

HB

460

# STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

## LEGISLATIVE AFFAIRS AGENCY

### LEGISLATIVE REFERENCE LIBRARY

May, 1986

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS date base CM 14. In order to save space copies of minutes have not been left in the files.

Jeanie Henry

House Judiciary	4/2/86	8am
" "	4/15/86	1:30 pm
" "	4/16/86	1:30 pm



Original sponsors: Hurley, Pourchot,  
Thompson and Taylor

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 460 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to off-road vehicles."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 05 is amended by adding a new chapter to read:

9 CHAPTER 40. OFF-ROAD VEHICLES.

10 Sec. 05.40.010. UNLAWFUL TO OPERATE UNREGISTERED VEHICLE.

11 Except for operation on the owner's private property, a person may not  
12 operate an off-road vehicle unless the vehicle has been registered  
13 with the Department of Public Safety as provided in this chapter.

14 Sec. 05.40.020. REGISTERED AND REGISTRATION FEE. (a) The owner  
15 of an off-road vehicle subject to registration shall apply for regis-  
16 tration under this chapter by properly completing a form provided by  
17 the department. The fee for registration of a vehicle is \$15, and is  
18 valid for two years. Fees collected under this section shall be  
19 deposited by the Department of Revenue into the general fund.

20 (b) Off-road vehicles owned by the federal or state government  
21 or a political subdivision of the federal or state government shall be  
22 registered but are not required to pay a registration fee.

23 Sec. 05.40.030. REGISTRATION CERTIFICATE AND DECAL. Upon regis-  
24 tration of an off-road vehicle, the registrant shall be issued a  
25 registration certificate and a numbered decal containing the registra-  
26 tion number of the vehicle. Once a vehicle has been issued a number,  
27 it shall retain that number until the vehicle is destroyed, abandoned,  
28 or permanently removed from the state. The numbered registration  
29 decal shall be prominently displayed at a location prescribed by the

1 department.

2 Sec. 05.40.040. TRANSFER OF OWNERSHIP. The department shall  
3 adopt regulations covering transfer of ownership of off-road vehicles.

4 Sec. 05.40.050. EDUCATION AND TRAINING PROGRAM. (a) The de-  
5 partment shall establish and may approve off-road vehicle safety  
6 education and training programs. The program shall include training  
7 and dissemination of information and safety advice to the public  
8 concerning vehicle maintenance, environmental protection, alcohol and  
9 controlled substances laws, and emergency first aid procedures.

10 (b) A person who completes the training program shall receive an  
11 off-road vehicle safety certificate.

12 Sec. 05.40.060. OFF-ROAD VEHICLE SAFETY FUND. There is created  
13 a special account in the general fund known as the off-road vehicle  
14 safety fund. The purpose of the fund shall be to support the educa-  
15 tion and training program of this chapter. It is the intent of the  
16 legislature that the fund consist of fees received under AS 05.40.020,  
17 and that an amount equal to the fees received be appropriated for  
18 off-road vehicle safety education and training under AS 05.40.050.

19 Sec. 05.40.070. OPERATING RESTRICTIONS. Not more than one  
20 person may ride an off-road vehicle at the same time, unless the  
21 off-road vehicle is specifically designed by the manufacturer to carry  
22 more than one person.

23 Sec. 05.40.080. USE BY CERTAIN MINORS. (a) A person under the  
24 age of 18 years may not operate an off-road vehicle on public land  
25 unless the person has in possession a valid off-road vehicle safety  
26 certificate.

27 (b) A person under the age of 18 years may not operate or ride  
28 as a passenger on an off-road vehicle on public land unless the person

29 (1) wears a helmet that meets the requirements set out in

1 AS 28.05.081(c); and

2 (2) wears eye protection, unless the off-road vehicle is  
3 equipped with a wind screen or windshield.

4 Sec. 05.40.090. SAFETY EQUIPMENT. An off-road vehicle is re-  
5 quired to contain the following equipment:

6 (1) brakes adequate to control the movement of and to stop  
7 and to hold the vehicle under normal conditions of operation;

8 (2) at least one head lamp so aimed and of sufficient  
9 intensity to reveal persons and objects at a distance of at least 100  
10 feet ahead during hours of darkness under normal atmospheric condi-  
11 tions;

12 (3) at least one tail light of sufficient intensity to be  
13 visible at a distance of 50 feet behind the vehicle during hours of  
14 darkness under normal atmospheric conditions;

15 (4) a throttle that, when released by hand, will return the  
16 engine speed to idle; and

17 (5) an exhaust muffler in good working order.

18 Sec. 05.40.100. RETAIL SALES. All off-road vehicles made after  
19 July 1, 1986, and sold in the state must

20 (1) have a manufacturer's permanent identification number  
21 stamped in letters and numbers on the vehicle in the form and at a  
22 location prescribed by the department;

23 (2) be designed and made to provide an area to affix the  
24 registration number; the area shall be at a location and of dimensions  
25 prescribed by the department by regulation.

26 Sec. 05.40.110. HIGHWAY USE. An off-road vehicle may not be  
27 driven on a roadway, as defined in AS 28.40.100(a), except for the  
28 purpose of crossing the street or highway.

29 Sec. 05.40.120. PENALTY. A person who violates a provision of

1 this chapter or a regulation adopted under this chapter is guilty of  
2 an infraction and may be punished as provided in AS 28.40.050(e).

3 Sec. 05.40.900. DEFINITIONS. In this chapter and in regula-  
4 tions adopted under this chapter, unless the context otherwise re-  
5 quires,

6 (1) "department" means the Department of Public Safety;

7 (2) "off-road vehicle" means a motorized vehicle with three  
8 or four tires that has an engine displacement of less than 600 cubic  
9 centimeters and total dry weight of less than 600 pounds.

10 \* Sec. 2. AS 28.15.031(a) is amended to read:

11 (a) The department may not issue a driver's license to a person  
12 who is under the age of 16 years, except that the department may issue  
13 a permit or a certificate under AS 28.15.051 or a restricted license  
14 under AS 28.15.121.

15 \* Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

16 (f) The department may issue or approve issuance of a special  
17 driver's certificate to a person who is at least 14 years of age for  
18 the purpose of driving an off-road vehicle. The certificate may be  
19 issued upon successful completion of an off-road vehicle education and  
20 training program established under AS 05.40.050, and is valid for the  
21 same period of time as a driver's license. The certificate is not  
22 valid in a municipality that by ordinance prohibits the driving of an  
23 off-road vehicle by a person under the age of 16 years; a borough may  
24 adopt the ordinance on a nonareawide basis only, unless the power to  
25 adopt it on an areawide basis is acquired under AS 29.35.300 - 29.35.-  
26 330 or former AS 29.33.250 - 29.33.290.

Ford  
4/15/86 ✓

Original sponsors: Hurley, Pourchot,  
Thompson and Taylor

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26 330 or former AS 29.33.250 - 29.33.290.

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : C5HB 460 (Jud)  
 Title : "An Act relating to off-road vehicles."  
 Sponsor : Representative Hurley  
 Requestor : House Judiciary  
 Date of Request : 4/15/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Division of Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		89.3	93.8	98.4	103.4	108.5
TRAVEL		25.0	26.3	27.6	28.9	30.4
CONTRACTUAL		84.5	34.5	36.2	38.0	39.9
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		31.0	1.0	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>		450.0	150.0	300.0	150.0	300.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

**POSITIONS :**

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Kathy Niles Admin Assistant  
 Division : Commissioner's Office  
 Approved by Commissioner : [Signature]  
 Agency : Public Safety

Phone : 465-4336  
 Date : 4/22/86  
 Date : 4/24/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460 (Jud)

The Revenue and Expenditure Analysis is based on the assumption that there are 30,000 ATVs to be registered and after the first year 10,000 will be registered annually. This number is only a rough estimate since there is no reliable method to determine the actual number. Also, the number of actual registrations could vary considerably depending on the actual enforcement effort put into the program.

The second assumption is that the program will have an effective date of January 1, 1987.

### Registration

The workload of 30,000 vehicle registrations spread over two years represents an overall workload increase of 2%. This can be absorbed at most offices with no increase, but many registrations will come from areas where this division has no offices. One position and related equipment will be added to the correspondence unit to perform this work.

The cost breakdown is as follows:

Personal Services		31.8
MVR II, Range 9		
Contractual		
Terminal, Printer Lease	2.5	
DP Costs	1.5	
Forms	<u>.5</u>	
		4.5
Equipment -- Desks, chair, etc.		<u>1.0</u>
	Total	<u>37.3</u>

### Education and Training Program

The education and training program will be conducted by working with ATV manufacturers in establishing a training and testing curriculum. The Department's role the first year will be to train instructors who will in turn provide instructor training to individuals who will be certified to administer training and certify operators. The Department will continue in subsequent years by overseeing the programs established in cooperation with the University of Alaska Cooperative Extension Service, the Department of Education and private or non profit corporations who are authorized to conduct training and certify officers.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. C3HB 460 (Jud)

The cost breakdown is as follows:

Personal Services	57.5
Program Coordinator, Range 18	
Travel	25.0
Contractual	80.0
Printing	
HWCF	
Charters	
Office Space	
Utilities, etc.	30.0
Training Expenditure	50.0
(one year only)	
Supplies	8.0
Equipment	30.0
Vehicle	
PC	
Desk, Chairs, etc.	
Filing Cabinet	
Projectors	
Bookcase	
	Total
	<u>200.5</u>

A 5% inflation factor is included in subsequent fiscal year computations.

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER - CSHB 460 (Jud)

Support

April 22, 1986

CSHB 460 (Jud) - "An Act relating to off-road vehicles."

The Department of Public Safety supports the passage of CSHB 460 (Jud). The primary reason for our support is that this bill would reduce the number of injuries and fatalities that are occurring as a result of individuals riding three- and four-wheel ATVs.

This bill provides for education and training of individuals who are 14 through 17 years of age before they can be certified as an operator of an ATV. Current law requires operators of ATVs to have a current Alaska driver's license before operating on any public property within the State of Alaska.

This bill further provides that operators who are 14 through 17 years of age must wear a helmet; the vehicle cannot be operated with more than one rider unless specifically designed for more; that the serial numbers be placed on the machine in a location specified by the Department; and that a space designated by the Department be made available for decals.

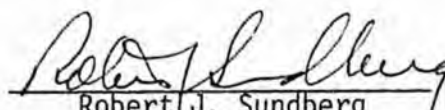
Both the Honda and Kawasaki distributors in Anchorage were contacted. They have no problem with the law.

This agency feels that the registration could primarily be done by mail, thus reducing the amount of inconvenience to owners and operators of ATVs. Training would be done the first year by establishing a program, and then bringing in individuals from throughout the state who would be trained as instructor certifiers. Those individuals in turn would train individuals as certifiers in various locations throughout rural Alaska. At present, the University of Alaska, through its community extension services, has a program in place to train operators in ATV safety. Additionally, there are 116 Village Public Safety Officers, in 113 villages, who could be trained to administer the training and certification.

The bill does require headlights, taillights, brakes, and springloaded throttles. All the manufacturers indicate that they would have no problem with this provision, as these are standard pieces of equipment on ATVs. It is the Department's belief that other ATVs sold in the past were also originally designed and sold with this equipment in place.

Serial numbers are now located in an area on the frame and engine which allows for inspection without tools or the necessity to upset the machine. The Department would only specify that serial numbers be accessible on new ATVs, as they are on the present machines.

Again, Honda Kawasaki distributors were unconcerned with this requirement.

  
Robert J. Sundberg

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : DRAFT CSHB 460 (Jud)  
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 Sponsor : Representative Hurley  
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 Date of Request : 4/15/86

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CAPITAL						
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REVENUE		450.0	150.0	300.0	150.0	300.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
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**POSITIONS :**

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Kathy Niles, Admin Assistant  
 Division : Commissioner's Office

Phone : 465-4336  
 Date : 4/15/86

Approved by Commissioner : [Signature]  
 Agency : Public Safety

Date : 4/15/86

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## CONTINUATION of FISCAL NOTE ANALYSIS

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DP Costs	1.5	
Forms	<u>.5</u>	
		4.5
Equipment -- Desks, chair, etc.		<u>1.0</u>
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The education and training program will be conducted by working with ATV manufacturers in establishing a training and testing curriculum. The Department's role the first year will be to train instructors who will in turn provide instructor training to individuals who will be certified to administer training and certify operators. The Department will continue in subsequent years by overseeing the programs established in cooperation with the University of Alaska Cooperative Extension Service, the Department of Education and private or non-profit corporations who are authorized to conduct training and certify officers.

