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## 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. These harrowing  
17 statistics have led the American Academy of Pediatrics to



1 recommend that no one under the age of sixteen should be  
2 authorized to operate all-terrain vehicles.

3 The purpose of this Act is to enhance the health and safety  
4 of minors by prohibiting them from operating, riding, or being  
5 propelled on all-terrain vehicles.

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

9 "PART . ALL-TERRAIN VEHICLES

10 §286-A Definitions. As used in this part, unless the  
11 context otherwise requires:

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

13 (1) Is designed for operation off of the highway by an  
14 operator with no more than one passenger;

15 (2) Is fifty inches or less in width;

16 (3) Is nine hundred pounds or less of unladen weight;

17 (4) Is suspended on three or more tires;

18 (5) Has a single seat designed to be straddled by the  
19 operator, or a single seat designed to be straddled by  
20 the operator and a seat for not more than one  
21 passenger; and

22 (6) Has handlebars for steering control.



# H.B. NO. 18

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

2        §286-B Prohibition; minors. (a) No minor shall operate,  
3 ride, or be otherwise propelled on an all-terrain vehicle;  
4 provided that this section shall not apply to any minor who  
5 operates, rides, or is otherwise propelled on an all-terrain  
6 vehicle as part of a commercial production for which the minor  
7 receives payment.

8        §286-C Penalty. A violation of this section is punishable  
9 by a fine of not more than \$50. The parent or legal guardian  
10 having control or custody of an unemancipated minor whose  
11 conduct violates this section shall be liable for the amount of  
12 the fine imposed pursuant to this section. Notwithstanding any  
13 law to the contrary, the fines collected for a violation of this  
14 section shall be paid into the state treasury to the credit of  
15 the general fund."

16        SECTION 3. This Act does not affect rights and duties that  
17 matured, penalties that were incurred, and proceedings that were  
18 begun before its effective date.

19        SECTION 4. In codifying the new sections added by section  
20 1 of this Act, the revisor of statutes shall substitute  
21 appropriate section numbers for the letters used in designating  
22 the new sections in this Act.



# H.B. NO. 18

1 SECTION 5. New statutory material is underscored.

2 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Sumara Maramoto*

JAN 19 2011



**Report Title:**

All-Terrain Vehicles; Minors; Prohibition

**Description:**

Prohibits minors from operating, riding, or otherwise being propelled on all-terrain vehicles.

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