

ASSEMBLY BILL NO. 322—ASSEMBLYMAN SPRINKLE

MARCH 16, 2015

Referred to Committee on Judiciary

SUMMARY—Prohibits the smoking of tobacco inside any motor vehicle in which a child under the age of 18 years is present. (BDR 15-128)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to tobacco; prohibiting the smoking of tobacco inside any motor vehicle in which a child under the age of 18 years is present; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill prohibits the smoking of tobacco in a motor vehicle if there is a child
2 under the age of 18 years present in the vehicle, whether the vehicle is in motion or
3 at rest. This bill also requires certain peace officers to issue citations for a violation
4 of the prohibition, which is punishable by a fine of not more than \$25 or a sentence
5 to perform community service.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 202 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 *1. The smoking of tobacco in any form is prohibited inside*
4 *any motor vehicle, either in motion or at rest, in which a child*
5 *under the age of 18 years is present.*

6 *2. Peace officers shall, within their respective jurisdictions,*
7 *enforce the provisions of this section and shall issue citations for*
8 *violations of this section pursuant to subsection 3.*

9 *3. Any person who violates the provisions of subsection 1*
10 *shall be punished by a fine of not more than \$25 or by a sentence*
11 *to perform a certain number of hours of community service.*



* A B 3 2 2 *

- 1 4. *A violation of subsection 1:*
2 (a) *Is not a moving traffic violation under NRS 483.473.*
3 (b) *May not be considered as negligence or as causation in any*
4 *civil action or as negligent or reckless driving under*
5 *NRS 484B.653.*
6 5. *As used in this section:*
7 (a) *“Motor vehicle” has the meaning ascribed to it in*
8 *NRS 482.075.*
9 (b) *“Peace officer” means:*
10 (1) *Sheriffs of counties and of metropolitan police*
11 *departments and their deputies;*
12 (2) *Personnel of the Nevada Highway Patrol whose*
13 *principal duty is to enforce one or more laws of this State; and*
14 (3) *Marshals, constables and police officers of cities and*
15 *towns.*

