



# THE QUEEN'S MEDICAL CENTER

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Rep. Gilbert S.C. Keith-Agaran, Chair

Rep. Karl Rhoads, Vice Chair

## COMMITTEE ON JUDICIARY

February 24, 2011, 2:15 pm

State Capitol, Conference Room 325

### In Support of HB 18, Relating to All-Terrain Vehicles

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

My name is Daniel J Donovan, M.D. As a neurosurgeon who has provided treatment for adults and children with brain and spine injuries for 20 years, and as the Medical Director of Neurotrauma at The Queen's Medical Center, I am writing in support of HB 18.

The risks of traumatic brain injury, spinal cord injuries and death to children who ride ATVs are well-documented. Numerous peer-reviewed publications in reputable medical journals support such legislation for the following reasons:

- **Legislation alone can reduce serious injuries and death to children.** A 2009 study in North Carolina reported a significant decrease in children's serious injuries and death following adoption of a law similar to HB 18.<sup>1</sup>
- **ATVs are extremely unstable and are prone to rolling over, resulting in serious injuries that require costly surgery and intensive care.**<sup>2</sup> The injuries we typically see in our trauma center from ATV riders include head injuries, facial trauma, extremity fractures, and spinal cord injuries.
- **Helmet use on ATVs is not mandated in Hawaii, thus a majority of children who ride ATVs do not wear protective head gear,** thereby increasing their risks of traumatic brain injury. Every study published on the subject shows a reduced rate of serious head injury when helmets are worn, but sadly, this is usually not the case in Hawaii.
- **According to a 2010 study published in the Journal of Pediatric Surgery, most children (94%) who ride ATVs do so for recreational—and not agricultural work purposes.**<sup>3</sup> In my professional opinion, the risks to children (death, lifelong injuries) far outweigh any recreational benefits (fun, excitement).
- **ATVs have extremely powerful engines, so children and teens who drive ATVs or ride as passengers are at a higher risk of injury or death due to their small stature and inexperience driving.**<sup>2</sup>

- Current ATV safety recommendations are to take an ATV training course prior to operating an ATV. However, the [www.ATVsafety.gov](http://www.ATVsafety.gov) website reports **that no ATV safety courses are offered in the state of Hawaii.**<sup>4</sup>
- A seminal article in the Journal of Trauma states: "Children continue to sustain a large proportion of preventable and unnecessary injuries caused by ATVs. Although use of protective devices (i.e., helmets) diminishes the extent of injuries, children's smaller size relative to these large machines may contribute to flipping, rolling, and loss of control....**Efforts are needed to lobby for policies to limit the promotion and restrict the use of ATVs by children.**"<sup>5</sup>
- A similar article from the Journal of Pediatric Emergency Care makes the following recommendation: "Encouraging helmet use and discouraging passengers from riding through safety education or a new state law may help to reduce ATV related mortality and morbidity. **Prohibiting children younger than 16 years from operating or riding on an ATV seems justified.**"<sup>6</sup>
- Finally, an article from the Journal of Pediatric Surgery concludes: "There is a lack of regulation, enforcement and public awareness of the danger of ATV use in children. **Efforts to ensure helmet use and limit operator age are urgently needed to reduce childhood ATV-related injuries.**"<sup>7</sup>

Thank you for considering my testimony.

