

2C:33-13

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 233
NJSA: 2C:33-13 (Prohibits smoking on school buses)
BILL NO: A3168 (Substituted for S488)

SPONSOR(S): Weinberg and others

DATE INTRODUCED: January 14, 2003

COMMITTEE: **ASSEMBLY:** Education

SENATE: ----

AMENDED DURING PASSAGE: No

DATE OF PASSAGE: **ASSEMBLY:** January 23, 2003

SENATE: December 11, 2003

DATE OF APPROVAL: January 9, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

A3168

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: [ASSEMBLY:](#) [Yes](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

S488

[SPONSOR'S STATEMENT:](#) (Begins on page 2 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

[SENATE:](#) [Yes](#)

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS: No

HEARINGS: No

NEWSPAPER ARTICLES: Yes

“Smoking illegal on school buses”, Trenton Times, 1-10-2004, p.A4

P.L. 2003, CHAPTER 233, *approved January 9, 2004*
Assembly, No. 3168

1 AN ACT prohibiting smoking on school buses and amending
2 N.J.S.2C:33-13.

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

6

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

8 2C:33-13. Smoking in Public. a. Any person who smokes or
9 carries lighted tobacco in or upon any bus or other public conveyance,
10 except group charter buses, specially marked railroad smoking cars,
11 limousines or livery services, and, when the driver is the only person
12 in the vehicle, autocabs, is a petty disorderly person. For the purposes
13 of this section, "bus" includes school buses and other vehicles owned
14 or contracted for by the governing body, board or individual of a
15 nonpublic school, a public or private college, university, or
16 professional training school, or a board of education of a school
17 district, that are used to transport students to and from school and
18 school-related activities; and the prohibition on smoking or carrying
19 lighted tobacco shall apply even if students are not present in the
20 vehicle.

21 b. Any person who smokes or carries lighted tobacco in any public
22 place, including but not limited to places of public accommodation,
23 where such smoking is prohibited by municipal ordinance under
24 authority of R.S.40:48-1 and 40:48-2 or by the owner or person
25 responsible for the operation of the public place, and when adequate
26 notice of such prohibition has been conspicuously posted, is guilty of
27 a petty disorderly persons offense. Notwithstanding the provisions of
28 2C:43-3, the maximum fine which can be imposed for violation of this
29 section is [~~\$200.00~~] \$200.

30 c. The provisions of this section shall supersede any other statute
31 and any rule or regulation adopted pursuant to law.
32 (cf: P.L.1985, c.187, s.1)

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill clarifies that the prohibition on smoking or carrying lighted
40 tobacco on a bus or other public conveyance pursuant to
41 N.J.S.A.2C:33-13 applies to school buses or other vehicles owned or

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

Matter underlined thus is new matter.

1 contracted for by a public or nonpublic school, college, university or
2 professional training school, that are used to transport students to and
3 from school and school-related activities, even if students are not
4 present in the vehicle.

5 Incidents have been reported of school bus drivers being permitted
6 to smoke in their vehicles when students are not present. The purpose
7 of this bill is to protect the children who ride these buses every school
8 day from the deleterious effects of second-hand smoke which,
9 according to numerous studies, poses a serious health hazard to those
10 who are exposed to it on a continual basis.

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15 Prohibits smoking on school buses, even if students are not present.

ASSEMBLY, No. 3168

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED JANUARY 14, 2003

Sponsored by:

Assemblywoman LORETTA WEINBERG

District 37 (Bergen)

Assemblyman PAUL SARLO

District 36 (Bergen, Essex and Passaic)

Assemblyman GARY L. GUEAR, SR.

District 14 (Mercer and Middlesex)

Assemblywoman LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Co-Sponsored by:

