

2C:33-13

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:33-13

(Smoking--Buses And
Railroad Cars)

LAWS OF: 1985

CHAPTER: 187

Bill No: A864

Sponsor(s): Herman

Date Introduced: January 30, 1984

Committee: Assembly: Judiciary

Senate: Law, Public Safety and Defense

Amended during passage: Yes Substituted for S2469 (not attached since identical to A864). Amendments during passage denoted by asterisks.

Date of Passage: Assembly: December 13, 1985

Senate: March 7, 1985

Date of Approval: June 12, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate Yes

Fiscal Note: No

Veto Message: No

Message on Signing: Yes

Following were printed:

Reports: No

Hearings: Yes

974.90 New Jersey. Legislature. General Assembly.

H434 Judiciary Committee.

1984b Public hearing, held 9-25-84.

Trenton, 1984.

(OVER)



See newspaper clipping file "New Jersey--Smoking--1984 and 1985" in New Jersey Reference Department.

For background see legislative history of L. 1985, c. 186.

26:5D-22 et seq.

6 12-85

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 864**STATE OF NEW JERSEY**

INTRODUCED JANUARY 30, 1984

By Assemblyman HERMAN

AN ACT concerning smoking in buses or other public conveyances
and amending N. J. S. 2C:33-13.

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

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

2 2C:33-13. Smoking in Public. a. Any person who smokes or
3 carries lighted tobacco in or upon any bus or other public convey-
4 ance **[**, other than in the places provided, **]** *, *except group charter*
5 *buses ****[or]**** **,** specially marked railroad smoking cars,**
5A ***limousines or livery services, and, when the driver is the only*
5B *person in the vehicle, autocabs,*** is a petty disorderly person.

6 b. Any person who smokes or carries lighted tobacco in any
7 public place, including but not limited to places of public accom-
8 modation, where such smoking is prohibited by municipal ordinance
9 under authority of R. S. 40:48-1 and 40:48-2 or by the owner or
10 person responsible for the operation of the public place, and when
11 adequate notice of such prohibition has been conspicuously posted,
12 is guilty of a petty disorderly persons offense. Notwithstanding the
13 provisions of 2C:43-3, the maximum fine which can be imposed for
14 violation of this section is \$200.00.

15 c. The provisions of this section shall supersede any other statute
16 and any rule or regulation adopted pursuant to law.

1 2. This act shall take effect on the 30th day after enactment.

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill
is not enacted and is intended to be omitted in the law.

Matter printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

*—Assembly committee amendment adopted November 19, 1984.

**—Senate committee amendment adopted January 28, 1985.

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13 provisions of 2C:43-3, the maximum fine which can be imposed for
14 violation of this section is \$200.00.

15 c. The provisions of this section shall supersede any other statute
16 and any rule or regulation adopted pursuant to law.

1 2. This act shall take effect on the 30th day after enactment.

STATEMENT

This bill prohibits as a petty disorderly persons offense the
smoking or the carrying of lighted tobacco in or upon any bus or
other public conveyance. Presently it is a petty disorderly persons

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

Matter printed in italics thus is new matter.

offense for any person to smoke on buses or public conveyances other than in the places provided.

It has become increasingly apparent, however, that the smoking area which was to be a limited area on the bus often predominates, creating an uncomfortable atmosphere for the majority of the persons on the bus. As a result, many persons who would want to use public transport are discouraged from doing so. This bill would remedy this situation and assure that public transport would be comfortable to all persons.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 864

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: NOVEMBER 19, 1984

This bill, as amended by the committee, prohibits as a petty disorderly persons offense the smoking or the carrying of lighted tobacco in or upon any bus or other public conveyance, except for group charter buses or specially marked railroad smoking cars. Presently it is a petty disorderly persons offense for any person to smoke on buses or public conveyances other than in the places provided.

It has become increasingly apparent, however, that the smoking area which was to be a limited area on the bus often predominates, creating an uncomfortable atmosphere for the majority of the persons on the bus. As a result, many persons who would want to use public transport are discouraged from doing so. This bill would remedy this situation and assure that public transport would be comfortable to all persons.

**SENATE LAW, PUBLIC SAFETY AND DEFENSE
COMMITTEE**

STATEMENT TO
ASSEMBLY, No. 864

[OFFICIAL COPY REPRINT]
with Senate committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 28, 1985

Assembly Bill No. 864 OCR, as amended by the Senate Law, Public Safety and Defense Committee, prohibits, as a petty disorderly persons offense, smoking or carrying lighted tobacco on buses or other public conveyances, except for group charter buses and specially marked railroad smoking cars. The committee amended the bill to also exclude limousines or livery services and, when the driver is alone in the vehicle, autocabs. Under current law (N. J. S. 2C:33-13), it is a petty disorderly persons offense to smoke on buses or other public conveyances except in the places provided.

For violating this act, a person can be imprisoned for up to 30 days, fined up to \$200.00, or both.

This bill is identical to Senate Bill No. 2489 Sca.

177.901
G6d



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001
Contact: CARL GOLDEN
609-292-8956

TRENTON, N.J. 08625
Release: WED., JUNE 12, 1985

Governor Thomas H. Kean today signed four bills regulating smoking in offices, restaurants, factories, public transportation and workplaces.

The bills, A-546, A-547, A-639 and A-864, all were sponsored by Assemblyman Martin Herman, D-Gloucester.

A-546 requires all employers with 50 or more employees to adopt written policies concerning smoking and to designate nonsmoking areas. It is estimated that 9,000 employers in New Jersey fall into this category. This law is effective March 1, 1986.

A-547 requires all restaurants to post signs stating whether the establishment provides a nonsmoking area for customers. This law is effective in December.

A-639 requires retail food and marketing stores of 4,000 square feet or more to establish the stores as nonsmoking areas and to post signs indicating the prohibition. The law is effective in December.

A-864 prohibits smoking in buses or other public conveyances, except for group charter buses, specially marked railroad smoking cars, limousines, and when the driver is the sole occupant of the vehicle. This law is effective in 30 days.

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Trenton, N. J.

Smoking Bills Signed

Page Two

June 12, 1985

The prohibition on smoking in the workplace is to be enforced by the State Department of Health, which is empowered to enter the courts to seek an injunction to force compliance.

Violation of the smoking ban in restaurants would subject the person to a \$25 fine. Restaurants which fail to comply will be subject to legal action by the State Department of Health or the local Board of Health.

Violators of the smoking ban on buses or public conveyances would be subject to a \$200 fine and 30 days in jail.

Violators of the smoking ban in retail food stores would be subject to a \$25 fine. Stores which fail to post the nonsmoking sign would be subject to a fine of \$25 as well.

In signing the bills, the Governor said he felt the regulations "were reasonable and would not impose a hardship on those who choose to smoke, while, at the same time, offering protection to nonsmokers."

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