

# WEST VIRGINIA LEGISLATURE

## 2021 REGULAR SESSION

**Introduced**

# House Bill 2754

**FISCAL  
NOTE**

BY DELEGATE PUSHKIN

[Introduced February 24, 2021; Referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §17C-14-16, relating to prohibiting smoking in an enclosed motor vehicle when  
 3 a child under the age of eight is present; penalty.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 14. MISCELLANEOUS RULES.**

**§17C-14-16. Smoking in a motor vehicle in presence of a child.**

1 (a) For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar,  
 2 or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale  
 3 smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

4 (b) It is unlawful for a person to smoke in an enclosed motor vehicle, whether in motion or  
 5 at rest when a minor under the age of eight is present in the motor vehicle. Any person who  
 6 violates the provisions of this section shall be fined not more than \$25. Enforcement of this section  
 7 shall be accomplished only as a secondary action when a driver of a motor vehicle has been  
 8 detained for probable cause of violating another section of this code.

NOTE: The purpose of this bill is to prohibit smoking in an enclosed motor vehicle when a child under the age of eight is present.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.