

Massachusetts State Laws

Chapter 90B: Section 20.

Section 20. In sections twenty-one to thirty-five, inclusive, the following words shall, unless the context requires otherwise, have the following meanings:^a

"Law enforcement officer", the director, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy environmental police officers of the division of law enforcement, department of fisheries, wildlife and environmental law enforcement, registrar or his authorized agents, police officers, fish and game wardens, members of the state police and city and town police officers or employees of the commonwealth having police powers on public lands.

"Operate", to ride in or on and control the operation of a snow vehicle or a recreation vehicle.

~Owner~, a person, other than a lien holder, having the property or title to a snow vehicle or to a recreation vehicle entitled to the use or possession thereof.

"Recreation vehicle", any motor vehicle designed or modified for use over unimproved terrain if used for recreation or pleasure off a public way as defined in chapter ninety, and all legally registered motor vehicles when used off a way, as defined under chapter ninety; provided, however, that for the purpose of vehicles used for agriculture, forestry, lumbering or construction shall be excluded from this definition when used for such purpose, provided, further, that in any complaint brought under this chapter the burden shall be upon the defendant to prove of such use. Any motor vehicle legally registered under chapter ninety will not be subject to registration under this chapter but registration numbers shall be displayed as required by said chapter ninety.

"Snow vehicle", a motor vehicle designed to travel over ice or snow, having a curb weight of not more than 453 kilograms or 1,000 pounds, driven by track or tracks in contact with the snow or ice and steered by a ski or skis in contact with the snow or ice.

Chapter 90B: Section 21. No person shall operate a snow vehicle or a recreation vehicle unless such vehicle has been registered in accordance with the provisions of this chapter, except on land owned by the owner of such vehicle.

Chapter 90B: Section 22.

Application for registration of a snow vehicle or a recreation vehicle shall be made by the owner to the director or his agent on such forms as the director shall prescribe and shall state the name and address of the owner of such vehicle. Upon receipt of the application and the appropriate fee, as hereinafter provided, such vehicle shall be registered and a registration number assigned which shall be affixed to said vehicle in such manner as the director shall prescribe.

Such registration shall be valid for a period ending two years from the date of issuance, unless surrendered, suspended or revoked. The director shall issue a certificate of registration to each such owner on such form as he shall prescribe. Each such owner shall notify the director in writing within thirty days after any change has occurred in the name and address appearing on said registration certificate. No registration issued for any such vehicle may be loaned by any person to another, nor

may such registration be transferred except upon application to the director upon such forms as he shall prescribe. Every person operating a snow vehicle or a recreational vehicle shall have the certificate of registration therefor upon his person or in the vehicle, in some easily accessible place, and upon demand shall show the same to a law enforcement officer or to the owner of any land on which he is operating said vehicle. Any person authorized to issue registration certificates for snow vehicles, recreational vehicles, and vessels, who is not employed by the commonwealth, may charge the applicant an administrative fee in addition to the required registration fee. Said administrative fee shall not exceed \$1.50 per registration issued.

The fee for initial registration of each such vehicle and for each renewal thereof, other than vehicles for which application is made by a manufacturer or dealer as hereinafter provided, shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven, except that no fee shall be collected for the registration of any such vehicle owned by the commonwealth or any political subdivision thereof.

Application for a manufacturer's or dealer's registration shall be made to the director in such form as the director shall prescribe and shall state the name and address of the manufacturer or dealer.

Upon receipt of the application and the appropriate fee as hereinafter provided, the director shall forward to the manufacturer or dealer a certificate of registration and such registration numbers as the director may approve, one of which shall be affixed to each snow vehicle or recreation vehicle being operated by or with the express or implied consent of said manufacturer or dealer.

The fee for initial registration of recreation vehicles or snow vehicles owned by or under the control of a manufacturer or dealer and for each renewal thereof shall be determined annually by the commissioner of administration under the provision of section three B of chapter seven. The fee for the registration of each snow vehicle or recreational vehicle of a nonresident shall also be determined by the commissioner of administration. Such registration and each renewal thereof shall be valid for a period ending one year from the date of issuance or renewal, unless surrendered, suspended or revoked.

