

Mr. Smizik of Brookline moves to amend the bill by inserting after subsection (e) of Section 26(a), after line 227, the following: -

No person shall operate a snow vehicle or recreation vehicle on publicly-owned property except on trails marked and designated for use by such vehicles, or without the express permission of the owner.

Mr. Scibak of South Hadley moves to amend House Bill 4744 in Section 8, in line 139, by inserting after the words "displayed on the vehicle." the following:

"The registration number shall be painted or by means of a decal or sticker which is firmly attached to both sides of the cowl of the vehicle and located so that both are clearly visible and not obstructed. The registration number displayed shall be not less than three inches in height and not less than one half inch in width and shall be in a color that is in marked and distinct contrast to the background to which the number is applied. The registration number shall be maintained in a legible condition at all times."

Ms. Gobi of Spencer moves that the bill, House Bill 4744, be amended in section 13, in lines 199 and 200, by striking the sentence contained in those lines and inserting in place thereof the following:

“Section 26. (a)(1) No person under 14 years of age shall operate an all terrain vehicle or recreation utility vehicle. This section shall not apply to a person operating a recreation vehicle or snow vehicle in preparation for, or while a participant in, a sanctioned race, rally or organized event which is supervised by a person aged 18 or older and which has been authorized or approved by a municipal permitting authority; or providing further, a person operating an appropriately aged and speed regulated recreational vehicle or snow vehicle under the accompanied direct supervision of a parent, guardian or other authorized adult, all of whom have complied with any certification in safety education programs. It shall be an affirmative defense in a delinquency proceeding for a violation of this section that a juvenile was supervised by a person aged 18 or older while operating such a vehicle in preparation for, or while a participant in, such a sanctioned race, rally or organized event.”.

Mr. Pignatelli of Lenox, Mr. Peterson of Grafton, Ms. Gobi of Spencer, Mr. Guyer of Dalton and Mr. Donelan of Orange move to amend the bill H.4744, in SECTION 13, subsection 26 (a) (1) by adding after the first sentence, the following:

A person operating an appropriately aged and speed regulated recreational vehicle or snow vehicle under the accompanied direct supervision of a parent, guardian or other authorized adult, all of whom have complied with any certification in safety education programs shall be exempt from the provisions of this section.

Mr. Quinn of Dartmouth, Canessa of New Bedford, Kulik of Worthington, Benson of Lunenburg move to amend the bill by adding the following section:-

“SECTION 27. Chapter 242 of the General Laws, as appearing in the 2000 Official Edition, is hereby amended by inserting after section 7A thereof the following new section:—

Section 7B. Field crop product and agricultural property destruction.

(a) Any person operating an off-highway or recreational vehicle who damages or destroys a field crop product and agricultural property situated on the land of another shall be liable to the owner of such product in tort.

(b) A party recovering judgment under this section shall be entitled to an award of damages in an amount up to, but not greater than, three times the amount assessed for the removal, damage or destruction of the farm crop product and agricultural property, plus attorney fees and litigation costs. In assessing damages under this subsection, the courts shall consider the market value of the field crop product and agricultural property prior to its removal, damage or destruction, and all costs directly related to the production, research, testing, replacement and development of the field crop product and agricultural property.

(c) Damages awarded under this section shall not limit remedies available under chapter 266 or under any other applicable local, state or federal laws.

(d) Liability under this section shall not apply to any federal, state or local government agency, including the department of agricultural resources, or to any employee of any such agency acting in the course of their employment.

(e) For purposes of this section, a “field crop product” shall mean any product of the soil that is grown in the context of a research or product development program in conjunction or coordination with a private research facility or a university or any federal, state or local governmental agency or any crop produced for commercial purposes on an agricultural operation as defined by M.G.L. chapter 128 Section 1A.

(f) For purposes of this section, an “agricultural property” shall mean any implement of husbandry, structure used for the conveyance of water, or structure used in the production, growing, processing of field crop products or keeping and raising of livestock.”

**Advisory Committee Amendment**

Representative Sandlin of Agawam and Pignatelli of Lenox move to amend the bill H.4744 in SECTION 4, subsection 23, lines 76-77 by striking out the words: “off highway vehicle manufacturers and dealers” and inserting in place thereof the following words:

the Specialty Vehicle Industry Association and the Massachusetts Powersport Dealers Association;

Mr. Michael J. Rodrigues of Westport moves to amend House Bill 4744 by inserting after subsection (c) of Section 1, the following:-

(d) Not less than twenty-five percent of the monies deposited in the fund shall be expended on a fiscal year basis for the activities identified in subsection (b)(ii) or for grants made pursuant to subsection (b)(iii) to fund the activities identified in subsection (b)(ii). Monies that are deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

Mr. Frost of Auburn moves to amend Senate Bill 4744 by inserting in SECTION 13 after the word "director." in line 227 the following new paragraph:-

*"Any municipality or owner of land who permits the public to use snow vehicles or recreational vehicles on such land without imposing a charge or fee therefor, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of willful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person."*



Mr. Michael J. Rodrigues of Westport moves to amend House Bill 4744 by inserting after Section 18, the following new section:-

SECTION 18A.

Section 1 of Chapter 90C of the General Laws, as appearing in the most recent edition, is hereby amended by inserting at the end of the definition of "police chief" the following:- or the director of law enforcement in the office of law enforcement in the executive office of energy and environmental affairs.

Ms. Peake of Provincetown moves to amend the bill by inserting in Section 24 after the word "Laws" the following:

Any duly authorized law enforcement officer, including a municipal police officer shall not be liable for personal injuries sustained by the operator or passenger of a snow vehicle or recreation vehicle that are sustained while attempting to flee from said duly authorized law enforcement officer.

Mr. Koutoujian of Waltham moves to amend HB 4744 in Section 13, in line 199 by striking the age "14" and inserting in the place thereof the age "16;" Section 13 is further amended by striking lines 201 through 205.

Mr. Turner of Dennis moves to amend House Bill 4744 by adding at the end thereof:-

Notwithstanding any law or special law to the contrary, the parents or legal guardians of any unemancipated child who causes property damages by the use of off highway or recreational vehicle or snowmobile shall be liable for the cost of the property damage caused by said child.

Ms. Gobi of Spencer moves to further amend amendment 3 by striking in Section 13 of H. 4744 lines 199-200 and inserting in place thereof the following:-

Section 26. (a) (1) No person under 14 years of age shall operate an all terrain vehicle or recreation utility vehicle. This section shall not apply to a person operating a recreation vehicle or snow vehicle in preparation for, or while a participant in, a sanctioned race, rally or organized event which is supervised by a person aged 18 or older and which has been authorized or approved by a municipal permitting authority. It shall be an affirmative defense in a delinquency proceeding for a violation of this section that a juvenile was supervised by a person aged 18 or older while operating such a vehicle within 21 days before such sanctioned race, rally or organized event or while a participant in such a sanctioned race, rally or organized event.