

Honolulu, Hawaii

MAR 20 2012

RE: H.B. No. 2277  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Transportation and International Affairs,  
to which was referred H.B. No. 2277, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ALL-TERRAIN VEHICLES,"

begs leave to report as follows:

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

Your Committee received testimony in support of this measure  
from the Department of Health; Department of Business, Economic  
Development, and Tourism; State Fire Council; City and County of  
Honolulu Fire Department; Honolulu Police Department; County of  
Hawaii Fire Department; County of Hawaii Police Department; County  
of Maui Fire and Public Safety Department; County of Maui Police  
Department; ThinkFirst Hawaii; Concerned Families for ATV Safety;  
Consumer Federation of America; and Event Medics Hawaii.  
Testimony in opposition was received from the American  
Motorcyclist Association and Hawaii Motorsport Association.

Your Committee finds that the regulation of all-terrain  
vehicles is a matter of public safety. According to the United  
States Consumer Product Safety Commission, an estimated 135,100  
all-terrain vehicle-related injuries were treated in hospital  
emergency rooms nationwide in 2008. In addition, there were 9,633  
reported deaths between 1982 and 2008, with fourteen of those



deaths occurring in Hawaii. Your Committee believes that the use of all-terrain vehicles is particularly dangerous for minors.

Your Committee has amended this measure by:

- (1) Deleting references to the minimum age requirement for operation of an all-terrain vehicle and the prohibition on operating all-terrain vehicles bearing a certification label conforming to the American national standard in violation of the age recommendation warning label affixed by the manufacturer, as this language would effectively delegate legislative authority to the manufacturer and the measure already contains age restrictions for the operation of all-terrain vehicles;
- (2) Requiring parental consent and the direct supervision of a parent, guardian, or adult for a child less than sixteen years old to operate an all-terrain vehicle;
- (3) Prohibiting the operation of an all-terrain vehicle on any interstate or limited access highway, rather than crossing on the highway;
- (4) Applying the eye protection and approved safety helmet requirement to all-terrain vehicle operators under sixteen years of age;
- (5) Deleting the language that established prohibited acts by sellers of all-terrain vehicles;
- (6) Increasing the maximum fine for a violation from \$50 to \$1,000;
- (7) Changing the effective date to upon approval; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2277, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2277, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.



Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,



J. BALANI ENGLISH, Chair



