



## HOUSE OF REPRESENTATIVES

STATE OF HAWAII  
STATE CAPITOL  
HONOLULU, HAWAII 96813

Date : Feb. 17, 2009

## LATE TESTIMONY

To : Rep. Joe Souki, Chair  
Rep. Karen Awana, Vice Chair,  
Members of the House Committee on Transportation

From : Rep. Barbara Marumoto *BMM*

Re : HB 795 – Prohibition of Minors' Use of ATVs – IN FAVOR

In 2007, 151,000 people in the USA were injured using ATVs and 40,000 of those were children under 16 years of age – 27% according to the Consumer Product Safety Commission.

542 ATV related deaths were reported – 107 were children under 16 years.

Hawaii has seen at least 16 deaths from 2001 – 2008. Thankfully, only two minors have died. In one case a 13 year old Ka'u boy collided into another ATV. He was ejected onto the street and died of severe head injuries. In another case, a 3 year old Wailuku toddler died when the ATV his father was controlling overturned in the backyard. His 6 year-old cousin escaped with minor injuries.

The American Academy of Pediatrics recommends:

- Children under 16 should not operate ATVs.
- A drivers license should be required to operate an ATV on public lands.
- Alcohol use should be prohibited.
- ATV use should be banned on paved roads on public land.
- Appropriate protective gear should be required on public lands.
- Carrying passengers on ATVs should be prohibited.
- ATVs should not be operated before sunrise or after sunset.

Some accident reports are attached. Protect our young people – pass this Keiki Caucus bill.  
Mahalo!

**Representative Barbara Marumoto**  
State Capitol Room 304, Honolulu HI 96813  
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# LATE TESTIMONY

