

# ASSEMBLY, No. 3962

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED MAY 17, 2018

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**  
**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblywoman Mosquera**

**SYNOPSIS**

Prohibits smoking in automobiles when children are present.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/8/2018)**

1 AN ACT concerning smoking in automobiles and supplementing  
2 Title 26 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 17 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 for a first offense and \$200 for a second or subsequent  
18 offense. No motor vehicle points or automobile insurance  
19 eligibility points pursuant to section 26 of P.L.1990, c.8 (C.17:33B-  
20 14) shall be assessed for this offense. A person shall not be subject  
21 to a surcharge under the Motor Vehicle Violations Surcharge  
22 System as provided in section 6 of P.L.1983, c.65 (C.17:29A-35)  
23 for violation of this section.

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

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

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

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STATEMENT

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

44 A person who violates the provisions of the bill would be fined  
45 \$100 for a first offense and \$200 for the second or subsequent  
46 offense, and the penalty assessed would be appropriated to the  
47 Department of Health to fund anti-smoking initiatives in the State.

**A3962 MURPHY**

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1       The provisions of the bill stipulate that no motor vehicle or  
2 automobile insurance eligibility points or surcharge under the  
3 Motor Vehicle Violations Surcharge System would result from a  
4 violation of the provisions of the bill.

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