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GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
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STATE OF HAWAII  
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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.

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.



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January 30, 2008

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

From: Cynthia J. Goto, M.D., President  
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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.

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## nishimoto2-Bryce

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**From:** keiki injury prevention coalition [kipc@hawaiiintel.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.

**JAY M. MARUMOTO M.D. INC.**  
ARTHROSCOPIC AND RECONSTRUCTIVE SURGERY  
ORTHOPEDIC SURGERY AND SPORTS MEDICINE

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Date: January 29, 2008

To: Representative Joseph Souki, Chair  
Representative Scott Nishimoto, Vice Chair  
Members of the House Committee on Transportation

From: Jay M. Marumoto, M.D.

Re: ATV Safety for Minors  
HB 2364

This recent Newsweek article may be of interest to you.

# Accidents will Happen...

ATVs are cool to ride, but thousands of kids are getting hurt, and some are dying.

BY JULIE SCELFO

IT WAS SUPPOSED TO BE FUN. HANGING out with his cousin on a sunny Texas afternoon in 2005, B. J. Smith, then 15, decided to go for a spin on his uncle's new all-terrain vehicle. Even though the boys had been told not to go near the 386-pound machine unsupervised, B.J., a handsome kid with a football player's build, wanted to see what the 350cc ATV could do. With nothing but open road in front of him, B.J., who had been riding motorcycles since he was 5, reached nearly 60mph. Then a dog ran out unexpectedly and clipped the front wheel. B.J.'s life was forever altered. "He lost control of the ATV, and basically he flew 25 feet and hit the street with his head," says his mom, Kim. Blood poured from his eyes, ears, nose and mouth. Doctors said B.J. had only a 10 percent chance of survival. "His brain was so swollen they had to cut out a piece of his skull," recalls Kim. "He's my only child. It was absolutely horrible."

With summer on its way, ATV enthusiasts are gearing up for a chance to get muddy. But ERs across the country are bracing for an influx of young patients like B. J. Smith. The number of ATV-related emergency-room visits in the United States has more than doubled in recent years, from 52,200 in 1995 to 136,700 in 2005. Sadly, children younger than 16 account for roughly one third of all ATV-related deaths and injuries. "It's a national epidemic," says Dr. Gary Smith, director of the Center for Injury Research and Policy at Columbus Children's Hospital and chair of an American Academy of Pediatrics (AAP) committee on injury prevention. It's also costly: a recent study concluded that Ohio has in excess of 10,000 ER visits each year for ATV-related injuries, which translates into \$30 million in annual hospital charges.

"And that's just one state," says Smith.

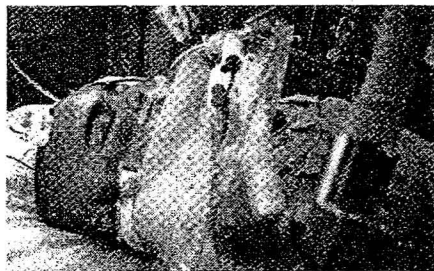
Despite the high injury rates, ATV sales during each of the past five years have been about 850,000, up from 326,000 in 1996. The U.S. Consumer Product Safety Commission long ago issued guidelines for ATV safety, but despite the warnings—and a slew of stickers, signs and a free safety-training course from major ATV manufacturers—parents and kids often disregard the risks. "ATVs are fun, and they're safe when they're ridden responsibly by a well-trained rider," says Mike Mount, spokesman for the Specialty Vehicle Institute of America, an industry group. "Unfortunately, some riders choose not to heed the safety warnings provided."

More than 30 states have laws prohibiting young children from riding ATVs, but the restrictions often include a waiver if the

children are supervised, or apply only to riding on public lands. Other states outlaw extra passengers or require helmets, but few states have gone as far as North Carolina, which in October began requiring safety training for all recreational riders born after Jan. 1, 1990. The AAP has called for legislation in all states prohibiting children under 16 from using ATVs. Kids, the docs say, simply don't have the cognitive skills, size or strength to operate the vehicles safely. "One can argue that ATVs are even more difficult to drive than a car," says Dr. Denise Dowd, a member of the AAP's injury-prevention committee, citing the need to repeatedly shift balance while riding.

Next week a Senate subcommittee is scheduled to hold a hearing on whether there should be federal restrictions. Meanwhile, major ATV manufacturers,

## There were 136,700 ATV-related ER visits in 2005; 40,400 of them involved kids under 16.



**TRAUMA:** Smith in the hospital after his crash (above) and heading home with his dad after six months of treatment for brain and other injuries



aware that many parents permit youngsters to ride adult models, are introducing "transitional" ATVs, aimed at picky teenagers. They don't look like kiddie bikes, but aren't as powerful as adult ATVs. Critics, like the Consumer Federation of America's Rachel Weintraub, say they just confuse the issue. "There's no evidence adolescents can safely operate ATVs," says Weintraub. "What we need is tighter regulations, not more bikes."

For people like B. J. Smith, who lives with traumatic brain injury, and Katie Kearney, whose 8-year-old son, Sean, died in an ATV accident on Oct. 27, strong state or federal laws that follow AAP guidelines are overdue. "While most people were choosing Halloween costumes," says Kearney, "we were choosing what our son was going to wear for his wake." ■