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(one year only)	
Supplies	8.0
Equipment	30.0
Vehicle	
TC	
Desk, Chairs, etc.	
Filing Cabinet	
Projectors	
Bookcase	
	Total
	<u>200.5</u>

A 5% inflation factor is included in subsequent fiscal year computations.

Rep. M. M. Miller

April 4, 1986

Representative Katie Hurley  
Alaska State Legislature  
P.O. Box U  
Juneau, Alaska 99811

Dear Representative Hurley,

As I said at the CPSC hearing "The 3-wheeler is the only means of transportation in some of our villages."

For instance, when a plane lands in the villages the people greet the plane with a 3-wheeler. Some of the airports are two or more miles from the village.

Imagine yourself landing at the village of Kokhanok, in the month of January, to conduct a hearing. The weather outside is -20 F, and a wind is blowing out of the north at 15 mph---just a breeze according to the weather report. The wind chill temperature is now down to -65 F, and any exposed flesh may get frost bitten within minutes. To get to the village you'll be heading straight North. It's going to be one cold walk!

The coat you are wearing just doesn't seem to keep you warm enough, and the wind is blowing straight through it. Thank goodness, here comes a 3-wheeler. But the driver is only about Eleven years old, and she doesn't have any eye protection on. Your wondering if she is wearing a helmet under that fur hat. The 3-wheeler she's driving is definitely unsafe! The headlight is broken and the brake lever is just hanging there. Your mind turns from these things to your feet, which are starting to feel like frozen blocks. The plane was too warm, your feet were sweating, and now they're beginning to freeze.

It seems as though you should almost be at the school by now, but you turn around to look back and see you've only covered about a quarter of a mile. This is when the 3-wheeler pulls up next to you and the driver asks, "want a ride?".

Well Representative Hurley, what will your decision be? Will you ride or walk? Do you think that something like what I've just described couldn't happen? Believe it or not this does happen.

Take a good look at your bill and think about what kind of impact it will have on the village lifestyle. Put yourself in the shoes of a villager for a minute, and imagine yourself depending on the 3-wheeler for transportation and work.

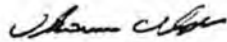
What other alternatives are available? How about encouraging village governments to pass local ordinances that will ensure safe operation of ATV's. This will give the villages an opportunity to tailor ordinances to fit their lifestyles.

An example of what their ordinance could contain is:

1. Age Restrictions
2. Helmet Use
3. Educational Requirements (licensing)
4. Curfews
5. Alcohol and Drug Laws
6. Enforcement of These Laws
7. Penalties for Breaking Laws

Please call or write me if you have any questions or comments.

Sincerely Yours,



Thomas Tilden,  
Dillingham, AK 99576  
842-2259

cc: Representative Adelheid Herrmann  
Representative M. Mike Miller  
Representative John Sund  
Representative Don Clocksin  
Representative Max F. Gruenberg  
Representative Fritz Pettyjohn  
Representative Randy Phillips  
Representative Robin L. Taylor  
Senator Fred F. Zharoff  
Senator John C. Sackett  
Senator Frand Ferguson

# Alaska State Legislature

## House of Representatives

### Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

DATE: 19 MARCH 1986  
TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS  
FROM: COMMITTEE STAFF  
RE: BILL COMPARISON FOR CSHB 460 (TRSP)

The following is a comparison of the changes made to the new committee substitute for House Bill 460 (Trsp) dated March 18, 1986.

CSHB 460  
2/19/86 draft

CSHB 460  
3/18/86

Page 2, Lines 19-21  
"Sec. 05.40.070 OPERATING  
RESTRICTIONS. (a) A person may  
not operate an off-road vehicle  
on public land unless the person  
wears a helmet that meets the  
requirements set out in  
AS 28.05.081(c)

deleted

Page 2, Lines 28 & 29  
(1) has in possession a valid  
off-road vehicle safety  
certificate; and

(1) has in possession  
a valid off-road  
vehicle safety  
certificate

(2) wears a helmet  
that meets the  
requirements set out  
in AS 28.05.081(c)  
and

Page 3, Lines 1 & 2  
(2) wears eye, foot, and  
hand protection prescribed  
by the department by  
regulation

(3) wears eye, foot,  
and hand protection  
prescribed by the  
department by  
regulation

Page 3, Lines 25 & 26  
(3) include as part of the  
retail sale a helmet that  
meets the requirements of  
AS 28.05.081(c)

Deleted

HOUSE

COMMITTEE REPORT

JUDICIARY

Date referred: 1/13/86

FURTHER REFERRALS: FINANCE

DATE: 20 MARCH 1986

The TRANSPORTATION Committee has considered HB 460

"An Act relating to off-road vehicles."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with C.S.H.B. 460 (TRSP)  same title
- new title

and recommends \_\_\_\_\_

further referral to the \_\_\_\_\_ Committee

- and attaches:
- letter of intent
  - first fiscal note
  - new fiscal note
  - zero fiscal note

SIGNING DO PASS:

McQuinn

Bette Cato

Mike W.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

Adelheid Herrmann Do Not Pass!

will be unenforceable in

rural Alaska

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Bette Cato

Chairman

Original sponsors: Hurley, Pourchot  
and Thompson

1 IN THE HOUSE

BY THE TRANSPORTATION COMMITTEE

2 CS FOR HOUSE BILL NO. 460 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to off-road vehicles."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 05 is amended by adding a new chapter to read:

9 CHAPTER 40. OFF-ROAD VEHICLES.

10 Sec. 05.40.010. UNLAWFUL TO OPERATE UNREGISTERED VEHICLE.

11 Except for operation on the owner's private property, a person may not  
12 operate an off-road vehicle unless the vehicle has been registered  
13 with the Department of Public Safety as provided in this chapter.

14 Sec. 05.40.020. REGISTERED AND REGISTRATION FEE. (a) The owner  
15 of an off-road vehicle subject to registration shall apply for regis-  
16 tration under this chapter by properly completing a form provided by  
17 the department. The fee for registration of a vehicle is \$15, and is  
18 valid for three years. Fees collected under this section shall be  
19 deposited by the Department of Revenue into the general fund.

20 (b) Off-road vehicles owned by the federal or state government  
21 or a political subdivision of the federal or state government shall be  
22 registered but are not required to pay a registration fee.

23 Sec. 05.40.030. REGISTRATION CERTIFICATE AND DECAL. Upon regis-  
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25 registration certificate and a numbered decal containing the registra-  
26 tion number of the vehicle. Once a vehicle has been issued a number,  
27 it shall retain that number until the vehicle is destroyed, abandoned,  
28 or permanently removed from the state. The numbered registration  
29 decal shall be prominently displayed at a location prescribed by the

1 department.

2 Sec. 05.40.040. TRANSFER OF OWNERSHIP. The department shall  
3 adopt regulations covering transfer of ownership of off-road vehicles.

4 Sec. 05.40.050. EDUCATION AND TRAINING PROGRAM. (a) The de-  
5 partment shall establish and may approve off-road vehicle safety  
6 education and training programs. The program shall include training  
7 and dissemination of information and safety advice to the public  
8 concerning vehicle maintenance, environmental protection, alcohol and  
9 controlled substances laws, and emergency first aid procedures.

10 (b) A person who completes the training program shall receive an  
11 off-road vehicle safety certificate.

12 Sec. 05.40.060. OFF-ROAD VEHICLE SAFETY FUND. There is created  
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15 tion and training program of this chapter. It is the intent of the  
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17 and that an amount equal to the fees received be appropriated for  
18 off-road vehicle safety education and training under AS 05.40.050.

19 Sec. 05.40.070. OPERATING RESTRICTIONS. Not more than one  
20 person may ride an off-road vehicle at the same time, unless the  
21 off-road vehicle is specifically designed by the manufacturer to carry  
22 more than one person.

23 Sec. 05.40.080. OPERATION BY CERTAIN MINORS. (a) A person at  
24 least 14 years of age and under the age of 18 years may not operate an  
25 off-road vehicle on public land unless the person

26 (1) has in possession a valid off-road vehicle safety  
27 certificate;

28 (2) wears a helmet that meets the requirements set out in  
29 AS 28.05.081(c); and

1 (3) wears eye, foot, and hand protection prescribed by the  
2 department by regulation.

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4 quired to contain the following equipment:

5 (1) brakes adequate to control the movement of and to stop  
6 and to hold the vehicle under normal conditions of operation;

7 (2) at least one head lamp so aimed and of sufficient  
8 intensity to reveal persons and objects at a distance of at least 100  
9 feet ahead during hours of darkness under normal atmospheric condi-  
10 tions;

11 (3) at least one tail light of sufficient intensity to be  
12 visible at a distance of 50 feet behind the vehicle during hours of  
13 darkness under normal atmospheric conditions;

14 (4) a throttle that, when released by hand, will return the  
15 engine speed to idle; and

16 (5) an exhaust muffler in good working order.

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21 location prescribed by the department;

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24 prescribed by the department by regulation.

25 Sec. 05.40.110. HIGHWAY USE. An off-road vehicle may not be  
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27 street or highway.

28 Sec. 05.40.120. PENALTY. A person who violates a provision of  
29 this chapter or a regulation adopted under this chapter is guilty of a

1 misdemeanor and, upon conviction, is punishable by a fine of not more  
2 than \$500 for each offense.

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9 centimeters and total dry weight of less than 600 pounds.

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26 330 or former AS 29.33.250 - 29.33.290.

Original sponsors: Hurley, Pourchot  
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## 3-wheeler hits, injures young girl

A 4-year-old girl who had been enjoying an afternoon of sledding was in critical condition at Fairbanks Memorial Hospital this morning after being hit head-on by a three-wheeler on the Noyes Slough.

Jennifer Gallagher suffered severe head and chest injuries late Thursday afternoon when the all-terrain vehicle crashed into her just behind 633 Noyes St.

The 14-year-old driver estimated he had been going about 40 mph.

Fairbanks City Police said the little girl was sliding down the slough embankment on a small saucer. Her aunt stood nearby watching. Neither of them saw the three-wheeler approaching from around a curve.

The 14-year-old driver told police he traveled on the slough often. When he didn't see anyone ahead of him Wednesday, he speeded up from third gear to fifth gear. He tried to brake when he saw the girl sliding toward him, but he could not stop.

After a preliminary investigation, police said it did not appear likely that any criminal charges would be filed against the young driver of the three-wheeler. Investigation continues.

*Daily News Miner 3/15/86*

## Girl, 4, hit by ATV dies from injuries

A four-year-old girl who was hit head-on by a three-wheeler died Friday afternoon at the Fairbanks Memorial Hospital from injuries caused by the accident.

Jennifer Gallagher suffered severe head and chest injuries late Thursday afternoon after an all-terrain vehicle operated by a 14-year-old juvenile crashed into her just behind 633 Noyes Street. The girl was reportedly sledding on Noyes Slough when the accident occurred. She died from severe head injuries, according to hospital officials, at about 2:30 Friday afternoon.

The 14-year-old driver of the three-wheeler estimated his speed at about 40 mph, according to Fairbanks City Police.

Police said the girl was sliding down the slough embankment on a small saucer, with her aunt watching her nearby, when the all-terrain vehicle came around a curve. Police said neither of them saw the three-wheeler.

The driver said he used the slough for three-wheeler travel often. He said he didn't see anyone in front of him and speeded up, but was not able to brake fast enough when he saw the little girl on the saucer.

Norman J. Klingeiser, 50, died Wednesday afternoon at 4405 Woodriver Drive.

Alaska State Troopers said he suffered an apparent self-inflicted gunshot wound.

3/16/86

## Obituaries *Daily News Miner*

### JENNIFER S. GALLAGHER

Jennifer Susan Gallagher, 4-year-old daughter of James and Jeanne Gallagher, died Friday afternoon as a result of injuries sustained when she was hit by a three-wheeler vehicle Thursday.

Jennifer was born Jan. 25, 1982 in Fairbanks. She attended the Montessori School where everyone was her friend. She loved music and to sing and dance.

Surviving in addition to her parents are a brother, Aaron, 5, and a sister, Ashley, 8 months; grandparents Ruth and Moe Samuelson and Paul Woods Sr., and Joe and Mary Ann Gallagher, all of Fairbanks; great grandmothers, Addie Woods of Fairbanks and Barbara Hakes of Muscatine, Iowa; aunt and godmother, Ann Gallagher, and godfather, Mark Gregory, both of Fairbanks; an aunt, Sue Samuelson, and uncles David Samuelson, Jerry Woods and Paul Woods Jr., all of Fairbanks; and other relatives in Alaska and other states.

