A BILL FOR AN ACT

RELATING TO OFF-HIGHWAY MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

| the land or premises of another without the permission of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 1 | SECT | ION 1. Section 708-815, Hawaii Revised Statutes, is |
|--|----|------------|---|
| 4 offense of simple trespass if [the]: 5 (a) The person knowingly enters or remains unlawfully in or upon premises[-]; or 7 (b) The person operates an off-highway motor vehicle upon the land or premises of another without the permission of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 2 | amended t | o read as follows: |
| 5 (a) The person knowingly enters or remains unlawfully in or upon premises[-]; or 7 (b) The person operates an off-highway motor vehicle upon the land or premises of another without the permission of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. 14 (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: 16 (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 3 | "§70 | 8-815 Simple trespass. (1) A person commits the |
| or upon premises[-]; or (b) The person operates an off-highway motor vehicle upon the land or premises of another without the permission of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but into the limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 4 | offense o | f simple trespass if [the]: |
| the land or premises of another without the permission of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 5 | <u>(a)</u> | The person knowingly enters or remains unlawfully in |
| the land or premises of another without the permission of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 6 | | or upon premises[+]; or |
| of the owner of the land or premises, the owner's agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 7 | <u>(b)</u> | The person operates an off-highway motor vehicle upon |
| agent, or the person in lawful possession of the land or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 8 | | the land or premises of another without the permission |
| or premises or the person operates an off-highway motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 9 | | of the owner of the land or premises, the owner's |
| motor vehicle without authorization in a public park or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 10 | | agent, or the person in lawful possession of the land |
| or recreational ground. (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 11 | | or premises or the person operates an off-highway |
| (2) For the purposes of this section, unless the context requires otherwise, "off-highway motor vehicle" includes, but not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 12 | | motor vehicle without authorization in a public park |
| requires otherwise, "off-highway motor vehicle" includes, but : not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 13 | | or recreational ground. |
| not limited to, the following: (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 14 | (2) | For the purposes of this section, unless the context |
| 17 (a) Any motorcycle, regardless of whether registered pursuant to section 286-41, that is designed or | 15 | requires | otherwise, "off-highway motor vehicle" includes, but is |
| pursuant to section 286-41, that is designed or | 16 | not limit | ed to, the following: |
| | 17 | <u>(a)</u> | Any motorcycle, regardless of whether registered |
| UD IDD 07 0450 4 | 18 | | |



H.B. NO. 611

JAN 1 9 2007

| 1 | <u> </u> | equipped to be operated off of the highway and over a | |
|----|---|--|--|
| 2 | <u>7</u> | variety of terrain; or | |
| 3 | <u>(b)</u> | Any motor vehicle having three or more wheels, | |
| 4 | Ī | regardless of whether registered under section 286-41, | |
| 5 | <u>t</u> | that is designed or equipped to be operated off of the | |
| 6 | <u>r</u> | nighway on a variety of terrain, commonly referred to | |
| 7 | <u> </u> | as an "all-terrain vehicle," "ATV," or "dune buggy". | |
| 8 | <u>"Off</u> | -highway motor vehicle" does not include emergency | |
| 9 | vehicles. | | |
| 10 | [(2)] <u>(3)</u> Simple trespass is a violation. <u>Simple trespas</u> | | |
| 11 | involving the operation of an off-highway motor vehicle may be | | |
| 12 | punishable by a fine and forfeiture of the off-highway motor | | |
| 13 | vehicle." | | |
| 14 | SECTION 2. This Act does not affect rights and duties that | | |
| 15 | matured, penalties that were incurred, and proceedings that were | | |
| 16 | begun, before its effective date. | | |
| 17 | SECTIO | ON 3. Statutory material to be repealed is bracketed | |
| 18 | and stricke | en. New statutory material is underscored. | |
| 19 | SECTIO | ON 4. This Act shall take effect upon its approval. | |
| 20 | | INTRODUCED BY: Civily Evans | |
| | | INTRODUCED BY: Cirly Evans MeloCarroll | |

HB LRB 07-0452.doc

Report Title:

Off-highway motor vehicles

Description:

Classifies the unauthorized operation of an off-highway motor vehicle on another's land as simple trespass.