

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.

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

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

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