

HOUSE No. 810

By Mr. Marzilli of Arlington, petition of J. James Marzilli, Jr. for legislation to prohibit the sale of recreational vehicles powered by two stroke engines. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT TO PROHIBIT THE SALE OF RECREATIONAL VEHICLES CONTAINING TWO STROKE ENGINES.

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

1 Chapter 90B of the General Laws is hereby amended by inserting
2 after section 24 the following section:—

3 Section 24A. (a) After June 1, 2007, a person shall not sell, in
4 Massachusetts, a recreational vehicle containing a two stroke engine,
5 including, but not limited to, a snow craft, an all-terrain vehicle, a
6 personal watercraft, or a motorboat.

7 (b) A person may resell a recreational vehicle containing a two
8 stroke engine if the vehicle was manufactured prior to the enactment
9 of this section, and the seller purchased the vehicle for use in a per-
10 sonal or employment capacity, and not for the purpose of reselling
11 the vehicle.

12 (c) For purposes of this section the following words shall have the
13 following meanings:—

14 (1) “Motorboat”, a vehicle propelled or designed to be propelled
15 by machinery, whether or not the machinery is permanently affixed
16 or is the principle source of propulsion.

17 (2) “Recreational vehicle”, a motor vehicle designed or modified
18 for use over unimproved terrain if used for recreation or pleasure off
19 a public way, as defined by Chapter 90, and all legally registered
20 motor vehicles when used off a public way. A vehicle used for agri-
21 culture, forestry, lumbering or construction is excluded from this
22 definition when used for that purpose; however in a complaint
23 brought under this section, the defendant shall bear the burden of
24 proving the excluded use.

25 (3) “Snow vehicle”, a motor vehicle designed to travel over ice or
26 snow, driven by a track or tracks in contact with the ice or snow and
27 steered by a ski or skis in contact with the ice or snow.

28 (4) “Personal watercraft”, a vessel propelled by a water jet pump
29 or other machinery as its primary source of motor propulsion,
30 designed to be operated by a person sitting, standing or kneeling on
31 the vessel rather than being operated in the conventional manner by
32 a person sitting or standing inside the vessel. A personal watercraft
33 includes, but is not limited to, a jet ski, wet bike, or surf jet, each as
34 defined in section 1 of this chapter.