

2020 Regular Session

HOUSE BILL NO. 109

BY REPRESENTATIVE MARINO

MTR VEHICLE/VIOLATIONS: Prohibits vaping in motor vehicles under certain circumstances

1 AN ACT

2 To amend and reenact R.S. 32:300.4(A), relative to smoking in a motor vehicle; to prohibit
3 the use of any vaping device in a motor vehicle when a child is present in the
4 vehicle; to expand the definition of "smoke"; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 32:300.4(A) is hereby amended and reenacted to read as follows:

7 §300.4. Smoking in motor vehicles prohibited; penalties

8 A. It shall be unlawful for the operator or any passenger in a motor vehicle
9 to smoke cigarettes, pipes, ~~or cigars,~~ or any vaping devices in a motor vehicle,
10 passenger van, or pick-up truck, when a child who is required to be restrained in a
11 rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a
12 motor vehicle's safety belt, as required in R.S. 32:295, is also present in such vehicle,
13 regardless of whether windows of the motor vehicle are down. For purposes of this
14 Section, the term "smoke" shall mean inhaling, exhaling, burning, or carrying any
15 activated aerosol or vapor or any lighted cigarette, cigar, pipe, weed, plant, or other
16 combustible substance in any manner or in any form.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 109 Original

2020 Regular Session

Marino

Abstract: Prohibits the use of any vaping device in a motor vehicle when a child is present in the vehicle.

Present law prohibits the operator or passenger of a motor vehicle from smoking cigarettes, pipes, or cigars in a motor vehicle, passenger van, or pick-up truck, when a child who is required to be restrained in a rear-facing child safety seat, a forward-facing child safety seat, a booster seat, or a motor vehicle's safety belt is present in the vehicle.

Proposed law expands the prohibition to include any vaping device.

Present law defines "smoke" as inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, weed, plant, or other combustible substance in any manner or in any form.

Proposed law expands the definition of "smoke" to include an activated aerosol or vapor.

(Amends R.S. 32:300.4(A))