

**SENATE, No. 2883**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED MAY 14, 2015

**Sponsored by:**  
**Senator JOSEPH F. VITALE**  
**District 19 (Middlesex)**

**SYNOPSIS**

Prohibits smoking in automobiles when children are present.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning smoking in automobiles and supplementing  
2 Chapter 4 of Title 39 of the Revised Statutes.

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

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7 1. a. Notwithstanding any provision of law to the contrary,  
8 smoking is prohibited in an automobile, as defined in R.S.39:1-1,  
9 when a child 16 years of age or younger is present.

10 b. For purposes of this section, "smoking" means the burning  
11 of, inhaling from, exhaling the smoke from, or the possession of a  
12 lighted cigar, cigarette, pipe or any other matter or substance which  
13 contains tobacco or any other matter that can be smoked, or the  
14 inhaling or exhaling of smoke or vapor from an electronic smoking  
15 device.

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

23 d. The penalties assessed under this section shall be payable to  
24 the State Treasurer and may be recovered in a summary proceeding  
25 pursuant to the "Penalty Enforcement Law of 1999," P.L.1999,  
26 c.274 (C.2A:58-10 et seq.).

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

31 f. The Chief Administrator of the New Jersey Motor Vehicle  
32 Commission shall establish a public awareness campaign to inform  
33 the public about the provisions of this act.

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35 2. This act shall take effect on the 60th day following  
36 enactment.

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STATEMENT

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41 This bill prohibits smoking in an automobile when a child 16  
42 years of age or younger is present. As used in this bill "smoking"  
43 means the burning of, inhaling from, exhaling the smoke from, or  
44 the possession of a lighted cigar, cigarette, pipe or any other matter  
45 or substance which contains tobacco or any other matter that can be  
46 smoked, or the inhaling or exhaling of smoke or vapor from an  
47 electronic smoking device.

**S2883 VITALE**

1       A person who violates the provisions of the bill shall be fined  
2 \$100, and the penalty assessed shall be payable to the State  
3 Treasurer and may be recovered in a summary proceeding pursuant  
4 to the "Penalty Enforcement Law of 1999."

5       The provisions of the bill stipulate that no motor vehicle or  
6 automobile insurance eligibility points or surcharge under the New  
7 Jersey Merit Rating Plan would result from a violation of the  
8 provisions of the bill. The bill also specifies that that the provisions  
9 of the bill shall not be construed to preclude or limit any  
10 prosecution for violation of any provision of chapter 35 or 36 of  
11 Title 2C of the New Jersey Statutes or any other provision of law.

12       Finally, the bill requires the Chief Administrator of the New  
13 Jersey Motor Vehicle Commission to establish a public awareness  
14 campaign to inform the public about the provisions of the bill.