

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

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**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:	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:*

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:

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4           (1) No person or persons shall be allowed to smoke, as defined in Section 22, Chapter 270 of the General  
5 Laws, in a motor vehicle in which a child is required by the provisions of Section 7AA of Chapter 90 of  
6 the General Laws to be secured by a by a child passenger restraint

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

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

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13           A person who receives a citation for a violation of any of the provisions of this subsection may contest  
14 such citation pursuant to section three of chapter ninety C. A violation of this subsection shall not be

15 deemed to be a conviction of a moving violation of the motor vehicle laws for the purpose of determining  
16 surcharges on motor vehicle premiums pursuant to section one hundred and thirteen B of chapter one  
17 hundred and seventy-five.