



# The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND SEVEN

## AN ACT RELATIVE TO THE REGULATION OF SNOW AND RECREATION VEHICLES.

*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 10H of chapter 21A of the General Laws, as appearing in the  
2 2006 Official Edition, is hereby amended by inserting after the third paragraph the following  
3 paragraph:-

4           A person notified to appear before the clerk of a district court as provided in section 10G  
5 for a violation of sections 21 to 24, inclusive, of said chapter 90B may so appear within the time  
6 specified and pay a fine of \$250 dollars.

7           **SECTION 2.** Said chapter 21A is hereby further amended by striking out section 11, as  
8 so appearing, and inserting in place thereof the following section:-

9           Section 11. There is hereby established within the office of law enforcement an advisory  
10 board to be designated as the boating safety advisory board. The board shall consist of 5  
11 members to be appointed by the governor, 2 of whom shall be representative of the boating

12 public each of whom shall hold a certificate of number issued pursuant to section 3 of chapter  
13 90B, 1 of whom may represent the harbormaster's association and 2 members shall represent the  
14 recreational boating business, 1 of whom shall operate a boat dealership. Each member shall  
15 serve for a term of 3 years. The chairman of the board shall be appointed, from the 5 members,  
16 annually by the governor, and in the absence of same shall be designated by the director. Board  
17 members shall be appointed or reappointed for terms of 3 years.

18 The boating safety advisory board shall meet at least quarterly and 3 members in  
19 attendance shall constitute a quorum. The chiefs of enforcement of the coastal enforcement  
20 bureau and the inland enforcement bureau established under section 6 of chapter 21, or their  
21 designees, shall attend all meetings of said board and shall provide such information as said  
22 board shall request.

23 The board shall review the budgetary recommendations of the director and the secretary  
24 of the executive office of environmental affairs concerning the expenditure of federal funds  
25 allocated to the division for recreational boating safety each fiscal year prior to the submission  
26 of such recommendations to the secretary or the governor, as the case may be. In the event said  
27 board disapproves of any such recommendation it may file a report noting its objection and such  
28 report shall be transmitted to the governor and to the house and senate committees on ways and  
29 means.

30 **SECTION 3.** Said chapter 21A, as so appearing, is hereby further amended by inserting  
31 after section 18A, the following 2 sections:-

32 Section 18B. There is hereby established within the executive office of energy and  
33 environmental affairs a state off-highway vehicle advisory committee. The committee shall  
34 advise the secretary and the department of conservation and recreation, the department of fish

35 and game, the department of environmental protection, and the office of environmental law  
36 enforcement within said executive office on matters involving the commonwealth's regulation  
37 of off-highway vehicles, including the development and enforcement of state regulations and  
38 policies, safety and training programs, and the distribution of available state funding. The  
39 secretary shall appoint the members of the committee, which shall consist of 12 members. Of  
40 the committee members, 3 shall be representatives of off-highway vehicle users; 1 shall be a  
41 representative of the off-highway vehicle manufacturers and dealers; 1 shall be a representative  
42 of the department of public health; 1 shall be a representative of child safety advocates  
43 associated with the use of off-highway vehicles; 1 shall be a representative of The Snowmobile  
44 Association of Massachusetts; 2 shall be representatives of a non-profit organization that owns  
45 and manages land open to the public; 1 shall be a representative of an association or  
46 organization of large private land owners; and 2 shall be representatives of state and local law  
47 enforcement authorities. Each appointee shall serve without compensation for a term of 3 years.  
48 The committee shall select a chairperson annually by a majority vote of the members. The  
49 committee shall meet at least twice each year, and shall also meet at the request of the secretary  
50 or committee chairperson. The minutes of each meeting shall be transmitted in a timely fashion  
51 to the joint committee on environment, natural resources and agriculture.

52  
53 Section 18C. (1) There is hereby established and set up on the books of the  
54 commonwealth a separate fund to be known as the Off-Highway Vehicle Program Fund. There  
55 shall be credited to the fund 75 per cent of all fees, fines, costs, expenses and interest imposed  
56 pursuant to sections 21 to 32, inclusive, of chapter 90B and the fourth paragraph of section 10H  
57 of chapter 21A and any revenue from appropriations or other monies authorized by the general

58 court and specifically designated to be credited to the fund, any appropriation or grant explicitly  
59 made to the fund, and any income derived from the investment of amounts credited to the fund.

