WEST virginia Legislature

**FISCAL NOTE**

2021 regular session

Introduced

House Bill 2754

By Delegates Pushkin and Rohrbach

[Introduced February 24, 2021; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when a child under the age of eight is present; penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 14. MISCELLANEOUS RULES.

§17C-14-16. Smoking in a motor vehicle in presence of a child.

(a) For the purposes of this section, “smoke” means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

(b) It is unlawful for a person to smoke in an enclosed motor vehicle, whether in motion or at rest when a minor under the age of eight is present in the motor vehicle. Any person who violates the provisions of this section shall be fined not more than $25. Enforcement of this section shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for probable cause of violating another section of this code.

NOTE: The purpose of this bill is to prohibit smoking in an enclosed motor vehicle when a child under the age of eight is present.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.