

[First Reprint]

SENATE, No. 1731

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 29, 2016

Sponsored by:

Senator ROBERT M. GORDON

District 38 (Bergen and Passaic)

Senator DIANE B. ALLEN

District 7 (Burlington)

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

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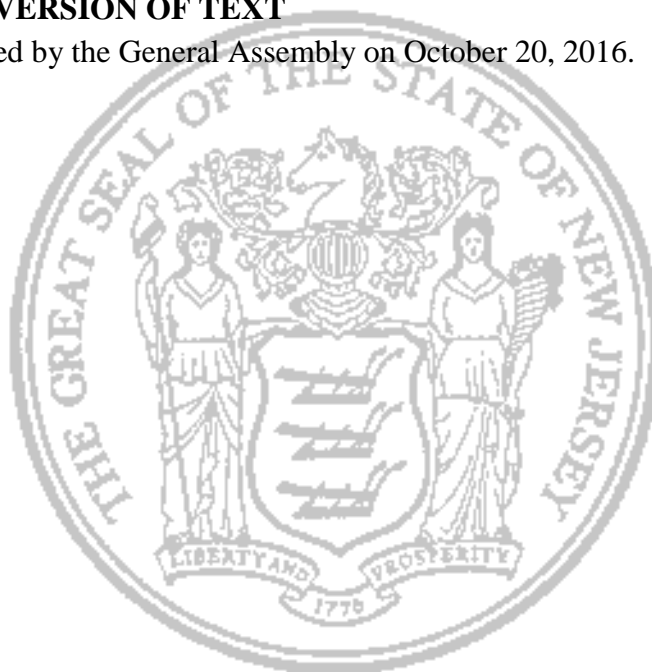
Senator Weinberg

SYNOPSIS

Permits municipality to establish civil penalty for smoking in public places.

CURRENT VERSION OF TEXT

As amended by the General Assembly on October 20, 2016.



(Sponsorship Updated As Of: 6/23/2017)

1 AN ACT concerning smoking in public places, supplementing Title
2 26 of the Revised Statutes and amending N.J.S.2C:33-13.

3

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

6

7 1. (New section) a. A person who smokes or carries lighted
8 tobacco in any public place, including, but not limited to, places of
9 public accommodation, where that activity is prohibited by
10 municipal ordinance under authority of R.S.40:48-1 and 40:48-2 or
11 by the owner or person responsible for the operation of the public
12 place, and when adequate notice of the prohibition on smoking or
13 carrying lighted tobacco has been conspicuously posted, may be
14 subject to a civil penalty of up to \$200, which shall be recovered in
15 a civil action by a summary proceeding in the name of the
16 municipality pursuant to the "Penalty Enforcement Law of 1999,"
17 P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the
18 Superior Court shall have jurisdiction of proceedings for the
19 enforcement of the penalty provided by this subsection.

20 b. ¹**[A]** The governing body of a municipality may adopt a¹
21 municipal ordinance ¹**[may]** to¹ impose a civil penalty, as provided
22 for under subsection a. of this section, as an alternative to the
23 ¹**[penalty]** liability for the offense¹ provided for under
24 N.J.S.2C:33-13.

25

26 2. N.J.S.2C:33-13 is amended to read as follows:

27 2C:33-13. Smoking in Public. a. Any person who smokes or
28 carries lighted tobacco in or upon any bus or other public
29 conveyance, except group charter buses, specially marked railroad
30 smoking cars, limousines or livery services, and, when the driver is
31 the only person in the vehicle, autocabs, is a petty disorderly
32 person. For the purposes of this section, "bus" includes school
33 buses and other vehicles owned or contracted for by the governing
34 body, board or individual of a nonpublic school, a public or private
35 college, university, or professional training school, or a board of
36 education of a school district, that are used to transport students to
37 and from school and school-related activities; and the prohibition
38 on smoking or carrying lighted tobacco shall apply even if students
39 are not present in the vehicle.

40 b. Any person who smokes or carries lighted tobacco in any
41 public place, including, but not limited to, places of public
42 accommodation, where such smoking is prohibited by municipal
43 ordinance under authority of R.S.40:48-1 and 40:48-2 or by the

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly floor amendments adopted October 20, 2016.

1 owner or person responsible for the operation of the public place,
2 and when adequate notice of such prohibition has been
3 conspicuously posted, is ¹either:¹ guilty of a petty disorderly
4 persons offense ¹], except that the municipal ordinance may impose
5 a civil penalty pursuant to section 1 of P.L. , c. (C.) (pending
6 before the Legislature as this bill) as an alternative to the penalty
7 provided for in this section] under this section, or subject to a civil
8 penalty under section 1 of P.L. , c. (C.) (pending before the
9 Legislature as this bill) if such civil penalty is provided for as an
10 alternative to the offense under this subsection¹. Notwithstanding
11 the provisions of N.J.S.2C:43-3, the maximum fine which can be
12 imposed for ¹[a violation of] committing a petty disorderly persons
13 offense under¹ this section is \$200.

14 c. The provisions of this section shall supersede any other
15 statute and any rule or regulation adopted pursuant to law, except as
16 provided in section 1 of P.L. , c. (C.) (pending before the
17 Legislature as this bill).
18 (cf: P.L.2003, c.233, s.1)

19

20 3. This act shall take effect immediately.