Senate Bill 545

Sponsored by Senator RILEY

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.**

Makes offense of smoking in motor vehicle primary offense.

A BILL FOR AN ACT

Relating to offenses committed in a motor vehicle when a person under 18 years of age is in the motor vehicle; creating new provisions; and amending ORS 811.193.

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

SECTION 1. ORS 811.193 is amended to read:

811.193. (1)(a) A person commits the offense of smoking in a motor vehicle if the person smokes in a motor vehicle while a person under 18 years of age is in the motor vehicle.

(b) As used in this subsection, "smokes" means to inhale[,] **or** exhale[,] **a substance contained in, or to** burn or carry**,** a lighted cigarette, cigar, pipe, [*weed, plant,*] **or other product or device used to smoke tobacco, marijuana, a** regulated narcotic or other combustible substance.

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

[*(3)*] **(2)** Smoking in a motor vehicle is a:

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

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

SECTION 2. The amendments to ORS 811.193 by section 1 of this 2015 Act apply to offenses committed on or after the effective date of this 2015 Act.

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.