HOUSE DOCKET, NO. 272 FILED ON: 1/13/2011

HOUSE . . . . . No. 587

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael A. Costello	*1st Essex*

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HOUSE . . . . . No. 587

By Mr. Costello of Newburyport, a petition (accompanied by bill, House, No. 587) of Michael A. Costello relative to reducing the exposure of children to second hand smoke. Public Health.

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

The Commonwealth of Massachusetts

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:

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

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

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

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

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

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