

HOUSE BILL NO. 1150

Introduced by

Representatives Hatlestad, Kingsbury, Sukut

Senator Lyson

1 A BILL for an Act to create and enact a new section to chapter 39-01 of the North Dakota
2 Century Code, relating to smoking in vehicles; to amend and reenact subsection 1 of section
3 39-06.1-06 and section 39-06.1-08 of the North Dakota Century Code, relating to statutory fees
4 for nonmoving violations; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 39-01 of the North Dakota Century Code is created
7 and enacted as follows:

8 **Smoking in motor vehicle.**

- 9 1. It is unlawful for the operator or any passenger in a motor vehicle to ignite or smoke a
10 cigarette, pipe, cigar, or other combustible material if an individual under thirteen years
11 of age is present in the vehicle, regardless of whether a window of the motor vehicle is
12 down or whether the vehicle is parked or on private property.
13 2. Probable cause for a violation of this section must be based solely upon a law
14 enforcement officer's clear and unobstructed view of an individual smoking as
15 prohibited by this section.
16 3. Operators' license points may not be assessed against an individual for a violation of
17 this section.

18 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06.1-06 of the North Dakota
19 Century Code is amended and reenacted as follows:

- 20 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount not to
21 exceed twenty dollars, except for a violation of section 1 of this Act, a fee of fifty
22 dollars.

23 **SECTION 3. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is
24 amended and reenacted as follows:

1 **39-06.1-08. Nonmoving violation defined.**

2 For the purposes of section 39-06.1-06, a "nonmoving violation" means:

3 1. A violation of section 1 of this Act, section 39-04-11, subsection 6 of section 39-06-17,
4 and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1,
5 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance
6 equivalent to the foregoing sections.

7 2. A violation, discovered at a time when the vehicle is not actually being operated, of
8 section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or
9 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing
10 sections.