

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENROLLED

Senate Bill 378

BY SENATORS TAKUBO, GRADY, WOELFEL, AND
HAMILTON

[Passed March 7, 2024; in effect 90 days from
passage (June 5, 2024)]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2024 MAR 22 P 1:31

FILED

SB378

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1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §16-9A-11, relating to prohibiting smoking of tobacco products in a motor
3 vehicle while an individual 16 years of age or younger is present; defining terms; making
4 the violation a secondary misdemeanor offense; and providing a penalty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 9A. TOBACCO USAGE RESTRICTIONS.

§16-9A-11. Smoking prohibited in motor vehicle while a person 16 years of age or less is present; penalty.

1 (a) As used in this section:

2 (1) "Lit tobacco product" means any lighted pipe, cigarette, cigar, or other lighted device
3 or product containing a tobacco-based product manufactured or made for the purpose of smoking.

4 (2) "Motor vehicle" means a Class A, Class B, Class H, or Class J vehicle as those terms
5 are defined in §17A-10-1 of this code.

6 (b) No person who is 18 years of age or older may smoke or possess a lit tobacco product
7 in a motor vehicle if an individual 16 years of age or less is in the motor vehicle.

8 (c) Any person who violates this section is guilty of a misdemeanor and, upon conviction,
9 shall be fined not more than \$25. No court costs or other fees may be assessed for a violation of
10 this section.

11 (d) Enforcement of this section may only be accomplished as a secondary action when a
12 driver of a vehicle, as defined in this section, has been detained for probable cause of violating
13 another section of this code.

14 (e) Each time a driver of a vehicle is detained for probable cause of violating another
15 provision of this code and is cited for the offense created pursuant to this section, it shall be
16 considered a single offense regardless of the number of individuals 16 years of age or less in the
17 motor vehicle.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

Joe Linn
.....
Clerk of the Senate

Steve Harris
.....
Clerk of the House of Delegates

2024 MAR 22 P 1:37
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED

Originated in the Senate.

In effect 90 days from passage.

G. P. B.
.....
President of the Senate

Don Hancock
.....
Speaker of the House of Delegates

The within is *approved* this the *22nd*
Day of *March* 2024.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 12 2024

Time 3:48 pm