

By: Senator(s) Frazier

To: Judiciary, Division B;
Public Health and Welfare

SENATE BILL NO. 2016

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 passenger
9 motor vehicle transporting a child shall not smoke any tobacco
10 product in the vehicle and shall not permit smoking of any tobacco
11 product by any occupant of the passenger motor vehicle.

12 (2) For the purposes of this section:

13 (a) "Passenger motor vehicle" has the meaning given in
14 Section 63-2-1.

15 (b) "Child" means a person under the age of seventeen
16 (17).

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

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

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

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



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

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

38 **SECTION 2.** This act shall take effect and be in force from
39 and after July 1, 2012.

