

BILL NO. 35-0203

Thirty-Fifth Legislature of the Virgin Islands

December 11, 2023

An Act amending title 19 Virgin Islands Code, chapter 53A, section 1483, relating to the smoking ban, to prohibit smoking in a vehicle when persons under the age of 18 are present; and for other related purposes

PROPOSED BY: Senator Kenneth L. Gittens

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code, chapter 53A, section 1483, subsection (a) is amended:

(1) by striking the word, “and” at the end of paragraph (3), by designating paragraph (4) as paragraph (5), and by adding a new paragraph (4) that reads as follows:

“(4) In any vehicle, whether propelled by an engine or not, of any kind when any person present is under the age of 18 years. For purposes of this paragraph, “vehicle” includes motor vehicles, push carts, boats of every description, balloons, airplanes, gliders and any other device in or by which a person is or may be transported or drawn upon a public road or highway; and “; and”.

(2) By adding subsections (b) and (c) to read as follows:

“(b) Any law enforcement officer who observes any person smoking in a vehicle or has probable cause to believe that a person in the vehicle is smoking, may stop the vehicle solely for the purpose of determining whether the driver or a passenger is violating subsection (a)(4).

(c) Notwithstanding section 1496 of this chapter, any person found in violation of subsection (a)(4) is subject to an administrative fine of \$300 of which 10% of the monies collected on each island must be covered over annually to the Pediatric Unit of the Juan Francisco Luis Hospital on the island of St. Croix and the Roy Lester Schneider Hospital on the island of St. Thomas. The remaining funds must be covered over into the General Fund of the Virgin Islands.

BILL SUMMARY

This bill amends title 19, chapter 53A of the Virgin Islands Code to make it illegal for a person to smoke in a vehicle where there are persons present that are under the age of 18 years and provides for a penalty of \$300 of which ten percent of the monies collected in each island must be covered over to Pediatric Unit of the hospital where the fine was collected and the remainder to be covered over to the General Fund.

BR23-0490/September 27, 2023/AA