#### **References Cited:**

1. Beidler SK, Kromhout-Schiro S, Douillet CD, Riesenman PJ, Rich PB. North Carolina all-terrain vehicle (ATV) safety legislation: an assessment of the short-term impact on ATV-related morbidity and mortality. *N C Med J.* Nov-Dec 2009;70(6):503-506.
2. Finn MA, MacDonald JD. A population-based study of all-terrain vehicle-related head and spinal injuries. *Neurosurgery.* Oct 2010;67(4):993-997; discussion 997.
3. Campbell BT, Kelliher KM, Borrup K, et al. All-terrain vehicle riding among youth: how do they fair? *J Pediatr Surg.* May 2010;45(5):925-929.
4. <http://atvsafety.gov/state/hawaii.html>. Hawaii State ATV Information. *United States Consumer Products Safety Commission* [Accessed February 23, 2011].
5. Murphy N, Yanchar NL. Yet more pediatric injuries associated with all-terrain vehicles: should kids be using them? *J Trauma.* Jun 2004;56(6):1185-1190.
6. Humphries RL, Stone CK, Stapczynski JS, Florea S. An assessment of pediatric all-terrain vehicle injuries. *Pediatr Emerg Care.* Jul 2006;22(7):491-494.
7. Su W, Hui T, Shaw K. All-terrain vehicle injury patterns: are current regulations effective? *J Pediatr Surg.* May 2006;41(5):931-934.



Wednesday, February 23, 2011

Representative Gilbert S.C. Keith-Agaran, Chair  
Representative Karl Roads, Vice Chair  
House Committee on Judiciary

Dear Chairman Keith-Agaran and Members of the House Committee on Judiciary,

Subject: **Support for HB18**

The Injury Prevention Advisory Committee supports HB18, which prohibits individuals under the age of 18 from operating and riding on an ATV.

Established in 1990, the Injury Prevention Advisory Committee (IPAC) is an advocacy group committed to preventing and reducing injuries in Hawai'i. IPAC members include representatives from public and private agencies, physicians and professionals working together to address the eight leading areas of injury, including traffic safety.

In Hawaii there has been an increase in fatalities and injuries related to ATV use. From 1991 to 2009 there were 16 fatalities related to ATV use. There was only 1 death (in 1996) prior to 2001, but at least 1 death each year since. Four (25%) of the victims were 17 years or younger, including 2 drivers, 1 passenger and 1 of unknown status.

According to Emergency Medical Services data, from 9/2006 through 8/2008, EMS personnel attended to 152 injured ATV riders over this 2-year period, including 39 (26%) who were under 18 years of age. Only 41% of the riders were wearing a helmet at the time of injury, and this proportion was lower (32%) among the minor-aged riders.

Thank you for allowing us to testify.

Sincerely,

Bruce McEwan, Chair  
Injury Prevention Advisory Committee

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 9:52 AM  
**To:** JUDtestimony  
**Cc:** harleyhula@aol.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: judith Rod  
Organization: Individual  
Address:  
Phone:  
E-mail: [harleyhula@aol.com](mailto:harleyhula@aol.com)  
Submitted on: 2/23/2011

Comments:

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 11:48 AM  
**To:** JUDtestimony  
**Cc:** speedy\_bailey@amr-ems.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: support  
Testifier will be present: No  
Submitted by: Speedy Bailey  
Organization: American Medical Response  
Address:  
Phone:  
E-mail: [speedy\\_bailey@amr-ems.com](mailto:speedy_bailey@amr-ems.com)  
Submitted on: 2/23/2011

Comments:

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 2:07 PM  
**To:** JUDtestimony  
**Cc:** web@cartoonistforchrist.org  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: comments only  
Testifier will be present: No  
Submitted by: Lee McIntosh  
Organization: Individual  
Address:  
Phone:  
E-mail: [web@cartoonistforchrist.org](mailto:web@cartoonistforchrist.org)  
Submitted on: 2/23/2011

### Comments:

Mr. Chair and Members of the Committee on Judiciary:

Aloha, my name is Lee McIntosh. I live in Kau on the Big Island. The statistics in this bill fail to mention that a majority of these accidents occur because of improper use. Rather than institute a complete ban of minors using these vehicles, I believe that it would be more prudent to set standards and rules that allow minors a certain age, say 15 or 16, to obtain licenses to use these vehicles. Thank you for the opportunity to testify on HB 18.

