

2012 SESSION

INTRODUCED

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HOUSE BILL NO. 115

Offered January 11, 2012

Prefiled January 3, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 46.2-112.1, relating to smoking in motor vehicles; presence of minor under age 13; civil penalty.*

Patrons—Morrissey, Kilgore, Kory and McClellan

Referred to Committee for Courts of Justice

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.

A. It shall be unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, in which a minor under the age of 13 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.

B. 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, 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 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.

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