Chapter 90B: Section 23.

Within two days after transfer of ownership of a snow vehicle or a recreation vehicle, written notice shall be forwarded to the director by the previous owner along with his registration certificate, the back of which shall be signed by the new owner giving his address. The new owner shall make application for registration as hereinbefore provided.

A person who returns his said vehicle certificate to the director because of transfer of ownership shall be eligible for a new certificate upon application to the division for a new vehicle registration for the balance of the registration period for a fee to be determined annually by the commissioner of administration under the provision of section three B of chapter seven.

Chapter 90B: Section 24. Each snow vehicle and each recreation vehicle shall be equipped with one or more headlights, a red rear light, a red rear reflector, and adequate muffler, and such safety equipment as may be required by the director. Each such vehicle shall be capable of decelerating in a reasonable manner. Any sled or trailer attached to any such vehicle shall also be equipped with a red rear reflector. All such equipment shall conform to such specifications as the registrar of motor vehicles shall prescribe; provided, however, that the requirements for lighting, as set forth in this paragraph, shall not apply to category Y - all terrain vehicles, so-called; and provided, further, that said

registrar in such specifications shall define said category Y - all terrain vehicles in a manner which shall be consistent with the American National Standards Institute Standard ANSI/SVIA I - 1990.

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

No snow vehicle manufactured after July the first, nineteen hundred and seventy-two shall be sold, offered for sale, or operated that produces a sound pressure level of more than eighty-two decibels. No snow vehicle manufactured after July the first, nineteen hundred and seventy-five, shall be sold, offered for sale or operated that produces a sound pressure level of more than seventy-eight decibels. Sound pressure levels in decibels shall be measured on the "A" scale of a sound level meter approved by the director. Measurements shall be made of overall vehicle noise at maximum speed at fifty feet in accordance with test procedure SAE J192 of the Society of Automotive Engineers, or with such other test procedure for measurement of sound pressure levels as the registrar of motor vehicles may adopt. After January the first, nineteen hundred and seventy-three, no new snow vehicle shall be sold in the commonwealth unless such vehicle is certified by the manufacturer, in accordance with rules and regulations adopted by the director, as being able to conform with the sound level limitation set forth in this section.

Chapter 90B: Section 25. Except as hereinafter provided, no person shall operate a snow vehicle or a recreation vehicle upon any state, county, city or town way in the commonwealth, nor on the plowed snow banks of such ways, nor upon any other public way, nor upon the right-of-way limits of a controlled access highway. In the event of emergency conditions as determined by the registrar of motor vehicles which render public ways impassable to conventional motor vehicles, the registrar may, without prior notice or public hearing, promulgate temporary emergency regulations to permit the operation of snow vehicles or recreation vehicles on such ways, but only for such purposes as may be necessary for the health and safety of persons in the area of such emergency; and such regulations shall be rescinded promptly upon the abatement of said emergency.

In the event of a determination by a mayor or board of selectmen, that because of emergency conditions, public ways within a city or town are rendered impassable to conventional motor vehicles, such mayor or board of selectmen, may, without prior notice or public hearing, authorize the director of the local organization for civil defense or the chief of police in said city or town to grant permits to civil defense volunteers to operate snow vehicles on such ways for such purposes as may be necessary to ensure the health and safety of the public. Such permits shall be rescinded promptly upon the abatement of such emergency conditions.

After coming to a full stop a snow vehicle or a recreation vehicle may cross, as directly as possible, a public way, except a controlled access highway, provided that such crossing can be made in a safe manner and it does not interfere with the free movement of vehicular traffic. The operator of a snow vehicle or a recreation vehicle shall yield the right-of-way to all other vehicular traffic when making such crossing.

Whenever it is impracticable to gain immediate access to an area adjacent to a public way where a snow vehicle is to be operated, said snow vehicle may be operated adjacent and parallel to the traveled portion of such public way for the purpose of gaining access to the area of operation. This paragraph shall apply to the operation of a snow vehicle from the point where the snow vehicle is unloaded from a motorized conveyance to the area where the snow vehicle is to be operated, or from the area where

operated to a motorized conveyance when such loading or unloading cannot be effected in the immediate vicinity of the area of operation without causing a hazard to vehicular traffic approaching from either direction on said way. Such loading or unloading must be accomplished with due regard to safety, at the nearest possible point to the area of operation.