Services will be at 2 p.m. Monday at the St. Matthew's Episcopal Church, 1029 First Ave. The Rev. Roger Williams will officiate.



JENNIFER GALLAGHER

### STEPHEN BIRMINGHAM

Burial arrangements are pending for Stephen Norris Birmingham, who died March 12 at Fairbanks Memorial Hospital at the age of 31.

Mr. Birmingham was a former

employee of the State Division of Fish and and Wildlife Protection and also worked as a police officer at Fairbanks International Airport. He was currently employed as an environmental assistant at the State Department of Transportation.

Mr. Birmingham leaves his wife, Kristi, and a son, Stephen Robert, both of North Pole; his parents, Jackie and Les Sewell of North Pole; a brother, Clarence Sewell of Fairbanks; two sisters, Valerie Cugini of Littleton, Colo., and Nita Armstrong of Fairbanks; his grandparents, Clarence and Thelma Cargill Sr. of Prattville, Ala.; two nephews, Kent Armstrong and Joshua Sewell, both of Fairbanks; one niece, April Brinkerhoff of Littleton; his wife's parents, Robert and Edna Woodbury of St. Maries, Idaho; his wife's sister, Dianna Blair of Fairbanks, and his wife's grandmother, Pauline Woodbury of St. Maries.

The family requests that memorials be made to the Kidney Unit at Fairbanks Memorial Hospital, 1650 Cowles St., 99701, or the American Diabetes Association, P.O. Box

Daily News-Miner 3/16/86

Alaska

# Fairban

## Pupils appeal for laws tightening ATV usage

Some local children have written to the Daily News-Miner appealing to the public for stricter laws regulating all-terrain vehicles after a motorized three-wheeler killed a four-year-old girl last week in Fairbanks.

"It is time to protect Fairbanks from kids on three-wheelers," said a letter submitted to the News-Miner Friday signed by about seven students from Montessori Elementary School in Fairbanks.

Four-year-old Jennifer Gallagher died from severe head injuries Friday afternoon after she was struck by a three-wheeler speeding down Noyes Slough Thursday afternoon.

Fairbanks police said a 14-year-old child operating the vehicle estimated his speed at about 40 mph.

The little girl, who was a student at the local Montessori school, was sliding on a saucer on Noyes Slough when the accident occurred.

Her aunt was watching her at the time, but neither of them saw the three-wheeler coming.

"We would like a law that forbids young people from driving three- and four-wheelers at trailer parks or public paths and trails," said a letter signed by several children from Montessori Elementary School in Fairbanks.

"Today one of our Montessori friends die (sic) because she was hit by a kid on a three-wheeler," wrote nine-year-old Kelli Sue Tarrant. "I'd like Fairbanks to have some laws on kids not being able to ride three- or four-wheelers on trailer parks or public trails."

"The children were very upset," said Elizabeth Stachow, a teacher at Montessori. "They were real sad. I think people are generally getting fed up with three-wheelers in Fairbanks. We've just seen a lot of accidents."

Borough Mayor Juanita Helms said Saturday she would consider introducing a resolution to the borough assembly addressing the issue.

"I need to have more information as far as what kind of motion it would be," she said. "It should be something fairly concrete in order to be endorsed. It has to be directed at somebody."

Helms said that while the Fairbanks North Star Borough has no enforcement powers, it could pressure local and state law officials to push for regulation on the use of all-terrain vehicles within the borough.

"It sounds reasonable to me that a younger child may be a little bit terrorized by them," she said. "The older kids always tend to tease the younger kids anyway when they are on one of those things. Now the kids have proof. That is not at all to say that was done deliberately."

Helms said all-terrain vehicles and their operators "need to at least have a license of some kind."

"I think there should be safety laws," said 12-year-old Alethea Stachow. "There should be restrictions in trailer parks and also on trails."

"You have to be very careful on mushing trails," Elizabeth Stachow said. "When you are walking sometimes you can't get out of the way of those things. Perhaps there should be areas just for three- or four-wheelers where they can



**Katie Hurley, House of Representatives**

**Alaska State Legislature**

Chair, House State Affairs Committee  
Member, Health Education & Social Services Committee  
Member, Alaska Legislative Council  
Member, House Special Committee on Fisheries  
Member, Finance Subcommittee on Corrections  
Member, Joint Committee on Local Option Elections

Pouch V  
Juneau, Alaska 99811  
(907) 465-4963

Box 870157  
Wasilla, Alaska 99687  
(907) 376-4058

TESTIMONY OF REP. KATIE HURLEY  
BEFORE THE U.S. CONSUMER PRODUCT SAFETY COMMISSION

MARCH 25, 1986

THANK YOU CHAIRMAN DAWSON AND MEMBERS OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE OPPORTUNITY TO TESTIFY AT THIS SIXTH AND FINAL PUBLIC HEARING TO EXAMINE THE SAFETY ISSUES RELATED TO ALL-TERRAIN VEHICLES.

I MUST ADMIT THAT I HAVE MIXED FEELINGS ABOUT THE NECESSITY FOR THIS MEETING. I REGRET THAT THE ATV DEATH AND ACCIDENT RATE IN ALASKA IS SO HIGH THAT THE COMMISSION FINDS IT NECESSARY TO BE HERE. ON THE OTHER HAND, I FEEL IT IS VITALLY IMPORTANT THAT THE CONSUMER PRODUCT SAFETY COMMISSION ADDED ALASKA TO YOUR ITINERARY OF PUBLIC HEARINGS BECAUSE THERE ARE SOME UNIQUE FACTORS INVOLVED IN ATV USE AND SAFETY IN THIS STATE.

AS A LEGISLATOR AND RESIDENT OF THE MAT-SU VALLEY, I HAVE BECOME AWARE OF THE GROWING NUMBER OF DEATHS AND ACCIDENTS RELATED TO THE USE OF ATV'S IN ALASKA. I WAS ALARMED TO HEAR

REP. KATIE HURLEY  
MARCH 25, 1986  
PAGE TWO

OF THE STATISTICS FROM DR. MIDDAUGH'S STUDY WHICH SHOWED THAT DURING THE YEARS OF 1983 TO 1984 20 PERSONS DIED IN ALASKA AS A RESULT OF ATV ACCIDENTS. I CONTINUE TO BE CONCERNED AS I READ THE FREQUENT REPORTS OF DEATHS AND ACCIDENTS WHICH ARE STILL OCCURRING.

I BELIEVE MANY ALASKANS WERE SADDENED, ALONG WITH ME, TO READ THE TRAGIC STORY OF FOUR YEAR OLD JENNIFER GALLACHER OF FAIRBANKS WHO DIED LESS THAN TWO WEEKS AGO FROM SEVERE HEAD AND CHEST INJURIES. JENNIFER WAS HIT HEAD-ON WHILE SLEDDING BY A 14 YEAR OLD BOY DRIVING A THREE-WHEELER AT 40 MILES PER HOUR.

IN KENAI EARLIER THIS MONTH, A TEENAGER RIDING HIS ATV IN TRAFFIC ON A PUBLIC ROAD IN THE SOLDOTNA AREA WAS STRUCK BY A CAR AND KILLED.

ON MARCH 9TH, TWO 11 YEAR OLD BOYS WERE RIDING AN ATV ON AN ICY PUBLIC ROAD NEAR SEWARD AND RAN INTO A PICK-UP TRUCK. BOTH SUFFERED FRACTURES. ONE OF THE BOYS HAS A SERIOUS HEAD INJURY AND IS STILL IN A COMA AT PROVIDENCE HOSPITAL HERE IN ANCHORAGE.

REP. KATIE HURLEY  
MARCH 25, 1986  
PAGE THREE

IN FEBRUARY ANOTHER SOLDOTNA TEENAGER FLIPPED HIS 3-WHEELER, SPLITTING HIS HELMET ON IMPACT, BUT SUFFERED ONLY A CONCUSSION. LOCAL POLICE OFFICERS IN SOLDOTNA FEEL THIS YOUNG MAN WOULD HAVE BEEN KILLED HAD HE NOT BEEN WEARING A HELMET.

THE MOTHER OF A YOUNG MAN IN PETERSBURG SHARED HER SON'S STORY WITH ME RECENTLY. HE IS HAVING TO LEARN TO WALK AND TALK AGAIN AFTER SUSTAINING SERIOUS INJURIES FROM AN ATV ACCIDENT.

THE EXAMPLES I HAVE JUST CITED ARE ONLY A FEW OF THE ACCIDENTS WHICH HAVE OCCURRED IN ALASKA THIS YEAR. I SADLY FORESEE THAT OTHER LIVES WILL BE LOST AND MORE PERSONS SERIOUSLY INJURED BEFORE THE YEAR IS OVER.

ON JANUARY 13TH OF THIS YEAR, I INTRODUCED AN ATV SAFETY BILL IN THE ALASKA LEGISLATURE. THE PRIMARY REASON I FELT COMPELLED TO INTRODUCE HB 460 WAS TO BEGIN TO TAKE SOME IMPORTANT FIRST STEPS TOWARD SAVING THE LIVES OF ALASKANS.

I AM PLEASED TO REPORT TO YOU THAT COMMITTEE SUBSTITUTE FOR HB 460 PASSED OUT OF THE HOME TRANSPORTATION COMMITTEE LAST WEEK AND IS ON ITS WAY THROUGH THE LEGISLATIVE PROCESS.

REP. KATIE HURLEY  
MARCH 25, 1986  
PAGE FOUR

IN ITS CURRENT VERSION, THIS BILL:

- O ESTABLISHES A COMPREHENSIVE SAFETY EDUCATION AND TRAINING PROGRAM;
- O REQUIRES ALL PERSONS UNDER THE AGE OF 18 TO COMPLETE THE SAFETY EDUCATION AND TRAINING PROGRAM;
- O REQUIRES ALL PERSONS UNDER THE AGE OF 18 TO WEAR A HELMET AND PROTECTIVE GEAR WHEN OPERATING AN ATV;
- O ALLOWS PERSONS 14 YEARS AND OLDER TO OPERATE ATV'S IF THEY HAVE SUCCESSFULLY COMPLETED THE TRAINING PROGRAM (CURRENT LAW PROHIBITS USE BY ANYONE UNDER 16) - THIS PROVISION WAS INCLUDED BECAUSE WE KNOW FOR A FACT THAT MANY YOUNG CHILDREN ARE DRIVING ATV'S IN ALASKA. BY LOWERING THE AGE LIMIT WE ARE ABLE TO REQUIRE THAT MORE YOUNG PERSONS RECEIVE SAFETY TRAINING;

HB 460 ALSO:

- O PROHIBITS PASSENGERS ON ATVS;
- O REQUIRES AN ATV TO HAVE FUNCTIONING BRAKES, HEAD LAMP, TAIL LIGHT, THROTTLE, AND EXHAUST MUFFLER;
- O REQUIRES REGISTRATION OF ALL ATV'S; AND
- O PROHIBITS DRIVING OF ATV'S ON STREETS OR HIGHWAYS EXCEPT FOR CROSSING PURPOSES.

REP. KATIE HURLEY  
MARCH 25, 1986  
PAGE FIVE

MY HEART GOES OUT TO THE YOUNG MAN WHO WAS DRIVING THE ATV WHICH HIT JENNIFER GALLAGHER. I STRONGLY FEEL THAT HAD HE BEEN BETTER EDUCATED IN THE SAFETY ASPECTS OF ATV USE THAT THIS TRAGEDY MIGHT HAVE BEEN AVOIDED. HAD HE BEEN MORE AWARE OF THE LIMITATIONS OF HIS 3-WHEELER HE MIGHT HAVE DRIVEN IT AT A SLOWER SPEED AND BEEN ABLE TO AVOID HITTING YOUNG JENNIFER. IT IS DEVASTATING TO THINK OF THE HARD LESSON HE HAS HAD TO LEARN.

EARLY IN MY TESTIMONY I MENTIONED THAT ALASKA EXPERIENCES SOME UNIQUE FACTORS RELATED TO ATV USE AND SAFETY. I WAS SURPRISED TO READ IN THE MARCH 21ST ANCHORAGE DAILY NEWS ARTICLE, WHICH COVERED SOME OF THE PRELIMINARY FINDINGS OF THIS COMMISSION, THAT USE OF ALCOHOL AND DRUGS WAS RARELY REPORTED IN CONNECTION WITH ATV ACCIDENTS IN OTHER STATES. STUDIES SHOW THE OPPOSITE TO BE TRUE IN ALASKA. AS A FIRST STEP IN ADDRESSING THIS PROBLEM, I HAVE INCLUDED ALCOHOL ABUSE AS PART OF THE PROPOSED SAFETY EDUCATION PROGRAM REQUIRED IN HB 460.

