

## CHAPTER 191

AN ACT concerning smoking in public places, supplementing Title 26 of the Revised Statutes and amending N.J.S.2C:33-13.

**BE IT ENACTED** by the Senate and General Assembly of the State of New Jersey:

C.26:3D-65 Civil penalty for smoking in unauthorized public place.

1. a. A person who smokes or carries lighted tobacco in any public place, including, but not limited to, places of public accommodation, where that activity is prohibited by municipal ordinance under authority of R.S.40:48-1 and 40:48-2 or by the owner or person responsible for the operation of the public place, and when adequate notice of the prohibition on smoking or carrying lighted tobacco has been conspicuously posted, may be subject to a civil penalty of up to \$200, which shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The municipal court and the Superior Court shall have jurisdiction of proceedings for the enforcement of the penalty provided by this subsection.

b. The governing body of a municipality may adopt a municipal ordinance to impose a civil penalty, as provided for under subsection a. of this section, as an alternative to the liability for the offense provided for under N.J.S.2C:33-13.

2. N.J.S.2C:33-13 is amended to read as follows:

Smoking in public.

2C:33-13. Smoking in Public. a. Any person who smokes or carries lighted tobacco in or upon any bus or other public conveyance, except group charter buses, specially marked railroad smoking cars, limousines or livery services, and, when the driver is the only person in the vehicle, autocabs, is a petty disorderly person. For the purposes of this section, "bus" includes school buses and other vehicles owned or contracted for by the governing body, board or individual of a nonpublic school, a public or private college, university, or professional training school, or a board of education of a school district, that are used to transport students to and from school and school-related activities; and the prohibition on smoking or carrying lighted tobacco shall apply even if students are not present in the vehicle.

b. Any person who smokes or carries lighted tobacco in any public place, including, but not limited to, places of public accommodation, where such smoking is prohibited by municipal ordinance under authority of R.S.40:48-1 and 40:48-2 or by the owner or person responsible for the operation of the public place, and when adequate notice of such prohibition has been conspicuously posted, is either: guilty of a petty disorderly persons offense under this section, or subject to a civil penalty under section 1 of P.L.2017, c.191 (C.26:3D-65) if such civil penalty is provided for as an alternative to the offense under this subsection. Notwithstanding the provisions of N.J.S.2C:43-3, the maximum fine which can be imposed for committing a petty disorderly persons offense under this section is \$200.

c. The provisions of this section shall supersede any other statute and any rule or regulation adopted pursuant to law, except as provided in section 1 of P.L.2017, c.191 (C.26:3D-65).

3. This act shall take effect immediately.

Approved August 7, 2017.