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## A BILL FOR AN ACT

RELATING TO OFF-HIGHWAY MOTOR VEHICLES.

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

1           SECTION 1. Section 708-815, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§708-815 Simple trespass.** (1) A person commits the  
4 offense of simple trespass if [~~the~~]:

5           (a) The person knowingly enters or remains unlawfully in  
6           or upon premises[-]; or

7           (b) The person operates an off-highway motor vehicle upon  
8           the land or premises of another without the permission  
9           of the owner of the land or premises, the owner's  
10           agent, or the person in lawful possession of the land  
11           or premises or the person operates an off-highway  
12           motor vehicle without authorization in a public park  
13           or recreational ground.

14           (2) For the purposes of this section, unless the context  
15 requires otherwise, "off-highway motor vehicle" includes, but is  
16 not limited to, the following:

17           (a) Any motorcycle, regardless of whether registered  
18           pursuant to section 286-41, that is designed or



1 equipped to be operated off of the highway and over a  
2 variety of terrain; or

3 (b) Any motor vehicle having three or more wheels,  
4 regardless of whether registered under section 286-41,  
5 that is designed or equipped to be operated off of the  
6 highway on a variety of terrain, commonly referred to  
7 as an "all-terrain vehicle," "ATV," or "dune buggy".

8 "Off-highway motor vehicle" does not include emergency  
9 vehicles.

10 [~~2~~] (3) Simple trespass is a violation. Simple trespass  
11 involving the operation of an off-highway motor vehicle may be  
12 punishable by a fine and forfeiture of the off-highway motor  
13 vehicle."

14 SECTION 2. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun, before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Cindy Evans  
Mel Carroll



**Report Title:**

Off-highway motor vehicles

**Description:**

Classifies the unauthorized operation of an off-highway motor vehicle on another's land as simple trespass.