Except as herein provided, no snow vehicle or recreational vehicle shall be operated on the main traveled portion of a way, or on that portion of a way that has been plowed or on a snow bank immediately adjacent to the plowed portion of the way.

Snow vehicles or recreation vehicles may be operated on any way that is not maintained or used for the operation of conventional motor vehicles.

Any vehicle registered under chapter ninety B may be pushed across any way. It may also be pushed adjacent to such way provided at no time shall such vehicle interfere with the normal flow of traffic.

Chapter 90B: Section 26. No one shall operate a snow vehicle or recreation vehicle so as to endanger any person or property.

No one shall operate a snow vehicle or a recreation vehicle in a reforested or planted area in a manner to cause damage to growing stock.

No one under the age of sixteen and one half years of age shall operate a snow vehicle or a recreation vehicle across a public highway. No one under fourteen years of age shall operate a snow vehicle or a recreation vehicle unless directly supervised by an adult.

Every person operating or riding in or on a recreation vehicle or a snow vehicle or on a sled attached thereto shall wear protective headgear conforming with such minimum standards for construction and performance as the registrar of motor vehicles may prescribe.

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

No one shall operate a snow vehicle or recreation vehicle in a manner to harass deer or other wildlife.

No one shall operate a snow vehicle or recreation vehicle while under the influence of intoxicating liquor or narcotic drugs.

No one shall carry a firearm, rifle or shotgun in or on a snow vehicle or a recreation vehicle or on a trailer or sled attached thereto unless such firearm, rifle or shotgun is unloaded and in an enclosed case, unless he is a law enforcement officer or other person authorized to carry arms as specifically described in section thirty-two, or a paraplegic as provided in section sixty-five of chapter one hundred and thirty-one.

A motor vehicle operator's license or learner's permit shall not be required for the operation of a snow vehicle or a recreation vehicle.

Chapter 90B: Section 27. The operator or owner of a snow vehicle or a recreation vehicle involved in a collision, crash or other such casualty resulting in death or injury to a person or damage to property in excess of fifty dollars shall notify a law enforcement officer immediately and file a report of the incident with the division within forty-eight hours, on forms prescribed by the director.

Chapter 90B: Section 28. The director may suspend or revoke the registration of a snow vehicle or a recreation vehicle, after a hearing, for good cause which shall include, but not be limited to:^a

(1) non-ownership by the applicant;

(2) the failure of said vehicle to meet equipment standards after the owner has received notice to comply with the standards;

(3) operation of such vehicle improperly or in such a manner as to cause damage to any property or death or injury to any person, or that the registrant has allowed or permitted such vehicle to be so operated.

Chapter 90B: Section 29. The director shall, after a public hearing make, alter, amend or rescind rules and regulations governing the use and operation of snow vehicles and recreation vehicles.

Chapter 90B: Section 30. A recreational vehicle owned by a resident in another state may be deemed to be registered in the commonwealth if it is registered in accordance with the laws of the state in which the owner of such vehicle resides, but only to the extent that a similar registration exemption or privilege is granted under the laws of said state for recreational vehicles registered in the commonwealth; provided, however, that the commissioner of fisheries, wildlife and environmental law enforcement shall designate which states shall be granted said exemption or privilege.

Chapter 90B: Section 31. Snow vehicles and recreation vehicles shall be considered as personal property for purposes of assessment by municipalities.

Chapter 90B: Section 32. The provisions of sections twenty-one to thirty-four, inclusive, and of all the rules and regulations made under the authority thereof shall be enforced by the commissioner, his assistants, the director, deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement, environmental police officers and deputy environmental police officers of the department of fisheries, wildlife and environmental law enforcement, wardens as defined in section one of chapter one hundred and thirty-one, police officers, members of the state police and by city and town police officers. Whoever while operating or in charge of any snow vehicle or recreation vehicle, other than on property owned by him, refuses to stop such vehicle after having been requested or signalled to do so by any such officer, or whoever refuses to give his true and correct name and address or refuses to display the certificate of number of such vehicle and surrender to such officer for examination shall be punished by a fine of not more than fifty dollars. Such officers may, in the performance of their duty, enter upon and pass through or over private lands or property.