60 (2) All amounts credited to the fund may be expended, without further appropriation, by  
61 the executive office of energy and environmental affairs and its office of environmental law  
62 enforcement, the department of conservation and recreation, the department of fish and game,  
63 and the department of environmental protection for any of the following purposes:

64 (a) the enforcement of statutes, regulations and policies applicable to off-highway  
65 vehicles;

66 (b) the acquisition of land for use as commonwealth-approved trails and facilities for  
67 off-highway vehicles or for the development, maintenance, repair or restoration of  
68 commonwealth-approved trails and facilities;

69 (c) for grants made by the department of conservation and recreation to municipalities  
70 and other public entities for the purposes of clauses (a) and (b);

71 (d) the development and administration of safety and training programs; and

72 (e) for other off-highway program activities, including all direct and indirect costs of  
73 personnel or contactors of the executive office and its office of environmental law enforcement  
74 and departments.

75 (3) Monies that are deposited into the fund that are unexpended at the end of the fiscal  
76 year shall not revert to the General Fund and shall be available for expenditure in the  
77 subsequent fiscal year.

78

79           **SECTION 4.** Section 20 of chapter 90B of the General Laws, as so appearing, is hereby  
80 amended by striking out the definition of “Law enforcement officer” and inserting in place  
81 thereof the following 2 definitions:-

82           “**All terrain vehicle**”, a motorized recreational vehicle designed or modified for travel on  
83 4 low pressure tires having a seat designed to be straddled by the operator and handlebars for  
84 steering control.

85           “**Law enforcement officer**”, the director, a deputy director of enforcement, a chief of  
86 enforcement, a deputy chief of enforcement, an environmental police officer and a deputy  
87 environmental police officer of the office of environmental law enforcement within the  
88 executive office of energy and environmental affairs, park rangers of the department of  
89 conservation and recreation, the registrar or an authorized agent thereof , a police officer, a fish  
90 and game warden as defined in section 1 of chapter 131, a member of the state police, and a city  
91 or town police officer or an employee of the commonwealth having police powers on public  
92 lands.

93  
94           **SECTION 5** Said section 20 of said chapter 90B, as so appearing, is hereby further  
95 amended by striking out the definition of “Recreation vehicle” and inserting in place thereof,  
96 the following 2 definitions:-

97           “**Recreation vehicle**”, “**off-highway vehicle**” or “**off-road vehicle**”, any motor vehicle  
98 designed or modified for use over unimproved terrain for recreation or pleasure while not being  
99 operated on a public way as defined in chapter 90, including but not limited to, all terrain  
100 vehicles, off-highway motorcycles, dirt bikes, recreation utility vehicles, utility vehicles and all  
101 legally registered motor vehicles while not being operated on a public way as defined in said

102 chapter 90, but recreation vehicles, off-highway vehicles and off-road vehicles that are being  
103 operated for agricultural, forestry, lumbering or construction purposes shall not be subject to  
104 this chapter and it shall be an affirmative defense that such vehicle was being operated for such  
105 use at the time of an alleged violation.

106 “Recreation utility vehicle” or “utility vehicle,” a motorized flotation-tire vehicle with  
107 not less than 4 and not more than 6 low-pressure tires that is limited in engine displacement to  
108 less than 1,500 cubic centimeters and in total dry weight to not more than 1,800 pounds and that  
109 has a seat that is of bench design, not intended to be straddled by the operator, and a steering  
110 wheel for control.

111 **SECTION 6.** Said chapter 90B is hereby further amended by striking out section 21, as  
112 so appearing, and inserting in place thereof the following section:-

113 Section 21. No person born after January 1, 1990 shall operate a recreation vehicle  
114 unless he has successfully completed a recreation vehicle safety and responsibility course  
115 approved by the director of the office of environmental law enforcement. Such course shall  
116 include, but not be limited to, notification of the potential criminal penalties and forfeiture  
117 process for certain violations of law relative to the safe operation of snow vehicles and  
118 recreation vehicles. A parent or the legal guardian of an operator of recreation vehicles under  
119 16 years of age shall participate in at least 1 session of the safety and responsibility course or as  
120 required by the director. Proof of the successful completion of the recreation vehicle safety and  
121 responsibility course shall be carried on the person of the operator while transporting or  
122 operating a recreation vehicle. Proof of an operator’s successful completion of another state’s  
123 equivalent recreation vehicle safety and responsibility course, as determined by the director,  
124 shall be valid in the commonwealth.

