

**HOUSE . . . . . No.**

---

**The Commonwealth of Massachusetts**

PRESENTED BY:

**William Smitty Pignatelli**

---

*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 bill:

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, 1990 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 this subdivision shall be convicted if the person produces in court, to the officer, or to a state's attorney, a certificate which was valid at the time the violation occurred. (B) The following persons are exempt from the requirements of this section: (i) a person is operating on land owned by his or her parents, family or guardian or the operator is the landowner. (ii) any other person exempted by rules of the division. (iii) any person who is under the direct supervision of a certified snowmobile safety instructor. (C) The director of said division in conjunction with S.A.M. shall establish the program criteria and content and shall determine the minimum safety skills necessary for said persons to operate snowmobiles. State rules shall be adopted to coordinate a statewide program of snowmobile safety instruction and certification and ensure that a course of safety education is available free of charge in appropriate counties of the state. (D) Any course

of snowmobile safety education that is offered shall provide a minimum of six hours of instruction. (E) The division or its designee shall issue a certificate of snowmobile safety education to a person who: (i) passes a division prescribed course of snowmobile safety education; or (ii) passes a snowmobile safety equivalency examination administered by persons authorized to offer a course of snowmobile safety education. (F) The division shall provide, without charge, snowmobile safety education materials to persons who plan to take the snowmobile safety class. (G) Once issued, the certificate of snowmobile education is valid for the lifetime of the person to whom it was issued. (H) The division shall replace, with minimal charge, a lost or destroyed certificate if the division issued the certificate or has a record that the certificate was issued. (I) A snowmobile safety certificate issued in another state or country in accordance with or substantially equivalent to criteria of the International Association of Snowmobile Administrators is sufficient to comply with the requirements of this section. .

---

PETITION OF:

NAME:

William Smitty Pignatelli

DISTRICT/ADDRESS:

4th Berkshire

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 838 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

---

**In the Year Two Thousand and Nine**

---

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, 1990 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 THIS SUBDIVISION SHALL BE CONVICTED IF THE PERSON PRODUCES IN COURT, TO THE OFFICER, OR TO A STATE'S ATTORNEY, A CERTIFICATE WHICH WAS VALID AT THE TIME THE VIOLATION OCCURRED. (B) THE FOLLOWING PERSONS ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION: (I) A PERSON IS OPERATING ON LAND OWNED BY HIS OR HER PARENTS,

FAMILY OR GUARDIAN OR THE OPERATOR IS THE LANDOWNER. (II) ANY OTHER PERSON EXEMPTED BY RULES OF THE DIVISION. (III) ANY PERSON WHO IS UNDER THE DIRECT SUPERVISION OF A CERTIFIED SNOWMOBILE SAFETY INSTRUCTOR. (C) THE DIRECTOR OF SAID DIVISION IN CONJUNCTION WITH S.A.M. SHALL ESTABLISH THE PROGRAM CRITERIA AND CONTENT AND SHALL DETERMINE THE MINIMUM SAFETY SKILLS NECESSARY FOR SAID PERSONS TO OPERATE SNOWMOBILES. STATE RULES SHALL BE ADOPTED TO COORDINATE A STATEWIDE PROGRAM OF SNOWMOBILE SAFETY INSTRUCTION AND CERTIFICATION AND ENSURE THAT A COURSE OF SAFETY EDUCATION IS AVAILABLE FREE OF CHARGE IN APPROPRIATE COUNTIES OF THE STATE. (D) ANY COURSE OF SNOWMOBILE SAFETY EDUCATION THAT IS OFFERED SHALL PROVIDE A MINIMUM OF SIX HOURS OF INSTRUCTION. (E) THE DIVISION OR ITS DESIGNEE SHALL ISSUE A CERTIFICATE OF SNOWMOBILE SAFETY EDUCATION TO A PERSON WHO: (I) PASSES A DIVISION PRESCRIBED COURSE OF SNOWMOBILE SAFETY EDUCATION; OR (II) PASSES A SNOWMOBILE SAFETY EQUIVALENCY EXAMINATION ADMINISTERED BY PERSONS AUTHORIZED TO OFFER A COURSE OF SNOWMOBILE SAFETY EDUCATION. (F) THE DIVISION SHALL PROVIDE, WITHOUT CHARGE, SNOWMOBILE SAFETY EDUCATION MATERIALS TO PERSONS WHO PLAN TO TAKE THE SNOWMOBILE SAFETY CLASS. (G) ONCE ISSUED, THE CERTIFICATE OF SNOWMOBILE EDUCATION IS VALID FOR THE LIFETIME OF THE PERSON TO WHOM IT WAS ISSUED. (H) THE DIVISION SHALL REPLACE, WITH MINIMAL CHARGE, A LOST OR DESTROYED CERTIFICATE IF THE DIVISION ISSUED THE CERTIFICATE OR HAS A RECORD THAT THE CERTIFICATE WAS ISSUED. (I) A SNOWMOBILE SAFETY CERTIFICATE ISSUED IN ANOTHER STATE OR COUNTRY IN ACCORDANCE WITH OR SUBSTANTIALLY EQUIVALENT TO CRITERIA OF THE INTERNATIONAL ASSOCIATION OF SNOWMOBILE ADMINISTRATORS IS SUFFICIENT TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION. .

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