

**BILL No. 4**

**AN ACT**

To amend Title 39 Chapter 17 Offenses Against Public Health, Safety and Welfare to ban smoking in any motor vehicle with children present

**BE IT ENACTED BY THE 2009 4-H CONGRESS:**

**SECTION 1:** It is unlawful for a person to smoke a pipe, cigar, or cigarette in a motor vehicle, whether in motion or at rest, in which there is a minor. A minor being anyone 15 years of age or younger.

**SECTION 2:** For the purposes of this section, "to smoke" means to have in one's immediate possession a lighted pipe, cigar, or cigarette containing tobacco or any other plant.

**SECTION 3:** A violation of this section is an infraction punishable by a fine not exceeding one hundred dollars (\$100) for each violation.

**SECTION 4:** Probable cause for a violation of this Section shall be based solely upon a law enforcement officer's clear and unobstructed view of a person smoking as prohibited by this Section.

**SECTION 5:** Violation of this Section shall be considered a primary offense, and any law enforcement officer may stop a motor vehicle solely because of a violation of this Section; however, a law enforcement officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely because of a violation of this Section.

**SECTION 6:** A violation is a nonmoving violation, and a citation issued by a law enforcement officer is not included on the driver's operating record.

**SECTION 7:** This act shall become effective upon passage by the legislature and approval by the Governor or upon its otherwise becoming a law.

Passed: \_\_\_\_\_

\_\_\_\_\_  
Speaker of the Senate  
Tennessee 4-H Congress

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Speaker of the House of Representatives  
Tennessee 4-H Congress

Approved: \_\_\_\_\_

\_\_\_\_\_  
Governor  
Tennessee 4-H Congress