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**HOUSE BILL NO. 2339**

Offered January 12, 2011

Prefiled January 12, 2011

A *BILL to amend the Code of Virginia by adding a section numbered 15.2-2824.1, relating to smoking in a vehicle in which a child is present.*

Patrons—Morrissey and Kilgore

Referred to Committee on Militia, Police and Public Safety

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 15.2-2824.1 as follows:**

*§ 15.2-2824.1. Smoking in vehicle with a child present; penalty for violation.*

*A. Smoking shall be prohibited in a motor vehicle, whether in motion or at rest, in which a child under the age of 13 is present.*

*B. No assignment of demerit points shall be made under Article 19 (§ 46.2-489 et seq.) of Chapter 3 of Title 46.2 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.*

*C. 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 the 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.*

*D. Any person who violates this section shall be subject to a civil penalty of \$100. Civil penalties assessed under this section shall be paid into the Virginia Health Care Fund established under § 32.1-366.*

INTRODUCED

HB2339