
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 sixteen.

2 **§286-B Age restrictions.** (a) No person less than eight
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 an engine capacity of less
12 than seventy cubic centimeters displacement shall be
13 operated by a person at least eight years old;

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

18 (3) All-terrain vehicles with an engine capacity greater
19 than ninety cubic centimeters shall be operated by a
20 person 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 street,
21 road, or highway and at a place where no
22 obstruction prevents a 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 (c) Nothing in this part shall apply to the operation of
7 all-terrain vehicles by:

8 (1) Law enforcement officers or government personnel in
9 the performance of official duties or capacity of
10 authorized operations;

11 (2) Persons engaging in bona fide agricultural activities
12 within agricultural districts, as defined under
13 section 205-2, Hawaii Revised Statutes; and

14 (3) Persons as part of a film production certified by the
15 department of business, economic development and
16 tourism, or authorized by an appropriate state, county
17 or federal permit.

18 **§286-E Prohibited acts by seller.** (a) No person shall
19 knowingly sell or offer to sell an all-terrain vehicle bearing a
20 certification label conforming to the American national standard
21 in violation of the age recommendation warning label affixed by
22 the manufacturer.



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

4 (1) An all-terrain vehicle for use by a person less than
5 eight years old;

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

9 (3) An all-terrain vehicle with an engine capacity greater
10 than ninety cubic centimeters for use by a person less
11 than sixteen years old.

12 **§286-F Penalty.** A violation of this part is punishable by
13 a fine of not more than \$50. The parent or legal guardian
14 having control or custody of an unemancipated minor whose
15 conduct violates this part shall be liable for the amount of the
16 fine imposed pursuant to this section. Any fines collected for
17 a violation of this part shall be paid into the state treasury
18 to the credit of the general fund."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



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

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



Report Title:

ATVs; Highways; Prohibitions

Description:

Addresses the conditions under which a minor may operate an all-terrain vehicle. Establishes requirements and prohibited acts for owners, operators, and sellers of all-terrain vehicles. Effective January 7, 2059. (HB2277 HD1).

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

