

REFERENCE TITLE: smoking in vehicle with minors

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2076

Introduced by
Representative Schapira

AN ACT

AMENDING TITLE 28, CHAPTER 3, ARTICLE 15, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-913; RELATING TO SMOKING IN MOTOR VEHICLES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 28, chapter 3, article 15, Arizona Revised Statutes,
3 is amended by adding section 28-913, to read:
4 28-913. Smoking in motor vehicle with minor prohibited; civil
5 penalties
6 A. A PERSON SHALL NOT SMOKE IN A MOTOR VEHICLE IF A PERSON UNDER
7 SIXTEEN YEARS OF AGE IS IN THE MOTOR VEHICLE.
8 B. IF A LAW ENFORCEMENT OFFICER STOPS A MOTOR VEHICLE FOR AN APPARENT
9 VIOLATION OF THIS SECTION, THE OFFICER SHALL DETERMINE WHETHER ANYONE IN THE
10 MOTOR VEHICLE IS UNDER SIXTEEN YEARS OF AGE.
11 C. A LAW ENFORCEMENT OFFICER SHALL NOT STOP OR ISSUE A CITATION TO A
12 PERSON OPERATING A MOTOR VEHICLE ON A HIGHWAY IN THIS STATE FOR A VIOLATION
13 OF THIS SECTION UNLESS THE LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE TO
14 BELIEVE THERE IS ANOTHER ALLEGED VIOLATION OF A MOTOR VEHICLE LAW OF THIS
15 STATE.
16 D. FOR A FIRST VIOLATION, A PERSON IS SUBJECT TO A CIVIL PENALTY OF
17 FIFTY DOLLARS FOR EACH PERSON WHO IS UNDER SIXTEEN YEARS OF AGE AND WHO IS IN
18 THE MOTOR VEHICLE. FOR EACH SUBSEQUENT VIOLATION, THE CIVIL PENALTY SHALL BE
19 ONE HUNDRED DOLLARS FOR EACH PERSON WHO IS UNDER SIXTEEN YEARS OF AGE AND WHO
20 IS IN THE MOTOR VEHICLE.
21 E. A PERSON WHO VIOLATES THIS SECTION IS RESPONSIBLE FOR A NONMOVING
22 CIVIL TRAFFIC VIOLATION.