
SUBSTITUTE HOUSE BILL 2086

State of Washington

63rd Legislature

2014 Regular Session

By House Transportation (originally sponsored by Representatives Bergquist, Hawkins, S. Hunt, Walsh, Freeman, Manweller, Stonier, Riccelli, Kagi, Pollet, Zeiger, Tarleton, Orwall, Habib, Green, Cody, Morrell, Fey, Roberts, and Smith)

READ FIRST TIME 02/04/14.

1 AN ACT Relating to smoking in motor vehicles carrying minors;
2 adding a new section to chapter 46.61 RCW; and prescribing penalties.

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

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

6 (1) A person who smokes a lighted pipe, cigar, or cigarette in a
7 moving or parked motor vehicle carrying any persons who appear to be
8 under the age of eighteen years old is guilty of a traffic infraction.

9 (2) Infractions under this section may not become part of the
10 driver's record under RCW 46.52.101 and 46.52.120. A finding that a
11 person committed a traffic infraction under this section may not be
12 made available to insurance companies or employers.

13 (3) It is a defense to an infraction issued pursuant to subsection
14 (1) of this section if proven by the defendant by a preponderance of
15 the evidence that all passengers in the vehicle are eighteen years of
16 age or older.

17 (4) The monetary penalty for a violation of this section is one
18 hundred twenty-five dollars. This amount may be increased by a law

1 enforcement officer or a court to two hundred fifty dollars for the
2 second infraction and any infractions thereafter.

3 (5) Through December 31, 2014, law enforcement officers may issue
4 only a verbal warning for violating subsection (1) of this section.

5 (6) From January 1, 2015, through December 31, 2016, a law
6 enforcement officer may issue a traffic infraction for violating
7 subsection (1) of this section only as a secondary action when a driver
8 of a motor vehicle has been detained for a suspected violation of this
9 title or an equivalent local ordinance or some other offense.

10 (7) Beginning January 1, 2017, a law enforcement officer may
11 initiate a traffic stop and issue a traffic infraction for a suspected
12 violation of subsection (1) of this section.

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