

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**House Committee on Transportation**

**HB 2364 RELATING TO THE SAFETY OF MINORS ON ALL-TERRAIN  
VEHICLES**

**Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health**

**January 30, 2008, 9:00am**

1 **Department's Position:** The Department of Health supports HB2364, which mandates the use of safety  
2 helmets by minors when riding all terrain vehicles (ATVs). However, we recommend that the use of  
3 helmets be required for all ATV riders as good public policy in enhancing the safety for both minors and  
4 adults.

5 **Fiscal Implications:** None

6 **Purpose and Justification:** Helmets are the most effective means of preventing head injuries, the  
7 leading cause of death and disability in ATV crashes. Head injuries can produce effects that are  
8 extremely costly, disabling and long-lasting.

9 Thank you for the opportunity to testify.

00045

January 30, 2008 9 a.m.

Conference Room 309, State Capitol

**To:** Chair Joe Souki and Vice-Chair Scott Nishimoto  
Members of the House Committee on Transportation

**From:** Rep. Barbara Marumoto

**Re:** HB 2364; RELATING TO THE SAFETY OF MINORS ON ALL-TERRAIN  
VEHICLES

Good morning Chair Souki, Vice-Chair Nishimoto and members of the House Committee on Transportation. I am in favor of HB 2364 requiring the use of safety helmets for minors riding in All-Terrain Vehicles (ATV's).

Accidents and severe injuries have occurred with minors riding in ATV's. In a 2008 article in Newsweek Magazine entitled "Injury Report Shows All-Terrain Vehicles Not Child's Play", a study of 500 children from 6 to 19 years of age, admitted to the Arkansas Children's Hospital following ATV accidents showed severe injuries.

Head injuries included:

- 85 skull fractures
- 66 cases of hemorrhage
- 59 brain injuries

Spinal injuries included:

- 21 spine fractures
- 5 spinal cord injuries

36 lung injuries

70 injuries to the spleen, liver, kidneys or pancreas

Extremity fractures were found in 208 children with broken legs the most common

12 amputations including 9 partial foot amputations, 1 upper limb amputation, and 1 below the knee amputation

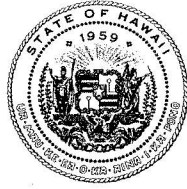
6 fatalities and several cases of long-term disabilities.

The youngest patient was a 6 month old infant riding with his mother. His thigh bone was fractured. One child was found unconscious beside a flipped ATV. She had a severe brain hemorrhage that left her with a permanent disability.

Due to the potential for tremendous disabling injuries and fatalities, I believe we should mandate helmet use for minors riding in ATV's. Thank you for this opportunity to testify.

00046

LINDA LINGLE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA  
INTERIM DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

February 11, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL No. 2364

COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

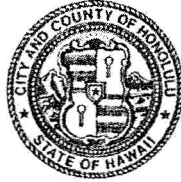
We support this bill with reservations. The Department of Transportation believes that safety helmets should be used when riding all terrain vehicles. However, we have reservations regarding mandating the use of helmets as all terrain vehicles can only be ridden on private property, which is outside of police jurisdiction.

00047

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
MICHAEL D. TUCKER  
DEPUTY CHIEFS

OUR REFERENCE SD-LC

January 30, 2008

The Honorable Joseph M. Souki, Chair  
and Members  
Committee on Transportation  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 2364, Relating to the Safety of Minors on All-Terrain Vehicles (ATV)

I am Captain Evan Ching of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2364, relating to the safety of minors on all-terrain vehicles. This bill requires all minors to wear a safety helmet while operating ATVs.

Because of the safety issues in the bill, the HPD supports its intent. However, the bill is not clear because ATVs cannot be operated on public roadways. This would only apply to private property and the HPD is unable to enforce this violation on private property. We are uncertain if the state Department of Transportation will be able to regulate any activities on private property even if it is for the safety of operators. Lastly, this bill does not have any penalties associated with this new proposed section.

The HPD asks that your committee not pass House Bill No. 2364, as it would be difficult to enforce this law.

Thank you for the opportunity to testify.

