

By: Senator(s) Frazier

To: Judiciary, Division B;
Public Health and Welfare

SENATE BILL NO. 2290

1 AN ACT TO PROHIBIT ANY OPERATOR OF A MOTOR VEHICLE THAT IS
2 BEING USED TO TRANSPORT A CHILD FROM ALLOWING THE SMOKING OF ANY
3 TOBACCO PRODUCT IN THE MOTOR VEHICLE; TO PROVIDE DEFINITIONS; TO
4 PROVIDE MISDEMEANOR PENALTIES FOR VIOLATION OF THIS ACT; TO
5 PROVIDE FOR ENFORCEMENT BY LAW ENFORCEMENT OFFICERS; AND FOR
6 RELATED PURPOSES.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

8 **SECTION 1.** (1) The driver or operator of any motor vehicle
9 transporting a child shall not smoke any tobacco product in the
10 vehicle and shall prohibit smoking of any tobacco product by any
11 occupant of the motor vehicle.

12 (2) For the purposes of this section:

13 (a) "Motor vehicle" has the meaning given in Section
14 63-7-301.

15 (b) "Child" has the meaning given in Section 63-7-301.

16 (c) "Smoke and smoking" has the meaning given in
17 Section 29-5-161.

18 (3) The operator of a motor vehicle may be in violation of
19 this section by the operator's own action or by the action of an
20 occupant of the vehicle.

21 (4) A violation of this section shall be a misdemeanor,
22 punishable by a fine of Fifty Dollars (\$50.00) upon conviction. A
23 violation of this section shall be considered a nonmoving
24 violation and shall not be entered on the driving record of any
25 individual so convicted.

26 (5) Any operator cited who proves to the court that the
27 operator has entered into a smoking cessation program is eligible



28 for a waiver of fine for a first offense violation of this
29 section.

30 (6) Probable cause for a violation of this section shall be
31 based solely upon a law enforcement officer's clear and
32 unobstructed view of a person smoking as prohibited by this
33 section. Violation of this section shall be considered a primary
34 offense, and any duly sworn law enforcement officer may stop a
35 motor vehicle because of a violation of this section.

36 **SECTION 2.** This act shall take effect and be in force from
37 and after July 1, 2011.