ANOTHER AREA IN WHICH ALASKA IS UNIQUE, IS THE FACT THAT IN MANY RURAL AND BUSH AREAS 3-WHEELERS ARE USED AS THE PRIMARY MODE OF TRANSPORTATION. UNLIKE OTHER STATES, ALASKA HAS MANY VILLAGES WHICH ARE NOT CONNECTED TO A SYSTEM OF ROADS AND HIGHWAYS. AS A RESULT MANY ALASKANS RELY ON ATV'S TO

REP. KATIE HURLEY  
MARCH 25, 1986  
PAGE SIX

TRAVEL TO NEARBY VILLAGES AND TO GET AROUND IN THEIR COMMUNITY. I THINK IT IS IMPORTANT TO TAKE THIS FACTOR INTO CONSIDERATION WHEN ATV USE IS DISCUSSED. IT IS EQUALLY IMPORTANT TO ENSURE THAT THIS METHOD OF TRANSPORTATION IS AS SAFE AS POSSIBLE.

FINALLY, I WOULD LIKE TO SUGGEST A COUPLE OF AREAS FOR YOU, THE CONSUMER PRODUCT SAFETY COMMISSION, TO CONSIDER AS DECISIONS ARE MADE REGARDING ALL-TERRAIN VEHICLE SAFETY.

FIRST, I WOULD LIKE TO RECOMMEND THAT THOUGHT BE GIVEN TO ESTABLISHING ADVERTISING GUIDELINES FOR MANUFACTURERS OF ATV'S. TELEVISION AND MAGAZINE ADS OFTEN DEPICT YOUNG PEOPLE FLYING THROUGH THE AIR OR ROARING UP A MOUNTAIN SIDE ON AN ATV. THESE ADS GIVE YOUNG PEOPLE THE MISTAKEN IDEA THAT ATV'S ARE JUST BIG TOYS. IT WOULD BE MORE RESPONSIBLE TO DEVOTE ADVERTISING DOLLARS TO THE SAFE USE OF THESE VEHICLES.

SECONDLY, I WOULD LIKE TO SUGGEST THAT CONSIDERATION BE GIVEN TO REQUIRING IMPROVED DESIGN OF ALL-TERRAIN VEHICLES. I UNDERSTAND THAT IT MIGHT BE POSSIBLE FOR MANUFACTURERS TO WORK ON DESIGN IMPROVEMENTS WHICH WOULD RESULT IN INCREASED STABILITY AND BETTER TURNING CAPABILITIES. THESE IMPROVEMENTS COULD REDUCE THE LIKELIHOOD OF ACCIDENTS.

REP. KATIE HURLEY  
MARCH 25, 1986  
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IN CONCLUSION, I WOULD LIKE TO SAY THAT I FEEL THAT ATV'S ARE, AND LIKELY WILL CONTINUE TO BE, A PART OF MANY ALASKANS' LIVES. MY HOPE IS THAT NO ONE WILL BE DENIED THE OPTION OF THIS MODE OF TRANSPORTATION AND NO ONE WILL BE DENIED THE PRIVILEGE OF THIS RECREATIONAL ACTIVITY. I SINCERELY BELIEVE THAT, THROUGH INCREASED SAFETY MEASURES AND AWARENESS, LOSS OF LIVES CAN BE STOPPED AND SERIOUS ACCIDENTS CAN BE PREVENTED.

THANK YOU, AGAIN, CHAIRMAN DAWSON AND MEMBERS OF THE COMMISSION FOR PROVIDING THIS PUBLIC FORUM TO DISCUSS ATV SAFETY. I LOOK FORWARD TO HEARING FROM OTHERS WHO SHARE MY INTEREST IN THIS VITAL SUBJECT.



## Katie Hurley, House of Representatives

### Alaska State Legislature

Chair, House State Affairs Committee  
Member, Health Education & Social Services Committee  
Member, Alaska Legislative Council  
Member, House Special Committee on Fisheries  
Member, Finance Subcommittee on Corrections  
Member, Joint Committee on Local Option Elections

Pouch V  
Juneau, Alaska 99811  
(907) 465-4963

Box 870157  
Wasilla, Alaska 99687  
(907) 376-4058

### ALL-TERRAIN VEHICLE SAFETY LEGISLATION

H.B. 460

"An Act relating to off-road vehicles."  
Rep. Katie Hurley, Sponsor

#### Background

There were at least 20 deaths and 538 injuries associated with all-terrain vehicles (ATV's) during the two-year period January 1983 through December 1984, according to a recent statewide study by the Alaska Division of Public Health and the National Centers for Disease Control.

Of the 20 fatalities:

- 75% were between the ages of 15 and 34
- 10 persons died as a result of direct impact to the head but only 2 wore helmets
- 12 deaths might have been prevented by wearing a helmet
- 8 persons had blood alcohol levels which exceeded the standard for intoxication

Of the 538 injuries:

- 324 patients required hospitalization with an average stay of 8.5 days
- 6 patients were treated for severe head or spinal cord injuries and are now permanently disabled

The primary purpose of HB 460 is to promote safety practices associated with the use of ATV's.

#### HB 460 Does:

- Require all persons under the age of 18 to wear a helmet and protective gear;
- Allow persons 14 years and older to operate ATV's (current law prohibits use by anyone under 16);

ATV Fact Sheet  
Rep. Katie Hurley  
3/20/86

- Require an ATV to have functioning brakes, head lamp, tail light, throttle, and exhaust muffler;
- Require all persons under the age of 18 to complete the safety education program prior to operation of an ATV;
- Establish a comprehensive safety education and training program which would include areas such as vehicle maintenance; alcohol and controlled substance laws; environmental protection; and emergency first aid procedures;
- Prohibit driving of ATV's on a street or highway except for crossing purposes;
- Make it unlawful to operate an unregistered ATV;
- Prohibit passengers on ATV's; and
- Make violation of this law a misdemeanor and upon conviction is punishable by a fine of up to \$500 for each offense.



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P O BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P O BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • GUMMAGIN ISLANDS

February 24, 1986

Floyd Steele  
King Salmon, AK 99613

Dear Floyd;

Thank you for your POM supporting HB 460 which legislates off-road vehicles. Death and injury resulting from accidents involving ATV's are one of Alaska's major health risks, especially for young people. This legislation broadly addresses safety and education associated with the use of ATV's. Your suggestion of a knowledge and performance test is a good one and should be given consideration by the House Transportation Committee when they bring HB 460 up for a public hearing.

I appreciate hearing from you on this issue. Please contact me again if I can be of further assistance.

Sincerely,

Fred F. Zharoff  
State Senator

✓ cc: Rep. Bette Cato, Chair  
House Transportation Committee

*Original to  
House Trans*



SENATOR FRED F. ZHAROFF  
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99815 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 485-3473 • 465-3474 • 465-3844 (Labor and Commerce Committee)

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ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

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I appreciate hearing from you on this issue. Please contact me again if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Fred".

Fred F. Zharoff  
State Senator

cc: Rep. Bette Cato, Chair  
House Transportation Committee

February 8, 1986  
P.O. Box 2962  
Palmer, AK 99645

To: House Transportation Committee  
Eette Cato, Chairman  
Mike Davis  
Walter Furnace  
Adelheid Herrmann  
Andre Marrou  
Marco A. Pignalberi  
Richard Schultz

*File*

Dear Representatives:

House Bill 460 seems particularly important for the safety and health of young Alaskans. I believe we need at least these minimum regulations of Off Road Vehicles (ATVs).

I recognize ATVs as work tools as well as a source of recreation. In Bush communities they are essential transportation methods. Teen agers when carefully trained and supervised can use them safely and productively.

Other motor vehicles require driver's training, safety features and a driving test. Accident records from both the state and nation prove that ATVs can be dangerous motor vehicles if improperly handled. Today law enforcement officers are handicapped because regulations affect only ATVs used on public roads. Registration of the vehicles, a safety training course that must be passed before a teen ager is licensed to operate an ATV, and protective gear requirements would assist officers in their job to protect the safety of all Alaskans.

I urge passage of HB 460 as quickly as possible.

Sincerely,

*Pat Aune*

Patricia E. Aune

CC: Representative Katie Hurley  
Representative Ron Larson  
Senator Edna DeVries  
Senator Jalmar Kantola

V  
P  
H

# Valley Physical Therapy

Janet Sorensen, LPT    Alice Holinger, LPT  
561 S. Denali, Suite F  
Palmer, Alaska 99645

Representative Katie Hurley  
Alaska State Legislature  
Pouch V (MS 3100)  
Juneau, AK 99811  
February 13, 1986

With offices at

Valley Hospital  
Palmer, Alaska  
907-745-2267

561 S. Denali  
Suite F  
Palmer, Alaska  
907-745-8686

Paulson & Knik  
Wasilla, Alaska  
907-376-5111

Dear Katie:

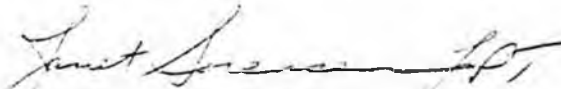
We concur with the testimony given to the Transportation Committee for making a start at controlling the use of ATVs. We also agree with those who feel this bill doesn't go far enough. Specifically, we would like to see the following changes:

1. Establish a lower limit for age of drivers. In recognition of rural need, this could be as low as 13, although if that were not a consideration, we would recommend the same limits as already established for other motorized vehicles. Children have not developed the co-ordination skills or judgment to operate motorized vehicles.
2. Impose the same penalties for operation of an ATV under the influence of alcohol or drugs as are already in place for such violations with other motorized vehicles.
3. Require all operators of ATVs, regardless of age, to complete an education and training program. Drivers of automobiles and motorcycles have to demonstrate knowledge of safe practices; why should ATV operators be different.
4. Make the regulations applicable to private as well as public land. Many of the accidents we see have happened on private land.

We are sending a copy of this letter to Representative Bette Cato for distribution to the Transportation Committee.

Thanks for your work on this, Katie, We're looking forward to seeing the final form of the bill.

Best regards,

  
Janet Sorensen, LPT

  
Alice J. Holinger, LPT

BILL SHEFFIELD, GOVERNOR

P.O. Box Z  
Juneau, Alaska 99811

PHONE (907) 465-2951

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES  
ENGINEERING AND OPERATIONS STANDARDS DIVISION

February 24, 1986

Re: Motorcycle Helmet  
Laws

Clement B. Sledge, MD  
President  
American Academy of Orthopaedic Surgeons  
222 South Prospect Avenue  
Park Ridge, Illinois 60068-4058

Dear Dr. Sledge:

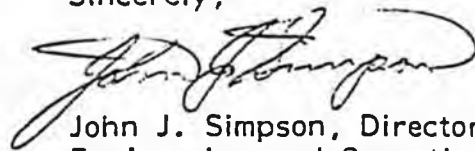
Your letter of February 3 to my Department on behalf of the American Academy of Orthopaedic Surgeons was routed to me.

It is my understanding that at this time licensed, adult motorcycle drivers are exempt from the requirement to wear a helmet while operating a motorcycle in Alaska. Opponents of such a requirement usually cite the need for unobstructed vision and hearing by motorcycle drivers. The State does require that helmets sold in Alaska meet requirements for nonobstruction of peripheral vision and hearing. Motorcycle passengers are required to wear helmets.

The Alaska Highway Safety Planning Agency (HSPA) under the Department of Public Safety is actively involved in promoting highway safety from the driver standpoint. Therefore, I am sending your letter and the Academy's "Position Statement" to the HSPA as well as to two legislators I believe to have an interest in this subject.

Thank you for your concern for highway safety.

Sincerely,



John J. Simpson, Director  
Engineering and Operations  
Standards Division

cc w/attachments: Representative Bette M. Cato  
Representative Ronald L. Larson  
Highway Safety Planning Agency



**AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS**  
222 South Prospect Avenue, Park Ridge, Illinois 60068-4053 • (312) 823-7186



February 3, 1986

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Thomas C. Nelson

Dear Community Leader,

The American Academy of Orthopaedic Surgeons recently released a position statement endorsing strong and uniform state laws mandating the use of helmets by all motorcycle drivers and passengers. A copy of the statement is enclosed.

I hope that you will join us in this effort.

Numerous studies have shown that in cases involving motorcyclists who were not wearing helmets, head injuries were more severe, requiring longer, more expensive hospitalization and rehabilitation. In addition, it has been shown that the public at large bears a major portion of these increased costs, both in the cases where the injured patients' insurance does not cover all the costs associated with care and through the increasing costs of medical insurance premiums.

