

Senate Bill 122

Sponsored by Senator RILEY (Pre-session 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**.

Makes offense of smoking, aerosolizing or vaporizing in motor vehicle primary offense.

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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, aerosolizing or vaporizing in a motor vehicle if the person smokes or uses an inhalant delivery system in a motor vehicle while a person under 18 years of age is in the motor vehicle.

(b) As used in this subsection:

(A) "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; and**

(B) "Uses an inhalant delivery system" means to use an inhalant delivery system, as defined in ORS 431A.175, in a manner that creates an aerosol or vapor.

[(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, aerosolizing or vaporizing 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 2017 Act apply to conduct occurring on or after the effective date of this 2017 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.