

HOUSE No. 2315

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>1/11/2021</i>

HOUSE No. 2315

By Mr. Hawkins of Attleboro, a petition (accompanied by bill, House, No. 2315) of James K. Hawkins 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. 1909 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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.