125           **SECTION 7.** Section 22 of said chapter 90B, as so appearing, is hereby amended by  
126 striking out the first sentence and inserting in place thereof the following words:- No person  
127 shall operate a snow vehicle or a recreation vehicle unless such vehicle has been registered in  
128 accordance with this chapter and such registration number is displayed on such vehicle. A  
129 motor vehicle license or learner’s permit shall not be required for the operation of a snow  
130 vehicle or a recreation vehicle.

131           Application for registration of a snow vehicle or a recreation vehicle shall be made by  
132 the owner to the director or his agent on such forms as the director shall prescribe and shall state  
133 the name and address of the owner of such vehicle. It shall be illegal to knowingly make any  
134 false statement in an application for registration of a snow vehicle or recreation vehicle.

135           **SECTION 8.** Section 24 of said chapter 90B, as so appearing, is hereby amended by  
136 inserting after the word “light” in line 1, the following words:- , a rear break light.

137           **SECTION 9.** Said section 24 of said chapter 90B, as so appearing, is hereby further  
138 amended by striking out the second and third paragraphs and inserting in place thereof the  
139 following 2 paragraphs:-

140           No snow vehicle and no recreation vehicle shall be operated which emits obnoxious  
141 fumes or which makes an unusual or excessive noise.

142           No snow vehicle or recreation vehicle manufactured after January 1,1998 shall be sold,  
143 offered for sale, or operated that produces a sound pressure level of more than 96 dbA when  
144 measured from a distance of 20 inches using test procedures established by the Society of  
145 Automotive Engineers under Standard J1287 JUL98 or with such other test procedure for  
146 measurement of sound pressure levels as the registrar of motor vehicles may adopt. No snow

147 vehicle or recreation vehicle manufactured prior to January 1, 1998 shall be offered for sale or  
148 operated that produces a sound pressure level of more than 101 dbA when measured from a  
149 distance of 20 inches using test procedures established by the Society of Automotive Engineers  
150 under Standard J1287 JUL98 or with such other test procedure for measurement of sound  
151 pressure levels as the registrar of motor vehicles may adopt.

152 No owner or operator of a snow vehicle or a recreation vehicle involved in a collision,  
153 accident or other such casualty resulting in death or injury to a person or damage to property in  
154 excess of \$50 shall fail to notify a law enforcement officer immediately and file a report of the  
155 incident with the division within 48 hours, on forms prescribed by the director.

156 **SECTION 10.** Said chapter 90B is hereby further amended by inserting after section 24  
157 the following section:-

158 Section 24A. Whoever violates any provision of sections 21 to 24, inclusive, or any rule  
159 or regulation made thereunder, shall be punished by a fine of not less than \$250 nor more than  
160 \$500.

161 **SECTION 11.** Section 25 of said chapter 90B, as so appearing, is hereby amended by  
162 striking out the third paragraph and inserting in place thereof the following 2 paragraphs:-

163 No person under 16 1/2 years of age shall operate a snow vehicle or a recreation vehicle  
164 across or on a public way unless the operator holds a valid license or right to operate a motor  
165 vehicle or is directly supervised, as defined in section 26D, by an person 18 years of age or  
166 older.

167 An operator of a snow vehicle or a recreation vehicle that meets the requirements of the  
168 preceding paragraph may, after coming to a full stop, cross, as directly as possible, a public  
169 way, except a controlled access highway, and except that for recreation vehicles, the public way

170 and crossing must be marked and approved for use by recreation vehicles as part of an  
171 authorized recreation vehicle trail system and a recreation vehicle operator shall make the  
172 crossing safely and without interfering with the free movement of vehicular traffic. The  
173 operator of a snow vehicle or a recreation vehicle shall yield the right-of-way to all other  
174 vehicular traffic when making such crossing.

175 **SECTION 12.** Said section 25 of said chapter 90B, as so appearing, is hereby further  
176 amended by inserting after the words “snow vehicle”, in lines 29, 29 and 30, 32, 33 and 34, each  
177 time they appear, the following words:- or a recreation vehicle.

178 **SECTION 13.** Said chapter 90B is hereby further amended by inserting after section 25  
179 the following 7 sections:-

180 Section 25A. No person shall operate or ride in or on a recreation vehicle or a snow  
181 vehicle, or a sled attached thereto, without wearing protective headgear that conforms to such  
182 minimum standards for construction and performance as the registrar of motor vehicles may  
183 prescribe.

184 Section 25B. No person under 14 years of age shall operate a snow vehicle, all terrain  
185 vehicle or recreation utility vehicle.

