HOUSE DOCKET, NO. 789 FILED ON: 1/15/2013

HOUSE . . . . . No. 715

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 establishing a snowmobile educational safety program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	*5th Worcester*
Stephen Kulik	*1st Franklin*
Jennifer L. Flanagan	*Worcester and Middlesex*
Donald Humason	
Paul W. Mark	*2nd Berkshire*
Stephen L. DiNatale	*3rd Worcester*
Michael J. Rodrigues	*First Bristol and Plymouth*
Todd M. Smola	*1st Hampden*
Denise Andrews	*2nd Franklin*
William Smitty Pignatelli	*4th Berkshire*
Gailanne M. Cariddi	*1st Berkshire*
Kimberly N. Ferguson	*1st Worcester*
Michael R. Knapik	*Second Hampden and Hampshire*
Carolyn C. Dykema	*8th Middlesex*
John W. Scibak	*2nd Hampshire*
Kay Khan	*11th Middlesex*
Marc R. Pacheco	*First Plymouth and Bristol*

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HOUSE . . . . . No. 715

By Ms. Gobi of Spencer, a petition (accompanied by bill, House, No. 715) of Anne M. Gobi and others for legislation to establish a snowmobile educational safety program. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *4359* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing a snowmobile educational safety program.

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

SECTION 1. Section 2A of chapter 21 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in line 1, the figure "11" and inserting in place the following figure:- 12.

SECTION 2. Said section 2A of said chapter 21, as so appearing, is hereby further amended by inserting after the final paragraph the following paragraph:-

The commissioner shall request the Board of the Snowmobile Association of Massachusetts, or its successor organization, to nominate 3 candidates for the 12th member of the board. From the nominations received for the 12th member of the board, the commissioner shall select 3 candidates whom the commissioner shall recommend to the governor. The governor shall appoint the 12th member of the board from among the candidates recommended. Members shall be appointed without regard to the county membership restrictions outlined above.

SECTION 3. Section 20 of chapter 90B of the General Laws, as so appearing, is hereby amended by inserting at the end thereof the following definition:-

15 “Trails maintenance assessment”, a resident or nonresident permit issued to snowmobiles
16 by the Snowmobile Association of Massachusetts or its successor organization granting use of
17 snowmobile trails on public and private property for which permission has been granted.

18 SECTION 4. Chapter 90B of the General Laws is hereby amended by inserting after
19 section 21 the following 2 sections:-

20 Section 21A. The division of environmental law enforcement, in conjunction with the
21 Snowmobile Association of Massachusetts, shall establish an educational safety program for the
22 operation of snowmobiles. All persons aged 12 and above and born after July 1, 2002 who
23 operate snowmobiles on private or public land and frozen bodies of water, shall be required to
24 successfully complete said program unless the operator is operating on land owned or leased by
25 the operator’s parents, family or guardian or the operator is the land owner.

26 (a) A person who is required to have a certificate of snowmobile education shall:

27 (i) possess the certificate when operating a snowmobile on public or private lands and
28 frozen bodies of waters of the state, and

29 (ii) show the certificate on demand of a law enforcement officer; provided, that no person
30 charged with violating this subdivision shall be convicted if the person produces in court, to the
31 officer or to a state's attorney, a certificate which was valid at the time the violation occurred.

32 (b) The following persons shall be exempt from the requirements of this section:

33 (i) a person operating on land owned by the person’s parents, family or guardian or the
34 operator is the landowner, or on land whose owner has granted the operator permission to
35 operate a snow vehicle;

36 (ii) any other person exempted by rules of the division; or

37 (iii) any person who is under the direct supervision of a certified snowmobile safety
38 instructor.

39 (c) The following persons shall be allowed to operate a snow vehicle prior to completion
40 of the 38 snow vehicle educational safety program:

41 (i) a person between the ages of 12 and 14 years and is operating a snow vehicle under
42 the direct supervision of a person 18 years or older;

43 (ii) a person between the ages of 10 and 12 years and is operating a snow vehicle under
44 the direct supervision of a person 18 years or older and the vehicle is being operated on land of
45 which the operator is domiciled or on land whose owner has granted the operator permission to
46 operate a snow vehicle; and

47 (iii) a person is under the age of 10 years and is operating an age and size appropriate
48 snow vehicle while under direct supervision on land of which the operator is domiciled, but in no
49 circumstance with a stock engine capacity greater than 150 cubic centimeters.

50 (d) The director of said division, in conjunction with the Snowmobile Association of
51 Massachusetts, shall establish the program criteria and content, and shall determine the minimum
52 safety skills necessary for said persons to operate snowmobiles. The division shall promulgate
53 rules and regulations to coordinate a statewide program of snowmobile safety instruction and
54 certification and ensure that a course of safety education is available free of charge in appropriate
55 counties of the state.

