
A BILL FOR AN ACT

RELATING TO ALL-TERRAIN VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the regulation of
2 all-terrain vehicles is a matter of public safety. According to
3 the United States Consumer Product Safety Commission, an
4 estimated 135,100 all-terrain vehicle-related injuries were
5 treated in hospital emergency rooms nationwide in 2008. In
6 addition, there were 9,633 reported deaths between 1982 and
7 2008, with fourteen of those deaths occurring in Hawaii.

8 The legislature further finds that the use of all-terrain
9 vehicles is particularly dangerous for minors. There were 2,588
10 all-terrain vehicle-related fatalities of children under the age
11 of sixteen reported nationwide between 1982 and 2008. This
12 represents twenty-seven per cent of the total number of related
13 fatalities during that time span. Moreover, it is estimated
14 that 37,700 all-terrain vehicle-related injuries in 2008
15 involved children younger than sixteen, accounting for twenty-
16 eight per cent of all related injuries.



1 The purpose of this Act is to enhance the public's health
2 and safety, especially that of minors, by establishing
3 regulations for the operation of all-terrain vehicles.

4 SECTION 2. Chapter 286, Hawaii Revised Statutes, is
5 amended by adding a new part to be appropriately designated and
6 to read as follows:

7 **"PART . ALL-TERRAIN VEHICLES**

8 **§286-A Definitions.** As used in this part, unless the
9 context otherwise requires:

10 "All-terrain vehicle" means a motor vehicle that:

- 11 (1) Is designed for operation off of a highway by an
12 operator with no more than one passenger;
- 13 (2) Is fifty inches or less in width;
- 14 (3) Is nine hundred pounds or less of unladen weight;
- 15 (4) Is suspended on three or more tires;
- 16 (5) Has a single seat designed to be straddled by the
17 operator, or a single seat designed to be straddled by
18 the operator and a seat for not more than one
19 passenger; and
- 20 (6) Has handlebars for steering control.

21 "American national standard" means the American National
22 Standard for Four Wheel All-Terrain Vehicles, ANSI/SVIA-1-2007.



1 "Minor" means a person under the age of eighteen.

2 **§286-B Age restrictions.** (a) No person less than six
3 years old shall operate an all-terrain vehicle.

4 (b) No person shall operate an all-terrain vehicle bearing
5 a certification label conforming to the American national
6 standard, or later revision, in violation of the age
7 recommendation warning label affixed by the manufacturer.

8 (c) No person shall operate an all-terrain vehicle not
9 bearing a certification label conforming to the American
10 national standard except as follows:

11 (1) All-terrain vehicles with engine capacity less than
12 seventy cubic centimeters displacement shall be
13 operated by a person at least six years old;

14 (2) All-terrain vehicles with engine capacity seventy
15 cubic centimeters up to and including ninety cubic
16 centimeters shall be operated by a person at least
17 twelve years old; and

18 (3) All-terrain vehicles with engine capacity greater than
19 ninety cubic centimeters shall be operated by a person
20 at least sixteen years old.



1 (d) A person less than sixteen years old may only operate
2 an all-terrain vehicle under the direct supervision of a person
3 at least eighteen years old.

4 **§286-C Equipment requirements.** Every all-terrain vehicle
5 operated in this State shall comply with the American national
6 standard or be equipped with the following:

- 7 (1) A brake system maintained in good operating condition;
8 (2) An effective muffler system in good working condition;
9 and
10 (3) An effective spark arrester in good working condition.

11 **§286-D Prohibited acts by owner and operator.** (a) No
12 person shall operate an all-terrain vehicle:

- 13 (1) In a careless or reckless manner that may endanger or
14 cause injury or damage to any person or property;
15 (2) On any public street, road, or highway unless such
16 street, road, or highway is part of a designated trail
17 system permitting such operation, except for purposes
18 of crossing if:
19 (A) The crossing is made at an angle of approximately
20 ninety degrees to the direction of the highway
21 and at a place where no obstruction prevents a
22 quick and safe crossing;



- 1 (B) The vehicle is brought to a complete stop before
- 2 crossing the shoulder or main traveled way of the
- 3 highway;
- 4 (C) The operator yields the right of way to all
- 5 oncoming traffic that constitutes an immediate
- 6 potential hazard; and
- 7 (D) If equipped, both the headlight and tail lights
- 8 are on when the crossing is made;
- 9 (3) To cross on any interstate or limited access highway;
- 10 (4) Without displaying a lighted headlamp and tail lamp
- 11 during the period of one-half hour after sunset to
- 12 one-half hour before sunrise and at any time when
- 13 visibility is reduced due to insufficient light or
- 14 unfavorable atmospheric conditions, unless use of
- 15 lights is otherwise prohibited;
- 16 (5) Without eye protection and an approved safety helmet;
- 17 (6) To carry a passenger, except where intended by the
- 18 manufacturer for use by an operator and a passenger;
- 19 (7) While under the influence of alcohol or any controlled
- 20 substance, or under the influence of a prescription or
- 21 non-prescription drug that impairs vision, motor
- 22 coordination, or judgment; or



1 (8) In a manner inconsistent with the age restrictions of
2 section 286-B or the equipment requirements of section
3 286-C.

4 (b) No owner shall authorize an all-terrain vehicle to be
5 operated contrary to this part.

6 **§286-E Prohibited acts by seller.** (a) No person shall
7 knowingly sell or offer to sell an all-terrain vehicle bearing a
8 certification label conforming to the American national standard
9 in violation of the age recommendation warning label affixed by
10 the manufacturer.

11 (b) For all-terrain vehicles not bearing a certification
12 label conforming to the American national standard no person
13 shall knowingly sell or offer to sell at retail:

14 (1) An all-terrain vehicle for use by a person less than
15 six years old;

16 (2) An all-terrain vehicle with engine capacity of seventy
17 cubic centimeters or greater for use by a person less
18 than twelve years old; and

19 (3) An all-terrain vehicle with engine capacity greater
20 than ninety cubic centimeters for use by a person less
21 than sixteen years old.



1 **§286-F Penalty.** A violation of this part is punishable by
2 a fine of not more than \$50. The parent or legal guardian
3 having control or custody of an unemancipated minor whose
4 conduct violates this part shall be liable for the amount of the
5 fine imposed pursuant to this section. Any fines collected for
6 a violation of this part shall be paid into the state treasury
7 to the credit of the general fund."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. In codifying the new sections added by section
12 2 of this Act, the revisor of statutes shall substitute
13 appropriate section numbers for the letters used in designating
14 the new sections in this Act.

15 SECTION 5. This Act shall take effect on January 7, 2059.

Report Title:

All-Terrain Vehicles; Minors; Prohibition

Description:

Addresses the conditions under which a minor may operate an all-terrain vehicles. Establishes prohibited acts for owners, operators, and sellers of all-terrain vehicles. Effective January 7, 2059. (HB18 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

