

HOUSE No. 2070

By Mr. Costello of Newburyport (by request), petition of Ken Trofatter and Michael A. Costello to reduce children's exposure to second hand smoke. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO REDUCE 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 7AA of Chapter 90 of the Massachusetts General Laws is
2 hereby amended by adding the following subsection at the end
3 thereof:

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

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

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

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