What is the helmet law in your state? If motorcycle helmets are not mandatory for drivers and passengers, regardless of age, I hope that you will join us in our effort to see that such a law is passed.

Orthopaedic surgeons, the medical specialists most often called upon to treat injuries to motorcyclists, see the damage that results when motorcyclists don't wear helmets. Help us save lives and money by working towards mandatory helmet laws.

Sincerely,

Clement B. Sledge, MD  
President  
American Academy of Orthopaedic Surgeons



American Academy of Orthopaedic Surgeons

# "A Position Statement"

222 South Prospect Avenue • Park Ridge, Illinois 60068-4058  
312 / 823-7186  
Contact: Mark W. Wieting

## Position Statement on Helmet Use by Motorcycle Riders

THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS ENDORSES LAWS MANDATING THE USE OF HELMETS BY MOTORCYCLE DRIVERS AND PASSENGERS.

Orthopaedic surgeons, the medical specialists most often called upon to treat injuries to motorcyclists, believe a significant reduction in fatalities and head injuries could be effected through the implementation of laws mandating the use of helmets by all motorcycle drivers and passengers. The American Academy of Orthopaedic Surgeons strongly endorses such mandatory helmet laws.

Numerous studies in various parts of the United States have shown that helmet use reduces the severity and cost associated with injuries to motorcycle riders. Federal efforts beginning with the Highway Safety Act of 1966 achieved the passage of state laws mandating helmet use and by 1975, 47 states had enacted such laws. With the Highway Safety Act of 1977, however, Section 208 of which relaxed the pressure on states to have helmet laws, the federal government created the opportunity to measure the effectiveness of helmet use, as 27 states repealed their helmet laws in the next three years.

Objective analysis of data from the mid 70s (when helmet laws were widespread) and the late 70s (when more than half the states had repealed such laws) shows clearly that head injuries and fatalities of motorcycle riders are reduced when motorcyclists wear helmets. Moreover, the costs associated with treating motorcycle riders' head injuries have been demonstrated to be significantly reduced--up to 80 percent in one university study--when helmet laws are in effect.

THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS BELIEVES THAT ISSUES OF PERSONAL FREEDOM SHOULD BE SEEN IN THE CONTEXT OF THE FACT THAT THE PUBLIC AT LARGE INCURS A MAJOR PART OF THE COST FOR INJURIES TO MOTORCYCLE RIDERS.

The repeal of helmet laws in many states was based on issues involving some motorcyclists' claims that mandatory use laws infringed on their right to personal freedom. While it can be argued that the states' laws mandating that motorcyclists be licensed to operate the vehicle are a similar infringement, the more important issue is the cost borne by society when a motorcyclist is injured in an accident. Numerous studies have shown that in cases involving motorcyclists who were not wearing helmets, head injuries were more severe, requiring longer, more expensive hospitalization and rehabilitation. Moreover, it has been shown that the public at large bears a major portion of these increased costs, both in the cases where the injured patients' insurance does not cover all the costs associated with care and through the increasing cost of medical insurance premiums. Society must evaluate the claim of infringement on freedom versus the funding of these costs.

THE AMERICAN ACADEMY OF ORTHOPAEDIC SURGEONS BELIEVES THAT THE CURRENT DIVERSITY OF STATE HELMET LAWS PROVIDES TOO LITTLE PROTECTION FOR MOTORCYCLE RIDERS AND FOR SOCIETY AT LARGE. '

Analysis of current state laws on helmet use shows that certain states require the use of helmets for persons aged 21 and younger, 19 and younger, 18 and younger, and 15 and younger. One state requires that helmets must be worn by passengers but not by drivers. Eight states have no helmet laws at all. With federal statistics showing that a motorcycle driver or passenger is twice as likely to receive a head injury in an accident if he or she is not wearing a helmet, such inconsistencies in state laws seem an egregious lack of responsibility by the legislatures in many states.

# Alaska State Legislature

## House of Representatives

### Committee on Transportation

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

Rep. Bette Cato, Chairman

DATE: 19 FEBRUARY 1986  
TO: COMMITTEE MEMBERS  
FROM: STAFF  
RE: CHANGES TO HB 460

The following are the changes made to HB 460:

The language was changed to Sec. 05.40.070 which makes it a different section as compared to HB 460 -

Sec. 05.40.070. OPERATING RESTRICTIONS. (a) A person may not operate an off-road vehicle on public land unless the person wears a helmet that meets the requirements set out in AS 28.05.081(c).

(b) Not more than one person may ride an off-road vehicle at the same time, unless the off-road vehicle is specifically designed by the manufacturer to carry more than one person.

Sec. 05.40.080(a) the language is changed from

HB 460 - 05.40.070(a) A person under the age of 17 years may not operate an off-road vehicle on public land unless the person...

CSHB 460 - (a) A person at least 14 years of age and under the age of 18 years may not operate an off-road vehicle on public land unless the person...

Two additional sections are added to the bill as follows:

Sec. 2. AS 28.15.031(a) is amended to read:

(a) The department may not issue a driver's license to a person who is under the age of 15 years, except that the department may issue a permit or a certificate under AS 28.10.051 or a restricted license under AS 28.15.121.

Sec. 3. AS 28.15.051 is amended by adding a new subsection to read:

(f) The department may issue or approve issuance of a special driver's certificate to a person who is at least 14 years of age for the purpose of driving an off-road vehicle. The certificate may be issued upon successful completion of an off-road vehicle education and training program established under AS 05.40.050, and is valid for the same period of time as a driver's license. This certificate is not valid in a municipality that by ordinance prohibits the driving of an off-road vehicle by a person under the age of 16 years; a borough may adopt the ordinance on a nonareawide basis only, unless the power to adopt it on an areawide basis is acquired under AS 29.35.300 - 29.35.330 or former AS 29.33.250 - 29.33.290..



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y. State Capitol  
Juneau, Alaska 99811  
(907) 465-3991

August 5, 1985

MEMORANDUM

TO: Representative Katie Hurley

ATTN: Patti Macklin

FROM: Mark Torgerson *MT*  
Legislative Analyst

RE: Licensing and Regulation of All-Terrain Vehicles (ATVs)  
Research Request 85-354

You asked this agency to provide you with the following information:

- How do other states regulate the use of ATVs, including licensing requirements, helmet use and restrictions on driving ATVs on public roads?
- Are there existing federal regulations?
- How many people in Alaska have been cited for driving ATVs on public roads?

State and Federal Regulation. According to Pam Phillips, Manager of legislation for the Special Vehicle Institute of America (SVIA), a nonprofit trade association for ATVs, ~~24 states regulate the use of ATVs~~ There is ~~no existing federal legislation~~. The states' regulations vary in scope, and the attached chart (provided by the SVIA) illustrates these variations. For example, Louisiana requires only that the owner obtain a proper title for an ATV, while Indiana requires proper vehicle registration, minimum age restrictions, and equipment requirements. The chart indicates that 19 states have minimum age and/or driver's licensi- requirements while seven states have helmet restrictions on ATVs. (House Research Request 84-014, which discusses helmet laws in other states, is attached.)

In most states, ATVs are not allowed on public roads because they fail to meet vehicle equipment requirements. However, Ms. Phillips of the SVIA stated that some ATV owners have modified their ATVs (usually by adding equipment) to make them legal to drive on public roads.

Representative Hurley  
August 5, 1985  
Page Two

According to Ms. Phillips, the SVIA does not advocate either on-road use or structural modification of ATVs because these ~~vehicles were manufactured specifically for off-road use~~. Three states--Arkansas, Georgia and Kansas--allow on-road use of unmodified ATVs; however, this use is restricted to agricultural purposes.

Citations for On-Road Use of ATVs. You also asked for the number of citations issued for people driving ATVs on Alaska's public roads. According to Mike Lewis, Program Director for the Highway Safety Planning Agency, these statistics are not readily available at this time. However, Dr. John Middaugh of the Department of Health and Social Services, who conducted a study on ATV injuries, noted that the Alaska Department of Public Safety and the Department of Transportation and Public Facilities received reports of 234 incidents involving injuries or property damage from ATV use in 1983 - 1984. Dr. Middaugh stated that ~~147 of these incidents occurred on public roads.~~

Attached are the following materials provided by the SVIA: An ATVenture in Safety, ATV Off Road Practice Guide, and SVIA Recommendations for the Use and Regulation of All-Terrain Vehicles. The SVIA recommends legislative regulation of ATVs and will assist interested legislators in drafting the legislation. The SVIA is drafting model legislation which will be sent to our agency upon completion. We will forward this material to your office.

At your request, we have also attached legislation which has been recently passed in Oregon, North Dakota, Minnesota and Pennsylvania, and proposed legislation which has been introduced in Wisconsin. In addition, attached are House Research Requests 83-252, 84-014, and 85-227. These requests address the licensing and regulation of ATVs and the effectiveness of helmet laws.

I hope that this information is useful to you. Please call me if you have additional questions.

MT

Attachments

February 26, 1986

Department of Public Safety  
COMMITTEE SUBSTITUTE HOUSE BILL 460

Position Paper

Support

The Department of Public Safety supports the passage of CSHB460. The primary reason for our support is that this bill would reduce the number of injuries and fatalities that are occurring as a result of individuals riding three- and four-wheel ATVs.

This bill provides for education and training of individuals between the ages of 14 through 17 before they can be certified as an operator of an ATV. Current law requires operators of ATVs to have a current Alaska driver's license before operating on any public property within the state of Alaska.

This bill further provides that all operators must wear a helmet, the vehicle cannot be operated with more than one rider unless specifically designed for more, that the serial numbers be placed on the machine in a location specified by the Department, and that a space designated by the Department be made available for decals.


Both the Honda and Kawasaki distributors in Anchorage were contacted. They have no problem with the law, with the exception of the helmet being required at time of sale. They indicate that there are approximately 29 different helmets to choose from, and they do not believe that they should be responsible for furnishing a helmet with sale. They indicate that merely furnishing the helmet will not insure that it is worn. They were more than willing to advise purchasers that the law requires the wearing of a helmet prior to operation.

This agency feels that the registration could primarily be done by mail, thus reducing the amount of inconvenience to owners and operators of ATVs. Training would be done the first year by establishing a program, and then bringing in individuals from throughout the state who would be trained as instructor certifiers. Those individuals in turn would train individuals as certifiers in various locations throughout rural Alaska. At present, the University of Alaska, through its community extension services, has a program in place to train operators in ATV safety. Additionally, there are 116 Village Public Safety Officers, in 113 villages, who could be trained to administer the training and certification.

The bill does require headlights, taillights, brakes, and springloaded throttles. All the manufacturers indicate that they would have no problem with this provision, as these are standard pieces of equipment on ATVs. It is the Department's belief that other ATVs sold in the past were also originally designed and sold with this equipment in place.

Serial numbers are now located in an area on the frame and engine which allows for inspection without tools or the necessity to upset the machine. The Department would only specify that serial numbers be accessible on new ATVs, as they are on the present machines.

Again, Honda and Kawasaki distributors were unconcerned with this requirement.

  
Robert J. Sundberg, Commissioner  
Department of Public Safety

BRISTOL BAY NATIVE CONVENTION  
Resolution 86-35

WHEREAS: the 3-wheeler is utilized for subsistence & commercial, and transportation purposes in the village; and

WHEREAS: there is a bill introduced by Representative Hurley HB 460 that would create hardship on village people; and

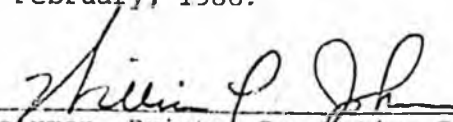
WHEREAS: HB 460 would not be enforceable in the villages.

NOW THEREFORE BE IT RESOLVED that the delegates to the 1986 Convention in convention assembled that the legislature conduct further hearings in the villages to find out what kind of impact this bill will have on village lifestyle.

CERTIFICATION

I hereby certify that the foregoing is a full, true and correct copy of the resolution adopted by the delegates to the 1986 Bristol Bay Native Convention, February 23, 24, 25, & 26, Dillingham, Alaska, at which a quorum was present.

WITNESS My hand and seal this 26th day of February, 1986.

  
\_\_\_\_\_  
Chairman, Bristol Bay Native Convention

WITNESSED:

  
\_\_\_\_\_  
Chairperson, Resolution Committee

ALASKA NATIVE HEALTH BOARD, INC.

RESOLUTION NO. 85-06

TITLE: REGARDING THREE WHEELER AND SIMILAR ALL TERRAIN VEHICLES.