To whom it may concern, my name is Dayton Spencer and I have been a member of Hawaii motosports association for over 11 years and has also been on the board of directors for 4 years, I am a motocross racer who has in depth knowledge on this subject matter. As far as im concerned as long as the all terrain vehicle is operated on a closed course designed for such activities then this is a non issue, what next, no more high school football because of the possibility of concussions?. Yes it is a dangerous sport, we all recognize that and we wear all proper safety gear. This bill would seriously impede our younger riders who want to be a part of this great sport which statistically keep many of our youth from getting into trouble, I believe this bill was brought up on good intentions but those intentions are very flawed, there is an inherent danger in almost everything we do, from crossing the street or deciding to take part of an offroad activity, I urge you to kill this bill which is unfairly portrayed, yes people have been hurt, yes people have died, but the benefits to the kids and families across this state far outweigh the risks, look at the statistics, your much more likely to suffer a life threatening injury from an automobile accident than on an all terrain vehicle, im sure you wouldn't ban any underage kids from simply riding in a vehicle would you? This is basically what this bill is saying. The youth of Hawaii do not want this bill, our organization does not want this bill, I do not want this bill, like I said, it was under good intentions, but some of the worst things done were under good intentions.

Sincerely yours, Dayton H Spencer

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 3:03 PM  
**To:** JUDtestimony  
**Cc:** jimmyboyz@hotmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: James  
Organization: Individual  
Address:  
Phone:  
E-mail: [jimmyboyz@hotmail.com](mailto:jimmyboyz@hotmail.com)  
Submitted on: 2/23/2011

**Comments:**

I think this is the most dumbest law next to the proposed bill to ban loud stereos and fireworks. I thought we live in the land of the free. So much restrictions and laws that comes out of nowhere. In time laws will probably be in place of what we can't and can do in our bedrooms. Too many chiefs not enough indians...lawmakers need to relax and let us live our life how we want to and let us experience the finer things in life. After all aren't we supposed to be living the American Dream?



## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 3:09 PM  
**To:** JUDtestimony  
**Cc:** beastbossman@gmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: jacob countryman  
Organization: Individual  
Address:  
Phone:  
E-mail: [beastbossman@gmail.com](mailto:beastbossman@gmail.com)  
Submitted on: 2/23/2011

**Comments:**

You have no right to take away our passion in riding motorcycles.

House Bill 18

Date: Feb. 23, 2011

To Whom it may concern,

I am writing this letter in reference to House Bill 18.

I feel that we are all human, we all have know what's right from wrong.

When a ATV is sold, on the vehicle there is a sticker informing the rider of Safety gear. Safety gear is to be used at all times, when using the vehicle.

It is unfortunate, that some individuals lost love ones due to this vehicle.

But, the bottom line is, why where they not using proper safety gear.

We all love the sport and it is unfortunate that people come down to this so called solution. Trying to ban our Keiki's from having fun.

I oppose of the bill and hope it does not pass. Maybe you should come out the track and see what we actually do.

Thank you for your time and listening to my testimony.

Mahalo,  
Joeanna Silva

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 4:12 PM  
**To:** JUDtestimony  
**Cc:** Staciemg76@yahoo.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Stacie Manning-Godfrey  
Organization: Individual  
Address:  
Phone:  
E-mail: [Staciemg76@yahoo.com](mailto:Staciemg76@yahoo.com)  
Submitted on: 2/23/2011

**Comments:**

My 7 year old son races a 50cc dirt bike. He is great, he knows what he is doing because we taught him well. If this bill passes he will be heart broken. He loves racing, he loves going to the track and seeing all his friends. It's like one big family, everyone takes care of each other. You can't let something that happens to a few people ruin it for everyone else.

