

HOUSE BILL REPORT

HB 2086

As Reported by House Committee On: Transportation

Title: An act relating to smoking in motor vehicles carrying minors.

Brief Description: Concerning smoking in motor vehicles carrying minors.

Sponsors: Representatives Bergquist, Hawkins, S. Hunt, Walsh, Freeman, Manweller, Stonier, Riccelli, Kagi, Pollet, Zeiger, Tarleton, Orwall, Habib, Green, Cody, Morrell, Fey, Roberts and Smith.

Brief History:

Committee Activity:

Transportation: 1/14/14, 1/29/14, 1/30/14 [DPS].

Brief Summary of Substitute Bill

- Establishes a traffic infraction for a person to smoke a pipe, cigar, or cigarette in a vehicle carrying a minor.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 20 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist, Fitzgibbon, Freeman, Habib, Hawkins, Hayes, Morris, Muri, Ortiz-Self, Riccelli, Ryu, Sells, Takko, Tarleton, Walkinshaw and Zeiger.

Minority Report: Do not pass. Signed by 10 members: Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Johnson, Klippert, Kochmar, Moeller, Pike, Shea and Young.

Staff: Andrew Russell (786-7143).

Background:

Washington law prohibits the smoking of any pipe, cigar, or cigarette in any public place, including schools, transportation facilities, libraries, restaurants, bars, casinos, and at least 75

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percent of hotel sleeping quarters. Smoking is also prohibited in places of employment, including work areas, restrooms, cafeterias, and other common areas. These prohibitions extend 25 feet from any entrance, exit, open window, and ventilation intake.

A traffic infraction is generally a noncriminal offense, issued for a failure to comply with the laws of Washington related to operating a vehicle, parking, standing, stopping, and certain pedestrian offenses. Monetary penalties for traffic infractions are capped at \$250, unless exempted from the cap by statute. Finally, for infractions for which a monetary penalty is not set by statute, the Washington State Supreme Court prescribes a schedule of monetary penalties, which can be adjusted for inflation every two years.

Summary of Substitute Bill:

A traffic infraction is established for any person who smokes a pipe, cigar, or cigarette in a motor vehicle in which there are passengers who appear to be under 18 years old. It provides a defense to such an infraction if all passengers are over 18 years old.

A person guilty of this infraction will be assessed a monetary penalty of \$125 for the first violation, and a court or law enforcement officer may increase this penalty to \$250 for the second and subsequent offenses. Additionally, such an infraction is not added to a driver's record and is not made available to insurance companies or employers.

Law enforcement is limited to issuing only verbal warnings for an infraction until January 1, 2015. From that date through December 31, 2016, law enforcement may issue an infraction only as a secondary action, after the driver has been stopped for suspicion of another traffic offense. Finally, beginning January 1, 2017, law enforcement may stop drivers for a violation as a primary action.

Substitute Bill Compared to Original Bill:

The original bill would allow law enforcement to issue an infraction as a primary action upon the effective date of the bill. Additionally, the original bill would not provide guidance to law enforcement regarding a person who appears to be under 18 years old but is, in fact, over that age. Finally, the original bill would not give explicit discretion to both law enforcement or a court to increase the monetary penalty accompanying an infraction.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This goes well with the Governor's healthy next generation initiative. Oregon and many other states have already passed a similar measure. This is about our kids—a quarter-million kids in Washington live with smokers. Cars are confined spaces, and studies have shown that smoking in a car is equivalent to a firefighter fighting a fire for four hours.

Tobacco remains the number one preventable cause of death and disease in Washington. This bill will protect children from being involuntarily exposed to the harmful effects of tobacco smoke. There is no way to smoke in a car without exposing the occupants to tobacco smoke. This bill will make a significant impact in decreasing the number of people who smoke with children in the vehicle.

Research shows that children of smokers are likely to become smokers themselves and carry an increased risk of health problems. Smoking in a car can be 50 times more toxic than smoking in a home. Our state has a responsibility to protect children.

It is not fair to limit children's health because they were exposed to secondhand smoke. Kids should have rights, even if they can not speak for themselves.

In Pierce County, 79,000 children have reported being exposed to secondhand smoke in a vehicle, many times without a choice. The lungs of infants and young children are still developing and are very susceptible to the toxins in secondhand smoke.

(Opposed) None.

Persons Testifying: Representative Bergquist, prime sponsor; Paul Davis, Department of Health; Meagan Darrow and Kasandra Shilman, TOGETHER!; Bob Cuckler, Tobacco-Free Alliance of Pierce County; and Carrie Myssen, American Lung Association.

Persons Signed In To Testify But Not Testifying: None.