186 Section 25C. No person between the age of 14 years of age and 16 years of age shall  
187 operate an all terrain vehicle or recreation utility vehicle with an engine capacity greater than 90  
188 cubic centimeters unless directly supervised by an adult that is 18 years of age or older. For the  
189 purposes of this section, “direct supervision” shall mean that the supervising adult shall be  
190 sufficiently close to an operator at all times that the vehicle is in operation, such that a  
191 reasonable person under the totality of the circumstances including, but not limited to, vehicle  
192 and ambient noise, the landscape and geography of the location, and the operator’s wearing of

193 protective headgear, would believe that he is maintaining visual contact and verbal  
194 communication with the operator.

195 Section 25D. No owner of a snow vehicle or a recreation vehicle or other person who  
196 knowingly permits a person under 18 years of age to operate a snow vehicle or a recreation  
197 vehicle in violation of this chapter.

198 Section 25E. No prosecution commenced pursuant to said section 25 to 27E, inclusive  
199 shall be continued without a finding.

200 Section 25F. Whoever violates section 25 to 25E, inclusive, or section 26B shall be  
201 punished, for a first offense, by a fine of \$250 and for a second or subsequent offense by a fine  
202 of not less than \$500 nor more than \$2,500 and the snow vehicle or recreation vehicle that the  
203 operator was operating at the time of such second or subsequent offense shall be subject to  
204 forfeiture under section 26J.

205 Section 25G. No person shall operate a snow vehicle or a recreation vehicle on privately  
206 owned property, unless: (a) the operator is the owner or lessee or immediate family member of  
207 the owner or lessee of such property; (b) the operator has in his possession either a document,  
208 signed by the owner or lessee of such property or his agent, authorizing the operation of a said  
209 vehicle on such property by the operator or valid proof of current membership in a club,  
210 association or other organization to which express authorization for the operation of said  
211 vehicles on such property has been granted; provided, however, that such operation shall be  
212 consistent with the express authorization so granted and any restrictions imposed therewith; or  
213 (c) the owner or lessee of such property has designated the area for use by said vehicles by  
214 posting reasonable notice of such designation in a manner approved by the director.

215           Section 25H. No person shall operate a snow vehicle or a recreation vehicle in a manner  
216 that harasses or otherwise harms deer or other wildlife. No person shall operate a snow vehicle  
217 or a recreation vehicle in a reforested or planted area in a manner that causes damage to growing  
218 stock. No person shall operate a snow vehicle or a recreation vehicle in a manner that causes  
219 damage to public or private property, including but not limited to, lands owned or managed by  
220 the department of conservation and recreation or the division of fisheries and wildlife, wetlands  
221 or other waters of the commonwealth, priority habitats delineated by the division of fisheries  
222 and wildlife pursuant to chapter 131A, lands used for public water supply purposes or historic  
223 or archaeological sites.

224           Section 25I. No person shall carry a firearm, rifle or shotgun in or on a snow vehicle or  
225 a recreation vehicle or on a trailer or sled attached thereto unless such firearm, rifle or shotgun  
226 is unloaded and in an enclosed case. This subsection shall not apply to a law enforcement  
227 officer or other person authorized to carry arms as specifically described in section 32, or a  
228 paraplegic as provided in section 65 of chapter 131.

229           Section 25J. No person shall collide with or otherwise cause injury to any other snow  
230 vehicle or recreation vehicle or property of another.

231           Section 25K. No person shall operate a snow vehicle or recreation vehicle after the  
232 registration therefore has been suspended or revoked.

233           Section 25L. No person shall use a snow vehicle or a recreation vehicle without  
234 authority knowing that such use is unauthorized.

235           Section 25M. A summons may be issued instead of a warrant for arrest upon a  
236 complaint for a violation of any provision of this section if in the judgment of the court or

237 justice receiving the complaint there is reason to believe that the defendant will appear upon a  
238 summons.

239

240 Section 25N. Whoever violates sections 25F to 25L, inclusive, shall be punished by a  
241 fine of not less than \$250 nor more than \$1,000 or by imprisonment in the house of correction  
242 for not less than 30 days nor more than 1 year or by both such fine and imprisonment.

243

244 **SECTION 14.** Said chapter 90B, as so appearing, is hereby amended by striking out  
245 section 26 and inserting in place thereof the following 11 sections:-

246 Section 26. Whoever operates a snow vehicle or a recreation vehicle recklessly, or  
247 operates a snow vehicle or a recreation vehicle negligently so that the lives or safety of the  
248 public might be endangered shall be punished by imprisonment in the house of correction for  
249 not more than 2 years or a by a fine of not more than \$200, or by both such fine and  
250 imprisonment.

