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SENATE BILL NO. 1106

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 4, 2009)

(Patron Prior to Substitute—Senator Northam)

A BILL to amend the Code of Virginia by adding a section numbered 46.2-112.1, relating to smoking in cars in which a minor is present; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-112.1 as follows:

§ 46.2-112.1. Smoking in vehicle with a minor present; civil penalty.

It shall be unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, in which a minor is present.

For the purposes of this section, "smoke" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling, or exhaling of smoke from a pipe, cigar, or cigarette of any kind.

Any person who violates this section shall be subject to a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of Chapter 3 of this title and no court costs shall be assessed for violations of this section.

A violation of this section may be charged on the uniform traffic summons form.

No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

SENATE SUBSTITUTE

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