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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.



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 shall operate an  
3 all-terrain vehicle not bearing a certification label conforming  
4 to the American national standard except as follows:

5 (1) All-terrain vehicles with an engine capacity of less  
6 than seventy cubic centimeters displacement shall be  
7 operated by a person at least eight years old;

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

12 (3) All-terrain vehicles with an engine capacity greater  
13 than ninety cubic centimeters shall be operated by a  
14 person at least sixteen years old.

15 (b) A child less than sixteen years old may operate an  
16 all-terrain vehicle only with parental consent and while under  
17 the direct supervision of a parent, guardian, or adult.

18 **§286-C Equipment requirements.** Every all-terrain vehicle  
19 operated in this State shall comply with the American national  
20 standard or be equipped with the following:

21 (1) A brake system maintained in good operating condition;

22 (2) An effective muffler system in good working condition;



1           and  
2           (3) An effective spark arrester in good working condition.

3           **§286-D Prohibited acts by owner and operator.** (a) No  
4 person shall operate an all-terrain vehicle:

5           (1) In a careless or reckless manner that may endanger or  
6           cause injury or damage to any person or property;

7           (2) On any public street, road, or highway unless such  
8           street, road, or highway is part of a designated trail  
9           system permitting such operation, and except for  
10          purposes of crossing if:

11          (A) The crossing is made at an angle of approximately  
12          ninety degrees to the direction of the highway  
13          and at a place where no obstruction prevents a  
14          quick and safe crossing;

15          (B) The vehicle is brought to a complete stop before  
16          crossing the shoulder or main traveled way of the  
17          highway;

18          (C) The operator yields the right of way to all  
19          oncoming traffic that constitutes an immediate  
20          potential hazard; and

21          (D) If equipped, both the headlight and tail lights  
22          are on when the crossing is made;



- 1 (3) On any interstate or limited access highway;
- 2 (4) Without displaying a lighted headlamp and tail lamp
- 3 during the period of one-half hour after sunset to
- 4 one-half hour before sunrise and at any time when
- 5 visibility is reduced due to insufficient light or
- 6 unfavorable atmospheric conditions, unless use of
- 7 lights is otherwise prohibited;
- 8 (5) Without eye protection and an approved safety helmet,
- 9 for operators under sixteen years of age;
- 10 (6) To carry a passenger, except where intended by the
- 11 manufacturer for use by an operator and a passenger;
- 12 (7) While under the influence of alcohol or any controlled
- 13 substance, or under the influence of a prescription or
- 14 non-prescription drug that impairs vision, motor
- 15 coordination, or judgment; or
- 16 (8) In a manner inconsistent with the age restrictions of
- 17 section 286-B or the equipment requirements of section
- 18 286-C.
- 19 (b) No owner shall authorize an all-terrain vehicle to be
- 20 operated contrary to this part.
- 21 (c) Nothing in this part shall apply to the operation of
- 22 all-terrain vehicles by:



- 1 (1) Law enforcement officers or government personnel in  
2 the performance of official duties or capacity of  
3 authorized operations;
- 4 (2) Persons engaging in bona fide agricultural activities  
5 within agricultural districts, as defined under  
6 section 205-2; and
- 7 (3) Persons as part of a film production certified by the  
8 department of business, economic development, and  
9 tourism, or authorized by an appropriate state, county  
10 or federal permit.

11 **§286-E Penalty.** A violation of this part is punishable by  
12 a fine of not more than \$1,000. The parent or legal guardian  
13 having control or custody of an unemancipated minor whose  
14 conduct violates this part shall be liable for the amount of the  
15 fine imposed pursuant to this section. Any fines collected for  
16 a violation of this part shall be paid into the state treasury  
17 to the credit of the general fund."

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

21 SECTION 4. In codifying the new sections added by section  
22 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 5. This Act shall take effect upon its approval.



**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 and operators. (SD1)

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

