

A-Engrossed
Senate Bill 444

Ordered by the Senate March 11
Including Senate Amendments dated March 11

Sponsored by Senator STEINER HAYWARD, Representative THOMPSON; Senators BOQUIST, BURDICK, MONNES ANDERSON, MONROE, SHIELDS, Representatives GELSER, GREENLICK, KENY-GUYER, TOMEI (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates offense of smoking in motor vehicle. Applies to persons in motor vehicle who smoke while person under age of 18 is in motor vehicle. Punishes by maximum fine of \$250 for first offense[,] **and** \$500 for second [*offense and \$1,000 for third*] or subsequent offense.

A BILL FOR AN ACT

1
2 Relating to smoking in a motor vehicle.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of the Oregon Vehicle**
5 **Code.**

6 **SECTION 2. (1)(a) A person commits the offense of smoking in a motor vehicle if the**
7 **person smokes in a motor vehicle while a person under 18 years of age is in the motor ve-**
8 **hicle.**

9 **(b) As used in this subsection, "smokes" means to inhale, exhale, burn or carry a lighted**
10 **cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance.**

11 **(2) Notwithstanding ORS 810.410, a police officer may enforce this section only if the po-**
12 **lice officer has already stopped and detained the driver operating the motor vehicle for a**
13 **separate traffic violation or other offense.**

14 **(3) Smoking in a motor vehicle is a:**

15 **(a) Class D traffic violation for a first offense.**

16 **(b) Class C traffic violation for a second or subsequent offense.**
17

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.