

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 280

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, VA-
3 PING, OR IGNITING AN OBJECT OR ACTIVATING A DEVICE FOR THE PURPOSE OF
4 SMOKING OR VAPING IN A MOTOR VEHICLE IF A MINOR IS PRESENT, TO PROVIDE
5 THAT ENFORCEMENT OF THIS SECTION MAY BE ACCOMPLISHED ONLY AS A SECONDARY
6 ACTION, TO PROVIDE A PENALTY, TO PROVIDE THAT CONVICTION UNDER THIS SEC-
7 TION SHALL NOT RESULT IN VIOLATION POINT COUNTS OR BE CONSIDERED A MOV-
8 ING TRAFFIC VIOLATION, AND TO DEFINE TERMS.
9

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

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

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

17 (a) Smoke or vape;

18 (b) Ignite an object for the purpose of smoking; or

19 (c) Activate a device for the purpose of vaping.

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

23 (3) A person issued a citation pursuant to this section shall be subject
24 to a fine of fifty dollars (\$50.00). A conviction under this section shall
25 not result in violation point counts as prescribed in section 49-326, Idaho
26 Code, nor shall such a conviction be deemed to be a moving traffic violation
27 for the purpose of establishing rates of motor vehicle insurance charged by a
28 casualty insurer.

29 (4) For purposes of this section:

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

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