

JAN 21 2011

S.B. NO. 152

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# A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

1           SECTION 1. The United States Consumer Product Safety  
2 Commission estimates that the number of emergency-room treated  
3 injuries relating to using all-terrain vehicles was 135,100 in  
4 2008. For children under age sixteen, the estimated number of  
5 emergency-room treated injuries in 2008 was 37,700. The United  
6 States Consumer Product Safety Commission also estimates that  
7 the number of deaths relating to using all-terrain vehicles was  
8 seven hundred eighty in 2008.

9           Hawaii does not currently have a law that requires the use  
10 of helmets by minors while operating all-terrain vehicles.

11           The legislature finds that with the increasing use of all-  
12 terrain vehicles in the State and the concomitant risk of  
13 serious injury and death from head trauma, the State needs to  
14 enact legislation to require the wearing of helmets by minors  
15 while operating or riding all-terrain vehicles.

16           The purpose of this Act is to require the wearing of a  
17 helmet by a minor under the age of eighteen while operating or  
18 riding an all-terrain vehicle.



1 SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
2 amended by adding a new section to part IV to be appropriately  
3 designated and to read as follows:

4 "§286- Operation of all-terrain vehicles; minors;

5 safety helmet. (a) No minor shall operate, ride, or otherwise  
6 be propelled on an all-terrain vehicle unless the minor wears a  
7 safety helmet.

8 (b) No person shall lease, rent, loan, or sell an  
9 all-terrain vehicle to a minor unless the person furnishes a  
10 safety helmet for the minor operating the all-terrain vehicle.

11 (c) As used in this section:

12 "All-terrain vehicle" means a motorized flotation-tired  
13 vehicle of not less than three low pressure tires, but not more  
14 than six tires, that is limited in engine displacement of less  
15 than 960 cubic centimeters, and that has a net weight of not  
16 more than 1,800 pounds.

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

18 "Safety helmet" means a helmet that:

19 (1) Meets the requirements of the Federal Motor Vehicle  
20 Safety Standard 218, Title 49, Code of Federal  
21 Regulations Section 571.218;



1       (2) Is worn on the person's head and is fastened with  
2             helmet or chin straps; and

3       (3) Is of a size that fits the person's head securely  
4             without excessive lateral or vertical movement.

5       (d) A person who violates this section shall be subject  
6 to a fine of not more than \$                   for each violation upon  
7 issuance of a citation under section 286-10."

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. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13       SECTION 5. This Act shall take effect upon its approval.  
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INTRODUCED BY:

John B. ...  
Clarence ...  
Will ...  
...



**Report Title:**

All-terrain Vehicles; Helmets

**Description:**

Requires a person under the age of eighteen to wear a helmet while operating or riding an all-terrain vehicle.

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