## All-Terrain Vehicle Testimony

I oppose this bill because I am a minor who operates an all-terrain vehicle. The use of all-terrain vehicles is looked upon as a sport by many people. It is the same type of sport such as basketball, baseball, football, etc. Just in like other sports, there is bound to be an injury sooner or later. 135,000 may seem like a large amount of people that were treated in a hospital for injuries related to an all-terrain vehicle, but in reality this number is very small. Compared to other contact sports, this 135,000 is a small fraction. Minors of all ages are treated in hospitals daily for minor and major injuries. To prohibit minors from operating all-terrain vehicles would be absurd. If to go as far as prohibiting this, why not prohibit minors from other common sports too? There is a significantly less chance of a person getting injured on an all-terrain vehicle, than if two football players were running full speed and colliding with each other. A great amount of protective gear is required for the operation of an all-terrain vehicle. A helmet which is approved by the DOT, knee pads, boots, elbow pads, chest protector, neck brace, etc. This is a significantly greater amount of safety equipment than your average sport. There is no need to prohibit minors for operating all-terrain vehicles. Instead, the state of Hawaii should be promoting the safe use of all-terrain vehicles for all ages.

To Whom It May Concern:

I have an 8 year old son who rides an ATV at the 808 MX/ATV Association track in Hilo, Hi. This is by far his favorite activity and he would be devastated if this proposed bill (HB18) was to be made into law. After reading the bill I do find myself sympathetic to those people who have lost their loved ones while riding ATV's especially where minors were involved.

Let the record show that all of these recorded incidents took place on public and private roadways and most of them did not have proper safety equipment, most importantly a helmet. I would never allow my child to ride unless he had on all his gear and he was at a controlled environment such as the motocross track. This bill is aimed at those riders or parents of riders who are not responsible enough to realize that the ATV is not a toy and can be dangerous.

Please don't take away the freedom of many minors to be able to ride responsibly and take part in a activity that is fun for all ages when in a designated controlled area. Perhaps the bill can be amended to allow minors to ride only on these tracks that are designated solely for the purpose of these vehicles. I hope that my testimony will help in finding options for these minors instead of just eliminating the operation of ATV's altogether.

Mahalo,

Keone McAllister

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 5:46 PM  
**To:** JUDtestimony  
**Cc:** paradomedia@hotmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Devin  
Organization: Individual  
Address:  
Phone:  
E-mail: [paradomedia@hotmail.com](mailto:paradomedia@hotmail.com)  
Submitted on: 2/23/2011

### Comments:

This ban will greatly affect the morale of many Hawaii families, especially ones participating in off road motor-vehicle activities. Safety is always a subject for concern, but by banning minors from operating these vehicles will not solve the problem. It might cause more harm than good, because minors will hide while riding, or ride in less "safe" areas or worse less "safe" manner. This will also affect many off road motor-sports related companies who make a business from the sales and services of these vehicles. Too many Hawaii families who participate in these activities, it's a means of family bonding. Come up to Kahuku Motocross Park for one day, and see for yourself the family closeness involved with the minors riding an off road motor-vehicle.

Hi my name is Brittany Correia. I am 21 years old and was born and raised in Waianae, Oahu, Hawaii. I oppose to HB-18 for the prohibiting of ATV use by minors. This is a ridiculous suggestion and the person who introduced it probably has never ridden one in his life. My family is a motocross family. I started riding on an ATV at 4 years old to introduce me to 2 wheels on a dirt bike. I have raced motocross since I was 5 years old being Hawaii's fastest girl until 2009 at age 20 when I was a passenger in a car accident paralyzing me. My brother started on an ATV at 4 years old and moved on to dirt bikes at age 4, since then he has dominated at racing in his classes and in 2007 he and my parents moved to California to turn professional and is still there fulfilling his lifelong career dream and it all started from an ATV. I think if you want to prohibit minors from riding ATV's it should only be if it is not in a legal place to ride. If they are at a motocross park then it should be perfectly fine. Me being from Waianae, I know how many people ride it on the roads and beaches, so maybe that kind of stuff started this introduction of HB-18 but I don't think that the people who do it legally should have to pay the price. There are people who race ATV's as their passion, you take that away, and what will they have? Let's take away your passion and see where you'd be in life right now? Certainly not reading this, that's for sure. Come on people, live a little, this is Hawaii, have a heart. All I have to say is do not pass this bill, it will just ruin peoples passion and sport. You guys want to stop the illegal riders on the roads, don't mess it up for those who do it legally. Like I said, have a heart.

