

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 437

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE
2 ADDITION OF A NEW SECTION 49-675, IDAHO CODE, TO PROHIBIT SMOKING OR VA-
3 PING IN A MOTOR VEHICLE WITH A MINOR PRESENT, TO PROVIDE THAT ENFORCE-
4 MENT OF THIS SECTION MAY BE ACCOMPLISHED ONLY AS A SECONDARY ACTION, TO
5 PROVIDE A PENALTY, TO PROVIDE THAT CONVICTION UNDER THIS SECTION SHALL
6 NOT RESULT IN VIOLATION POINT COUNTS OR BE CONSIDERED A MOVING TRAFFIC
7 VIOLATION, AND TO DEFINE TERMS.
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 6, Title 49, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
12 ignated as Section 49-675, Idaho Code, and to read as follows:

13 49-675. SMOKING OR VAPING IN MOTOR VEHICLE WITH MINOR PRESENT. (1) If a
14 person under the age of eighteen (18) years is present in a motor vehicle, no
15 operator of or passenger in the vehicle shall smoke or vape.

16 (2) Enforcement of this section by law enforcement officers may be ac-
17 complished only as a secondary action when the operator of the motor vehicle
18 has been detained for a suspected violation of another law.

19 (3) A person issued a citation pursuant to this section shall be subject
20 to a fine of seventy-five dollars (\$75.00). A conviction under this section
21 shall not result in violation point counts as prescribed in section 49-326,
22 Idaho Code, nor shall such a conviction be deemed a moving traffic violation
23 for the purpose of establishing rates of motor vehicle insurance charged by a
24 casualty insurer.

25 (4) For purposes of this section:

26 (a) "Smoke" means to inhale and exhale the fumes of a tobacco product or
27 another drug; and

28 (b) "Vape" means to inhale vapor through the mouth from a device that
29 heats up and vaporizes a liquid or solid.