

# **SB 2726**

Allows all-terrain vehicles (ATV) to be driven on any street if the ATV is being used as farm equipment, if the operator holds a current category (3) license or a commercial driver's license, and if the operator and passengers wear safety helmets secured with a chin strap.

NEIL ABERCROMBIE  
GOVERNOR



Testimony of  
GLENN M. OKIMOTO  
DIRECTOR

Deputy Directors  
FORD N. FUCHIGAMI  
RANDY GRUNE  
AUDREY HIDANO  
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 6, 2013  
1:16 p.m.  
State Capitol, Room 224

**S.B. 2726**  
**RELATING TO TRANSPORTATION**

Senate Committee on Transportation and International Affairs

---

The Department of Transportation **opposes** this bill which allows all terrain vehicles to be operated as farm equipment on streets as defined in Section 291C-1, Hawaii Revised Statutes (HRS).

In subsection (a), paragraph (1) of the bill, it states that all-terrain vehicles will be operated as farm vehicles, but it is not clear whether a continuous permit or permit for each trip and payment of a fee will be required as provided in Section 286-36, HRS. Exemptions for farm equipment use on public roads typically are for vehicles that exceed weight or size limitations, but all-terrain vehicles are smaller than normal vehicles.

These vehicles cannot be registered for use on public roads in Hawaii, because they do not have a certification label indicating that they comply with all applicable federal motor vehicle safety standards and a 17-character vehicle identification number on the label as required by federal regulations. This bill, therefore, seems to be an effort to circumvent motor vehicle registration and insurance requirements.

If the intent is to allow all-terrain vehicles to be driven on public roads without a farm equipment permit, it will be difficult to enforce, because police officers will have no way to determine whether or not they are being used for farming.

Thank you for the opportunity to present testimony.



ALAN M. ARAKAWA  
MAYOR

OUR REFERENCE  
YOUR REFERENCE

**POLICE DEPARTMENT**  
COUNTY OF MAUI

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411



GARY A. YABUTA  
CHIEF OF POLICE

CLAYTON N.Y.W. TOM  
DEPUTY CHIEF OF POLICE

February 5, 2014

The Honorable J. Kalani English, Chair  
And Members of the Committee on Transportation  
and International Affairs  
The Senate  
State Capitol  
Honolulu, HI 96813

RE: Senate Bill No. 2726 – Relating to Transportation

Dear Chair English and Members of the Committee:

The Maui Police Department opposes the passing of SB 2726. This bill would allow all-terrain vehicles (ATV) to be driven on any street if the ATV is being used as farm equipment; if the operator holds a current category (3) license or a commercial driver's license, and if the operator and passengers wear safety helmets secured with a chin strap.

The passage of this bill will would lead to numerous safety and traffic concerns. ATV's have little safety equipment to protect its operators and, due to their small size, may easily be overlooked by other motorists. The Maui Police Department believes that it will lead to accidents and injuries resulting from the use of ATV's on public roadways.

The Maui Police Department opposes SB 2726.

Thank you for the opportunity to testify.

Sincerely,

*Gary A. Yabuta*  
For GARY A. YABUTA  
Chief of Police

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE. (808) 529-3111 · INTERNET: www.honoluluupd.org



KIRK W CALDWELL  
MAYOR

LOUIS M KEALOHA  
CHIEF

DAVE M KAJIHIRO  
MARIE A McCAULEY  
DEPUTY CHIEFS

OUR REFERENCE  
KK-LC

February 6, 2014

The Honorable J. Kalani English, Chair  
and Members  
Committee on Transportation  
and International Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: Senate Bill No. 2726, Relating to Transportation

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu. The HPD is opposed to the passage of Senate Bill No. 2726, Relating to Transportation. This bill would allow all-terrain vehicles (ATV) on any street if the ATV is being used as farm equipment, the driver has a category (3) license or a commercial driver's license, and the operator is wearing a helmet.

ATVs are not designed to be operated on a street. They lack the appropriate lighting, are not registered vehicles, are not required to have insurance, and would pose a risk to other vehicles. In addition, as defined in the bill, the term "farm equipment" is very broad. Anyone could put a piece of yard equipment such as a lawn mower or a leaf blower on the ATV and be able to operate the ATV on any public street without any recourse by law enforcement.

The HPD strongly urges you to oppose Senate Bill No. 2726, Relating to Transportation.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro".