ATVS HAWAII: 2001 TO THE PRESENT  
REPORTED INCIDENTS

07:37 Friday, December 5, 2008 1

U.S. CONSUMER PRODUCT SAFETY COMMISSION - NATIONAL INJURY INFORMATION CLEARINGHOUSE

- |   |   |               |                             |                             |                                      |
|---|---|---------------|-----------------------------|-----------------------------|--------------------------------------|
| 1 | F03A5001A   |               | DATE REC/ISSUE: 031010 / 2  | TYPE CONTACT: MECAP         | CONFIRMED:                           |
|   | DATE INCIDENT: 030614   |               | DATE ENTERED : 031024       | CITY/STATE : KAPAAU, HI     | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 051 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3286 ALL-TERRAIN VEHICLES, 4 WHEELS ONLY (E   |               |                             |                             |                                      |
|   | 2ND PRODUCT : 1234 TREEHOUSES OR PLAYHOUSES   |               |                             |                             |                                      |
|   | NARRATIVE : A MALE 4-WHEEL ATV OPERATOR, AGE 51, DIED OF INJURY RECEIVED WHEN THROWN OFF HIS ATV WHILE RIDING AT HOME. HE WAS NOT WEARING A HELMET AND STRUCK A TREE HOUSE TELEPHONE POLE. 03-0804                |               |                             |                             |                                      |
| 2 | F0473004A   | 040709HWE3004 | DATE REC/ISSUE: 040803 / 45 | TYPE CONTACT: NEWS CLIP     | CONFIRMED:                           |
|   | DATE INCIDENT: 040706   |               | DATE ENTERED : 040817       | CITY/STATE : WAILUKU, HI    | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 003 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | NARRATIVE : A BOY, AGE 3, DIED AFTER HE WAS INJURED IN AN ATV ACCIDENT IN THE BACKYARD OF HIS HOME. HE WAS RIDING WITH HIS FATHER & A COUSIN, AGE 6, WHEN THE ATV OVERTURNED. HIS COUSIN SUFFERED MINOR INJURIES. |               |                             |                             |                                      |
| 3 | F0575002A   | 050704HWE5002 | DATE REC/ISSUE: 050707 / 41 | TYPE CONTACT:               | 5CONFIRMED:                          |
|   | DATE INCIDENT: 050605   |               | DATE ENTERED : 050722       | CITY/STATE : MOKULE'IA, HI  | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 031 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3286 ALL-TERRAIN VEHICLES, 4 WHEELS ONLY (E   |               |                             |                             |                                      |
|   | NARRATIVE : A MAN, AGE 31, DIED OF INJURIES WHEN HE LOST CONTROL OF HIS ALL-TERRAIN VEHICLE AND WAS THROWN HEAD-FIRST ONTO ROCKS.   |               |                             |                             |                                      |
| 4 | F05C3001A   | 051201HWE3001 | DATE REC/ISSUE: 051206 / 10 | TYPE CONTACT:               | 5CONFIRMED:                          |
|   | DATE INCIDENT: 051115   |               | DATE ENTERED : 060103       | CITY/STATE : HILO, HI       | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 020 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | NARRATIVE : A MALE ATV OPERATOR, AGE 20, DIED AFTER HITTING A ROCK WALL ON A PRIVATE, UNPAVED STREET. HE WAS SPEEDING AND NOT WEARING A HELMET.   |               |                             |                             |                                      |
| 5 | F05C3001B   | 051201HWE3002 | DATE REC/ISSUE: 051206 / 10 | TYPE CONTACT:               | 5CONFIRMED:                          |
|   | DATE INCIDENT: 051116   |               | DATE ENTERED : 060103       | CITY/STATE : HILO, HI       | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 064 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | NARRATIVE : A MALE ATV OPERATOR, AGE 64, DIED WHEN HE RAN OFF HIS DRIVEWAY AND HIT A TREE STUMP WHILE RIDING UP HIS GRAVEL DRIVEWAY.  |               |                             |                             |                                      |
| 6 | N05A0362A   | 051026HWE5012 | DATE REC/ISSUE: 051027 / 4  | TYPE CONTACT:               | 5CONFIRMED:                          |
|   | DATE INCIDENT: 051000   |               | DATE ENTERED : 051115       | CITY/STATE : HILO, HI       | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 044 / F   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | NARRATIVE : A 44 YEAR OLD FEMALE, DIED FROM INJURIES SHE SUSTAINED, WHEN THE ATV SHE WAS DRIVING VEERED OFF A PRIVATE DRIVEWAY & STRUCK A TREE.   |               |                             |                             |                                      |
| 7 | N0660529A   | 060623HWE5424 | DATE REC/ISSUE: 060626 / 39 | TYPE CONTACT:               | 5CONFIRMED:                          |
|   | DATE INCIDENT: 060616   |               | DATE ENTERED : 060711       | CITY/STATE : WAIANAE, HI    | HAZARD: COLLISION WITH MOTOR VEHICLE |
|   | AGE/SEX : 030 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | NARRATIVE : A MAN, AGE 30, DIED AFTER HIS ATV COLLIDED WITH A CAR & HE WAS EJECTED FROM THE ATV.  |               |                             |                             |                                      |
| 8 | N0680429A   | 060821HWE5509 | DATE REC/ISSUE: 060822 / 47 | TYPE CONTACT:               | 5CONFIRMED:                          |
|   | DATE INCIDENT: 060818   |               | DATE ENTERED : 060914       | CITY/STATE : BIG ISLAND, HI | HAZARD: VEHICLE OR MACHINERY INCIDE  |
|   | AGE/SEX : 013 / M   |               | DISP : DOA                  | WORK RELATED: N             |                                      |
|   | 1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | 2ND PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E   |               |                             |                             |                                      |
|   | NARRATIVE : A 13-YEAR-OLD BOY DIED FROM SEVERE HEAD INJURIES WHEN HIS ALL-TERRAIN VEHICLE CRASHED INTO ANOTHER ATV. NEITHER RIDER WAS WEARING A HELMET.   |               |                             |                             |                                      |

