SENATE DOCKET, NO. FILED ON: 1/9/2009

**SENATE . . . . . . . . . . . . . . . No.**

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The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Buoniconti, Stephen (SEN)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 smoking in motor vehicles.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Buoniconti, Stephen (SEN) | Hampden |

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02044 OF 2007-2008.]

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act smoking in motor vehicles.

 *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. Notwithstanding any general or special law to the contrary, no child under the age of 16 shall ride as a passenger in a motor vehicle in which the operator or other passenger is smoking cigarettes, cigars, pipes or any other tobacco product.

SECTION 2. The operator of a motor vehicle found to be in violation of this statute shall be subject to a fine of not more than $50.00.

SECTION 3. A person who receives a citation for a violation of the provisions of this statute may contest such citation pursuant to Section 3 of Chapter 90C of the General Laws. A violation of this section 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 113B of Chapter 175 of the General Laws.