Sincerely,

  
EVAN CHING, Captain  
Traffic Division

APPROVED:

  
for: BOISSE P. CORREA  
Chief of Police

January 30, 2008 9 a.m.  
Conference Room 309, State Capitol

**To:** Chair Joe Souki and Vice-Chair Scott Nishimoto  
Members of the House Committee on Transportation

**From:** Rep. Barbara Marumoto

**Re: HB 2364; RELATING TO THE SAFETY OF MINORS ON ALL-TERRAIN VEHICLES**

Good morning Chair Souki, Vice-Chair Nishimoto and members of the House Committee on Transportation. I am in favor of HB 2364 requiring the use of safety helmets for minors riding in All-Terrain Vehicles (ATV's).

Accidents and severe injuries have occurred with minors riding in ATV's. In a 2008 article in Newsweek Magazine entitled "Injury Report Shows All-Terrain Vehicles Not Child's Play", a study of 500 children from 6 to 19 years of age, admitted to the Arkansas Children's Hospital following ATV accidents showed severe injuries.

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The youngest patient was a 6 month old infant riding with his mother. His thigh bone was fractured. One child was found unconscious beside a flipped ATV. She had a severe brain hemorrhage that left her with a permanent disability.

Due to the potential for tremendous disabling injuries and fatalities, I believe we should mandate helmet use for minors riding in ATV's. Thank you for this opportunity to testify.

00040

**mckelvey3**

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**From:** Carolyn Fujioka [carolyn.fujioka.atxn@statefarm.com]  
**Sent:** Friday, February 08, 2008 3:36 PM  
**To:** CPCtestimony  
**Subject:** HB2364, HD1 Testimony

**Testimony to the House Committee on Consumer Protection & Commerce  
Monday, Feb. 11, 2008 2:05 p.m.  
Conference Room 325, State Capitol**

**Re: House Bill 2364, HD1 Relating to the Safety of Minors on All-Terrain Vehicles.**

Chair Herkes, Vice-Chair McKelvey, and committee members:

I am Carolyn Fujioka on behalf of State Farm Mutual Automobile Insurance Company, a mutual company owned by its policyholders. **State Farm supports HB2364, HD1.**

State Farm is vitally concerned with reducing motorized vehicle injuries and deaths on and off roadways. In the interests of our policyholders who ride mopeds, all-terrain vehicles, motorcycles, and other motorized vehicles, and for all of us who pay for the medical and societal costs incurred from the fatalities and severe head injuries of non-helmeted riders, State Farm supports a helmet law and appropriate fines for violations.

Programs that promote voluntary use of helmets do not achieve the high levels of helmet use found in helmet law states. We urge your favorable consideration of House Bill 2364, HD1.

Thank you for the opportunity to testify.

00050



# THE QUEEN'S MEDICAL CENTER

1301 Punchbowl Street • Honolulu, Hawaii 96813 • Phone (808) 538-9011 • Fax: (808) 547-4646

## **HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE**

Representative Robert N. Herkes, Chair

Representative Angus L.K. McKelvey, Vice Chair

Monday, February 11, 2008 – 2:05 p.m.

State Capitol, Conference Room 325

*Deliver to: Vice Chair, Room 315, 5 copies*

### **In Support of HB 2364 HD1, Relating to the Safety of Minors on All-Terrain Vehicles**

Chair Herkes, Vice Chair McKelvey and Members of the Committee:

My name is Sally L. Jones, Trauma Coordinator at The Queen's Medical Center. Dr. Hao Chi Ho, Medical Director of Trauma Services, and I are testifying on behalf of the Trauma Service at The Queen's Medical Center in support of House Bill 2364 HD1, which mandates use of safety helmets by minors when riding all terrain vehicles.

While many recreational activities carry an element of risk, it is important to encourage the use of protective safety equipment, particularly in the case of minors.

The majority of severely injured children who come through our Intensive Care Unit suffer from head injuries. Sadly, many of these injuries result in life-long deficits and a good number of cases are entirely preventable. We would be remiss as a Trauma Service if we did not focus on prevention of these injuries rather than just the treatment. Most physicians would agree that it is extremely difficult to treat a severely injured brain. On behalf of The Queen's Medical Center, we urge you to pass HB 2364 HD1 as Dr. Ho and the entire Trauma Service team strongly believe that too many children visit our Intensive Care Unit.

Thank you for this opportunity to submit testimony on this important bill.