WHEREAS, The Alaska Native Health Board is a legally established organization of Alaska Natives, as defined in the Alaska Native Land Claims Settlement Act (85 Statute 688); and

WHEREAS, The Alaska Federation of Natives, Inc., a legally established organization of Alaska Natives which is democratically elected by the adult members of the Alaska Native community and which includes the maximum participation of Alaska Natives in all phases of its activities, has unanimously designated, by formal resolution on January 11, 1979 of its Full Board, "That the Alaska Federation of Natives, Inc. formally recognizes the Alaska Native Health Board as the Health Committee of AFN, Inc. and thereby conveys full authority to articulate policy and to act on health issues"; and

WHEREAS, The use of three-wheeler, all-terrain vehicles by children and adults has contributed to unnecessary deaths and injuries in the State of Alaska; and

WHEREAS, The medical cost of 538 injuries over a period of two years exceeded \$1.6 million dollars and that it is estimated that the cost of institutional care for those 6 brain damaged Alaskans injured in all-terrain vehicle accidents will exceed \$11.5 million if they live to age 65; and

WHEREAS, Measures such as educational safety programs and mandatory helmet requirements have reduced injuries associated with bicycles, motorcycles and snowmobiles; and

WHEREAS, Alaska has documented some of the most serious problems among all states on this subject;

NOW THEREFORE BE IT RESOLVED that the Alaska Native Health Board, Inc. urges the passage of the following legislation:

- 1) Helmet use requirements for all operators of ATVs.
- 2) Vehicle registration.
- 3) Mandatory safe driving course for all ATV drivers.

BE IT FURTHER RESOLVED that the ANHB urges that the U.S. Product Safety Commission hold one of its hearings on three-wheeler ATVs in Alaska; and

BE IT FURTHER RESOLVED that the ANHB urges the Department of Health and Social Services to commit additional funds and professional positions to increase its efforts to study and to investigate injuries in Alaska.

CERTIFICATION

Resolution 85-06 passed by the Alaska Native Health Board this 13th day of September, 1985 by a vote of 7 for and 0 against.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : C5HB 460  
 Title : "An Act relating to off-road vehicles."  
 Sponsor : Representative Hurley  
 Requestor : House Transportation  
 Date of Request : 2/19/86

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Division of Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		89.3	93.8	98.4	103.4	108.5
TRAVEL		25.0	26.3	27.6	28.9	30.4
CONTRACTUAL		24.5	34.5	36.2	38.0	39.9
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		31.0	1.0	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>		450.0	150.0	150.0	250.0	150.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>237.8</b>	<b>157.6</b>	<b>165.4</b>	<b>173.6</b>	<b>182.3</b>

**POSITIONS :**

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Kathy Niles, Admin Assistant Phone : 465-4336  
 Division : Commissioner's Office Date : 2/20/86  
 Approved by Commissioner : [Signature] Date : 2/20/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460

The Revenue and Expenditure Analysis is based on the assumption that there are 30,000 ATVs to be registered and after the first year 10,000 will be registered annually. This number is only a rough estimate since there is no reliable method to determine the actual number. Also, the number of actual registrations could vary considerably depending on the actual enforcement effort put into the program.

The second assumption is that the program will have an effective date of January 1, 1987.

### Registration

The workload of 30,000 vehicle registrations spread over three years represents an overall workload increase of 2%. This can be absorbed at most offices with no increase, but many registrations will come from areas where this division has no offices. One position and related equipment will be added to the correspondence unit to perform this work.

The cost breakdown is as follows:

Personal Services		
MVR II, Range 9		31.8
Contractual		
Terminal, Printer Lease	2.5	
DP Costs	1.5	
Forms	<u>.5</u>	
		4.5
Equipment -- Desks, chair, etc.		1.0
	Total	<u>37.3</u>

### Education and Training Program

The education and training program will be conducted by working with ATV manufacturers in establishing a training and testing curriculum. The Department's role the first year will be to train instructors who will in turn provide instructor training to individuals who will be certified to administer training and certify operators. The Department will continue in subsequent years by overseeing the programs established in cooperation with the University of Alaska Cooperative Extension Service, the Department of Education and private or non-profit corporations who are authorized to conduct training and certify officers.

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 460

The cost breakdown is as follows:

Personal Services		
Program Coordinator, Range 18		57.5
Travel		25.0
Contractual		
Printing		
HWCF		
Charters		
Office Space		
Utilities, etc.	30.0	
Training Expenditure (one year only)	<u>50.0</u>	
		80.0
Supplies		8.0
Equipment		
Vehicle		
PC		
Desk, Chairs, etc.		
Filing Cabinet		
Projectors		
Bookcase		
		<u>30.0</u>
	Total	<u>200.5</u>

A 5% inflation factor is included in subsequent fiscal year computations.

# STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH  
EPIDEMIOLOGY OFFICE

3601 "C" STREET, SUITE 540  
POUCH 6333  
ANCHORAGE, ALASKA 99502-0333

(907) 561-4406

February 4, 1986

Representative Katie Hurley  
Box V  
Juneau, AK 99811

Dear Representative Hurley:

It was a pleasure to see you in Juneau last week. Thank you so much for your kind remarks about the work of the Division of Public Health and the Epidemiology Office. I look forward to an opportunity to present information in support of your important legislation, HB 460, regarding off-road vehicles.

As president-elect of the Anchorage Medical Society, chairman of its legislative committee, and a counselor of the Alaska State Medical Association, I would like to offer to you the support of these organizations for passage of HB 460. In addition, I would like to provide to you two recommendations adopted officially by both the Alaska State Medical Association and the Anchorage Medical Society.

We recommend that your legislation be amended to require the use of helmets of all riders of off-road vehicles. The Alaska epidemiology studies documented 12 potentially preventable deaths had the riders or occupants only been wearing a helmet. All 12 individuals were older than 17 years and would not be required to use helmets by the present draft of the bill.

We also recommend that you amend your bill to require an individual to be 11 years of age or older in order to obtain a required license to operate an off-road vehicle. We believe that these vehicles are powerful, sophisticated machines that require dexterity, strength, and skill to operate safely. We believe that children less than 11 years of age do not possess adequate motor skills, physical strength, and judgment to operate them safely.

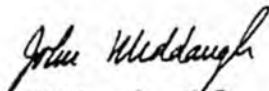
Finally, we urge you to amend your bill to make carrying passengers illegal. Since the machines are sold with specific warnings against carrying passengers, it would appear that such use is recognized even by the manufacturers as incompatible with safe operation.

You can count on our support to pass your legislation regarding off-road vehicles. We commend you for taking the initiative in preparing and introducing this legislation. We hope that you will favorably consider our recommendations. We will make every effort to testify at all hearings. I request that you ask your staff

to notify me when hearings are scheduled so that I can arrange for someone to provide testimony on behalf of the Anchorage Medical Society and Alaska State Medical Association.

Again my deepest thanks for your kind words and your support for epidemiology research and effective public health programs.

With best regards,

A handwritten signature in cursive script that reads "John Middaugh".

John Middaugh, M.D.  
State Epidemiologist

JM/or

# Alaska State Legislature

## House of Representatives

### Committee on Transportation



Rep. Bette Cato, Chairman

Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4858

#### MEMO

To: Representative Katie Hurley and House Transportation Members

From: Representative Bette Cato *BC*  
Chairman, House Transportation Committee

Re: House Bill 460 "An Act relating to off-road vehicles."

Date: February 10, 1986

As you know House Bill 460, which is sponsored by Rep. Katie Hurley, is presently in the House Transportation Committee.

Friday, February 7, 1986, Dr. McNight of Anchorage at 786-1253 called with the following comments on this legislation. He feels:

1. The bill needs a minimum age restriction (no one under 12).
2. The bill needs a required helmet use stipulation for persons of all ages, not just children.
3. The fee structure is insufficient to finance an ATV safety program.

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB-460  
 Title : An Act relating to off-road vehicles  
 Sponsor : Representative Hurley  
 Requestor : H. Transportation  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Division of Motor Vehicles  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		157.7	165.6	173.9	182.6	191.7
TRAVEL		10.0	10.5	11.0	11.6	12.2
CONTRACTUAL		104.5	109.0	114.0	119.0	125.0
SUPPLIES		.5	.5	.5	.6	.6
EQUIPMENT		5.0	1.0	1.0	1.0	1.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>277.7</b>	<b>286.6</b>	<b>300.4</b>	<b>314.8</b>	<b>330.5</b>

CAPITAL						
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REVENUE		450.0	150.0	150.0	250.0	150.0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		277.7	286.6	300.4	314.8	330.5
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		4.0	4.0	4.0	4.0	4.0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See attached page.

Prepared by : Charles R. Hosack <sup>CHR/AB</sup> Phone : 269-5551  
 Division : Motor Vehicles Date : 1/15/86

Approved by Commissioner : [Signature] Date : 1/16/86  
 Agency : Public Safety

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Fiscal Note  
HB-460  
Analysis

The Revenue and Expenditure Analysis is based on the assumption that there are 30,000 ATVs to be registered and after the first year 10,000 will be registered annually. This number is only a rough estimate since there is no reliable method to determine the actual number. Also, the number of actual registrations could vary considerably depending on the actual enforcement effort put into the program.

The second assumption is that the program will have an effective date of January 1, 1987.

Registration

The workload of 30,000 vehicle registrations spread over three years represents an overall workload increase of 2%. This can be absorbed at most offices with no increase, but many registrations will come from areas where this division has no offices. One position and related equipment will be added to the correspondence unit to perform this work.

The cost breakdown is as follows:

Personal Services -- MVR II, Range 9	31.8
Contractual	
Terminal, Printer Lease	2.5
DP Costs	1.5
Forms	.5
Equipment -- Desk, Chair, Etc.	1.0
Total	<u>37.3</u>

Education and Training Program

The education and training program will be conducted by establishing contracts with Native associations, public health agencies, motorcycle dealers, etc. A core staff of three positions will be needed to conduct instructor training and to monitor the program.

The cost breakdown is as follows:

Personal Services	
Program Coordinator, Range 18	57.5
Administrative Assistant, Range 12	36.6
Clerk Typist, Range 9	31.8
Travel	10.0
Contractual	
Educational Materials	10.0
Training Contracts	90.0
Equipment	4.0
Commodities	.5
Total	<u>240.4</u>

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB460  
 Title : "An Act relating to off road vehicles"  
 Sponsor : Rep. Hurley  
 Requestor : H. Transportation  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 Components : Detachments & CIB

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		7.8	8.3	8.3	9.3	9.3
TRAVEL						
CONTRACTUAL						
SUPPLIES		5.0	5.3	5.6	5.9	6.3
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		12.8	13.6	14.4	15.2	16.2
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		12.8	13.6	14.4	15.2	16.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

See Attached Page

Prepared by : Francis C. Allan *F.C.A.* Phone : 269-5691  
 Division : Alaska State Troopers Date : 01/14/86

Approved by Commissioner : *[Signature]* Date : 1-17-86  
 Agency : Department of Public Safety

Distribution (by Agency/ preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

It is estimated that implementation of this legislation will result in an additional 250 hours of court time by Alaska State Troopers as well as approximate \$5,000 in forms and other miscellaneous costs. A breakdown of these costs is as follows:

1) <u>Personal Services</u>		
Average Trooper Hourly Rate		
Range 76 D	= \$22.27	
Benefits @ .261327	= 5.93	
SBS @ .0613	= 1.37	
Health	= 1.50	
Total Hourly	<u>\$31.07</u> x 250 hrs	\$ 7,767.50
2) <u>Supplies - Incidental costs</u>		
such as traffic citations,		
arrest reports, activity		
reports, etc.		<u>5,000.00</u>
	Total Cost	\$12,767.50

Assumptions: This fiscal note anticipates an effective date of 7/1/86 and an inflation factor of 6% per year after FY87.

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : HB No. 460  
 Title : "An Act Relating to off-road vehicles"  
 \_\_\_\_\_  
 Sponsor Representative Hurley  
 Requestor : \_\_\_\_\_  
 Date of Request : 1/14/86

**FISCAL DETAIL**

Agency Affected : Health & Social Services  
 BRU : State Health Service  
 \_\_\_\_\_  
 Components : All  
 \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

**POSITIONS :**

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Elizabeth War *M.N. P.W.*  
 Division : Public Health

Phone : 465-3090  
 Date : Jan. 23, 1986 *JCC*

Approved by Commissioner : *J.P.P.*  
 Agency : Health & Social Services

Date : 1/31/86

Distribution (by Agency preparing fiscal note) :

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

DEPARTMENT OF PUBLIC SAFETY  
POSITION PAPER

HB 460

SUPPORT

JANUARY 16, 1986

This bill requires:

1. Registration of all 3 and 4 wheeled ATV's;
2. Development of regulations pertaining to sale and transfer, (titling);
3. Training and education in the use of these vehicles;
4. Required training for persons under 17 years of age;
5. Required clothing protection for those under 17;
6. Sale of all ATV's to include protective head gear.

