86R4593 AJZ-D

By:  Israel H.B. No. 900

A BILL TO BE ENTITLED

AN ACT

relating to the act of smoking tobacco in a vehicle with a child present; imposing a civil penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  The heading to Subchapter N, Chapter 161, Health and Safety Code, is amended to read as follows:

SUBCHAPTER N. E-CIGARETTE AND TOBACCO USE BY OR NEAR MINORS

SECTION 2.  Subchapter N, Chapter 161, Health and Safety Code, is amended by adding Section 161.258 to read as follows:

Sec. 161.258.  SMOKING TOBACCO IN PASSENGER VEHICLE WITH CHILD PRESENT; CIVIL PENALTY. (a) A person is liable for a civil penalty if:

(1)  the person possesses a burning tobacco product or smokes tobacco in a vehicle; and

(2)  a child is present in the vehicle who is required to be secured in a child passenger safety seat system during the operation of the vehicle under Section 545.412, Transportation Code.

(b)  A civil penalty imposed under Subsection (a) may not exceed:

(1)  $15 for the first violation; or

(2)  $150 for the second or subsequent violation.

(c)  The attorney general or an appropriate prosecuting attorney may sue to collect a civil penalty under this section.

(d)  If a person who is subject to a civil penalty under this section completes a parenting class approved by the judge, the judge may reduce the amount of the civil penalty otherwise imposed by this section.

(e)  A peace officer may not stop or detain a person who is the operator or an occupant of a passenger vehicle for the sole purpose of determining whether the person might be liable for a civil penalty under this section.

SECTION 3.  This Act takes effect September 1, 2019.