

HOUSE BILL NO. 1274

Introduced by

Representatives P. Anderson, Dobervich, Hager, D. Johnson, J. Nelson, Schneider

Senator Hogan

1 A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of
2 section 39-06.1-10 and a new section to chapter 39-10 of the North Dakota Century Code,
3 relating to smoking in a motor vehicle with a child present; to amend and reenact subsection 2
4 of section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees; and to
5 provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota
8 Century Code is amended and reenacted as follows:

- 9 2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except
10 for:
- 11 a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty
12 dollars.
 - 13 b. A violation of section 39-10-05 involving failure to yield to a pedestrian or
14 subsection 1 of section 39-10-28, a fee of fifty dollars.
 - 15 c. A violation of section 3 of this Act or section 39-21-41.2, a fee of twenty-five
16 dollars.
 - 17 d. A violation of subsection 1 of section 39-12-02, section 39-08-23, or section
18 39-08-25, a fee of one hundred dollars.
 - 19 e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one
20 hundred dollars.
 - 21 f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a
22 resident of this state, a fee of one hundred dollars.
 - 23 g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty
24 dollars.

- 1 h. A violation of section 39-10-59, a fee of five hundred dollars.
2 i. A violation of section 39-09-01, a fee of thirty dollars.
3 j. A violation of section 39-09-01.1, a fee of thirty dollars.
4 k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.
5 l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first
6 violation and three hundred dollars for a second or subsequent violation in three
7 years.

8 **SECTION 2.** A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the
9 North Dakota Century Code is created and enacted as follows:

10 Smoking in a motor vehicle with a child 1 point
11 present in violation of section 3 of this Act.

12 **SECTION 3.** A new section to chapter 39-10 of the North Dakota Century Code is created
13 and enacted as follows:

14 **Smoking in a motor vehicle with a child present prohibited.**

15 1. As used in this section:

16 a. "E-cigarette" means any electronic oral device, such as one composed of a
17 heating element and battery or electronic circuit, or both, which provides a vapor
18 of nicotine or any other substances, and the use or inhalation of which simulates
19 smoking. The term includes any device, whether manufactured, distributed,
20 marketed, or sold as an e-cigarette, e-cigar, or e-pipe or under any other product,
21 name, or descriptor.

22 b. "Smoke" or "smoking" means to inhale, exhale, burn, or carry a lighted or heated
23 cigar, cigarette, or pipe, or other lighted or heated tobacco or plant product
24 intended for inhalation, in any manner or in any form. The term includes the use
25 of an e-cigarette which creates a vapor, in any manner or any form.

26 2. An individual may not smoke in a motor vehicle, whether in motion, stopped, or
27 parked, when a child under nine years of age is present in the motor vehicle.

28 3. Violation of this section is not, in itself, evidence of negligence. The fact of a violation
29 of this section is not admissible in any proceeding other than one charging the
30 violation.