251 Section 26A. Whoever operates a snow vehicle or a recreation vehicle and, without  
252 stopping and making known his name, residence and the registration number of his snow  
253 vehicle or recreation vehicle, goes away after knowingly colliding with or otherwise causing  
254 injury to any other snow vehicle or recreation vehicle or property; provided that the injury to  
255 property exceeds \$500 in damage, shall be punished by a fine of not less than \$250 nor more  
256 than \$1,000 or by imprisonment for not less than 60 days nor more than 2 ½ years, or by both  
257 such fine and imprisonment.

258 Section 26B. No person operating or in control of a snow vehicle or recreation vehicle  
259 shall refuse to stop such vehicle after having been requested or signaled to do so by an law

260 enforcement officer. No such person shall refuse to give his true and correct name, address and  
261 registration number to such officer.

262 Section 26C. A summons may be issued instead of a warrant for arrest upon a  
263 complaint for a violation of any provision of this section if in the judgment of the court or  
264 justice receiving the complaint there is reason to believe that the defendant will appear upon a  
265 summons

266  
267 Section 26D. Whoever operates a snow vehicle or a recreation vehicle and, without  
268 stopping and making known his name, residence and the registration number of his snow  
269 vehicle or recreation vehicle, goes away after knowingly colliding with or otherwise causing  
270 injury to any person shall be punished by a fine of not less than \$500 but not more than \$1,000  
271 and imprisonment for not less than 2 ½ years in the house of correction or imprisonment in the  
272 state prison for not less than 5 years.

273  
274 Section 26E. Whoever operates a snow vehicle or a recreation vehicle recklessly or  
275 negligently so that the lives or safety of the public might be endangered, and by any such  
276 operation causes serious bodily injury, shall be punished by imprisonment in the house of  
277 correction for not more than 2 ½ years or in the state prison for not than 5 years and by a fine of  
278 not more than \$5,000, or by both such fine and imprisonment. For the purposes of this section  
279 “serious bodily injury” shall mean bodily injury which creates a substantial risk of death or  
280 which involves either total disability or the loss or substantial impairment of some bodily  
281 function for a substantial period of time.

282           Section 26F. Whoever operates a snow vehicle or a recreation vehicle recklessly, or  
283 negligently so that the lives or safety of the public might be endangered, and by any such  
284 operation causes the death of another person, shall be punished by imprisonment in a the house  
285 of correction for not less than 30days nor more than 2 ½ years or by a fine of not less than \$300  
286 not more than \$5,000 or imprisonment in the state prison for not less than 5 years not more that  
287 10 years and a fine of \$5,000, or by both such fine and imprisonment.

288           Section 26G. Notwithstanding section 28, upon conviction of or adjudication by reason  
289 of a violation of sections 26D to 26F, inclusive, the registrar shall immediately suspend the  
290 operator's license or right to operate a motor vehicle and the director shall revoke the  
291 registration of any snow vehicle or recreation vehicle issued to such person.

292           The registrar, after having suspended or revoked the license or right to operate of any  
293 person pursuant to this section, shall issue a new license or reinstate the right to operate and the  
294 director shall issue a new registration number, if the prosecution or adjudication of such person  
295 has terminated in favor of the defendant or juvenile. The registrar may after an investigation or  
296 upon hearing, issue a new license or reinstate the right to operate and the director may issue a  
297 new snow vehicle or recreation vehicle registration number to a person so convicted or  
298 adjudicated of said sections 26D to 26F, inclusive; provided, that no such license, right to  
299 operate or registration shall be issued or reinstated by the registrar or director to any person so  
300 convicted or adjudicated delinquent by reason of said sections 26D or 26E until 1 year after the  
301 date of suspension or revocation following his original conviction or adjudication if for a first  
302 offense or until 2 years after the date of suspension or revocation following any subsequent  
303 conviction or adjudication, or to any person convicted of or adjudicated delinquent by reason of  
304 section 26F until 5 years after the date of suspension or revocation following his original

305 conviction or adjudication if for a first offense or until 15 years after the date of suspension or  
306 revocation following any subsequent conviction or adjudication; provided, however, that a  
307 person who's license or right to operate was suspended due to an adjudication or conviction of  
308 26D may, after the expiration of 3 months from the date of conviction, apply for and shall be  
309 granted a hearing before the registrar for the purpose of requesting the issuance of a new license  
310 for employment or educational purposes, which license shall be effective for not more than an  
311 identical 12-hour period every day on the grounds of hardship and a showing by the person that  
312 the causes of the present and past violations have been dealt with or brought under control, and  
313 the registrar may, in his discretion, issue such license under such terms and conditions as he  
314 deems appropriate and necessary; and provided, further, that such person may, after the  
315 expiration of 6 months from the date of conviction, apply for and shall be granted a hearing  
316 before the registrar for the purpose of requesting the issuance of a new license on a limited basis  
317 on the grounds of hardship and a showing by the person that the causes of the present and past  
318 violations have been dealt with or brought under control and the registrar may, in his discretion,  
319 issue such a license under such terms and conditions as he deems appropriate and necessary.

