



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

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Statement of  
**THEODORE E. LIU**  
Director

Department of Business, Economic Development, and Tourism  
before the

**HOUSE COMMITTEE ON TRANSPORTATION**

Saturday, February 14, 2009

9:00 AM

State Capitol, Conference Room 309

in consideration of

**HB 795**

**RELATING TO THE PROHIBITION OF MINORS FROM THE USE OF ALL-  
TERRAIN VEHICLES.**

Chair Souki, Vice Chair Awana, and members of the Committee.

The Department of Business, Economic Development, and Tourism (DBEDT) does not take a position on this measure. However, DBEDT would like to request an amendment to this measure to add an exemption for filming activity. The exemption would specifically be for minors (persons under the age of eighteen) who are talent in a scene being filmed which call for the minor to ride or operate an all-terrain vehicle (ATV).

There is historical precedence for exemptions from the Hawaii Revised Statute for filming activity. For instance, there is an exemption for smoking in facilities owned by the State or County, in enclosed or partially enclosed places open to the public, in enclosed or partially enclosed places of employment, and in sports arenas, outdoor arenas, stadiums, and amphitheaters when the talent smoking is part of a scene being filmed by a production. DBEDT worked in conjunction with the Department of Health to establish the administrative rules for §328J-7. DBEDT would again work with the necessary agency(ies) to establish administrative rules for an exemption from this measure.

Thank you for the opportunity to offer these comments.

**From:** Cherelle Carvalho [cherelle@motorcyclesperiod.com]  
**Sent:** Wednesday, February 11, 2009 11:20 AM  
**To:** TRNtestimony  
**Subject:** HB795 - I oppose

I, Cherielle Carvalho, strongly oppose bill# HB795.

ATV riding has been a strong family activity for our keiki on Kauai for many, many years. When I was a young girl, I grew up riding an ATV. I started riding on a Honda 3 Wheeler ATV. The bike kept me out of a lot of trouble and was the gateway for me to be in the position I am today. I took the time to safely learn how to operate, service, and work on my own bike. The kids that we see riding these ATV's at our races and on a daily basis are so excited and happy to be doing what they are doing.

Here on Kauai, we are already losing a lot of riding area's for ATV and motorcycle enthusiasts to enjoy...The places that I rode to from my home in Anahola when I was a girl...I can no longer enjoy with my family because they are all fenced up with cattle or new multi million dollar homes are now sitting where a trail went through. Now, the riding itself is in jeopardy. These kids that are riding these bikes are keeping themselves occupied. They could be getting themselves in much more dangerous and illegal things. If the ATV riding is giving them a sport to keep them occupied then WHY change it. ATV riding is a sport just the same as riding a horse, or playing tackle football. It is just as dangerous to be hit by another person while playing football or kicked or bucked off by a horse.

It is not the ATV that is the dangerous thing. It's the lack of knowledge and training that should be given to new ATV riders, not only children or minors but any and all new ATV riders should be offered a training course...whether it be offered by the state or by a person or community club or store.

As an avid motorcycle rider and a manager of a motorcycle shop, I think this bill is unfair and unnecessary. I see and work with these kids everyday. I see how excited they are when they realize they are getting a new bike or getting some new gear for them to ride their bikes or the excitement of getting ready for race day. It would be a shame to see this happiness taken away from them.

On the business side of things, passing this law would be a nightmare for many of the businesses in the motorcycle industry. During this time of economic difficulty, most of our businesses, count on and need each dollar we can get. If the ATV riding is taken away, the sale of helmets, gear, parts..etc. they all go away with it!

Instead of taking the ATV riding away from the kids, why not make it safer for them. Give them places to ride...places with rules...a riding park where fee's could be paid for instruction courses and teach them how to ride properly...make the protection and safety requirements the law...don't take the riding away.

Thank you for your time

Cherelle Carvalho  
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February 10, 2009

The Honorable Joseph M. Souki  
Hawaii State Capitol, Room 433  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Representative Souki:

**Subject: HB 795 RELATING TO THE PROHIBITION OF MINORS FROM THE USE OF ALL-TERRAIN VEHICLES**

My name is Charles Hirata and I am submitting testimony in support of this bill that would prohibit minors from using an All-Terrain Vehicle (ATV) for the simple reason that children have been killed on Maui while riding on these devices. An inexperienced child operating these heavy machines on rough and uneven terrain is a recipe for disaster. The ATV can easily flip over and crush a child, as has happened in the past.

Should your committee consider allowing minors to use an ATV, limitations should be set. Even ATV manufacturers have age limits on their own products. Should you decide to allow minors to operate ATV, they must be required to wear helmets.

The ATV instructor's guide recommends that children aged 6 and older use an ATV with an engine less than 70cc, and that a child age 12 and older use an ATV with an engine 70cc up to and including 90cc and that children age 16 and older use an ATV with an engine over 90cc.

Undoubtedly there will be some discussion on this as the definition of ATVs in the bill does not include engine size. There should also be language in the bill that children under 16 be supervised by an adult. Lastly, the fine should be increased to \$100.00 as the protection of our children should be a paramount concern.

Very truly yours,

CHARLES M. HIRATA