

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio, (BY REQUEST)

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 prohibiting smoking in a motor vehicle when a child is present.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Susan Bowser</i>	<i>261 Oak St. Methuen, MA 01844</i>	<i>12/29/2015</i>

HOUSE No.

By Ms. DiZoglio of Methuen (by request), a petition (subject to Joint Rule 12) of Susan Bowser for legislation to establish a civil penalty for smoking in a motor vehicle when a child is present. The Judiciary.

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act prohibiting smoking in a motor vehicle when a child is present.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 90 of the General Laws, as appearing in the 2014 Official Edition, is hereby
2 amended by inserting after section 13B the following section:-

3 Section 13C. (a) As used in this section, the following words shall have the following
4 meaning:

5 “Smoke”, the lighting of a cigar, cigarette, pipe, or other tobacco product or possessing a
6 lighted cigar, cigarette, pipe or other tobacco or non-tobacco product designed to be combusted
7 and inhaled.

8 “Stationary”, used to describe a motor vehicle that is parked or turned off.

9 (b) No person shall smoke in a motor vehicle, whether in motion or stationary, when a
10 child under the age of 16 is present in the motor vehicle.

11 (c) The provisions of this section shall be enforced by state and municipal law
12 enforcement agencies only when: (1) the motor vehicle has been stopped for a violation of the
13 motor vehicle laws or some other offense; or (2) the motor vehicle is stationary.

14 (d) A person who violates this section shall be subject to a civil penalty of \$100 for each
15 violation. A violation of this section shall be considered a civil motor vehicle infraction under
16 section 3 of chapter 90C. Any person who receives a citation for violating this section may
17 contest such citation pursuant to section 3 of chapter 90C.

18 (e) A violation of this section shall not be considered a conviction of a moving violation
19 of the motor vehicle laws for the purpose of determining surcharges on motor vehicle premiums
20 pursuant to section 113B of chapter 175. A motor vehicle, the contents of the motor vehicle, or
21 the operator or passenger in the motor vehicle may not be inspected or searched solely because
22 of a violation of this section.