

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

**The Commonwealth of Massachusetts**

PETITION OF:

Byron Rushing  
Douglas W. Petersen

Anne M. Paulsen

In the Year Two Thousand and Five.

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

3 Section 24A. (a) After June 1, 2006, a person shall not sell, in  
4 Massachusetts, a recreational vehicle containing a two stroke  
5 engine, including, but not limited to, a snow craft, an all-terrain  
6 vehicle, a 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 enact-  
9 ment of this section, and the seller purchased the vehicle for use  
10 in a personal or employment capacity, and not for the purpose of  
11 reselling the vehicle.

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

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

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

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

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