
SENATE BILL 6287

State of Washington

60th Legislature

2008 Regular Session

By Senators Marr, Franklin, Fraser, Rockefeller, Oemig, Shin, and Kohl-Welles

Read first time 01/14/08. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to children's health; adding a new chapter to Title
2 70 RCW; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature finds that exposure to
5 secondhand smoke is known to cause cancer in humans and that children
6 are especially vulnerable to its harmful impacts. It is further found
7 that the number of cases of asthma among children is rising and that
8 secondhand smoke also contributes to the onset of lung disease. Adults
9 who drive and smoke in motor vehicles expose children in close
10 proximity to recognized carcinogens. In order to protect the health
11 and safety of children, it is necessary to prohibit smoking in motor
12 vehicles when children are present.

13 NEW SECTION. **Sec. 2.** (1) It is unlawful for a person to smoke a
14 pipe, cigar, or cigarette in a motor vehicle, whether in motion or at
15 rest, in which there is a child thirteen years of age or younger.

16 (2) For the purposes of this section:

17 (a) "To smoke" means to have in one's immediate possession a

1 lighted pipe, cigar, or cigarette containing tobacco or any other
2 plant.

3 (b) "Motor vehicle" has the same meaning as defined in RCW
4 46.04.320.

5 (3) A violation of this section is a class 2 civil infraction under
6 chapter 7.80 RCW.

7 (4) Enforcement of this section by law enforcement officers may be
8 accomplished only as a secondary action when a driver of a motor
9 vehicle has been detained for a suspected violation of Title 46 RCW or
10 an equivalent local ordinance or some other offense.

11 (5) Infractions under this section shall not become part of the
12 driver's record under RCW 46.52.101 and 46.52.120. Additionally, a
13 finding that a person has committed a civil infraction under this
14 section shall not be made available to insurance companies or
15 employers.

16 NEW SECTION. **Sec. 3.** Sections 1 and 2 of this act constitute a
17 new chapter in Title 70 RCW.

18 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 immediately.

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