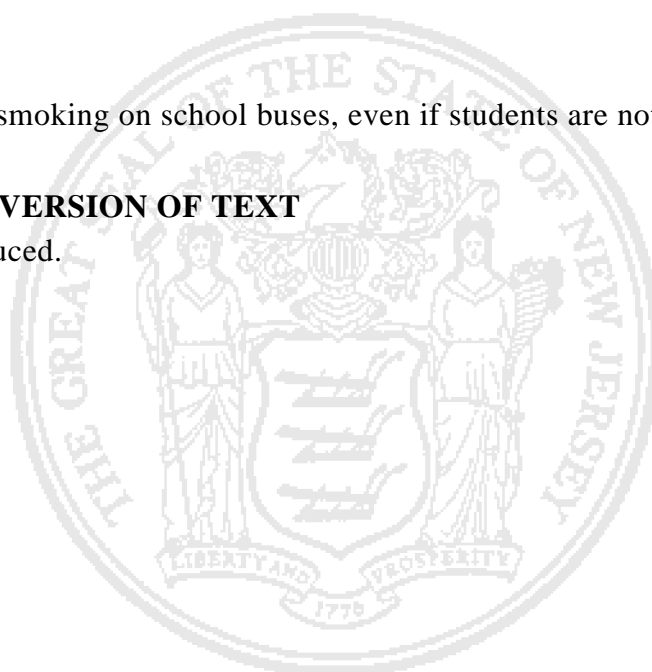
**Assemblymen Burzichelli, Eagler, Fisher, McKeon, R.Smith, Stanley, Van
Drew, Chivukula, Senators Vitale, Matheussen, Allen and Sacco**

SYNOPSIS

Prohibits smoking on school buses, even if students are not present.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/12/2003)

1 AN ACT prohibiting smoking on school buses and amending
2 N.J.S.2C:33-13.

3

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

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

8 2C:33-13. Smoking in Public. a. Any person who smokes or
9 carries lighted tobacco in or upon any bus or other public conveyance,
10 except group charter buses, specially marked railroad smoking cars,
11 limousines or livery services, and, when the driver is the only person
12 in the vehicle, autocabs, is a petty disorderly person. For the purposes
13 of this section, "bus" includes school buses and other vehicles owned
14 or contracted for by the governing body, board or individual of a
15 nonpublic school, a public or private college, university, or
16 professional training school, or a board of education of a school
17 district, that are used to transport students to and from school and
18 school-related activities; and the prohibition on smoking or carrying
19 lighted tobacco shall apply even if students are not present in the
20 vehicle.

21 b. Any person who smokes or carries lighted tobacco in any public
22 place, including but not limited to places of public accommodation,
23 where such smoking is prohibited by municipal ordinance under
24 authority of R.S.40:48-1 and 40:48-2 or by the owner or person
25 responsible for the operation of the public place, and when adequate
26 notice of such prohibition has been conspicuously posted, is guilty of
27 a petty disorderly persons offense. Notwithstanding the provisions of
28 2C:43-3, the maximum fine which can be imposed for violation of this
29 section is ~~[\$200.00]~~ \$200.

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

32 (cf: P.L.1985, c.187, s.1)

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STATEMENT

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39 This bill clarifies that the prohibition on smoking or carrying lighted
40 tobacco on a bus or other public conveyance pursuant to
41 N.J.S.A.2C:33-13 applies to school buses or other vehicles owned or
42 contracted for by a public or nonpublic school, college, university or
43 professional training school, that are used to transport students to and

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Matter underlined thus is new matter.

A3168 WEINBERG, SARLO

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1 from school and school-related activities, even if students are not
2 present in the vehicle.

3 Incidents have been reported of school bus drivers being permitted
4 to smoke in their vehicles when students are not present. The purpose
5 of this bill is to protect the children who ride these buses every school
6 day from the deleterious effects of second-hand smoke which,
7 according to numerous studies, poses a serious health hazard to those
8 who are exposed to it on a continual basis.

ASSEMBLY EDUCATION COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3168

STATE OF NEW JERSEY

DATED: JANUARY 16, 2003

The Assembly Education Committee favorably reports Assembly Bill No. 3168.

This bill clarifies that the prohibition on smoking or carrying lighted tobacco on a bus or other public conveyance pursuant to N.J.S.A.2C:33-13 applies to school buses or other vehicles owned or contracted for by a public or nonpublic school, college, university or professional training school, that are used to transport students to and from school and school-related activities, even if students are not present in the vehicle.

Incidents have been reported of school bus drivers being permitted to smoke in their vehicles when students are not present. The purpose of this bill is to protect the children who ride these buses every school day from the deleterious effects of second-hand smoke which, according to numerous studies, poses a serious health hazard to those who are exposed to it on a continual basis.