00051

**nishimoto2-Bryce**

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**From:** keiki injury prevention coalition [kipc@hawaiiantel.net]  
**Sent:** Tuesday, January 29, 2008 8:56 AM  
**To:** TRNtestimony  
**Subject:** HB 2364

Submitted by:  
Su Yates  
Director  
Keiki Injury Prevention Coalition  
HB 2364  
House Transportation Committee  
January 30, 9 a.m., Conference Rm. 309

The Keiki Injury Prevention Coalition strongly supports this legislation that would greatly reduce the harm to children of Hawaii who ride on all terrain vehicles(ATV). Across the nation, children have been harmed or killed in far greater numbers than adult riders of all terrain vehicles. Due to the vehicles' design and the landscape traversed, the passengers and drivers of such vehicles are at a far greater risk of crashing into landscape obstacles being thrown from the vehicle, and being crushed when the vehicles overturn, as they frequently do. The ATV is not a sport or a toy, it is a dangerous means of travel and many states across the nation have prohibited the use of ATV's without a helmet. The Keiki Injury Prevention Coalition feels this law is greatly needed and addresses a strong concern of our community. It will benefit children by reducing injuries and deaths to the ATV riders.

Thank you.





**OFFICERS**

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President Elect

Linda Rasmussen, MD  
Immediate Past President

Thomas Kosasa, MD  
Secretary

Jonathan Cho, MD  
Treasurer

Paula Arcena  
Executive Director

January 30, 2008

To: Rep. Joseph Souki, Chair  
Rep. Scott Nishimoto, Vice Chair  
House Transportation Committee

From: Cynthia J. Goto, M.D., President  
Linda Rasmussen, M.D., Legislative Co-Chair  
Philip Hellreich, M.D., Legislative Co-Chair  
Paula Arcena, Executive Director  
Dick Botti, Government Affairs Liaison

**PLEASE DELIVER**

**To Room 309 for:**

**Transportation**

**Committee**

Wed.  
1/30/08  
9am

Re: HB2364 Relating to the Safety of Minors on All-Terrain Vehicles  
(Mandates use of safety helmets by minors when riding all terrain vehicles. Prohibits the lease, rent, loan, or sale of all terrain vehicles to minors unless safety helmet is provided to operator.)

The Hawaii Medical Association strongly supports HB2364. All-terrain vehicles (ATVs) are viewed by many as recreational toys. Few know that more than 254,000 ATV-related injuries were treated in hospitals and doctors' offices in the year 2000 (U.S. Consumer Product Safety Commission). It is estimated these injuries cost the United States more than \$6.5 billion in medical, legal and work loss expenses.

ATVs are especially dangerous for children. Children under 16 accounted for approximately 40 percent of the total ATV-related injuries and deaths in 2000. Few states require a license to operate an ATV and there are no nationally mandated safety standards. With their large, soft tires and high center of gravity, ATVs can reach speeds of up to 50 mph or more. Almost 60 percent of accidents involving ATVs result from tipping and overturning.

As a minimum measure of safety, it should be law that children wear a helmet when riding an ATV.

Thank you for the opportunity to provide testimony on this matter.

Hawaii Medical Association  
1360 S. Beretania St.  
Suite 200  
Honolulu, HI 96814  
(808) 536-7702  
(808) 528-2376 fax  
www.hmaonline.net

00053

# LATE TESTIMONY



## BRAIN INJURY ASSOCIATION OF HAWAII

2201 Waimano Home Road, Bldg. E \* Pearl City, Hawaii 96782

Tel. (808) 454-0699

STATE SENATE  
COMMITTEE ON TRANSPORTATION  
AND GOVERNMENT OPERATIONS  
FEBRUARY 11, 2005, 1:30 pm  
STATE CAPITOL, CONF. RM. 224

<sup>HB 2364</sup> Testimony in support of  
~~SB 48~~, Relating to the Use of Safety Helmets by Minors

TO COMMITTEE CHAIR LORRAINE INOUYE, VICE CHAIR WILL ESPERO, AND  
MEMBERS OF THE COMMITTEE:

The Brain Injury Association of Hawaii (BIA-HI) strongly supports <sup>HB 2364</sup>~~SB 48~~, which requires persons under 18 years of age to wear helmets when operating motorcycles, motor scooters, mopeds, or when riding bicycles.

Brain injury changes not only the life of the individual completely, but the lives of his/her family members as well. Depending on what part of the brain gets injured, the individual may suffer physical, cognitive or behavioral problems, and what is so sad about it is that very few affordable rehabilitative services are available in Hawaii for the survivors after the initial acute care phase.