KURT KENDRO, Major  
Traffic Division

APPROVED:

A handwritten signature in black ink, appearing to read "Louis M. Kealoa".

LOUIS M. KEALOHA  
Chief of Police



## Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743  
Phone (808) 885-5599 • Fax (808) 887-1607  
e-mail: HICattlemens@hawaii.rr.com

### TESTOMONY

#### SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Thursday, February 06, 2014  
1:16 p.m. Conference Room 224

#### SB 2726 RELATING TO TRANSPORTATION

Allows all-terrain vehicles (ATV) to be driven on any street if the ATV is being used as farm equipment, if the operator holds a current category (3) license or commercial driver's license, and if operator wears safety helmets secured with a chin strap.

Chair Senator Kalani English, Vice Chair Senator Donovan Dela Cruz, and Members of the Committee:

My name is Alex Franco I'm President of the Hawaii Cattlemen's Council (HCC). HCC is a statewide umbrella organization made up of five county level Cattlemen's Associations and represents 130 members involved in the cattle industry in Hawaii.

The Hawaii Cattlemen's Council supports SB 2726 as it allows farmers and ranchers to utilize ATV's to legally travel on the public roads to go from one pasture, field, or TMK to another. Many farms and ranches here in Hawaii are split up by public roads, and by having the ability to utilize what is already an important piece of farm equipment in the field to also travel to other parcels split up by these roads makes it more multipurpose and efficient, helping farmers to keep their cost under control.

We would also like to amend Bill 2726 to include utility-terrain vehicles (UTV) which are starting to be used more and more as another efficient piece of agriculture farm equipment. It can safely transport two people and efficiently carry supplies, tools, and livestock feed from one part of the farm to another. Below is a description a UTV used on the farm:

Designed for off of Highway  
Suspended by four to six tires  
Has a steering wheel for steering control  
Has one seat to accommodate a driver and one more passenger sitting side by side  
Width 60"  
1300 pounds or less unladen weight  
Equipped with roll over protection  
Seat belts are used for drivers and passenger protection.

Thank you for your time in allowing us to give our testimony.

**Sharon Lum Ho**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 8:53 PM  
**To:** TIATestimony  
**Cc:** jasonmoniz73@gmail.com  
**Subject:** Submitted testimony for SB2726 on Feb 6, 2014 13:16PM

**SB2726**

Submitted on: 2/4/2014

Testimony for TIA on Feb 6, 2014 13:16PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jason Moniz	Hamakua County Farm Bureau	Support	No

Comments: The definition of ATV used in the proposed Bill is too restrictive. A type of ATV utilized commonly by farmers and ranchers today seats two side-by-side, has a steering wheel and a rear bed or box to carry supplies and equipment. Please also include this description of an ATV in this Bill. These ATVs are typically equipped with seat belts which I would argue reduces the risk for ejection and therefore negates the need for mandatory wearing of helmets.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

## Sharon Lum Ho

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 11:27 AM  
**To:** TIATestimony  
**Cc:** HawaiiisAgriculturalPartnerships@msn.com  
**Subject:** Submitted testimony for SB2726 on Feb 6, 2014 13:16PM

### **SB2726**

Submitted on: 2/4/2014

Testimony for TIA on Feb 6, 2014 13:16PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Hawaii's Agricultural Partnerships	Non Profit	Support	No

Comments: Chair English & Vice Chair Dela Cruz and Members of the Committee 4 Ag Hawaii strongly supports SB2726 to allow all-terrain vehicles (ATV) to be driven on any street if the ATV is being used as farm equipment, if the operator holds a current category (3) license or a commercial driver's license, and if the operator and passengers wear safety helmets secured with a chin strap. 4 Ag Hawaii is a non-profit 501[c] [3] corporation established as a public-private partnership focused on goals that include: promoting the agricultural economic welfare of Hawai'i and its counties; conducting agricultural economic; educational & media programs, and fostering statewide interest for responsible agricultural economic development of our islands.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

## Sharon Lum Ho

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 04, 2014 10:49 AM  
**To:** TIATestimony  
**Cc:** mail@kealiaranch.com  
**Subject:** \*Submitted testimony for SB2726 on Feb 6, 2014 13:16PM\*

### SB2726

Submitted on: 2/4/2014

Testimony for TIA on Feb 6, 2014 13:16PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Sara Moore	Individual	Support	No

#### Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)