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 7:00 PM  
**To:** JUDtestimony  
**Cc:** ronrod@hawaii.rr.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Ron Rod  
Organization: Individual  
Address:  
Phone:  
E-mail: [ronrod@hawaii.rr.com](mailto:ronrod@hawaii.rr.com)  
Submitted on: 2/23/2011

Comments:



## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 7:07 PM  
**To:** JUDtestimony  
**Cc:** nelsonlepard@hotmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Nelson H Lepard  
Organization: Individual  
Address:  
Phone:  
E-mail: [nelsonlepard@hotmail.com](mailto:nelsonlepard@hotmail.com)  
Submitted on: 2/23/2011

### Comments:

This is yet another attempt to threaten our park, restrict our extracurricular activities and to over protect our youth. When operated correctly, with the appropriate safety guidelines and gear, A.T.V. vehicles are some of the safest recreational vehicles around. At our off-road/A.T.V. park we enforce a strict code of compliance of the use of safety gear. Accidents are going to happen, you don't ban automobiles because people don't wear seat belts, nor do you ban motorcycles because of the lack of use of helmets. Please encourage the responsible use of A.T.V. vehicles and safety gear. Our park has over 1,300 card carrying members, who operate their A.T.V.s in a safe responsible manner

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 9:05 PM  
**To:** JUDtestimony  
**Cc:** g9cxx@mail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM  
**Attachments:** hb18.txt

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: steve devilbiss  
Organization: Individual  
Address:  
Phone:  
E-mail: [g9cxx@mail.com](mailto:g9cxx@mail.com)  
Submitted on: 2/23/2011

Comments:

Hi

Before you folks go passing legislation to protect people from themselves by abrogating personal freedoms, please have a look at ARTICLE I, Section 2 of the hawaii state constitution.

All persons are free by nature and are equal in their inherent and inalienable rights. Among these rights are the enjoyment of life, liberty and the pursuit of happiness, and the acquiring and possessing of property. These rights cannot endure unless the people recognize their corresponding obligations and responsibilities. [Am Const Con 1978 and election Nov 7, 1978]

People under the age of 18 still fall under the legal definition of "all persons". Riding atv's is absolutly the "enjoyment of life, libery and the pursuit of happiness"

I'd also like to bring up ARTICLE III, Section 1  
The legislative power of the State shall be vested in a legislature, which shall consist of two houses, a senate and a house of representatives. Such power shall extend to all rightful subjects of legislation not inconsistent with this constitution or the Constitution of the United States.

I'm not a lawyer, but it seems to me that denying a persons right to enjoy themselves in any way that doesn't harm others is inconsistent with the constituion.

Some info from wikipedia:

Based on analysis of the National Trauma Data Bank ATVs are more dangerous than dirt bikes, possibly due to crush injuries and failure to wear safety gear such as helmets.[9] They are equally as dangerous as motorcycles, based on mortality and injury scores.[10] More children and women are injured on ATVs, who also present a lower rate of helmet usage.

So according to wikipedia, atv injuries among children are higher but they also present a lower rate of helmet usage, so, as a suggestion, could you guys please curb your despotic enthusiasm and maybe just change this bill to mandate helmet usage.

I shall conclude with one of my favorite quotes from Jefferson: "Of liberty I would say that, in the whole plenitude of its extent, it is unobstructed action according to our will. But rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add "within the limits of the law," because law is often but the tyrant's will, and always so when it violates the right of an individual. "

thankyou

Ua Mau Ke Ea O Ka Aina I Ka Pono

## Testimony for HB18 on 2/24/2011 2:15:00 PM

mailinglist@capitol.hawaii.gov [mailinglist@capitol.hawaii.gov]

**Sent:** Wednesday, February 23, 2011 9:30 PM  
**To:** JUDtestimony  
**Cc:** kory.sheldahl@ridehma.com  
**Attachments:** Opposing House Bill 18 - A~1.pdf (86 KB)

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Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Kory Sheldahl  
Organization: Hawaii Motorsports Association  
Address:  
Phone:  
E-mail: kory.sheldahl@ridehma.com  
Submitted on: 2/23/2011

Comments:  
What happened to our "Free" country??

