

HOUSE No. 1909

The Commonwealth of Massachusetts

PRESENTED BY:

James K. Hawkins

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>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>1/11/2019</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>1/31/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>1/28/2019</i>

HOUSE No. 1909

By Mr. Hawkins of Attleboro, a petition (accompanied by bill, House, No. 1909) of James K. Hawkins, Paul R. Feeney and Mary S. Keefe for legislation to prohibit smoking in motor vehicles in which young children are passengers. Public Health.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1170 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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.

15

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.