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# LATE TESTIMONY

ATVS HAWAII: 2001 TO THE PRESENT  
REPORTED INCIDENTS

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- 9 N0710092A DATE RECV/ISSUE: 070105 / 14 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 061216 DATE ENTERED : 070109 CITY/STATE : HONOLULU, HI  
AGE/SEX : 022 / M DISP : HOSP WORK RELATED: N HAZARD: VEHICLE OR MACHINERY INCIDE  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A MAN, AGE 22, WAS IN CRITICAL CONDITION AND HOSPITALIZED WHEN HE WAS  
STRUCK BY AN ALL-TERRAIN VEHICLE. THE ATV DRIVER, AGE 34, WHO WAS  
WEARING A HELMET, WAS EJECTED FROM THE VEHICLE & TAKEN TO THE  
HOSPITAL IN STABLE CONDITION. *death?*
- 10 N0740261A 070413HWE5850 DATE RECV/ISSUE: 070416 / 29 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 070407 DATE ENTERED : 070423 CITY/STATE : ELE'ELE, HI  
AGE/SEX : 039 / M DISP : DOA WORK RELATED: N HAZARD: VEHICLE OR MACHINERY INCIDE  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A 39 YEAR OLD MAN DIED WHEN THE ATV HE WAS LOADING ONTO A PICKUP  
TRUCK OVERTURNED AND LANDED ON HIM.
- 11 N0770535A DATE RECV/ISSUE: 070731 / 44 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 070630 DATE ENTERED : 070824 CITY/STATE : LAIE, HI  
AGE/SEX : 021 / F DISP : HOSP WORK RELATED: N HAZARD: FALLS  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A 21 YEAR OLD PREGNANT WOMAN WAS INJURED WHILE RIDING AN ATV AT A  
CRICKET FIELD WHEN SHE FELL OFF. SHE WAS HOSPITALIZED & IN SERIOUS  
CONDITION.
- 12 X03A4772A (030728HCC3360) DATE RECV/ISSUE: 031016 / 3 TYPE CONTACT: MECAP CONFIRMED:  
DATE INCIDENT: 030506 DATE ENTERED : 031030 CITY/STATE : WAIALUA, HI  
AGE/SEX : 019 / M DISP : DOA WORK RELATED: N HAZARD: VEHICLE OR MACHINERY INCIDE  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A MALE ATV OPERATOR, AGE 19, DIED WHEN HE LOST CONTROL OF THE VEHICLE  
AND WAS THROWN OFF AND INTO A CEMENT & ROCK WATER DITCH THAT WAS  
LOCATED IN AN OLD CANE FIELD. 03-0601
- 13 X0660549A (060623HWE5424) DATE RECV/ISSUE: 060623 / 38 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 060616 DATE ENTERED : 060711 CITY/STATE : WAI'ANAЕ, HI  
AGE/SEX : 030 / M DISP : DOA WORK RELATED: N HAZARD: VEHICLE OR MACHINERY INCIDE  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A MALE, AGE 30, DIED OF HEAD INJURIES WHEN AN ALL-TERRAIN VEHICLE HE  
WAS RIDING COLLIDED WITH A CAR.
- 14 X0660580A (060623HWE5424) DATE RECV/ISSUE: 060627 / 39 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 060616 DATE ENTERED : 060713 CITY/STATE : HONOLULU, HI  
AGE/SEX : 030 / M DISP : DOA WORK RELATED: N HAZARD: COLLISION WITH MOTOR VEHICLE  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A 30-YEAR-OLD MAN DIED AFTER HIS ATV COLLIDED WITH A CAR.
- 15 X0680882A (060821HWE5509) DATE RECV/ISSUE: 060831 / 48 TYPE CONTACT: MECAP CONFIRMED:  
DATE INCIDENT: 060817 DATE ENTERED : 060925 CITY/STATE : KA'U, HI  
AGE/SEX : 013 / M DISP : DOA WORK RELATED: N HAZARD: VEHICLE OR MACHINERY INCIDE  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
2ND PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A BOY, AGE 13, DIED WHEN HIS ALL-TERRAIN VEHICLE CRASHED INTO THE ATV  
IN FRONT OF HIM. THE FORCE OF THE COLLISION EJECTED HIM ONTO  
STREET. HE DIED FROM SEVERE HEAD INJURIES.

