

IN THE SENATE

SENATE BILL NO. 1162

BY STATE AFFAIRS COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 49-677, IDAHO CODE, TO PROHIBIT SMOKING, VA-
3 PING, OR IGNITING AN OBJECT OR ACTIVATING A DEVICE FOR THE PURPOSE OF
4 SMOKING OR VAPING IN A MOTOR VEHICLE IF A MINOR IS PRESENT, TO PROVIDE
5 THAT ENFORCEMENT OF THIS SECTION MAY BE ACCOMPLISHED ONLY AS A SECONDARY
6 ACTION, TO PROVIDE A PENALTY, TO PROVIDE THAT CONVICTION UNDER THIS SEC-
7 TION SHALL NOT RESULT IN VIOLATION POINT COUNTS OR BE CONSIDERED A MOV-
8 ING TRAFFIC VIOLATION, AND TO DEFINE TERMS; AND DECLARING AN EMERGENCY
9 AND PROVIDING AN EFFECTIVE DATE.
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11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 6, Title 49, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 49-677, Idaho Code, and to read as follows:

15 49-677. SMOKING OR VAPING IN MOTOR VEHICLE WITH MINOR PRESENT. (1) If a
16 person under the age of eighteen (18) years is present in a motor vehicle, no
17 operator of or passenger in the vehicle shall:

- 18 (a) Smoke or vape;
- 19 (b) Ignite an object for the purpose of smoking; or
- 20 (c) Activate a device for the purpose of vaping.

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

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

30 (4) For purposes of this section:

- 31 (a) "Smoke" means to inhale and exhale the fumes of a tobacco product or
32 another drug; and
- 33 (b) "Vape" means to inhale vapor through the mouth from a device that
34 heats up and vaporizes a liquid or solid.

35 SECTION 2. An emergency existing therefor, which emergency is hereby
36 declared to exist, this act shall be in full force and effect on and after
37 July 1, 2023.