1	H. B. 4362
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3 4 5	(By Delegates Manypenny, Wells, Guthrie and Perdue)
6	[Introduced January 28, 2014; referred to the
7	Committee on Roads & Transportation then the Judiciary.]
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10	A BILL to amend the Code of West Virginia, 1931, as amended, by
11	adding thereto a new section, designated §17C-14-16, relating
12	to prohibiting smoking in a motor vehicle when a child is
13	present.
14	Be it enacted by the Legislature of West Virginia:
15	That the Code of West Virginia, 1931, as amended, be amended
16	by adding thereto a new section, designated \$17C-14-16, to read as
17	follows:
18	ARTICLE 14. MISCELLANEOUS RULES.
19	§17C-14-16. Smoking in a vehicle prohibited when child is present;
20	penalties.
21	(a) It is unlawful for any driver or passenger of a motor
22	vehicle to smoke if a child who is fifteen years of age or younger
23	is a passenger in the vehicle.
24	(b) For the purposes of this section, the term "smoke" means:

- 1 (1) The possession of any lighted or heated tobacco product in
- 2 any form; or
- 3 (2) Inhaling, exhaling, burning, or heating a substance
- 4 containing tobacco or nicotine intended for inhalation through a
- 5 cigar, cigarette, pipe or hookah.
- 6 (c) Any person violating the provisions of subsection (a) of
- 7 this section is guilty of a misdemeanor and, upon conviction
- 8 thereof, shall be fined not more than \$50; upon a second conviction
- 9 within one year thereafter, shall be fined not more than \$100; and
- 10 upon a third or subsequent conviction, shall be fined not more than
- 11 \$250.

NOTE: The purpose of this bill is to prohibit smoking in a motor vehicle when a child is present.

\$17C-14-16 is new; therefore, it has been completely underscored.