320         If the person so convicted or adjudicated is under 17 at the time of such conviction or  
321 adjudication and has not been issued a license or right to operate or a snow vehicle or recreation  
322 vehicle registration number, neither the registrar nor director shall issue such license or right to  
323 operate a motor vehicle or a snow or recreation vehicle registration until the time periods  
324 provided in the previous paragraph have passed and such time period shall not commence to run  
325 until such person reaches 16 years of age for purposes of issuance of a right to operate a motor  
326 vehicle and 16 ½ for purposes of issuance of a license to operate a motor vehicle.

327           Section 26H. (a) Whoever, being 21 years of age or older, operates a snow vehicle or  
328 recreation vehicle: (1) with a percentage, by weight, of alcohol in his blood of .08 or greater, as  
329 determined in accordance with section 24 of chapter 90; or (2) while under the influence of  
330 intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, as  
331 defined in section 1 of chapter 94C, or the vapors of glue, shall be punished by a fine of not less  
332 than \$500 not more than \$5,000 or by imprisonment for not more than 2 ½ years in the house of  
333 correction, or by both such fine and imprisonment.

334           Section 26I. Whoever, being under 21 years of age, operates a snow vehicle or  
335 recreation vehicle: (1) with a percentage, by weight, of alcohol in his blood of .02 or greater, as  
336 determined in accordance with section 24 of chapter 90; or (2) or while under the influence of  
337 intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, as  
338 defined in section 1 of chapter 94C, or the vapors of glue shall, for a first offense, be punished  
339 by a fine of not less than \$500 not more than \$5,000 or by imprisonment for not more than 2 ½  
340 years in the house of correction, or by both such fine and imprisonment .

341           Section 26J. No prosecution or delinquency proceeding commenced pursuant to  
342 sections 26D to 26H, inclusive shall be placed on file or continued without a finding.

343           Section 26K. Notwithstanding section 28, upon conviction of or adjudication by reason  
344 of a violation of section 26H or 26I, the registrar shall immediately suspend the operator's  
345 license or right to operate a motor vehicle and the director shall revoke the registration of any  
346 snow vehicle or recreation vehicle issued to such person.

347           The registrar, after having suspended or revoked the license or right to operate of any  
348 person under this section, shall issue a new license or reinstate the right to operate and the

349 director shall issue a new registration number, if the prosecution or adjudication of such person  
350 has terminated in favor of the defendant or juvenile. The registrar may after an investigation or  
351 upon hearing, issue a new license or reinstate the right to operate and the director may issue a  
352 new snow vehicle or recreation vehicle registration number to a person so convicted or  
353 adjudicated of said sections 26H or 26I; provided, that no such license, right to operate or  
354 registration shall be issued by the registrar or director to any person so convicted or adjudicated  
355 delinquent by reason of said section 26H until 1 year after the date of suspension or revocation  
356 following his original conviction or adjudication if for a first offense or until 2 years after the  
357 date of revocation following any subsequent conviction or adjudication, or to any person  
358 convicted of or adjudicated delinquent by reason of said section 26I until 2 years after the date  
359 of revocation following his original conviction or adjudication if for a first offense or until 3  
360 years after the date of revocation following any subsequent conviction or adjudication;  
361 provided, however, that a person who's license or right to operate was suspended due to an  
362 adjudication or conviction of 26H may, after the expiration of 3 months from the date of  
363 conviction, apply for and shall be granted a hearing before the registrar for the purpose of  
364 requesting the issuance of a new license for employment or educational purposes, which license  
365 shall be effective for not more than an identical 12-hour period every day on the grounds of  
366 hardship and a showing by the person that the causes of the present and past violations have  
367 been dealt with or brought under control, and the registrar may, in his discretion, issue such  
368 license under such terms and conditions as he deems appropriate and necessary; and provided,  
369 further, that such person may, after the expiration of 6 months from the date of conviction,  
370 apply for and shall be granted a hearing before the registrar for the purpose of requesting the  
371 issuance of a new license on a limited basis on the grounds of hardship and a showing by the

372 person that the causes of the present and past violations have been dealt with or brought under  
373 control and the registrar may, in his discretion, issue such a license under such terms and  
374 conditions as he deems appropriate and necessary.