The best cure for brain injury is PREVENTION. According to statistics gathered by the Brain Injury Association of America, a child is four times more likely to be seriously injured in a bicycle crash than to be kidnapped by a stranger. A single motorcyclist who sustains a brain injury can cost the state more than \$2 million for care and support services over a lifetime. Please, please do not wait until more Hawaii keikis get seriously injured in bicycle, moped or motorcycle accidents. Wearing a helmet can make a big difference. Research studies have shown that the use of helmets reduces the risk of brain injuries by 88%.

As current President of the Brain Injury Association of Hawaii, I urge you to pass this bill. It will help save lives as well as reduce the number of brain injuries related to crashes.

Respectfully Submitted,

Mary E. Wilson  
President, BIA-HI

00054

HOUSE OF REPRESENTATIVES  
COMMITTEE ON TRANSPORTATION

State Capitol, Conf. Rm. 309  
January 30, 2008, 9:00 am

LATE TESTIMONY

Testimony in support of  
HB 2364, Relating to the Safety of Minors on All-Terrain Vehicles

COMMITTEE CHAIR, REP. JOSEPH SOUKI, VICE CHAIR, REP. SCOTT NISHIMOTO, and  
MEMBERS OF THE COMMITTEE:

My name is Lyna Burian, and I am offering written testimony in support of HB 2364, which  
mandates use of safety helmets by minors when riding all-terrain vehicles.

My son, Albert, sustained a traumatic brain injury a little over fifteen years ago, when he was just  
sixteen. Since then, we have met a number of people who sustained brain injuries from accidents  
involving similar types of vehicles, such as bicycles, mopeds, motorcycles, etc. They were not  
wearing helmets at the time of their accidents.

Brain injury changes not only the life of the individual completely, but the lives of his/her family  
members as well. Depending on what part of the brain gets injured, the individual may suffer  
physical, cognitive or behavioral problems, and what is so sad about it is that very few affordable  
rehabilitative services are available in Hawaii for the survivors after the initial acute care phase.

The best cure for brain injury is PREVENTION. According to statistics gathered by the Brain  
Injury Association of America, a child is four times more likely to be seriously injured in a  
bicycle crash than to be kidnapped by a stranger. A single motorcyclist, who sustains a brain  
injury, can cost the state more than \$2 million for care and support services over a lifetime.  
Please do not wait until Hawaii's keikis get seriously injured in all-terrain vehicle accidents.  
Wearing a helmet can make a big difference. Research studies have shown that the use of  
helmets reduces the risk of brain injuries by 88%.

I strongly urge you to support and pass this bill. It will help save lives. It will help reduce the  
number of brain injuries in Hawaii. Thank you very much for this opportunity to give this  
testimony.

Sincerely,

Lyna O. Burian  
Parent of a TBI Survivor  
1515 Nuuanu Avenue, #40  
Honolulu, Hawaii 96817

00055

February 11<sup>th</sup>, 2008

**The Honorable Representative Robert N. Herkes  
House Committee on Consumer Protection and Commerce  
Twenty –Fourth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813**

**Dear Representative Herkes and Members of Committee:**

SUBJECT: HB 2364 Relating to the safety of Minors on All-Terrain Vehicles:

I am writing today to urge your support for House Bill 2364 which mandates the use of helmets by all minors operating All-Terrain vehicles. Although I am not an expert on the issues involved I am writing as a concerned citizen who has examined both sides of this issue and have come to feel that HB 2364 can make a crucial impact in reducing injuries and fatalities among Hawaii's ATV operators; a demographic in which youth are disproportionately represented.

ATV helmets save lives. In 2005, 467 Americans died in ATV accidents. As most of these deaths are caused by head and spinal cord injuries it is clear that many of them would have been prevented had the operator been wearing an ATV helmet. Non-fatal ATV accidents also represent a significant cost to society. ATV accidents commonly result in head, brain and neck injuries many of which can lead to significant long-term disability for the injured operator. Again, the use of an ATV helmet can help to protect riders from suffering these injuries and thereby avoid needless suffering and significant healthcare costs.

Importantly, in the states where use of ATV helmets is required by law studies show that fatality rates are substantially lower than in those states where helmets are not mandated. It is also important to realize that this issue is of ever increasing importance. Notably, U.S. Consumer Product Safety Commission (CPSC) statistics, indicate that in the last ten years the number of serious injuries and deaths due to ATV accidents has more than doubled.

In recognition of this trend, and to protect Hawaii's citizens from future tragedy, I urge the Committee to pass HB 2364. Thank you the oppourtunity to testify on this measure.

Sincerely,

Michael Gatti