

# HOUSE . . . . . No. 03941

By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, on House, Nos. 237, 239, 1153 and 1993, a Bill establishing a snowmobile educational safety program (House, No. 3941). February 13, 2012.

## 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 Official  
2 Edition, is amended by striking out in line 1 the figure 11 and inserting in place thereof the figure  
3 12. Said chapter is further amended by adding at the end thereof:-
- 4 "The Commissioner shall request the Board of the Snowmobile Association of Massachusetts, or  
5 its successor organization, to nominate three candidates for the twelfth member of the board.  
6 From the nominations received for the twelfth member of the board, the commissioner shall  
7 select three candidates whom he/she shall recommend to the Governor. The Governor shall  
8 appoint the twelfth member of the board from among the candidates recommended. Members  
9 shall be appointed without regard to the county membership restrictions outlined above."
- 10 SECTION 2. Section 20 of said chapter 90B of the General Laws, as so appearing, is hereby  
11 amended by inserting at the end thereof the following definition:

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

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

17 Section 21A. Educational safety program; snowmobiles

18 Section 21A. The division of Environmental Law Enforcement in conjunction with the  
19 Snowmobile Association of Massachusetts (S.A.M.) is hereby authorized and directed to  
20 establish an educational safety program for the operation of snowmobiles. All persons aged 12  
21 and above and born after July 1, 1998 or 1999 who operate snowmobiles on private or public  
22 land and frozen bodies of water, shall be required to successfully complete said program unless  
23 he or she is operating on land owned or leased by his or her parents, family or guardian or the  
24 operator is the land owner.

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

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

28 (ii) show the certificate on demand of an enforcement officer wearing an insignia identifying him  
29 or her as a law enforcement officer. However, no person charged with violating this subdivision  
30 shall be convicted if the person produces in court, to the officer, or to a state's attorney, a  
31 certificate which was valid at the time the violation occurred.

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

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

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

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

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

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

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

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

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

54 (E) Any course of snowmobile safety education that is offered shall provide a minimum of six  
55 hours of instruction.

56 (F) The division or its designee shall issue a certificate of snowmobile safety education to a  
57 person who:

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

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

61 (G) The division shall provide, without charge, snowmobile safety education materials to persons  
62 who plan to take the snowmobile safety class.

63 (H) Once issued, the certificate of snowmobile education is valid for the lifetime of the person to  
64 whom it was issued.

65 (I) The division shall replace, with minimal charge, a lost or destroyed certificate if the division  
66 issued the certificate or has a record that the certificate was issued.

67 (J) A snowmobile safety certificate issued in another state or country in accordance with or  
68 substantially equivalent to criteria of the International Association of Snowmobile  
69 Administrators is sufficient to comply with the requirements of this section.

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

72 Section 21B. Except as hereinafter provided, no person shall operate a snow vehicle in the  
73 commonwealth without first having obtained a snow vehicle trail land acquisition stamp, which

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

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

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

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

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

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

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

97 (b) Any 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 this  
102 state on designated or temporary trails for special events, provided the snow vehicle is registered  
103 for off a way travel in another state or province; provided, however, said.

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

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

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

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

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

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