Every officer authorized to enforce the provisions of this chapter, or any rule, regulation, ordinance or by-law made under authority hereof, shall report to the director, on forms provided by him and in such manner as he may prescribe, every violation of such chapter, rule, regulation, ordinance or by-law.

Chapter 90B: Section 33. Nothing contained in sections twenty-one to thirty-two, inclusive, shall be construed to supersede the powers of any department of the commonwealth, nor of any city, town, commission or body having authority to regulate the use of lands, waters or ways within their respective control, or jurisdiction from adopting rules, regulations, ordinances or by-laws not repugnant to law with respect to the operation of snow vehicles or recreation vehicles on such lands, waters or ways, including the prohibition of such operation, nor shall anything contained in said sections be deemed to constitute a license to operate said vehicle on private land. Any person who operates a snowmobile upon the land of another shall stop and identify himself upon the request of the landowner or his duly authorized representative, and, if requested to do so by the owner or representative, shall promptly remove said snowmobile from the premises.

Chapter 90B: Section 34. Whoever violates any provision of sections twenty-one to twenty-four, inclusive, twenty-six to twenty-eight, inclusive, and thirty to thirty-three, inclusive, or any rule or regulation made thereunder, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars. Whoever violates any provision of section twenty-five or section twenty-nine, or of any rule or regulation made thereunder, shall be punished by a fine of not less than fifty dollars nor more than three hundred dollars, or by imprisonment in a jail or house of correction for not more than sixty days or both.

323 CMR 3.00: THE USE OF RECREATION VEHICLES AND SNOW VEHICLES

Section

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3.01: Purpose and Scope

The purpose and scope of 323 CMR 3.00 is to protect the public welfare and safety by establishing rules of conduct governing the operation of recreation and snow vehicles, by promoting voluntary compliance with the rules, and when necessary by deterring, through fines and penalties, noncompliance with the rules. The Division of Law Enforcement intends to enhance, through the rules, its ability to improve the safe and appropriate use of recreation and snow vehicles.

3.02: Definitions

Dealer means any person, firm, corporation or entity engaged in the business of buying, selling or exchanging recreation vehicles, snow vehicles, or both at an established or permanent place of business in the Commonwealth, with each such place maintaining a sign conspicuously displayed showing the name of the dealership and indicating that recreation vehicles or snow vehicles may be purchased at such place, so that it may be located and identified as a recreation vehicle or snow vehicle dealer by the public.

Directly supervised, for the purposes of M.G.L. c. 90B, § 26 and 323 CMR 3.03(1), means in the case of a supervised person between the ages of 12 and 14 that the supervising adult shall be at

all times sufficiently close to the supervised person so as to supervise operation of the vehicle by communicating visually or orally with such person, taking into account the noise of both vehicles and the fact that operators are required to wear protective headgear.

Director means the Director of the Division of Law Enforcement or his designee.

Division means the Division of Law Enforcement, 100 Cambridge Street, Room 1901, Boston, Massachusetts 02202.

Express or implied consent of said manufacturer or dealer, for the purpose of M.G.L. c. 90B, § 22, means that the recreation vehicle or snow vehicle is operated solely for the purpose of testing or demonstration directly related to the sale of such particular vehicle or a substantially similar vehicle; that a representative of the manufacturer or dealer other than the prospective purchaser(s) is present throughout such testing or demonstration, or that such consent is stated in writing and is carried on the person and shall include without limitation the name of the manufacturer or dealer, the name of the recipient of the consent, the registration numbers of the vehicle and the date of the consent provided that no such consent may be granted for a period of greater than 24 hours.

Nighttime means that period of time from sunset to sunrise as determined by the chart set forth at 323 CMR 2.02 under the definition of nighttime in the division's regulations affecting motorboats and boating.

Operate.

