

# VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

## CHAPTER 515

*An Act 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 eight; civil penalty.*

[H 1348]

Approved March 25, 2016

**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. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.*

*B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of eight is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation 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.*