

3191

2009-2010 Regular Sessions

I N S E N A T E

March 12, 2009

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to restricting areas where smoking is permitted

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 1399-o of the public health law is amended by
2 adding a new subdivision 19 to read as follows:

3 19. PRIVATE PASSENGER CARS, PRIVATE PASSENGER VANS OR PRIVATE PASSEN-
4 GER TRUCKS WHERE MINORS UNDER SIXTEEN YEARS OF AGE ARE PASSENGERS IN ANY
5 SUCH VEHICLES.

6 S 2. Subdivision 1 of section 1399-q of the public health law, as
7 amended by chapter 13 of the laws of 2003, is amended to read as
8 follows:

9 1. Private homes, private residences and private automobiles EXCEPT AS
10 PROVIDED IN SUBDIVISION NINETEEN OF SECTION THIRTEEN HUNDRED
11 NINETY-NINE-O OF THIS ARTICLE;

12 S 3. Section 1399-v of the public health law, as added by chapter 244
13 of the laws of 1989, is amended to read as follows:

14 S 1399-v. Penalties. 1. The commissioner may impose a civil penalty
15 for a violation of this article in an amount not to exceed that set
16 forth in subdivision one of section twelve of this chapter. Any other
17 enforcement officer may impose a civil penalty for a violation of this
18 article in an amount not to exceed that set forth in paragraph [f] (F)
19 of subdivision one of section three hundred nine of this chapter.

20 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION
21 ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION NINETEEN OF
22 SECTION THIRTEEN HUNDRED NINETY-NINE-O OF THIS ARTICLE SHALL BE LIABLE
23 FOR A CIVIL PENALTY OF FIVE HUNDRED DOLLARS FOR A FIRST OFFENSE, UP TO
24 AN AMOUNT NOT TO EXCEED ONE THOUSAND DOLLARS FOR A SECOND OFFENSE, AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 UP TO AN AMOUNT NOT TO EXCEED ONE THOUSAND FIVE HUNDRED DOLLARS AND/OR
2 TEN DAYS IN JAIL FOR A THIRD OR SUBSEQUENT VIOLATION.
3 S 4. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law.