(a) for purposes of M.G.L. c. 90B, § 21 means to ride in or on and control the operation of, or to maintain, suffer or permit the operation of, or to push a snow vehicle or a recreation vehicle;

(b) for purposes of M.G.L. c. 90B, §§ 20 through 35 means:

1. In the case of a person who has custody of a minor between the ages of ten and 14, to knowingly permit or suffer the operation of a snow vehicle or recreation vehicle by such minor between the ages of ten and 14 without direct supervision by a person 18 years old or older; and

2. when acting as a supervising person under M.G.L. c. 90B, § 26 to knowingly permit a person supervised to violate any law regulating operations.

Unsafe condition for the purposes of 323 CMR 3.06 means:

(a) the recreation or snow vehicle is not displaying lights at nighttime;

(b) the recreation or snow vehicle has a fuel leakage;

(c) the person operating the recreation or snow vehicle or each person aboard such vehicle is not wearing the protective headgear required by M.G.L. c. 90B, § 26;

(d) the operator is operating underage in violation of 323 CMR 3.03(1).

(e) the operator is operating under the influence of intoxicating liquor or narcotic drugs, barbituate or marijuana;

(f) the recreation or snow vehicle is being used in a manner which presents a substantial risk of injury or loss of life;

(g) the recreation vehicle is not equipped with a spark arrestor;

(h) the recreation vehicle or snow vehicle is being operated on a way as defined in M.G.L. c. 90, § 1.

3.03: Operation

(1) Age Limit. No person under 14 years of age shall operate a recreation vehicle or a snow vehicle except as provided below:

(a) a person between the ages of 12 and 14 years old may operate a recreation vehicle or a snow vehicle if directly supervised (as defined in 323 CMR 3.02) by a person 18 years old or

older;

(b) a person between the ages of ten and 12 years may operate a recreation vehicle or a snow vehicle if directly supervised (as defined in 323 CMR 3.02) by a person 18 years old or older and the vehicle is operated on land on which the operator is domiciled; or

(c) A person under 14 years of age may operate a recreation vehicle or snow vehicle in a sanctioned race, rally or organized event which has been authorized or approved by the appropriate local authority.

(d) No person under ten years of age shall operate a snow vehicle or recreation vehicle under any circumstances.

(2) Property Owner Permission.

(a) No person shall operate a recreation vehicle on the property of another without permission of the owner of such property, his agent or lessee; or

(b) a snow vehicle on public property of another without permission of the owner of such property, his agent or lessee; except in cases of emergency. Permission may be given to an individual, association or other organization.

(c) No person shall operate a snow vehicle on private property of another without permission of the owner of such property, his agent or lessee, provided in the manner required by the provisions of M.G.L. c. 90B, § 26, paragraph 4.

(3) Distance from Residences. No person shall operate a snow vehicle or recreational vehicle within 150 feet of an occupied residence without the permission of the owner of such residence, his agent or lessee, except in cases of emergency, when directly departing or returning to such residence or when operating on the property of another for which permission has been granted. Permission may be given to an individual, club, association or other organization.

(4) Speed. No person shall operate a snow vehicle or recreation vehicle at a speed greater than is reasonable, prudent, proper and safe under all the existing circumstances.

(5) Passing. The operator of a snow vehicle or recreation vehicle, when approaching a skier, snowshoer, hiker or other foot traveller or a horseback rider, shall immediately slow his vehicle to minimum safe operating speed, shall give such person the right of way, shall not pass until it can be accomplished with complete safety, and shall not accelerate the vehicle until there is a reasonable distance of not less than 50 feet from such person. Wherever possible, all snow and recreation vehicles shall keep to the right side of trails.

(6) Snow Cover. No person shall operate a snow vehicle on any public land where such operation is otherwise permitted by the agency in charge thereof, unless such land is covered by snow to a minimum average depth of four inches of packed snow or such other depth as is determined by the person in charge of said land or his designee to be sufficient to preserve the ground cover.

(7) Protection of Property. The operator of a snow vehicle or recreation vehicle when on land of another shall not, without the permission of the owner, remove or deface any sign, vegetation, poster, building or other property, or remove any barrier or alter any fence without restoring or replacing said barrier or fence.