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- 16 X0690489A 060922HCC3897 DATE RCV/ISSUE: 060922 / 51 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 060724 DATE ENTERED : 061010 CITY/STATE : HAWAII, HI HAZARD: COLLISION WITH MOTOR VEHICLE  
AGE/SEX : 052 / M DISP : DOA WORK RELATED: Y  
1ST PRODUCT : 5044 UTILITY VEHICLES  
NARRATIVE : A MALE SECURITY GUARD, AGE 52, WAS KILLED WHEN HIS SIDE X SIDE  
COLLIDED WITH A CAR. THE MALE DRIVER OF THE CAR, AGE 21, SUFFERED  
MINOR INJURIES & WAS TREATED & RELEASED FROM THE HOSPITAL.
- 17 X0740094A (070413HWE5850) DATE RCV/ISSUE: 070410 / 28 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: 070407 DATE ENTERED : 070418 CITY/STATE : HONOLULU, HI HAZARD: VEHICLE OR MACHINERY INCIDE  
AGE/SEX : 039 / M DISP : DOA WORK RELATED: N  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
2ND PRODUCT : 1843 RAMPS OR LANDINGS  
NARRATIVE : A MAN DIED WHILE TRYING TO DRIVE HIS ATV OVER A RAMP ONTO HIS PICKUP  
TRUCK. HE LOST CONTROL AND FLIPPED OFF THE TRUCK. THE ATV LANDED ON  
TOP OF HIM.
- 18 X0740224A (070413HWE5850) DATE RCV/ISSUE: 070417 / 29 TYPE CONTACT: 5CONFIRMED:  
DATE INCIDENT: . DATE ENTERED : 070425 CITY/STATE : KAUAI, HI HAZARD: VEHICLE OR MACHINERY INCIDE  
AGE/SEX : 039 / M DISP : DOA WORK RELATED: N  
1ST PRODUCT : 3287 ALL-TERRAIN VEHICLES, NO. WHEELS NS (E  
NARRATIVE : A 39 YEAR OLD MAN WAS KILLED WHEN HE TRIED TO LOAD HIS ATV ONTO A  
PICKUP AND IT FLIPPED AND LANDED ON HIM.

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# LATE TESTIMONY

My name is Mark Ely and I am the Vice President of South Seas Cycles and a very active off road enthusiast. I strongly oppose HB795.

I am speaking on behalf of both the business and the consumer side.

## Business side

1. South Seas Cycles has 2 dealerships. One in Waipahu and one on Nimitz Hwy. Between the two dealerships we employ 60 employees. Under the current economic conditions we as a company are working extremely hard to get through these tough times. Putting this bill in effect would not just reduce our ATV sales but all that goes along with it. Parts, accessories, and most importantly protective gear. With that kind of blow it could very easily lead to a shutdown of both dealerships putting 60 employees out of work.
2. There is already strict federal guidelines in regards to ATVs. After lengthy studies it has been deemed that a child must be at least 6 years of age to ride a small 50cc ATV, 12 years of age to ride an 80 or 90cc ATV, and at least 16 years of age to ride all ATVs over 90ccs. Dealers are already heavily regulated to make sure that these regulations are adhered to. All purchasers are required to initial and sign documents that discuss these regulations.
3. Dealers would get stuck with inventory that they have already received that is made for operation of individuals under the age of 18. Also adding to the economic problems we are already dealing with.

## Consumer side

1. I ride every weekend at Kahuku Motocross. Kahuku motocross is used on the weekends as a legal riding area for ATV and off road motorcycle enthusiasts. It is a very family oriented sport. There is literally hundreds of families up there having fun every weekend. I feel it gives children something to do other than getting into trouble, getting involved with drugs, etc. I know parents who require certain grade levels and completion of chores in order to be able to continue spending their weekends riding ATVs. If all of a sudden these families cannot allow their children to use their ATVs anymore then it would affect a way of life for many of these families.
2. These families have literally tens of thousands of dollars invested in the sport. What are they to do with the children's ATVs that overnight will now be worth nothing? What about all the money they have spent on protective gear for the child?

In closing, I don't understand the reasoning for this bill. I do know that over the last year there was problems with ATVs being used on public streets on the west side of Oahu. It is also my understanding that these people were over the age of 18. ATVs are not legal for road use so those people should be dealt with accordingly under current laws. Whatever the reason was for this bill to be put together, I don't think it is fair at all to punish the families that are obeying current federal regulations and

participating in the sport at a legal off road location. It's also not fair to the dealers and their employees who are also adhering to current regulations. I feel this would be over regulation of a situation that is already under control with it's current federal regulations.