SENATE, No. 488

STATE OF NEW JERSEY
210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Senator JOHN J. MATHEUSSEN

District 4 (Camden and Gloucester)

Co-Sponsored by:

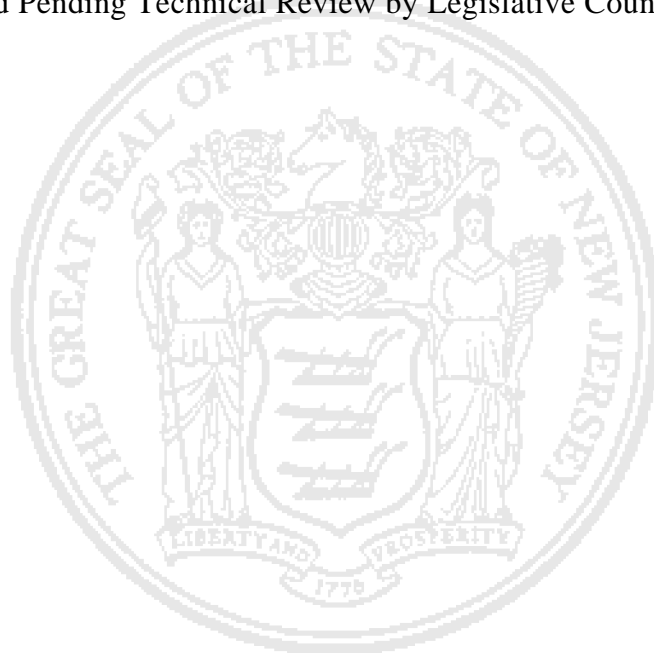
Senator Allen

SYNOPSIS

Prohibits smoking on school buses, even if students are not present.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT prohibiting smoking on school buses and amending
2 N.J.S.2C:33-13.

3

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

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9 carries lighted tobacco in or upon any bus or other public conveyance,
10 except group charter buses, specially marked railroad smoking cars,
11 limousines or livery services, and, when the driver is the only person
12 in the vehicle, autocabs, is a petty disorderly person. For the purposes
13 of this section, "bus" includes school buses and other vehicles owned
14 or contracted for by the governing body, board or individual of a
15 school other than a public school, a public or private college,
16 university, or professional training school, or a board of education of
17 a school district, that are used to transport students to and from school
18 and school-related activities; and the prohibition on smoking or
19 carrying lighted tobacco shall apply even if students are not present in
20 the vehicle.

21 b. Any person who smokes or carries lighted tobacco in any public
22 place, including but not limited to places of public accommodation,
23 where such smoking is prohibited by municipal ordinance under
24 authority of R.S.40:48-1 and 40:48-2 or by the owner or person
25 responsible for the operation of the public place, and when adequate
26 notice of such prohibition has been conspicuously posted, is guilty of
27 a petty disorderly persons offense. Notwithstanding the provisions of
28 2C:43-3, the maximum fine which can be imposed for violation of this
29 section is **[\$200.00]** \$200.

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

32 (cf: P.L.1985, c.187, s.1)

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34 2. This act shall take effect immediately.

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STATEMENT

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39 This bill clarifies that the prohibition on smoking or carrying lighted
40 tobacco on a bus or other public conveyance pursuant to
41 N.J.S.A.2C:33-13 applies to school buses or other vehicles owned or
42 contracted for by a school, college, university or professional training
43 school, that are used to transport students to and from school and

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

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1 school-related activities, even if students are not present in the vehicle.
2 Incidents have been reported of school bus drivers being permitted
3 to smoke in their vehicles when students are not present. The purpose
4 of this bill is to protect the children who ride these buses every school
5 day from the deleterious effects of second-hand smoke which,
6 according to numerous studies, poses a serious health hazard to those
7 who are exposed to it on a continual basis.

SENATE EDUCATION COMMITTEE

STATEMENT TO

SENATE, No. 488

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 9, 2003

The Senate Education Committee reports favorably and with committee amendments Senate Bill No. 488.

As amended, this bill clarifies that the prohibition on smoking or carrying lighted tobacco on a bus or other public conveyance pursuant to N.J.S.A.2C:33-13 applies to school buses or other vehicles owned or contracted for by a public or nonpublic school, college, university or professional training school, that are used to transport students to and from school and school-related activities, even if students are not present in the vehicle.

Incidents have been reported of school bus drivers being permitted to smoke in their vehicles when students are not present. The purpose of this bill is to protect the children who ride these buses every school day from the deleterious effects of second-hand smoke which, according to numerous studies, poses a serious health hazard to those who are exposed to it on a continual basis.

An amendment was adopted to clarify that the provisions of the bill apply to nonpublic schools.

This bill was pre-filed for introduction in the 2002-2003 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.