

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 280

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROHIBIT SMOKING, VAPING, OR IGNITING AN OBJECT OR ACTIVATING A DEVICE FOR THE PURPOSE OF SMOKING OR VAPING IN A MOTOR VEHICLE IF A MINOR IS PRESENT, TO PROVIDE THAT ENFORCEMENT OF THIS SECTION MAY BE ACCOMPLISHED ONLY AS A SECONDARY ACTION, TO PROVIDE A PENALTY, TO PROVIDE THAT CONVICTION UNDER THIS SECTION SHALL NOT RESULT IN VIOLATION POINT COUNTS OR BE CONSIDERED A MOVING TRAFFIC VIOLATION, AND TO DEFINE TERMS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 6, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-675, Idaho Code, and to read as follows:

49-675. SMOKING OR VAPING IN MOTOR VEHICLE WITH MINOR PRESENT. (1) If a person under the age of eighteen (18) years is present in a motor vehicle, no operator of or passenger in the vehicle shall:

(a) Smoke or vape;

(b) Ignite an object for the purpose of smoking; or

(c) Activate a device for the purpose of vaping.

(2) Enforcement of this section by law enforcement officers may be accomplished only as a secondary action when the operator of the motor vehicle has been detained for a suspected violation of another law.

(3) A person issued a citation pursuant to this section shall be subject to a fine of fifty dollars (\$50.00). A conviction under this section shall not result in violation point counts as prescribed in section 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving traffic violation for the purpose of establishing rates of motor vehicle insurance charged by a casualty insurer.

(4) For purposes of this section:

(a) "Smoke" means to inhale and exhale the fumes of a tobacco product or another drug; and

(b) "Vape" means to inhale vapor through the mouth from a device that heats up and vaporizes a liquid or solid.