(8) Protection of Wildlife. No person shall operate a snow vehicle or recreation vehicle in a manner so as to harass, chase or otherwise molest deer or any other animals or birds or operate said vehicle within 300 yards of a deer yard. The Director of the Division of Fisheries and Wildlife may designate and post, on public or private land, deer wintering areas or other wildlife protection areas and no snow or recreation vehicle shall be operated within those areas.

(9) Protection of Ocean Beaches and Sand Dunes. No person shall operate a snow vehicle or recreation vehicle on an ocean beach or sand dune in a manner so as to destroy, damage or

breakdown any beach, dune or dune grass.

(10) Wetlands. No person shall operate a recreation vehicle on a wetland (i.e. a bog, marsh, or swamp) as defined by M.G.L. c. 131, § 40A so as to destroy or damage wetland plants if such area has been designated and posted as a protected wetland area by the Director of the Division of Fisheries and Wildlife or by the Director of the Division of Wetlands and Waterways. Either of such Directors may designate and post, on public or private land, protected wetland areas.

3.04: Towing

(1) Authorization. If deemed necessary for the protection of public safety by any person authorized to enforce M.G.L. c. 90B, §§ 20 through 35 such person may cause a snow vehicle, recreation vehicle or unregistered motor vehicle on public land to be moved by placing such vehicle in tow or by directing that a towing service move such vehicle:

(a) when the operator of the snow vehicle or recreation vehicle willfully neglects or refuses to obey the order of a person authorized to enforce M.G.L. c. 90B, §§ 20 through 35;

(b) when the operator of a snow vehicle or recreation vehicle is placed under arrest;

(c) whenever a recreation vehicle, snow vehicle or motor vehicle is abandoned; or

(d) whenever the use of such vehicle has been terminated as unsafe under 323 CMR 3.06.

(2) Liability. In the event a vehicle is towed pursuant to 323 CMR 3.04(1) or otherwise is lawfully towed, any person authorized to enforce M.G.L. c. 90B, §§ 20 through 35 shall not be liable for any act or omission in providing or arranging such towage or other assistance unless such person acts recklessly or with gross negligence.

(3) Disposition. If a vehicle is towed pursuant to 323 CMR 3.00 the owner of such vehicle shall be liable for the cost of such tow and such vehicle shall be held and disposed of pursuant to procedures parallel to those prescribed by M.G.L. c. 135.

(4) Presumption. For purposes of 323 CMR 3.00 a snow vehicle or recreation vehicle shall be presumed to be abandoned if left on property of another without consent and unattended for 72 hours or more. The last owner of record of a recreation or snow vehicle at the time it was abandoned shall be presumed to be the person who abandoned the same or caused or procured its abandonment unless such vehicle has been reported as stolen.

3.05: Registration Numbers and Decal

(1) Registration Decal Placement - Snowmobile. For all snow vehicles, the registration number assigned by the Director shall:

(a) Be displayed on a decal provided by the Director and

(b) Such decal shall be affixed to the left side cowling of the snow vehicle or on the lower left side of the windshield, so as to be clearly visible and

(c) The vehicle's owner shall also display in the upper left hand corner of such decal, the current validation sticker.

(2) Registration Decal Placement - Recreation Vehicles. For all recreation vehicles, the registration number assigned by the Director shall be displayed on a plate provided by the Director and such plate shall be displayed on the back of such vehicle. In addition to displaying such plate, the owner of such vehicle shall display in the upper left corner of such plate the current registration decal of Division of Law Enforcement.

(3) All snow vehicles or recreation vehicles used specifically in the training of environmental police officers, deputy environmental police officers, or other law enforcement officers, in an area designated by the Director for such purposes, need not meet the registration requirements for such vehicles.

(4) Maintenance. The said current decal, sticker, or plate shall be kept clean and readable and shall not be obscured by the installation of any device or in any manner.

