

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2740

By: Condit

AS INTRODUCED

An Act relating to tobacco use; making certain acts unlawful; providing penalties; prohibiting certain enforcement practices; defining terms; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1248 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for the operator or passenger of a motor vehicle to smoke cigarettes, pipes or cigars if a child is also present in the motor vehicle.

B. Any person who is convicted of violating the provisions of this section shall be subject to a fine of not less than One Hundred Dollars (\$100.00).

C. No law enforcement officer shall make routine stops of motorists for the purpose of enforcing this section.

D. For purposes of this section:

1 1. "Child" shall mean any person who is fourteen (14) years of
2 age or younger; and

3 2. "Motor vehicle" shall mean any type of conveyance or device
4 in, upon or by which a person or property is or may be transported
5 from one location to another upon the avenues of public access
6 within this state. Motor vehicle shall include the passenger
7 compartment of pickups, vans, minivans and sport utility vehicles.
8 Motor vehicle shall not include trucks, truck-tractors, recreational
9 vehicles, motorcycles or motorized bicycles.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-1528 of Title 63, unless there
12 is created a duplication in numbering, reads as follows:

13 A. It shall be unlawful for the operator or passenger of a
14 motor vehicle to smoke cigarettes, pipes or cigars if a child is
15 also present in the motor vehicle.

16 B. Any person who is convicted of violating the provisions of
17 this section shall be subject to a fine of not less than One Hundred
18 Dollars (\$100.00).

19 C. No law enforcement officer shall make routine stops of
20 motorists for the purpose of enforcing this section.

21 D. For purposes of this section:

22 1. "Child" shall mean any person who is fourteen (14) years of
23 age or younger; and
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1 2. "Motor vehicle" shall mean any type of conveyance or device
2 in, upon or by which a person or property is or may be transported
3 from one location to another upon the avenues of public access
4 within this state. Motor vehicle shall include the passenger
5 compartment of pickups, vans, minivans and sport utility vehicles.
6 Motor vehicle shall not include trucks, truck-tractors, recreational
7 vehicles, motorcycles or motorized bicycles.

8 SECTION 3. This act shall become effective November 1, 2016.

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10 55-2-7972 JM 01/15/16