SENATE, No. 3182

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED NOVEMBER 26, 2018

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 automobiles when children are present.

CURRENT VERSION OF TEXT
As introduced.
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.