

**HOUSE BILL NO. 1150**

Introduced by

Representatives Hatlestad, Kingsbury, Sukut

Senator Lyson

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

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

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

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

1       **39-06.1-08. Nonmoving violation defined.**

2       For the purposes of section 39-06.1-06, a "nonmoving violation" means:

3       1.    A violation of section 1 of this Act, section 39-04-11, subsection 6 of section 39-06-17,  
4           and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1,  
5           39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance  
6           equivalent to the foregoing sections.

7       2.    A violation, discovered at a time when the vehicle is not actually being operated, of  
8           section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or  
9           39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing  
10          sections.