

Honolulu, Hawaii

Feb 4, 2008

RE: H.B. No. 2364
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2364 entitled:

"A BILL FOR AN ACT RELATING TO THE SAFETY OF MINORS ON ALL-TERRAIN VEHICLES,"

begs leave to report as follows:

The purpose of this bill is to enhance the health and safety of all-terrain vehicle (ATV) riders under the age of 18 by:

- (1) Requiring the use of a safety helmet when operating an ATV;
- (2) Prohibiting the selling, renting, loaning, or leasing of an ATV unless a safety helmet is provided for the operator of the ATV; and
- (3) Requiring the Director of Transportation to adopt rules establishing specifications and standards for safety helmets offered for sale or sold for use by drivers, operators, and passengers of ATVs.

The Representative of the 19th District, Department of Health, The Queen's Medical Center Trauma Service, Brain Injury Association of Hawaii, Hawaii Medical Association, Keiki Injury Prevention Coalition, and a concerned individual testified in support of this bill. The Honolulu Police Department (HPD) supported the intent of the safety issues contained in this bill



but opposed this bill because of enforcement concerns. A concerned individual submitted comments.

ATVs have been and continue to be used across Hawaii. As with motorcycle and moped riders, ATV riders can expect to experience the same, if not greater, risk ratios for traumatic head injuries when not wearing a helmet. This is especially true for persons under the age of eighteen.

Your Committee finds that safety helmets can reduce the risk of head injuries by as much as 85 percent and the risk of brain injuries by as much as 88 percent, which would save an exorbitant amount of health care costs associated with traumatic head injuries. More importantly, the immeasurable toll and grief experienced by family members and loved ones of individuals with traumatic brain injuries can be avoided by the use of a helmet.

However, your Committee notes the concerns raised by HPD regarding issues of enforcing the provisions of this measure and that this measure contains no penalty provisions for any violations but finds that these concerns would be better addressed by the Committee on Judiciary. Your Committee therefore respectfully asks the Committee on Judiciary to review these concerns at the appropriate time. Nevertheless, the safety of minors operating these vehicles deserves further consideration.

Accordingly, your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2020, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2364, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2364, H.D. 1, and be referred to the Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 2364	Committee Referral: TRN, CPC, JUD	Date: 30 January 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. EVANS, Cindy	/			
4. HAR, Sharon E.	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia		/		
7. McKELVEY, Angus L.K.				/
8. NAKASONE, Bob		/		
9. SONSON, Alex M.				/
10. TAKAMINE, Dwight Y.	/			
11. TAKUMI, Roy M.		/		
12. MEYER, Colleen Rose				/
13. PINE, Kymberly Marcos	/			
TOTAL (13)	7	3		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center;">committee acronym(s)</div>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				