

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3134

By: Ownbey

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5
6 AS INTRODUCED

7 An Act relating to motor vehicles; making certain
8 acts unlawful; defining term; stating grounds for
9 establishing probable cause; prohibiting the search
10 or inspection of vehicle for certain violation;
11 providing penalty; prohibiting the recording or
12 assessing of points on traffic records; authorizing
13 municipalities to enact certain ordinances; providing
14 for codification; and providing an effective date.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 11-1501 of Title 47, unless
18 there is created a duplication in numbering, reads as follows:

19 A. It shall be unlawful for the operator or any passenger in a
20 motor vehicle to smoke cigarettes, pipes, or cigars in a motor
21 vehicle, passenger van, or pickup truck, when a person who has not
22 attained sixteen (16) years of age is also present in such vehicle,
23 regardless of whether the windows of the motor vehicle are down.

24 For purposes of this section, the term "smoke" shall mean inhaling,
exhaling, burning, or carrying any lighted cigarette, cigar, pipe,

1 weed, plant, or other combustible substance in any manner or in any
2 form.

3 B. Probable cause for a violation of this section shall be
4 based solely upon a clear and unobstructed view by a law enforcement
5 officer of a person smoking as prohibited by this section. A
6 violation of this section shall be considered a primary offense, and
7 any law enforcement officer may stop a motor vehicle solely because
8 of a violation of this section; however, a law enforcement officer
9 may not search or inspect a motor vehicle, its contents, the driver,
10 or a passenger solely because of a violation of this section.

11 C. Fines and court costs for violating the provisions of this
12 section shall not exceed Two Hundred Dollars (\$200.00).

13 D. The Department of Public Safety shall not record or assess
14 points for violations of this section on any traffic record of a
15 license holder that is maintained by the Department.

16 E. Municipalities may enact and municipal police officers may
17 enforce ordinances prohibiting and penalizing conduct under the
18 provisions of this section, but the provisions of those ordinances
19 shall be the same as provided for in this section, and the
20 enforcement provisions under those ordinances shall not be more
21 stringent than those of this section.

22 SECTION 2. This act shall become effective November 1, 2010.

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24 52-2-8831 GRS 01/06/10