SENATE, No. 553

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator RICHARD J. CODEY
District 27 (Essex and Morris)
Senator JOSEPH F. VITALE
District 19 (Middlesex)

Co-Sponsored by:
Senator Singer

SYNOPSIS

Prohibits smoking in automobile when children are present.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning smoking in automobiles and supplementing Title 26 of the Revised Statutes.

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

1. a. Notwithstanding any provision of law to the contrary, smoking is prohibited in an automobile, as defined in R.S.39:1-1, when a child 17 years of age or younger is present.

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

c. A person who violates the provisions of this section shall be fined $100 for a first offense and $200 for a second or subsequent offense. No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-14) shall be assessed for this offense. A person shall not be subject to a surcharge under the Motor Vehicle Violations Surcharge System as provided in section 6 of P.L.1983, c.65 (C.17:29A-35) for violation of this section.

d. The penalties assessed under this section shall be payable to the State Treasurer and shall be appropriated to the Department of Health to fund anti-smoking initiatives in the State.

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

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

STATEMENT

This bill prohibits smoking in an automobile when a child 17 years of age or younger is present. As used in this bill, "smoking" means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

A person who violates the provisions of the bill would be fined $100 for a first offense and $200 for the second or subsequent offense, and the penalty assessed would be appropriated to the Department of Health to fund anti-smoking initiatives in the State.

The provisions of the bill stipulate that no motor vehicle or automobile insurance eligibility points or surcharge under the Motor

Vehicle Violations Surcharge System would result from a violation of the provisions of the bill.

The bill also requires the Chief Administrator of the New Jersey Motor Vehicle Commission to establish a public awareness campaign to inform the public about the provisions of the bill.