

# Senate Bill 444

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 **as introduced**.

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, \$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 person commits the offense of smoking in a motor vehicle if the person**  
7 **smokes a cigarette, cigar or other form of tobacco in a motor vehicle while a person under**  
8 **18 years of age is in the motor vehicle.**

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

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

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

14 **(b) Class C traffic violation for a second offense.**

15 **(c) Class B traffic violation for a third or subsequent offense.**  
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**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.