

HOUSE No. 3941

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

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:

1 SECTION 1. Section 2A of Chapter 21 of the General Laws, as appearing in the 2010
2 Official Edition, is amended by striking out in line 1 the figure 11 and inserting in place thereof
3 the figure 12. Said chapter is further amended by adding at the end thereof:-

4 "The Commissioner shall request the Board of the Snowmobile Association of
5 Massachusetts, or its successor organization, to nominate three candidates for the twelfth
6 member of the board. From the nominations received for the twelfth member of the board, the
7 commissioner shall select three candidates whom he/she shall recommend to the Governor. The
8 Governor shall appoint the twelfth member of the board from among the candidates
9 recommended. Members shall be appointed without regard to the county membership
10 restrictions outlined above."

11 SECTION 2. Section 20 of said chapter 90B of the General Laws, as so appearing, is
12 hereby amended by inserting at the end thereof the following definition:

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

16 SECTION 3. Section 21 of chapter 90B of the General Laws, as appearing in the 2010
17 Official Edition, is hereby amended by inserting at the end thereof the following new section:

18 Section 21A. Educational safety program; snowmobiles

19 Section 21A. The division of Environmental Law Enforcement in conjunction with the
20 Snowmobile Association of Massachusetts (S.A.M.) is hereby authorized and directed to
21 establish an educational safety program for the operation of snowmobiles. All persons aged 12
22 and above and born after July 1, 1998 or 1999 who operate snowmobiles on private or public
23 land and frozen bodies of water, shall be required to successfully complete said program unless
24 he or she is operating on land owned or leased by his or her parents, family or guardian or the
25 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 an enforcement officer wearing an insignia
30 identifying him or her as a law enforcement officer. However, no person charged with violating
31 this subdivision shall be convicted if the person produces in court, to the officer, or to a state's
32 attorney, a certificate which was valid at the time the violation occurred.

33 (B) The following persons are exempt from the requirements of this section:

34 (i) a person is operating on land owned by his or her parents, family or guardian or the
35 operator is the landowner, or on land whose owner has granted the operator permission to
36 operate a snow vehicle.

37 (ii) any other person exempted by rules of the division.

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

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

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

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

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

51 (D) The director of said division in conjunction with S.A.M. shall establish the program
52 criteria and content and shall determine the minimum safety skills necessary for said persons to
53 operate snowmobiles. State rules shall be adopted to coordinate a statewide program of

54 snowmobile safety instruction and certification and ensure that a course of safety education is
55 available free of charge in appropriate counties of the state.

56 (E) Any course of snowmobile safety education that is offered shall provide a minimum
57 of six 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 who plan to take the snowmobile safety class.

65 (H) Once issued, the certificate of snowmobile education is valid for the lifetime of the
66 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 is sufficient to comply with the requirements of this section.

72 SECTION 4. Said section 21 is hereby further amended by inserting at the end thereof the
73 following new section:

74 Section 21B. Except as hereinafter provided, no person shall operate a snow vehicle in
75 the commonwealth without first having obtained a snow vehicle trail land acquisition stamp,
76 which shall be issued by the director or his duly authorized agent upon the payment of five
77 dollars per year; provided, however, that persons who are exempted from snow vehicle
78 registration requirement need not purchase such a stamp; provided, further, that persons issued a
79 registration without charge shall be issued said stamp without charge; and provided, further, that
80 no person who has purchased a stamp with any current registration shall be required to pay the
81 fee for a trail land stamp for any additional registrations or duplicate registrations. The director is
82 hereby authorized to issue stamps in such form as he may prescribe and may issue rules and
83 regulations necessary for the implementation of this section.

84 SECTION 5. Section 22 of said chapter 90B, as so appearing, is hereby amended by
85 inserting at the end of the third paragraph the following paragraph:

86 “Provided, however, that one dollar from the sale of each registration shall be credited to
87 the snow vehicle trail land acquisition account established in section 22A.”

88 SECTION 6. Section 22 of said chapter 90B, as so appearing, is hereby amended by
89 inserting at the end thereof the following new section:

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

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

96 (2) off a way, in a ski area while being used for the purpose of packing snow or in rescue
97 operations; or (3) for official use by a federal, state or municipal agency and only if the snow
98 vehicle is identified with the name or seal of the agency in a manner approved by the director.

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

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

106 (d) Whoever so drives a wheeled vehicle on a snow vehicle trail or damages a snow
107 vehicle trail is subject to a fine of \$250 for the first offense and \$500 for any subsequent
108 offenses. Operation of wheeled vehicles on snow vehicle trails by the owner, lessee or appointed
109 manager of said property shall be permissible. Snow Vehicle Trails are defined as 1) any DCR
110 recognized snow vehicle trail or 2) any city or town owned Closed, Abandoned, or
111 "Unmaintained" (meaning unplowed) road covered by snow to a minimum average snow depth
112 of four inches of packed snow and maintained for snow vehicle use.

113 SECTION 7. Said section 22 is hereby further amended by inserting at the end thereof the
114 following new section:

115 Section 22B. There is hereby established with the Department of Conservation and
116 Recreation, a snow vehicle trail land acquisition account which shall be credited monies received
117 from the sale of snow vehicle stamps, the portion of the snow vehicle registration fee to be

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

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

124 The director may contract with the seller of land for installment payments provided that
125 the total of all such installment payments does not exceed seventy-five percent of the previous
126 year's income to the snow vehicle trail land acquisition account. Acquisition of all snow vehicle
127 trail land so purchased or snow vehicle recreational trail easements so purchased shall be made
128 with by DCR with the advice and consent of the Snowmobile Association of Massachusetts.