

**SENATE BILL NO. 2070**

Introduced by

Senators Lyson, Heckaman, Bakke

Representatives Sukut, Hatlestad

1 A BILL for an Act to create and enact a new section to chapter 39-01 of the North Dakota  
2 Century Code, relating to smoking in vehicles; to amend and reenact subsection 1 of section  
3 39-06.1-06 and section 39-06.1-08 of the North Dakota Century Code, relating to statutory fees  
4 for nonmoving violations; and to provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1.** A new section to chapter 39-01 of the North Dakota Century Code is  
7 created and enacted as follows:

8 **Smoking in motor vehicle.**

- 9 1. It is unlawful for the operator or any passenger in a motor vehicle to ignite or  
10 smoke a cigarette, pipe, cigar, or other combustible material when an individual  
11 under sixteen years of age is present in the vehicle, regardless of whether a  
12 window of the motor vehicle is down or whether the vehicle is parked or on private  
13 property.
- 14 2. Probable cause for a violation of this section must be based solely upon a law  
15 enforcement officer's clear and unobstructed view of an individual smoking as  
16 prohibited by this section.
- 17 3. Operators' license points may not be assessed against an individual for a violation  
18 of this section.

19 **SECTION 2. AMENDMENT.** Subsection 1 of section 39-06.1-06 of the North Dakota  
20 Century Code is amended and reenacted as follows:

- 21 1. For a nonmoving violation as defined in section 39-06.1-08, a fee of any amount  
22 not to exceed twenty dollars, except for a violation of section 1 of this Act, a fee of  
23 fifty dollars.

1           **SECTION 3. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **39-06.1-08. Nonmoving violation defined.** For the purposes of section 39-06.1-06, a  
4 "nonmoving violation" means:

- 5           1. A violation of section 1 of this Act, section 39-04-11, subsection 6 of section  
6           39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50,  
7           39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of  
8           any municipal ordinance equivalent to the foregoing sections.
- 9           2. A violation, discovered at a time when the vehicle is not actually being operated, of  
10           section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or  
11           39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing  
12           sections.