HOUSE DOCKET, NO. 551 FILED ON: 1/18/2011

HOUSE . . . . . No. 237

The Commonwealth of Massachusetts

PRESENTED BY:

Stephen Kulik

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 passage of the accompanying:

An Act establishing a snowmobile educational safety program..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anne M. Gobi	*5th Worcester*
William Smitty Pignatelli	*4th Berkshire*

HOUSE DOCKET, NO. 551 FILED ON: 1/18/2011

HOUSE . . . . . No. 237

By Mr. Kulik of Worthington, a petition (accompanied by bill, House, No. 237) of Anne M. Gobi and William Smitty Pignatelli that the Division of Environmental Law Enforcement establish a snowmobile educational safety program. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *804* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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 9 of chapter 90B of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after Section 9B the following section:--

Section 9C. Educational safety program; snowmobiles

Section 9C. The division of Environmental Law Enforcement in conjunction with the Snowmobile Association of Massachusetts (S.A.M.) is hereby authorized and directed to establish an educational safety program for the operation of snowmobiles. All persons aged 12 and above and born after July 1, 1998 or 1999 who operate snowmobiles on private or public land and frozen bodies of water, shall be required to successfully complete said program unless he or she is operating on land owned or leased by his or her parents, family or guardian or the operator is the land owner.

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

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

(ii) show the certificate on demand of an enforcement officer wearing an insignia identifying him or her as a law enforcement officer. However, no person charged with violating

16 this subdivision shall be convicted if the person produces in court, to the officer, or to a state's
17 attorney, a certificate which was valid at the time the violation occurred.

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

19 (i) a person is operating on land owned by his or her parents, family or guardian or the
20 operator is the landowner.

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

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

24 (C) The director of said division in conjunction with S.A.M. shall establish the program
25 criteria and content and shall determine the minimum safety skills necessary for said persons to
26 operate snowmobiles. State rules shall be adopted to coordinate a statewide program of
27 snowmobile safety instruction and certification and ensure that a course of safety education is
28 available free of charge in appropriate counties of the state.

29 (D) Any course of snowmobile safety education that is offered shall provide a minimum
30 of six hours of instruction.

31 (E) The division or its designee shall issue a certificate of snowmobile safety education to
32 a person who:

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

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

36 (F) The division shall provide, without charge, snowmobile safety education materials to
37 persons who plan to take the snowmobile safety class.

38 (G) Once issued, the certificate of snowmobile education is valid for the lifetime of the
39 person to whom it was issued.

40 (H) The division shall replace, with minimal charge, a lost or destroyed certificate if the
41 division issued the certificate or has a record that the certificate was issued.

42 (I) A snowmobile safety certificate issued in another state or country in accordance with
43 or substantially equivalent to criteria of the International Association of Snowmobile
44 Administrators is sufficient to comply with the requirements of this section.