At present under existing statutes, it is illegal for anyone without a valid drivers license to operate a motor vehicle on public property.

If the Department enforces the current statutes, only 16 year olds would be required to be trained and required to wear the protective eye, foot, hand and head protection.

This bill should either require:

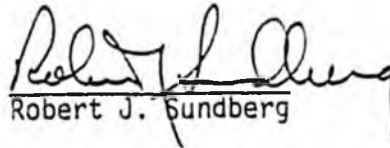
1. Everyone age 16 and 17 to comply or;
2. Change AS 28.15.011 or the definitions to allow persons without operators licenses to operate ATV's and snow machines in the state.

The Department can register the vehicles with a modest increase of one person in our mail unit. The Troopers will incur more court time and have requested funding for the anticipated increase in hours.

The expensive and difficult portion of the bill pertains to training. We would propose to hire state employees to administer the program and train agents who would then provide the actual training to ATV operators. We envision using non-profit corporations, citizen groups, the University of Alaska as agents, and perhaps satellite television for continued training and educational programs.

It may be less expensive to have the training conducted by the University which at present has a training course which they offer.

We would recommend an additional section which limits the number of riders on an ATV to one. At present, it is illegal for ATV's to be operated on a roadway. However, in the villages they are often used as the only means of transportation. In these cases they are driven on streets and roadways.

  
Robert J. Sundberg

# attachment A - Alaska Administrative Code

Register 70, July 1979

PUBLIC SAFETY

13 AAC 02.430

13 AAC 02.455

## ARTICLE 10.

### SPECIAL RULES FOR SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES

#### Section

430. Applicability of regulations: parental responsibility

435. (Repealed)

440. (Repealed)

445. Riding on snowmobiles and other off-highway vehicles

450. (Repealed)

455. Operation on highways and other locations

460. (Repealed)

465. (Repealed)

13 AAC 02.430. APPLICABILITY OF REGULATIONS: PARENTAL RESPONSIBILITY. (a) No parent or guardian may authorize or knowingly permit a child to violate a provision of secs. 430-455 of this chapter.

(b) Every person operating a snowmobile or other off-highway vehicle upon a highway has the rights and is subject to the duties applicable to the driver of any other vehicle under this chapter, except as otherwise provided in secs. 430-455 of this chapter, and except as to those provisions of this chapter which by their nature have no application. (Eff. 12/31/69; Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.435. APPLICATION OF SNOW VEHICLE PROVISIONS. Repealed 6/28/79.

13 AAC 02.440. TRAFFIC LAWS AND REGULATIONS APPLY TO OPERATION OF SNOW VEHICLE. Repealed 6/28/79.

13 AAC 02.445. RIDING ON SNOWMOBILES AND OTHER OFF-HIGHWAY VEHICLES. A person driving a snowmobile or other off-highway vehicle may ride only on a permanent seat attached to the vehicle; no snowmobile or other off-highway vehicle, when driven on a highway, may be used to carry persons other than the driver, unless the vehicle is designed and equipped with a seat for a passenger.

(b) Repealed 6/28/79.  
(Eff. 12/31/69, Reg. 31; am 6/28/79, Reg. 70)  
Authority: AS 28.05.011

13 AAC 02.450. TOWING OTHER PERSON. Repealed 6/28/79.

13 AAC 02.455. OPERATION ON HIGHWAYS AND OTHER LOCATIONS. (a) A snowmobile or an off-highway vehicle may be driven on a roadway or shoulder of a highway only under the following circumstances:

(1) when crossing a highway as provided in (f) of this section, or when traversing a bridge or culvert on a highway, but then only by driving at the extreme right-hand edge of the bridge or culvert and only when the traverse can be completed with safety and without interfering with other traffic on the highway;

(2) when use of the highway by other motor vehicles is impossible because of snow or ice accumulation or other natural conditions or when the highway is posted or otherwise designated as being open to travel by off-highway vehicles;

(3) when highway driving is authorized by an authority having jurisdiction over the highway, but only in accordance with restrictions which may be imposed by that authority with regard to highway use; or

(4) when driven on the right-of-way of a highway which is not a controlled-access highway, outside the roadway or shoulder, and no closer than three feet from the nearest edge of the roadway; night driving may be only on the right-hand side of the highway and in the same direction as the highway motor vehicle traffic in the nearest lane of the roadway; no person may drive an off-highway vehicle within the area dividing the roadways of a divided highway, except to cross the highway as provided in (f) of this section.

(b) Repealed 6/28/79.

(c) Repealed 6/28/79.

(d) Repealed 6/28/79.

(e) Repealed 6/28/79.

(f) A snowmobile or an off-highway vehicle may make a direct crossing of a highway if

(1) the crossing is made approximately at a right angle to the highway and at a location where visibility along the highway in both directions is clear for a sufficient distance to assure safety, and the crossing can be completed safely and without interfering with other traffic on the highway; and

(2) the vehicle is brought to a complete stop before crossing the shoulder or roadway, and the driver yields the right-of-way to all traffic on the highway.

(g) No snowmobile or other off-highway vehicle may cross or travel on a sidewalk, a location intended for pedestrian or other nonmotorized traffic, an alley, or a vehicular way or area which is not open to snowmobile or off-highway vehicle operation, except as provided in (f) of this section. (Eff. 12/31/69, Reg. 31; am 7/23/70, Reg. 35; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.460. LAMPS AND OTHER EQUIPMENT ON SNOW VEHICLE. Repealed 6/28/79.

13 AAC 02.465. SPEED RESTRICTIONS. Repealed 6/28/79.

ARTICLE 11.  
MISCELLANEOUS PROVISIONS

Section

- 480. Unattended motor vehicle
- 482. Limited use of vehicular ways and areas
- 485. Limitations on backing
- 487. Driving on sidewalk
- 490. (Repealed)
- 495. Riding in and on vehicles and towed objects: boarding and alighting; obstructing of driver's view or driving mechanism
- 497. Funerals and other processions: permits
- 500. (Repealed)
- 505. Animals on highways and other areas
- 510. (Repealed)
- 515. Coasting prohibited

- 517. Authorized and other emergency vehicles
- 520. Following authorized emergency vehicle: interference at scene of accident: crossing fire hose
- 525. (Repealed)
- 530. Littering, depositing materials, and dragging objects prohibited
- 532. Railroad trains not to block roadways
- 535. (Repealed)
- 540. (Repealed)
- 545. Drivers to exercise care
- 550. (Repealed)

13 AAC 02.480. UNATTENDED MOTOR VEHICLE. No person driving or in charge of a motor vehicle may permit it to stand unattended by an adult person without first stopping the engine, placing the transmission in gear or in park position, locking the ignition, removing the key from the ignition and, if there is not a reasonable possibility of freezing, setting the brake. When standing upon a grade, a driver shall turn the front wheels toward the curb or near edge of the highway in such a manner that if the unattended vehicle should roll from its standing position, the movement will be in the direction toward the curb or near edge of the highway and away from the roadway. (in effect before 7/28/59; am 12/15/61, Reg. 3; am 8/10/66, Reg. 22; am 12/31/69, Reg. 31; am 6/28/79, Reg. 70)

Authority: AS 28.05.011

13 AAC 02.482. LIMITED USE OF VEHICULAR WAYS AND AREAS. (a) No pedestrian, rider of a bicycle, or driver of a vehicle may travel on a vehicular way or area as defined in 13 AAC 40.010 when it is designated for use by a different mode of travel than that used by the pedestrian, rider of a bicycle, or driver of a vehicle.

(b) A driver of a nonmotorized vehicle traveling upon a vehicular way or area shall, regardless of whether an official traffic-control device is present, yield the right-of-way in the manner specified in sec 130(c) of this chapter to any traffic using a roadway, driveway, or vehicular way or area on which motor vehicle traffic is authorized. (Eff. 6/28/79, Reg. 70)

Authority: AS 28.05.011

# 3 Wheeler (ATV) Injuries in Alaska 1983-1984

By John Middaugh, M.D.  
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Centers for Disease Control, Atlanta, Georgia

### Acknowledgements:

Tom Kosatsky, M.D., Gordon Smith, M.D., Steve Thacker, Carl Tyler, M.D., Rick Goodman, M.D., Centers for Disease Control, Atlanta, Georgia; Pat Bernard, Medical Records, Providence Hospital; Jim Berner, M.D., Joan Thorpe, R.N., Dave Schraer, M.D., Alaska Native Medical Center; Jeannine Wheeler, Medical Records, Fairbanks Memorial Hospital; Mike Propst, M.D., Don Rogers, M.D.; Tony Gatts, Honda of Anchorage; Susan Halbert, Program Coordinator, 4-H Youth Development; Lou Colwell, Office of Environmental Health, Indian Health Service; Mark Johnson, Gloria Way, EMS Program; Joan Brooks, Vital Statistics; Mike Martin, Bonnie Gabaldon, Marvin Bailey, Denny DeGross, Alaska Native Health Board; Bill Brown, Department of Public Safety; Rod Schneider, Tom Weed, Dan Mallek, Ruth Ferris, Leo Leuchanski, Department of Transportation; Harold Jeske, Division of Medical Assistance, DHSS; Robert McKnight, Ph.D., University of Alaska; Clint Lillibridge, M.D., Lynn Johnson-Joseph, Municipality of Anchorage; Tom Scott, Southern Region EMS Council; and many others.

In Alaska at least 20 deaths and 538 injuries—6 of them permanently disabling neurological injuries—were associated with 3-wheeler all-terrain vehicles from January 1983 through December 1984. These are the preliminary data from an ongoing statewide study conducted by the Alaska Division of Public Health with the assistance of the Centers for Disease Control.

Of the 20 fatalities, 11 (55%) were males. Ages at death ranged from 12 to 53 years; 15 (75%) were in the 15-34 year age group. Eleven (55%) deaths occurred during the summer of 1983. No similar cluster was observed in 1984. All but 3 fatal incidents occurred in the southcentral and southwestern portions of the State. Of the 20 fatalities, 10 died as a result of the direct impact to the head, but only two wore helmets. Four others died after being knocked unconscious; two drowned in shallow water, one landed face down in sand, and one died because the machine's handlebars compressed the trachea. Twelve of the 20 fatalities might have been prevented by wearing a helmet. Nineteen of the victims were operators of the vehicle; in one instance both the driver and his passenger were killed.

Blood alcohol levels were measured in 11 individuals who survived less than 4 hours following injury. In 8 individuals, the BAC exceeded 100 mg%, the level of intoxication. Two others had blood alcohol detected, but

at levels below 100 mg%. In 9 instances, blood alcohol either was not measured or persons died 4 or more hours following injury so blood alcohol concentrations (BACs) obtained at autopsy may not reflect accurately the BAC at the time of the incident.

All individuals admitted to the hospital for ATV-associated injuries were identified. Medical records from all Indian Health Service Hospitals and from 2 of the 3 major private referral hospitals in the State were reviewed. During the two-year period, 324 patients were hospitalized for ATV-related injuries, with the average duration of stay being 8.5 days. Of the 324 hospitalizations, 113 (35%) occurred as a result of fracture/dislocations of the lower extremity.

Six patients, ranging in age from 21 to 51 years, were hospitalized as a result of severe head or spinal cord injuries, are now permanently disabled, and will require long-term skilled care. In one private hospital, 43 of 65 (66%) inpatients required a surgical procedure under general anesthesia. Although data on outpatients are far less complete, 214 ATV-associated injuries have been documented during the study period.

Based on the current estimates for hospital care in Alaska (average of \$578 per inpatient day), ATV-associated injuries accounted for \$1.6 million in health care dollars spent for inpatient care alone during 1983-84. Using estimated costs of basic care for residents of a large long-term care facility in Anchorage (\$4,800 per month), the 6 permanently disabled victims may require additional expenditures of \$11.5 million for basic long-term skilled care if each lives to age 65. This figure does not include costs for physician's fees, medications, occupational therapy, individual therapy, recreational therapy, or speech therapy.