375 If the person so convicted or adjudicated is under 17 at the time of such conviction or  
376 adjudication and has not been issued a license or right to operate or a snow vehicle or recreation  
377 vehicle registration number, the registrar nor director shall issue such license or right to operate  
378 a motor vehicle or a snow or recreation vehicle registration until the time periods provided in  
379 the previous paragraph have passed but such time period shall not commence to run until such  
380 person reaches 16 years of age for purposes of issuance of a right to operate a motor vehicle and  
381 16 ½ for purposes of issuance of a license to operate a motor vehicle.

382 Section 26L. (a) Upon a conviction for a violation or adjudication of section 25 or  
383 sections 26B to 26F, inclusive, or upon a second or subsequent conviction or adjudication of  
384 section 25 to 25D, or any combination thereof, a snow vehicle or recreation vehicle used in the  
385 commission of such violation or violations shall be subject to forfeiture.

386 (b) A district attorney or the attorney general may petition the superior or district court  
387 in the name of the commonwealth in the nature of a proceeding in rem to order forfeiture of  
388 such snow vehicle or recreation vehicle. The petition shall be filed in the court having  
389 jurisdiction over the criminal proceeding brought under this section. The proceeding shall be  
390 deemed a civil suit in equity. In all such actions in which the snow vehicle or recreation vehicle  
391 is jointly owned before the date of the violation committed by the defendant by either a parent,  
392 spouse, child, grandparent, brother, sister, or parent of the spouse living in the defendant's

393 household, the commonwealth shall have the burden of proving to the court the existence of  
394 probable cause to institute the action.

395 (c) The court shall order the commonwealth to give notice by certified or registered  
396 mail to the owners of the a snow vehicle or recreation vehicle and to such other persons or  
397 entities who appear to have an interest therein, and the court shall promptly, but not less than 2  
398 weeks after notice, hold a hearing on the petition. Upon the motion of an owner of the snow  
399 vehicle or recreation vehicle, the court may continue the hearing on the petition pending the  
400 outcome of a criminal trial related to the violation. During the pendency of the proceedings, the  
401 court may issue at the request of the commonwealth ex parte any preliminary order or process  
402 as is necessary to seize or secure the property for which forfeiture is sought and to provide for  
403 its custody. Process for seizure of the property shall issue only upon a showing of probable  
404 cause, and the application therefore and the issuance, execution and return thereof shall be  
405 subject to chapter 276, as applicable.

406 (d) At a hearing under this section, the court shall hear evidence and make findings of  
407 fact and conclusions of law, and shall thereon issue a final order from which the parties shall  
408 have such right of appeal as from a decree in equity. No forfeiture under this section shall  
409 extinguish a perfected security interest held by a creditor in the property at the time of the filing  
410 of the forfeiture action. In all actions where a final order results in forfeiture, the final order  
411 shall provide for disposition of the property by the commonwealth or any subdivision thereof in  
412 any manner not prohibited by law, including official use by an authorized law enforcement or  
413 other agency, or at sale at public auction or by competitive bidding, with such sale being

414 conducted by the office of the district attorney or the attorney general that obtained the final  
415 order of forfeiture.

416 (e) The final order of the court shall provide that the proceeds of any such sale shall be  
417 used to pay the reasonable expenses of the forfeiture proceedings, seizure, storage, maintenance  
418 of custody, advertising and notice, and 75 per cent of the balance of any proceeds shall be  
419 deposited into the Off-Highway Vehicle Program Fund, established by section 18C of chapter  
420 21A and the remaining 25 per cent shall be distributed equally among the division, departments  
421 or offices involved in the seizure or to the division, department or office if a single law  
422 enforcement entity was involved. If more than 1 division, department or office was  
423 substantially involved in the seizure, the court having jurisdiction over the forfeiture proceeding  
424 shall distribute the 25 per cent equitably among them.

425 (f) Any moneys and proceeds received by a division, department or office pursuant to  
426 this section may be expended without further appropriation to defray the costs of investigations,  
427 to provide additional technical equipment or expertise, to provide matching funds to obtain  
428 federal grants, or to accomplish such other law enforcement, environmental or public  
429 recreational purposes as the head of such division, department or office deems appropriate, but  
430 such funds shall not be considered a source of revenue to meet the operating needs of such  
431 division, department or office.