Mark Ely  
Vice President  
South Seas Cycle Exchange, INC

# HONDA

# ATV RIDER TRAINING CERTIFICATE

VIN#: JH2TE3203BK203940

CERTIFICATE#: NH805300342

DEALER#: \_\_\_\_\_

NOMINAL CC SIZE: 450

SELLING DEALER#: \_\_\_\_\_  
(IF DIFFERENT FROM ABOVE)

MODEL#: TRX450ERB

DATE OF PURCHASE  
MO DAY YEAR (Example 2001)  
\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_

PURCHASER'S LAST NAME FIRST NAME MI  
\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_

ADDRESS  
\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_

CITY STATE ZIPCODE  
\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_

DAYTIME PHONE NUMBER PHONE NUMBER EVENING PHONE NUMBER PHONE NUMBER  
AREA CODE AREA CODE  
\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_

DATE OF BIRTH (MO-DAY-YEAR) SEX (M-F) E-MAIL ADDRESS (IF AVAILABLE)  
\_\_\_\_\_|\_\_\_\_\_|\_\_\_\_\_

- Is this your first ATV purchase? .....  Yes
- Have you had previous ATV experience? .....  No
- Type of purchase (check one) .....  Yes
- .....  No
- .....  Individual
- .....  Business/Government
- I and/or members of my immediate family would like to take advantage of the free training .....  Yes \_\_\_\_\_ initial
- .....  No \_\_\_\_\_ initial
- Did the dealer provide you with an ATV safety video .....  Yes
- .....  No

**TRAINING INCENTIVE**

If this is your first ATV purchase, and you are an inexperienced ATV rider, you may receive a check for \$100 if you, or any age-eligible member of your immediate family, complete the ASI hands-on training course. All other purchasers may receive a check for \$50 upon completion of the hands-on training course.

PLEASE ALLOW 8-12 WEEKS FOLLOWING COMPLETION OF TRAINING TO RECEIVE YOUR INCENTIVE.

BUSINESS AND GOVERNMENT PURCHASERS ARE NOT ELIGIBLE FOR THIS INCENTIVE.

### IMPORTANT SAFETY INFORMATION

We want to make you aware of the following important information so that you can enjoy your new ATV safely. Please initial each warning as your dealer reviews it with you. Ask questions if you do not understand a particular warning. Remember, ATVs handle differently than other vehicles, including motorcycles and cars.

If you fail to follow these warnings and the warnings in the owner's manual and on the vehicle labels, you risk SEVERE OR EVEN FATAL INJURY.

I UNDERSTAND THAT A CHILD UNDER \_\_\_\_\_ SHOULD NOT OPERATE THIS ATV. THE DEALER HAS CLEARLY REPRESENTED TO ME THAT THIS ATV IS NOT APPROPRIATE FOR USE BY A CHILD UNDER \_\_\_\_\_.

- \_\_\_\_\_ NEVER ATTEMPT TO DRIVE AN ATV UNTIL READING THE OWNER'S MANUAL.
- \_\_\_\_\_ NEVER DRIVE AN ATV AFTER CONSUMING ALCOHOL OR OTHER DRUGS.
- \_\_\_\_\_ NEVER DRIVE AN ATV WITHOUT WEARING A HELMET, EYE PROTECTION, AND PROTECTIVE CLOTHING.
- \_\_\_\_\_ NEVER DRIVE AN ATV AT SPEEDS TOO FAST FOR YOUR SKILLS OR THE CONDITIONS.
- \_\_\_\_\_ NEVER CARRY A PASSENGER ON YOUR ATV.
- \_\_\_\_\_ NEVER DRIVE AN ATV ON A PUBLIC ROAD, EVEN A DIRT OR GRAVEL ONE. VIN#: JH2TE3203BK203940

I have read and understood the above warnings.

Purchaser's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I have explained the foregoing recommendations to the above-signed purchaser and provided the above-signed purchaser with a signed copy of this form.

Dealer Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Honda would like to offer you a FREE ATV Rider Training Course to learn ATV riding skills or reinforce your current good riding skills. Your dealer will fill out this page. Please take advantage of this free training program by calling toll free 1-800-887-2887.

**CALL 1-800-887-ATVS (2887) TO ENROLL IN A FREE ATV RIDERCOURSE**