $100. No points or insurance surcharges would result from a violation.

The bill conforms the definition of "smoke" to the definition used in the "New Jersey Smoke-Free Air Act," establishes a "Smoking Cessation Fund" within the Department of Health and Senior Services, providing that the penalties collected for violations of the bill are to be deposited therein, and specifies that the provisions of the bill shall not be construed to preclude or limit any prosecution for violation of any provision of chapter 35 or 36 of Title 2C of the New Jersey Statutes or any other provision of law.

It is the intent of the State and local law enforcement to make it a priority to enforce the provisions of this bill.