56 (e) A course of snowmobile safety education that is offered shall provide a minimum of 6
57 hours of instruction.

58 (f) The division or its designee shall issue a certificate of snowmobile safety education to
59 a person who:

60 (i) passes a division prescribed course of snowmobile safety education; or

61 (ii) passes a snowmobile safety equivalency examination administered by persons
62 authorized to offer a course of snowmobile safety education.

63 (g) The division shall provide, without charge, snowmobile safety education materials to
64 persons whom plan to take the snowmobile safety class.

65 (h) Once issued, the certificate of snowmobile education shall be valid for the lifetime of
66 the person to whom it was issued.

67 (i) The division shall replace, with minimal charge, a lost or destroyed certificate if the
68 division issued the certificate or has a record that the certificate was issued.

69 (j) A snowmobile safety certificate issued in another state or country in accordance with
70 or substantially equivalent to criteria of the International Association of Snowmobile
71 Administrators shall be sufficient to comply with the requirements of this section.

72 Section 21B. Except as hereinafter provided, no person shall operate a snow vehicle in
73 the commonwealth without first having obtained a snow vehicle trail land acquisition stamp,
74 which shall be issued by the director or his duly authorized agent upon the payment of $5.00 per
75 year; provided, however, that persons who are exempted from snow vehicle registration
76 requirements and persons issued a registration without charge shall be issued said stamp without
77 charge. No person who has purchased a stamp with a current registration shall be required to pay
78 the fee for a trail land stamp for any additional registrations or duplicate registrations. The
79 director shall issue stamps in such form as he may prescribe and may promulgate rules and
80 regulations necessary for the implementation of this section.

81 SECTION 5. Section 22 of said chapter 90B, as appearing in the 2010 Official Edition, is
82 hereby amended by inserting after the word "issued", in line 36, the following words:-

83 ; provided, however, that $1.00 from the sale of each registration shall be credited to the
84 Snow Vehicle Trail Land Acquisition Fund established in section 22A.

85 SECTION 6. Chapter 90B is hereby amended by inserting after section 22 the following
86 2 sections:-

87 Section 22A. (a) A person shall not operate a snow vehicle unless registered and
88 numbered by the commonwealth, or such other state or province given reciprocity by the director
89 pursuant to section 30, and displays a trails maintenance assessment decal for snow vehicles at a
90 location on said snow vehicle, as may be determined by the director in accordance with section
91 22, except when operated:

92 (1) on the property of the owner of the snow vehicle; or

93 (2) off a way, in a ski area while being used for the purpose of packing snow or in rescue
94 operations; or

95 (3) for official use by a federal, state or municipal agency and only if the snow vehicle is
96 identified with the name or seal of the agency in a manner approved by the director.

97 (b) A properly registered snow vehicle when operated solely on privately owned property
98 when the operator has in his possession either a document, signed by the owner or lessee of the
99 property or his agent, authorizing the operation of such vehicle on the property by the operator,
100 shall not require a trail maintenance assessment decal.

101 (c) The director may authorize the temporary operation of snow vehicles not registered in
102 this state on designated or temporary trails for special events, provided that the snow vehicle is
103 registered for off a way travel in another state or province.

104 (d) Whoever so drives a wheeled vehicle on a snow vehicle trail or damages a snow
105 vehicle trail shall be subject to a fine of $250 for the first offense and $500 for any subsequent
106 offenses. Operation of wheeled vehicles on snow vehicle trails by the owner, lessee or appointed
107 manager of said property shall be permissible. For purposes of this section, "snow vehicle trails"
108 shall be defined as any department of conservation and recreation recognized snow vehicle trail
109 or any city or town owned closed, abandoned, or "unmaintained", meaning unplowed, road
110 covered by snow to a minimum average snow depth of 4 inches of packed snow and maintained
111 for snow vehicle use.

112 Section 22B. There is hereby established with the department of conservation and
113 recreation the Snow Vehicle Trail Land Acquisition Fund which shall be credited monies
114 received from the sale of snow vehicle stamps, the portion of the snow vehicle registration fee to

be credited under the provisions of section 22, contributions thereto and any grant monies from the federal government or other public and private sources.

Said fund, subject to appropriation, shall be used only for the purchase of land to be designated for snow vehicle trail purposes or for the purchase of snow vehicle recreational trail easements and for the costs directly related to the administration of the snow vehicle trail land stamp program.

The director may contract with the seller of land for installment payments, provided that the total of all such installment payments does not exceed 75 per cent of the previous year's income to said fund. Acquisition of all snow vehicle trail land so purchased or snow vehicle recreational trail easements so purchased shall be made with or by the department of conservation and recreation with the advice and consent of the Snowmobile Association of Massachusetts.