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SENATE BILL 5016

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators White, Shin, Kohl-Welles, and Prentice

Read first time 01/10/11. Referred to Committee on Transportation.

1            AN ACT Relating to operating a motor vehicle while smoking; adding  
2 a new section to chapter 46.61 RCW; creating a new section; prescribing  
3 penalties; and providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.61 RCW  
6 to read as follows:

7            (1) A person who smokes a lighted pipe, cigar, or cigarette in a  
8 moving or parked motor vehicle containing any passengers under the age  
9 of eighteen years is guilty of a traffic infraction.

10           (2) Enforcement of this section by law enforcement officers may be  
11 accomplished only as a secondary action when a driver of a motor  
12 vehicle has been detained for a suspected violation of this title or an  
13 equivalent local ordinance or some other offense.

14           (3) Infractions under this section shall not become part of the  
15 driver's record under RCW 46.52.101 and 46.52.120. Additionally, a  
16 finding that a person has committed a traffic infraction under this  
17 section shall not be made available to insurance companies or  
18 employers.

1        NEW SECTION.   **Sec. 2.**   For the first six months after the effective  
2   date of this act, law enforcement officers may only issue verbal  
3   warnings for violations of section 1 of this act.

4        NEW SECTION.   **Sec. 3.**   This act takes effect August 1, 2011.

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