

**HOUSE . . . . . No. 1976**

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The Commonwealth of Massachusetts

PRESENTED BY:

***Paul R. Heroux***

*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 adoption of the accompanying bill:

An Act to protect little lungs.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Paul R. Heroux</i>	<i>2nd Bristol</i>	<i>1/12/2015</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/26/2015</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>1/23/2015</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>	<i>2/3/2015</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/21/2015</i>
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>2/3/2015</i>
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>	<i>2/3/2015</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/4/2015</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/27/2015</i>
<i>James R. Miceli</i>	<i>19th Middlesex</i>	<i>2/4/2015</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>1/23/2015</i>
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	<i>2/3/2015</i>

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By Mr. Heroux of Attleboro, a petition (accompanied by bill, House, No. 1976) of Paul R. Heroux and others for legislation to prohibit smoking in motor vehicles in which young children are passengers. Public Health.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1984 OF 2013-2014.]

The Commonwealth of Massachusetts

\_\_\_\_\_  
**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act to protect little lungs.

*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

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

7

8 An operator or passenger of a motor vehicle who violates the provisions of this section  
9 shall be subject to a fine of \$100.

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

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

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