432 **SECTION 15.** Said chapter 90B is hereby further amended by striking out section 27  
433 and inserting in place thereof the following section:-

434 Section 27. (a) Any owner of a snow vehicle or a recreation vehicle or other person  
435 who permits a person under 18 years of age to operate a snow vehicle or a recreation vehicle  
436 shall be held liable, jointly and severally, with the operator for any damage or injuries caused by  
437 said minor's operation of the vehicle and for any fines, penalties or restitution resulting  
438 therefrom.

439 (b) Any owner of a snow vehicle or a recreation vehicle or other person who knowingly  
440 permits a person 18 years of age or older to operate a snow vehicle or a recreation vehicle in  
441 violation of this chapter shall be held liable, jointly and severally, with the operator, for any  
442 damage or injuries caused by such operator's negligent operation and for any fines, penalties or  
443 restitution resulting therefrom.

444 **SECTION 16.** The first paragraph of section 32 of said chapter 90B, as so appearing, is  
445 hereby amended by striking out the first 2 sentences and inserting in place thereof, the following  
446 sentence:-

447 The provisions of sections 21 to 34, inclusive, and all the rules and regulations made  
448 under the authority thereof shall be enforced by the director, deputy directors of enforcement,  
449 chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy  
450 environmental police officers of the office of environmental law enforcement, executive office  
451 of energy and environmental affairs, park rangers of the department of conservation and  
452 recreation, registrar or his authorized agents, police officers, fish and game wardens as defined  
453 in section 1 of chapter 131, members of the state police, and city and town police officers or  
454 employees of the commonwealth having police powers on public lands; provided that any  
455 investigation, arrest or decision to seek application for complaint relative to a violation of  
456 sections 26B to 26F, inclusive, shall be executed by a law enforcement officer who has

457 successfully completed minimum training requirements for the enforcement of such sections as  
458 determined by the secretary of public safety and security.

459 **SECTION 17.** Said chapter 90B is hereby further amended by striking out section 34  
460 and inserting in place thereof the following section :-

461 Section 34. Of the fees collected by the commonwealth pursuant to the fourth paragraph  
462 of section 10H of chapter 21A and sections 21 to 32, inclusive, 75 per cent of the fees shall be  
463 deposited into the Off-Highway Vehicle Program Fund, established by section 18C of said  
464 chapter 21A and the remaining 25 per cent shall be distributed equally among the divisions,  
465 departments or offices involved in the enforcements of the statutes which resulted in the  
466 assessment of such fees or penalties.

467 **SECTION 18.** Said chapter 90B, as so appearing, is hereby amended by striking out  
468 section 35.

469 **SECTION 19.** The first sentence of section 121A of chapter 266 of the General Laws,  
470 as so appearing, is hereby amended by striking out the words “two hundred and fifty dollars  
471 inserting in place thereof the following figure:- \$500.

472 **SECTION 20.** The director of the division of law enforcement in the executive office  
473 of energy and environmental affairs shall, within 180 days of the effective date of this act  
474 amend regulations of such division that are inconsistent with this act.

475 **SECTION 21.** The director of the division of law enforcement in the executive office  
476 of energy and environmental affairs may, after consultation with the state off-highway advisory  
477 committee and a public hearing, promulgate regulations consistent with this chapter, including  
478 but not limited to, increasing the age at which persons may operate an all terrain vehicle or  
479 regulating the engine size and speed capabilities of such based on the age of the operator.

480           **SECTION 22.** The secretary of public safety and security shall, within 90 days of the  
481 effective date of this act, adopt minimum training requirements for a law enforcement officer, as  
482 required by section 32 of chapter 90B of the General Laws.

483           **SECTION 23 .** Section 7 shall take effect as of May 1, 2009; provided however, that  
484 no penalty shall be assessed for violation of section 22 of chapter 90B of the General Laws on  
485 or before September 1, 2009.

486           **SECTION 24.** The prohibition in section 26A and 26D of chapter 90B of the General  
487 Laws, that an operator of a snow vehicle or recreation vehicle not leave the scene after causing  
488 injury to property or to a person without making known his registration number shall apply on  
489 and after September 1, 2009. Nothing in this section shall effect the prohibition, in said sections  
490 26A and 26D of said chapter 90B, against an operator leaving the scene after causing injury to  
491 property or to a person without leaving making known his name and residence, on and after the  
492 effective date of this act.