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HOUSE BILL NO. 2091

Offered January 9, 2019

Prefiled January 7, 2019

A *BILL to amend and reenact § 46.2-810.1 of the Code of Virginia, relating to smoking in motor vehicle with a minor present.*

Patrons—Guzman, Aird, Bagby, Gooditis, Hope, Kory, Levine, Lindsey, Rasoul, Roem and Simon

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-810.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-810.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to (i) 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 or (ii) use a nicotine vapor product as defined in § 18.2-371.2 in a manner that produces nicotine vapor.

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~~ 16 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.

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