S.B. NO./68

JAN 23 2009

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII: 1 SECTION 1. Chapter 291C, part XIII, Hawaii Revised 2 Statutes, is amended by amending its title to read: 3 "PART XIII. OPERATION OF BICYCLES [AND], PLAY VEHICLES, AND 4 ALL-TERRAIN VEHICLES" 5 SECTION 2. Chapter 291C, part XIII, Hawaii Revised Statutes, is amended by adding a new section to be appropriately 6 7 designated and to read as follows: 8 "§291C- Helmet required for all-terrain vehicles. (a) 9 No person eighteen years of age or younger shall operate an 10 all-terrain vehicle on a public street, sidewalk, park, beach, 11 trail, or any other public property unless the person wears a 12 helmet securely fastened with a chin strap and designed for use 13 by motorcyclists and other motor vehicle users. The helmet 14 shall conform to Federal Motor Vehicle Safety Standard 218, 15 title 49, Code of Federal Regulations Section 571.218. 16 (b) Any registered owner of an all-terrain vehicle who 17 allows a person to operate the all-terrain vehicle in violation 2009-0254 SB SMA.doc

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1	of this section shall be subject to a fine of \$1,000 for each
2	separate offense.
3	(c) A person may not bring any action against a county or
4	the State for damages caused by the person's failure to use a
5	helmet in violation of this section.
6	(d) Fines collected under this section shall be paid into
7	the neurotrauma special fund."
8	SECTION 3. Section 286-2, Hawaii Revised Statutes, is
9	amended by adding a new definition to be appropriately inserted
10	and to read as follows:
11	"All-terrain vehicle" means any motorized vehicle
12	manufactured and used primarily for off-highway use that is
13	fifty inches or less in width, with an unladen dry weight of six
14	hundred pounds or less, traveling on three, four, or more low
15	pressure tires, with a seat designed to be straddled by the
16	operator and handlebars for steering control."
17	SECTION 4. Section 286-2, Hawaii Revised Statutes, is
18	amended by amending the definitions of "motor vehicle" and
19	"vehicle" to read as follows:
20	""Motor vehicle" means every vehicle which is self-
21	propelled and every vehicle which is propelled by electric power
22	but which is not operated upon rails, but excludes a moped. An
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1 all-terrain vehicle is a motor vehicle for purposes of this 2 chapter. "Vehicle" means every device in, upon, or by which any 3 4 person or property is or may be transported or drawn upon a 5 highway, but excludes devices moved by human power or devices 6 used exclusively upon stationary rails or tracks and mopeds. An all-terrain vehicle is a vehicle for purposes of this chapter." 7 SECTION 5. Section 291C-1, Hawaii Revised Statutes, is 8 9 amended by adding a new definition to be appropriately inserted 10 and to read as follows: ""All-terrain vehicle" shall have the same meaning as 11 12 defined in section 286-2." SECTION 6. This Act does not affect rights and duties that 13 matured, penalties that were incurred, and proceedings that were 14 begun, before its effective date. 15 16 SECTION 7. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored. 17 18 SECTION 8. This Act shall take effect upon its approval. 19 INTRODUCED BY: Nehe Jattas

Anid Y lye Annanne Chun aululand Rong de Bol

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Report Title:

All-Terrain Vehicles; Mandatory Helmet Use

Description:

Requires persons aged eighteen or younger to wear a helmet while operating an all-terrain vehicle on public property. Provides fines for violations.

