

Sixty-first
Legislative Assembly
of North Dakota

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.