S T A T E O F N E W Y O R K

3082--B

2011-2012 Regular Sessions

I N S E N A T E

February 8, 2011

Introduced by Sen. STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic 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:

Section 1. The vehicle and traffic law is amended by adding a new section 1229-e to read as follows:

S 1229-E. PROHIBITION ON SMOKING IN VEHICLES WHILE CHILDREN ARE PRESENT. 1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO SMOKE IN A VEHICLE WHERE A MINOR UNDER FOURTEEN YEARS OF AGE IS A PASSENGER IN SUCH VEHICLE.

2. A PERSON WHO HOLDS A LIGHTED CIGAR, CIGARETTE, PIPE OR ANY OTHER MATTER OR SUBSTANCE WHICH CONTAINS TOBACCO OR ANY OTHER PLANT OR MATTER THAT CAN BE SMOKED TO, OR IN THE IMMEDIATE PROXIMITY OF HIS OR HER MOUTH, WHILE IN SUCH VEHICLE IS PRESUMED TO BE ENGAGING IN SMOKING WITHIN THE MEANING OF THIS SECTION. THE PRESUMPTION ESTABLISHED BY THIS SUBDIVISION IS REBUTTABLE BY EVIDENCE SHOWING THAT THE PERSON WAS NOT SMOKING A LIGHTED CIGAR, CIGARETTE, PIPE OR OTHER MATTER OR SUBSTANCE WHICH CONTAINS TOBACCO OR ANY OTHER PLANT OR MATTER THAT CAN BE SMOKED.

3. A VIOLATION OF THIS SECTION SHALL BE A TRAFFIC INFRACTION AND SHALL BE PUNISHABLE BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.

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

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