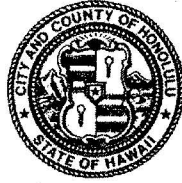


LLD

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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MAYOR



BOISSE P. CORREA  
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PAUL D. PUTZULU  
MICHAEL D. TUCKER  
DEPUTY CHIEFS

OUR REFERENCE SD-LC

February 11, 2008

The Honorable Robert N. Herkes, Chair  
and Members  
Committee on Consumer Protection  
and Commerce  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

LATE TESTIMONY

Dear Chair Waters and Members:

Subject: House Bill No. 2364, H.D. 1, 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, H.D. 1, 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.

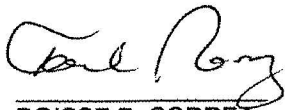
The HPD asks that your committee not pass House Bill No. 2364, H.D. 1, as it would be difficult to enforce this law.

Thank you for the opportunity to testify.

Sincerely,

  
EVAN CHING, Captain  
Traffic Division

APPROVED:

  
For: BOISSE P. CORREA  
Chief of Police



*OFFICERS*

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1360 S. Beretania St.  
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**LATE TESTIMONY**

February 11, 2008

To: Rep. Robert Herkes, Chair  
Rep. Angus McKelvey, Vice Chair  
House Consumer Protection & Commerce  
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

Re: HB2364, HD1 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.

**PLEASE DELIVER TO  
House CPC Committee**

Monday  
2-11-08  
2:05pm  
Room 325