

HOUSE No. 3475

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

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
2 adding the following subsection at the end thereof:

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

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

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

11 A person who receives a citation for a violation of any of the provisions of this subsection
12 may contest such citation pursuant to section three of chapter ninety C. A violation of
13 this subsection shall not be deemed to be a conviction of a moving violation of the motor vehicle

- 14 laws for the purpose of determining surcharges on motor vehicle premiums pursuant to section
- 15 one hundred and thirteen B of chapter one hundred and seventy-five.