

JAN 22 2008

A BILL FOR AN ACT

RELATING TO PUBLIC LANDS.

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

1 SECTION 1. The legislature finds that the use and
2 operation of motorcycles, all terrain vehicles, dune buggies,
3 and dirt bikes is prohibited on unencumbered state land, state
4 parks, forest reserves, and public hunting areas. All motorized
5 vehicles are prohibited from operating on beaches, through
6 vegetation, or on any other area that is not a designated
7 roadway. The use and operation of these vehicles has the
8 potential to desecrate sacred burial grounds, further threaten
9 already endangered species, and harm the natural ecosystem on
10 public lands. However, many people have expressed concerns
11 about the ongoing use of off-road vehicles in Hawaii's most
12 sensitive areas.

13 It is the purpose of this Act to prohibit operation of a
14 motor vehicle on land governed by chapter 171, Hawaii Revised
15 Statutes, except on roads, trails, or tracks designated or
16 provided by the department for vehicular use. This Act makes



1 violation of the prohibition a petty misdemeanor and imposes
2 mandatory fines.

3 SECTION 2. Chapter 171, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§171- Prohibitions involving motor vehicles. (a) No
7 person shall operate a motor vehicle on land governed by this
8 chapter except on roads, trails, or tracks designated or
9 provided by the department for vehicular use. Any person who
10 violates this section shall be guilty of a petty misdemeanor and
11 shall be sentenced as follows:

12 (1) For a first offense, by a mandatory fine of not less
13 that \$500 or imprisonment of not more than thirty
14 days, or both;

15 (2) For a second offense within five years of a previous
16 conviction under this section, by a mandatory fine of
17 not less than \$1,000 or imprisonment of not more than
18 thirty days, or both; and

19 (3) For a third or subsequent offense within five years of
20 a second conviction under this section, by a mandatory
21 fine of not less than \$2,000 or imprisonment of not
22 more than thirty days, or both.



1 (b) Any criminal action against a person for any violation
 2 under this section shall not be deemed to preclude the State
 3 from pursuing civil legal action to recover administrative fines
 4 and costs against the person. Any civil legal action against a
 5 person to recover administrative fines and costs for any
 6 violation of chapter 171 and rules adopted thereunder shall not
 7 be deemed to preclude the State from pursuing any criminal action
 8 against that person pursuant to this section.

9 (c) For purposes of this section, "motor vehicle" means
 10 every vehicle that is self-propelled, or propelled by electric
 11 power but not operated on rails, including but not limited to
 12 automobiles, trucks, go-carts, motorcycles, motor scooters,
 13 mopeds, all-terrain vehicles, and dune buggies whether the
 14 vehicle is licensed or unlicensed."

15 SECTION 3. This Act does not affect rights and duties that
 16 matured, penalties that were incurred, and proceedings that were
 17 begun, before its effective date.

18 SECTION 4. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Motor Vehicles; Unencumbered Lands

Description:

Makes operation of motor vehicles on unencumbered lands, other than on roads, trails, or tracks designated or provided by the department of land and natural resources for vehicular use, a petty misdemeanor and imposes mandatory fines.

