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# A BILL FOR AN ACT

RELATING TO ALL TERRAIN-VEHICLES.

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

1           SECTION 1. The legislature finds that the use and  
2 operation of all-terrain vehicles has caused numerous problems  
3 in the State. Eleven all-terrain vehicle riders have died since  
4 2002. The legislature finds that the absence of registration  
5 requirements, age restrictions, and licensure requirements have  
6 contributed to this growing problem. Hawaii remains one of only  
7 six states without a clearly delineated statute pertaining to  
8 all-terrain vehicles.

9           The purpose of this Act is to promote the safe and  
10 ecologically efficient operation of all-terrain vehicles in the  
11 State.

12           SECTION 2. Chapter 286, Hawaii Revised Statutes, is  
13 amended by adding a new section to be appropriately designated  
14 and to read as follows:

15           "§286-A All-terrain vehicles. (a) Every all-terrain  
16 vehicle, as defined in section 286-2, operated in this State,  
17 shall be installed with a muffler prior to operation thereof.



1        (b) Unless otherwise provided, no person shall operate an  
2 all-terrain vehicle on a public street, road, or highway in this  
3 State.

4        (c) No person shall operate an all-terrain vehicle in this  
5 State unless the all-terrain vehicle is first registered as  
6 provided in section 286-41.

7        (d) No person may operate an all-terrain vehicle in this  
8 State unless the person possesses a valid driver's license.

9        (e) No minor under the age of eighteen may operate an all-  
10 terrain vehicle.

11        (f) All retailers of all-terrain vehicles in this State  
12 shall make any prospective purchaser of an all-terrain vehicle  
13 aware of the requirements of this section prior to consummating  
14 the sale or rental thereof."

15        SECTION 3. Section 286-2, Hawaii Revised Statutes, is  
16 amended by adding a new definition to be appropriately inserted  
17 and to read as follows:

18        "All terrain vehicle" means a three-wheeled or four-  
19 wheeled motor vehicle powered by a gasoline or diesel engine and  
20 generally characterized by large, low-pressure tires, a seat  
21 designed to be straddled by the operator, and handlebars for  
22 steering that is intended for off-road use by an individual



1 rider on various types of unpaved terrain. The term does not  
2 include four-wheeled vehicles, commonly known as "go-carts" that  
3 have low centers of gravity and are typically used in racing on  
4 relatively level surfaces; nor does the term include any utility  
5 vehicle or any farm utility vehicle."

6 SECTION 4. Section 286-41, Hawaii Revised Statutes, is  
7 amended by amending subsection (b) to read as follows:

8 "(b) Application for the registration of a vehicle shall  
9 be made upon the appropriate form furnished by the director of  
10 finance and shall contain the name, occupation, and address of  
11 the owner and legal owner; and, if the applicant is a member of  
12 the United States naval or military forces, the applicant shall  
13 give the organization and station. All applications shall also  
14 contain a description of the vehicle, including the name of the  
15 maker, the type of fuel for the use of which it is adapted  
16 (e.g., gasoline, diesel oil, liquefied petroleum gas), the  
17 serial or motor number, and the date first sold by the  
18 manufacturer or dealer, and such further description of the  
19 vehicle as is called for in the form, and such other information  
20 as may be required by the director of finance, to establish  
21 legal ownership. A person applying for initial registration of  
22 a neighborhood electric vehicle shall certify in writing that a



1 notice of the operational restrictions applying to the vehicle  
2 as provided in section 291C-134 are contained on a permanent  
3 notice attached to or painted on the vehicle in a location that  
4 is in clear view of the driver. This section shall apply to  
5 registration of all-terrain vehicles. A person applying for  
6 registration of an all-terrain vehicle shall certify that a  
7 notice of the operating restrictions applying to the vehicle as  
8 provided in section 286-A are contained on a permanent notice  
9 attached to or painted on the vehicle in a location that is in  
10 clear view of the driver."

11 SECTION 5. Section 286-102, Hawaii Revised Statutes, is  
12 amended by amending subsection (b) to read as follows:

13 "(b) A person operating the following category or  
14 combination of categories of motor vehicles shall be examined as  
15 provided in section 286-108 and duly licensed by the examiner of  
16 drivers:

17 (1) Mopeds;

18 (2) Motorcycles and motor scooters;

19 (3) All-terrain vehicles;

20 [~~3~~] (4) Passenger cars of any gross vehicle weight

21 rating, buses designed to transport fifteen or fewer



1 occupants, and trucks and vans having a gross vehicle  
 2 weight rating of fifteen thousand pounds or less; and  
 3 ~~[(4)]~~ (5) All of the motor vehicles in category (3) and  
 4 trucks having a gross vehicle weight rating of fifteen  
 5 thousand one through twenty-six thousand pounds.

6 A school bus or van operator shall be properly licensed to  
 7 operate the category of vehicles that the operator operates as a  
 8 school bus or van and shall comply with the standards of the  
 9 department of transportation as provided by rules adopted  
 10 pursuant to section 286-181."

11 SECTION 6. Section 291-24, Hawaii Revised Statutes, is  
 12 amended to read as follows:

13 "**§291-24 Motorcycles ~~[and]~~, mopeds, and all-terrain**  
 14 **vehicles; noisy mufflers; penalty.** (a) Every motorcycle ~~[and]~~,  
 15 moped, and all-terrain vehicle moving under its own power on a  
 16 public highway shall at all times be equipped with a muffler in  
 17 constant operation to prevent any excessive or unusual noise and  
 18 no such muffler or exhaust system shall be equipped with a  
 19 cutout, bypass, or similar device. No person shall modify the  
 20 exhaust system of a motorcycle ~~[or a]~~, moped, or all-terrain  
 21 vehicle in a manner which will amplify or increase the noise  
 22 emitted by the motor of such motorcycle ~~[or]~~, moped, or all-



1 terrain vehicle above that emitted by the muffler originally  
2 installed [~~on the motorcycle or moped except~~]; provided that a  
3 motorcycle or moped that:

- 4 (1) Has three wheels;
- 5 (2) Is powered by an electric motor;
- 6 (3) Has a full body enclosed cab; and
- 7 (4) Has a seat belt assembly or a child restraint system
- 8 for the driver and passenger;

9 shall not be required to be equipped with a muffler.

10 (b) As used in this section, "muffler" means a device  
11 consisting of a series of chambers or baffle plates, or other  
12 mechanical design, for the purpose of receiving exhaust gas from  
13 the engine of [~~the~~] a motorcycle [~~or~~], moped, or all-terrain  
14 vehicle and being effective in reducing noise.

15 (c) Whoever violates this section shall be fined not more  
16 than \$100."

17 SECTION 7. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 8. This Act shall take effect upon approval.

20

INTRODUCED BY: 

JAN 18 2007



**Report Title:**

All-Terrain Vehicles

**Description:**

Limits right to operate all terrain-vehicles to adults.  
Requires all terrain-vehicles to have mufflers and not be  
operated on public lands. Requires retailers to inform buyers  
of requirements prior to sale or rental.