# Opposing House Bill 18

## **\*\*All Terrain Vehicles; Minors; Prohibition\*\***

*SECTION 1. The legislature 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. The legislature further finds that the use of all terrain vehicles is particularly dangerous for minors. There were 2,588 all terrain vehicle related fatalities of children under the age of sixteen reported nationwide between 1982 and 2008. This represents twenty seven per cent of the total number of related fatalities during that time span. Moreover, it is estimated that 37,700 all terrain vehicle related injuries in 2008 involved children younger than sixteen, accounting for twenty eight per cent of all related injuries. These harrowing statistics have led the American Academy of Pediatrics to recommend that no one under the age of sixteen should be authorized to operate all terrain vehicles. The purpose of this Act is to enhance the health and safety of minors by prohibiting them from operating, riding, or being propelled on all-terrain vehicles.*

I find it amazing when people spout statistics with no base for comparison. Only in an attempt to fight their blind cause. In Section 1 I have read all your statistics and find it interesting that any contrary statistic is missing. ex:

1. "135,100 allterrain vehicle related injuries were treated in hospitals emergency rooms nationwide in 2008"
2. "9,633 reported deaths between 1982 and 2008, with fourteen of those deaths occurring in Hawaii"
3. "2,588 allterrain vehicle related fatalities of children under the age of sixteen reported nationwide between 1982 and 2008"
4. "it is estimated that 37,700 all terrain vehicle related injuries in 2008 involved children younger than sixteen, accounting for twenty eight per cent of all related injuries"

All of these statistics fail to enlighten anyone of the whole picture. Not one of these statistics show overall numbers involved in the community of people who enjoy the activity of riding an ATV. It would give anyone reading this a lot clearer picture to know just how large the ATV community is and how pail in comparison that these statistics are. This argument is so ridiculous if shown in comparison to the #'s involving automobile deaths on a yearly basis, but I don't see a bill to ban the use of a "minor being propelled in an automobile". Nor do I see a ban on Minors swimming in the ocean because we have numerous deaths and injuries relating to that activity. I would also like to know the statistic of people who have had there lives improved, enjoyed, or learned something knew from the activity of riding an ATV. The skills I had when I turned 16 and was given my license to drive had very little to do with my Drivers Ed class or my little bit of time I had behind the wheel with my Learner's Permit. I will say it had a great deal to do with the time I spent on Alternative Vehicle such as "ATV's", Go Karts, Motorcycles, etc. The time and experience you get in those activities allow you to experience things you rarely get to or may never get to until it's to late. I will feel much safer with my kid getting his license knowing that he had the opportunity to ride an ATV. I know that during that time he had the opportunity to experience limits. Limits I don't want him to test in an automobile that weighs more than a ton moving down the highway at over 50 mph.

This is just a "feel good" move by ignorant politicians who meddle in peoples personal lives. Stop wasting the people of this republic's time and find something that can really do some good in the community. Let people have a little bit of freedom of choice in our so called "free" country. Let me know this statistic, How many of those injuries was there a gun held to the victims head? I would venture to guess "none". That's because it's a choice that we all take when we get into our cars, when we go swim in the ocean, and yes if we choose to ride or let our children ride an ATV!!!

Reality is we can always find statistics to paint a picture we want to be shown (ATV's are bad or good depending on the picture painted). We will always find one or another thing that is "dangerous". What we really need is to allow people to have there own decisions on weather an activity is dangerous or not. When it comes down to it it's the rider that is dangerous not the ATV. We are sponges of learning when we are children, not when we are adults. Let our children continue to experience life and gain from it. Not everyone is killed or injured from ATV's, and all of us know what we are getting into when we get aboard one.