(5) Replacement. If any decal, sticker, or plate as the case may be, supplied by the Director is lost, or mutilated or become illegible, the owner or person responsible for the control of the vehicle for which said decal, sticker or plate, was furnished shall as soon as practical make application for replacement of same and thereupon the Director may issue to such applicant a permit allowing use of a temporary number until a replacement decal bearing the registration number is issued to said applicant, provided that any such temporary number used shall conform to the extent practicable, the regime required by 323 CMR 3.00.

(6) Other Plates. No stickers, numbers, decals, number plates other than such as required by 323 CMR 3.00 shall be displayed on any vehicle, except for those required for operation in another state or locality or issued to designate permission to operate on particular land or lands. Stickers used to determine trail access may be displayed on the windshield of any vehicle.

3.06: Termination of Use

Any officer authorized to enforce M.G.L. c. 90B, §§ 20 through 35 who observes a snow vehicle or recreation vehicle being used in an unsafe condition, as defined in 323 CMR 3.02, and which presents a substantial risk of injury or loss of life by the use of such vehicle, may terminate such use and direct the operator to take whatever immediate and corrective steps are necessary for the safety of the operator, any passengers, and the public, including, but not limited to, directing the operator to cease operation until operation is deemed to be safe.

3.07: Equipment

(1) Lights. No person shall operate a snow vehicle or recreation vehicle without displaying one or more lighted headlights and a lighted taillight during the nighttime or at any time when, due to insufficient light or unfavorable atmospheric conditions caused by snow, fog or otherwise, other persons, vehicles, or other objects are not clearly discernible for a distance of 300 feet.

(2) Brakes. No person shall operate a snow vehicle or recreation vehicle that does not have brakes adequate to control the movement of the vehicle and to stop and hold it under any condition of operation.

(3) Muffler. No person shall use a muffler cut-out, by-pass, straight pipe or similar device on a snow vehicle or recreation vehicle.

(4) Spark Arrestor. No person shall operate a recreation vehicle other than a snowmobile unless it is equipped with a suitable spark arrestor.

3.08: Dealers

(1) Permits. Every dealer in recreation vehicles and/or snow vehicles shall be permitted by the Director. No dealer in recreation vehicles and/or snow vehicles shall sell or offer for sale such a vehicle unless holding a permit from the Director.

(2) Forms. A dealer shall apply for a permit on forms provided and filed with the Director and by paying the requisite fee.

(3) Display. The permit issued by the Director shall be conspicuously displayed by the dealer at its place of business.

(4) Information. No dealer shall sell a recreation vehicle or snow vehicle without securing from such person the name and current address of the owner of the vehicle on a form provided by the Director.

(5) Notice. Within 30 days of the sale of a snow vehicle or recreation vehicle by a dealer, such dealer shall provide the Director with the name and address of the purchaser of such vehicle on a form provided by the Director.

(6) Literature. At the time of sale of any recreation vehicle or snow vehicle by a dealer such dealer shall deliver to the purchaser a copy of any appropriate informational literature or brochure provided by the Division to the dealer for such purpose.

(7) Suspension or Revocation. Failure to comply with any provision of 323 CMR 3.08 may subject the dealer's permit to suspension or revocation by the Director, any suspension or revocation shall be in accordance with the provisions of M.G.L. c. 30A.

3.09: Local Laws

Nothing in 323 CMR 3.00 shall prohibit a city or town from adopting more stringent bylaws or ordinances, or public agencies from adopting more stringent regulations concerning land under such agency's management. Nothing in 323 CMR 3.00 shall supersede any limitations on use contained in M.G.L. c. 90B.

3.10: Penalties

(1) For purposes of M.G.L. c. 90B, § 34 any violation of 323 CMR 3.03 shall be deemed a violation of M.G.L. c. 90B, § 26.

(2) For purposes of M.G.L. c. 90B, § 34 any violation of 323 CMR 3.05 shall be deemed a violation of M.G.L. c. 90B, § 22.

(3) For purposes of M.G.L. c. 90B, § 34 any violation of 323 CMR 3.07 shall be deemed a violation of M.G.L. c. 90B, § 24.

(4) For purposes of M.G.L. c. 90B, § 34 any violation of 323 CMR 3.08 shall be deemed a violation of M.G.L. c. 90B, § 22.