HOUSE DOCKET, NO. FILED ON: 1/12/2009

**HOUSE . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

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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: | District/Address: |
| Michael A. Costello | 1st Essex |
| Kenneth M. Trofatter | 18 Cushing St  Salisbury, MA 01952-1915 |

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2070 OF 2007-2008.]

The Commonwealth of Massachusetts

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**In the Year Two Thousand and Nine**

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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 Section 7AA of Chapter 90 of the General Laws to be secured by a by a child passenger restraint

An operator of a motor vehicle who violates the provisions of this subsection 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.

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

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