STATE OF NEW YORK

6743

2025-2026 Regular Sessions

IN SENATE

March 21, 2025

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

AN ACT to amend the vehicle and traffic law, in relation to prohibiting smoking tobacco in motor vehicles where a minor is a passenger

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:

§ 1229-e. Smoking in motor vehicles. 1. Smoking in a motor vehicle located upon a public highway or right-of-way public highway where a minor under eighteen years of age is a passenger is prohibited. Any operator or passenger twenty-one years of age or older violating this section shall be guilty of a traffic infraction.

2. A person who holds a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco to, or in the immediate proximity of their 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.

3. For purposes of this section "smoking" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco.

§ 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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