



An Act Relative to the Regulation of Snow and Recreation Vehicles (HB3330)

Sponsored by: Representative Frank I. Smizik (D-Norfolk)

Co-sponsors

House co-sponsors: William N. Brownsberger, Cheryl A. Coakley-Rivera, Kay Khan, Peter v. Kocot, Barbara A. L'Italien, Elizabeth A. Malia, Sarah K. Peake, George N. Peterson, Jr., Rosemary Sandlin, Cleon H. Turner

Senate co-sponsor: Patricia D. Jehlen

Challenge

The Department of Conservation and Recreation (DCR) estimates that approximately 90,000 Massachusetts households own all-terrain vehicles or off-highway motorcycles, two popular types of off-highway vehicles (OHVs). OHV use is legal across a variety of land areas throughout the state, including eight DCR properties. However, many illegal trails and riding sites are used by riders in Massachusetts, a practice that can be unsafe for riders and devastating for surrounding ecosystems. Habitat damage, erosion, and wetland disruption are all among the impacts illegal OHV activity can have on the local environment.

Fortunately, state officials are starting to take action in dealing with illegal OHV use. Key recommendations by the DCR Off-Highway Vehicle Enforcement and Education Working Group are as follows:

- Expand law enforcement capacity to provide consistent and effective enforcement of OHV laws and regulations.
- Strengthen fines and penalties for OHV offenses including trespassing.
- Require safety and responsibility training for all OHV operators eighteen (18) years of age and younger.
- Simplify the registration process and require registration for all OHV's with revenues directed to increasing enforcement capabilities and the development, maintenance and restoration of OHV trails.
- Reduce allowable OHV noise levels to the national standard 96dba at 20 inches.
- Reinforce efforts to protect children by strengthening requirements for adult supervision of young operators, restricting the sales of adult sized ATV's and integrating Consumer Product Safety Commission rules for OHV use into state regulations.
- Strengthen communication among enthusiasts, land managers, enforcement agencies and other stakeholders by establishing an OHV Advisory Group similar to those in other states.

Solution

As part of this improvement effort, legislators are working to update Massachusetts OHV laws. *An Act Relative to the Regulation of Snow and Recreation Vehicles* (HB3330) includes [DCR recommendations](#) and tightens OHV regulations and increases certain fines and penalties. It also requires that a state off-highway vehicle advisory committee be established within the Executive Office of Energy and Environmental Affairs. The committee will advise state environmental agencies on matters involving the commonwealth's regulation of off-highway vehicles, including the development.

Under the bill there would be established an "Off Highway Vehicle Program Fund" made up of fines, costs, and expenses paid to the state for off-highway vehicle activity. These funds would be used for enforcement of OHV regulations, acquisition and/or repair of OHV trails and facilities, and development of safety and training programs.

For more information about this bill, contact Jennifer Ryan, Mass Audubon's Legislative Director, at 617-523-8448 or jryan@massaudubon.org. June 2009.