

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 46.2-112.1, relating to smoking in*  
3 *motor vehicles; presence of minor under age eight; civil penalty.*

4 [H 1348]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 46.2-112.1 as follows:**8 **§ 46.2-112.1. Smoking in vehicle with a minor present; civil penalty.**

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

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

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

ENROLLED

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