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

7285--B

R. R. 337

2011-2012 Regular Sessions

I N A S S E M B L Y

April 27, 2011

Introduced by M. of A. WEPRIN, GOTTFRIED, DINOWITZ, FARRELL, MENG, GALEF, JACOBS, LAVINE, CLARK, CUSICK, CAHILL, ARROYO, JAFFEE, MARKEY, CASTRO, ROBINSON, HOYT, HOOPER, ORTIZ, P. RIVERA, ABINANTI, CAMARA -- Multi-Sponsored by -- M. of A. AUBRY, BROOK-KRASNY, CALHOUN, COOK, CRESPO, DenDEKKER, ENGLEBRIGHT, GABRYSZAK, GIBSON, HEVESI, KAVANAGH, KELLNER, LANCMAN, MAGNARELLI, MAISEL, McDONOUGH, McKEVITT, J. MILLER, M. MILLER, MILLMAN, PAULIN, PERRY, PRETLOW, N. RIVERA, SCARBOROUGH, SCHROEDER, SPANO, SWEENEY, TITONE, TITUS, TOBACCO, WEISENBERG, ZEBROWSKI -- read once and referred to the Committee on Health -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading -- again amended on special order of third reading, ordered reprinted, retaining its place on the special order of third reading

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.

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

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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.