

HOUSE No. 00587

The Commonwealth of Massachusetts

PRESENTED BY:

Michael A. Costello

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act reducing children's exposure to second hand smoke..

PETITION OF:

NAME:

Michael A. Costello

DISTRICT/ADDRESS:

1st Essex

HOUSE No. 00587

By Mr. Costello of Newburyport, petition (accompanied by Bill, House, No. 00587) of Michael A. Costello relative to reducing the exposure of children to second hand smoke. Joint Committee on Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ HOUSE
□ , NO. 3475 OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act reducing children's exposure to second hand smoke..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7AA of Chapter 90 of the General Laws is hereby amended by adding the
2 following subsection at the end thereof:

3

4 (1) No person or persons shall be allowed to smoke, as defined in Section 22, Chapter 270 of the
5 General Laws, in a motor vehicle in which a child is required by the provisions of this chapter to
6 be secured by a by a child passenger restraint.

7

8 An operator or passenger of a motor vehicle who violates the provisions of this section shall be
9 subject to a fine of not more than twenty-five dollars for the first offense; and not more than
10 \$100 for subsequent offenses.

11 The provisions of this section shall be enforced by law enforcement agencies. A law enforcement
12 officer may not search or inspect a motor vehicle, its contents, the driver, or a passenger solely
13 because of a violation of this section. For a period of 90 days following the effective date of this
14 act, any law enforcement official who stops a motorist solely because of a violation of this
15 section shall not issue a citation, but shall issue a verbal or written warning.

16

17 A violation of this section shall not be used as evidence of contributory negligence in any civil
18 action.

19 A person who receives a citation for a violation of any of the provisions of this section may
20 contest such citation pursuant to section three of chapter ninety C. A violation of this section
21 shall not be deemed to be a conviction of a moving violation of the motor vehicle laws for the
22 purpose of determining surcharges on motor vehicle premiums pursuant to section one hundred
23 and thirteen B of chapter one hundred and seventy-five.