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 9:33 PM  
**To:** JUDtestimony  
**Cc:** joshua.pepin@hotmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Joshua Pepin  
Organization: Individual  
Address:  
Phone:  
E-mail: [joshua.pepin@hotmail.com](mailto:joshua.pepin@hotmail.com)  
Submitted on: 2/23/2011

### Comments:

If you go after parents who allow their children to ride these vehicles than you must go after the big name companies that produce and sell these vehicles. This is not a fair Bill and it takes away from responsible parents who teach their sons and daughters how to ride a ATV responsibly. I have a 6 year old son who rides a propelled ATV and you are robbing me of the time we get to spend together while we ride. This to me is just another way for the state to fill it's pockets. You are about to allow same sex marriages but ban ATV's. I think Hawaii needs to get it's priorities straight. Stop the taxing of everything we consume. Please do not pass this Bill it would not be doing any justice to anyone.

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 23, 2011 9:37 PM  
**To:** JUDtestimony  
**Cc:** davejrh@yahoo.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: David Hoppe Jr.  
Organization: Individual  
Address:  
Phone:  
E-mail: [davejrh@yahoo.com](mailto:davejrh@yahoo.com)  
Submitted on: 2/23/2011

### Comments:

A blanket ban on all keki atv operations is short sighted. With proper instruction, oversight and safety equipment; anyone can operate these vehicles safely. This is a call for good parenting not govt. intervention.

Please ensure that current laws are enforced rather than creating new ones. 10s of thousands of families (including children) across the country enjoy safe operation of atv's/utv's. This runs the gamut from back yard fun to organized racing and trail runs. It's hard to believe that some members of the Hawaii legislature believe Hawaii families and youth are somehow less capable of self regulation in this area.



## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 24, 2011 8:26 AM  
**To:** JUDtestimony  
**Cc:** 808mxracerjasonthurber@gmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Jason Thurber  
Organization: Individual  
Address:  
Phone:  
E-mail: [808mxracerjasonthurber@gmail.com](mailto:808mxracerjasonthurber@gmail.com) Submitted on: 2/24/2011

Comments:

Almost any sport you look at the last 30 years of history of, will have unfortunate injury's and deaths of minors. This bill is a horrible idea. Atv and dirtbike riding clubs build leadership responsibility and keep kids out of trouble. It is a family orrientated sport.

Accidents do happen in all sports and walks of life. Look how many minors died driving cars in the last 30 years, or playing football, or surfing... The point is that the basis for this proposed bill is biased and not truthful, if passed it will hurt families, dirtbike clubs, and their will be one less positive thing to help keep kids off the streets and out of trouble.

## JUDtestimony

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, February 24, 2011 8:56 AM  
**To:** JUDtestimony  
**Cc:** AliciaN314@hotmail.com  
**Subject:** Testimony for HB18 on 2/24/2011 2:15:00 PM

Testimony for JUD 2/24/2011 2:15:00 PM HB18

Conference room: 325  
Testifier position: oppose  
Testifier will be present: No  
Submitted by: Alicia Neylon  
Organization: Individual  
Address:  
Phone:  
E-mail: [AliciaN314@hotmail.com](mailto:AliciaN314@hotmail.com)  
Submitted on: 2/24/2011

### Comments:

Going to the track with your family is a great way to keep kids active, focused, and out of trouble. Having this sport aids in obesity prevention which is a much bigger problem, in children in Hawaii. Giving them one less option to stay in shape is only detrimental to the family dynamic, and our children faced with growing numbers of diabetes, heart problems, and hypertension in their futures. Secondly, riding also improves overall driving skills for their future. Perhaps a study representing an atv or dirtbike riders number of car crashes when they receive a drivers permit, against other 15 year olds who dont have experience riding atv's or dirtbikes previously would denote the driving skills gained early on by young riders, making roads safer in their drivers permit years, equipping them with a plethora of knowledge about their vehicle, maintenance, braking, etc. I oppose this revocation on account of family fun, an active lifestyle for children, and placing at least a few safer teen drivers on our roads.