The Alaska Departments of Public Safety and Transportation (DPS/DOT) received reports of 234 incidents involving 364 injured riders or property damage associated with ATV use during the same period. Reports from DPS/DOT were used to characterize riders, vehicles, and environmental conditions involved in fatal

### Three-Wheeler Incidents—Alaska 1983-1984 FATALITIES BY CAUSE OF DEATH

Cause of Death	NO.	%
Impact to Head	10	(50.0)
Impact to Trunk	3	(15.0)
Drowning	3	(15.0)
Asphyxiation	2	(10.0)
Hypothermia	1	(5.0)
Unknown	1	(5.0)
<b>TOTAL</b>	<b>20</b>	<b>(100.0)</b>

and non-fatal ATV incidents that were investigated by police. Persons in the 10-14 year old age group (24%) were most frequently involved in incidents reported to DPS/DOT. More than twice as many males as females were reported.

Although these vehicles are marked for off-road use, 63% of incidents occurred on designated roadways. Vehicles were most frequently moving straight at a constant speed (57%), rather than changing speed or direction prior to the event. The most frequent contributing factors cited by police were alcohol (20.3%), speeding (16.2%), driver inexperience (12.6%), and driver inattention (11.3%). Only 9.1% of riders wore helmets at the time of the incident. Although all ATV models are designed for use by a single rider, 29.1% of incidents reported by police involved multiple riders.

Injuries are the leading cause of premature mortality as years of potential life lost (YPLL) in the United States. Mortality associated with unintentional injuries is the leading cause of YPLL in Alaska and is influenced by the age structure of the State (median age=26.3 years). During 1983-84, fatal injuries due to transportation and recreational vehicle crashes accounted for 353 (9.1%) of 3,881 deaths in Alaska: 285 (7.3%) automobile and truck collision fatalities, 80 (2.2%) aircraft crash fatalities, 20 (0.5%) ATV-associated fatalities and 11 (0.3%) fatalities resulting from snowmachine use. In addition to the premature mortality associated with ATV use, related non-fatal injuries result in substantial costs for both individuals and society.

Potential risk factors for injuries associated with ATVs include alcohol use, failure to use helmets, rider inexperience and inattention, and excessive speed. These factors as well as vehicle use patterns and vehicle characteristics must be evaluated as part of a rational approach to plan intervention strategies. Injury investigations such as this one can lead to development and implementation of comprehensive injury surveillance systems to learn about causes and risk factors in order to prevent injuries.



## IN MEMORIAM

EMS providers throughout the state were saddened to learn of the tragic death of John Burgasser, his wife Carol and nineteen year old daughter Cindy, who were apparently overcome by carbon monoxide in their home in Nenana on April 9.

John Burgasser and his family moved to Alaska from California in 1978, where he had worked as a paramedic. Shortly after arriving in Anchorage, the Burgasser family moved to Nenana where John took a job as chief medic with the Nenana Ambulance Service. When new state Mobile Intensive Care Paramedic licensing regulations were adopted, John was the second paramedic in Alaska to be licensed.

John joined the Board of Directors of the Interior Region Emergency Medical Services Council, Inc., based in Fairbanks, in 1979. He immediately became very active in regionwide EMS system development and became a strong advocate of advanced life support pre-hospital emergency care in Alaska. He served as President of the Interior Region EMS Council from 1983 until his death.

John and his wife were active members in Nenana civic affairs, and John served as a member of the Nenana City Council. He was appointed to the position of Fire Chief in February, 1985.

John also served many Interior communities as an EMT Instructor and certifying officer. One such community said of him, "His practical ideas and application, understanding approach to local situations and his ever-cheerful, helpful attitude made his visits a pleasure to all."

# STATE ALL-TERRAIN VEHICLE REQUIREMENTS



**JANUARY 1985**

STATE	REGISTRATION	TITLE	M/V OPERATOR'S LICENSE	MINIMUM AGE	SAFETY EDUC. CERTIF. REQ.	EQUIPMENT REQUIREMENTS					OFF-ROAD USE ALLOWED	CLASSIFIED AS
						LIGHTS	BEAKS	MUFFLER	SPARE TIRE	OTHER		
Alabama												
Alaska												
Arizona								•C				
Arkansas	•A										•X	
California	•A	•				•C	•	•IC	•			OHMV
Colorado								•IC				
Connecticut	•A		•F									ATV
Delaware	•A			12D		•C		•IC		•K•M		OHV
DC												
Florida	•BE											OHV
Georgia											Yes-X	
Hawaii												
Idaho												
Illinois												
Indiana	•B•E		•F	14D	•	•H	•					ORV
Iowa	•BE			12, 16D, 16F	•Q	•	•	•C				Snow-mobility ATV
Kansas											Yes-RV	
Kentucky												
Louisiana		•										
Maine	•A•			10U, 15F	•C			•I	•			ATV
Maryland	•HE		•EP	12E	•EG	•E		•EI				OHV
Massachusetts	•R			14D, 16F	•	•		•I <sup>(*)</sup>	•	•K		HV/ATV
Michigan	•A•			12D or R	•C	•H		•IC	•	•M		OHV
Minnesota	•A or B			14DE, 12RE	•H	•F•G				•M		3-wl. OHV
Mississippi												
Missouri												
Montana												
Nebraska												
Nevada												
N. Hampshire	•B		•J	12D	•Z	•	•H	•I <sup>(*)</sup>	•			OHRV
New Jersey	••											
New Mexico	••A	••										OHM
New York	••											
North Carolina												
North Dakota	•									•IS		
Ohio	•A		•E	16DE, 12U	•EC	•		•I				APV
Oklahoma					•SC			••S	••S	•K•O•S		ORV
Oregon	•				•C	•		•I	•S	•W		ORV
Pennsylvania	•								••			
Rhode Island	•B	•	•Y	11E, 16O&F	•C	•		•I		•K•L•E		RV
South Carolina												
South Dakota												
Tennessee		•							••S	••S	•K•S	OHMV
Texas		••							•G	•S	•K•S	
Utah	•S			16DE	•C	•		•IC		•Y		ATV/RV
Vermont	•A•E			12D, 16FD	•CC	•C		•C				ATV
Virginia												
Washington	•A•C				•C	•		•I				NHV/OHV
West Virginia												
Wisconsin												
Wyoming												

• Required by law or regulation  
 † Specific law for ATVs only  
 \* Applies to 3-wheel ATVs only

**A** - By Motor Vehicle Registration Agency  
**B** - By Recreation Mgmt. Agency  
**C** - Except in authorized events  
**D** - Unless supervised  
**E** - Applies only on public lands  
**F** - To cross highway  
**G** - For night operation only  
**H** - Specific performance requirements  
**I** - Decibel limit specified  
**J** - To cross hwy. unless safety certificate is possessed  
**K** - Approved helmet  
**L** - 16 sq. in. reflective material on each side of ATV

**M** - VIN  
**N** - Required for ages 12-14  
**O** - Helmet (for 3 wheelers); roll bar & seat belts (on 4 wheelers); flag on wrap, as specified (on all ATVs)  
**P** - Must possess license or learner's permit, or be accompanied by lic. holder or by parent  
**Q** - Required if born after 7/1/83  
**R** - With safety certificate  
**S** - Applies only on specified public land  
**T** - Required for ages 16-18 to cross hwy.  
**U** - On Dept. of Natural Resources lands if accompanied by parent  
**V** - Lights required at night  
**W** - Red flag (on sand), chain guard (if equipped with chain), fuel tank made of metal  
**X** - For agricultural purposes

**Y** - Helmet in competitive events  
**Z** - Required for ages 12-15 to cross hwy.

**Classification Abbreviations**  
 APV - All-purpose  
 ATV - All-terrain  
 NHV - Non-hwy  
 OHM - Off-hwy  
 OHV - Off-hwy  
 OHMV - Off-hwy vehicle  
 OHRV - Off-hwy, recreation vehicle  
 ORV - Off-road vehicle  
 RV - Recreation vehicle

This chart is compiled by SVIA's Government Relations office. Although it represents information from the most authoritative sources available, SVIA is not responsible for accuracy or completeness. This chart will be updated as state legislatures enact and/or amend ATV requirements. Please contact SVIA for additional information concerning ATVs or for additional copies of this chart.

• 1985 bill - signed  
 • 1985 bill - awaiting governor's signature

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**SAFETY ALERT! CAUTION URGED FOR RIDING THREE-WHEELED ALL-TERRAIN VEHICLES**

In December, the U.S. Consumer Product Safety Commission issued this safety alert warning consumers of the potential operator risks associated with three-wheeled all-terrain vehicles. CPSC's injury statistics have indicated a dramatic increase in injuries and deaths associated with three-wheeled all-terrain vehicles. In Alaska, this has been a critical issue for over 2 years.

Three-wheeled all-terrain vehicles, often called ATV's, are small motorized recreational cycles with three large, soft tires and are designed for off-road use on a variety of terrains. Some manufacturers also offer a similar type of ATV in a four-wheeled configuration. In recent years, their popularity and sales have soared. Many units are sold for recreational use. In some parts of Alaska they are used extensively for transportation and work. Information from the Commission's National Electronic Injury Surveillance System (NEISS) indicates that the estimated number of ATV-related injuries treated in hospital emergency rooms jumped from 8,600 in 1982 to 27,600 in 1983; and for the first 9 months of 1984 there have been an estimated 53,200 injuries. Since January 1, 1982, 80 deaths involving all-terrain vehicles have been reported.

CPSC and the Specialty Vehicle Institute of America believe that increased safety awareness will contribute to a reduction of injuries and therefore are urging users to observe the following safety rules while using ATVs:

\*Three-wheeled ATVs have unique handling characteristics. Beginning riders should receive professional instruction and certification and should practice first on a level area and then in a more difficult but controlled environment before riding an ATV in rough or unfamiliar terrain.

\*CPSC injury investigations show that the majority of accidents occur when the ATV unexpectedly encounters an obstacle such as a rock or ditch. Riders should not exceed speeds which are safe for the terrain on which they are traveling.

\*Parents should remember that ATVs are not simply overgrown tricycles. Children should use motorized ATVs only after having received instruction under adult supervision and only when they are old enough to safely handle them.

\*Always wear an approved protective helmet and other protective gear.

\*Three-wheeled ATVs are designed for one rider only. Do not ride double.

\*Do not operate ATVs when using alcoholic beverages.

\*Always read the instruction manual and follow the manufacturers' guidance for use, maintenance, and preuse checks.

\*Do not use ATVs on paved roads or streets.

\*Observe local laws or regulations and any regulations which have been established for public recreational areas where ATV use is permitted.

\*Always use good judgment when using your ATV.

For further information on the "Making Tracks Safely with Your All-Terrain Vehicle" program and fact sheets, Alaskan Consumers should call the Cooperative Extension Service at 786-1080.

# Old Harbor man dies in 3-wheeler accident

A 22-year-old Old Harbor resident died in Anchorage Saturday afternoon from head injuries sustained in a 3-wheeler accident in his village the night before, authorities reported.

Clinton Christiansen was pronounced dead at the Alaska Native Medical Center around 3:40 p.m. Saturday, about 16 hours after his 3-wheeler crashed into a load of crab pots near the boat harbor in Old Harbor, reports said.

The accident, which occurred around 11:30 p.m. Friday, put

Christiansen into a coma from which he never recovered, accounts said. The victim had not been wearing a helmet, according to one resident in Old Harbor.

Alaska State Troopers are investigating possible causes of the accident.

The Coast Guard Air Station was notified of Christiansen's injuries around 12:30 a.m. Saturday and soon after launched an H-3 helicopter with a physician aboard to pick the

patient up and bring him back to town. A C-130 immediately transported Christiansen from Kodiak to Anchorage, where he arrived in "critical" condition, an Air Station spokesperson said.

A Russian Orthodox funeral will be held for Christiansen in Old Harbor later this week, a family member said.

Kodiak Fire Department ambulance personnel responded to another 3-wheeler accident Friday night at about 7:18 p.m. Nineteen-year-old Dwayne Blair,

of Kodiak, was transported to Kodiak Island Hospital after sustaining a possible broken arm on Pillar Mountain. He was treated and released from the hospital, records indicated. -

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# Anaktuvuk residents push for 3-wheelers

The Associated Press

FAIRBANKS — Anaktuvuk Pass residents want to drive three-wheelers in the Gates of the Arctic National Park and Preserve, but environmentalists want the machines banned or restricted.

About 60 people attended a meeting at the Noel Wien Library here this week to comment on the draft general management plan for the 8 million acre park and preserve in the central Brooks Range.

Anna Nageak of Anaktuvuk Pass told National Park Service officials that she was upset about a proposal in the park's draft management plan to prohibit off-road vehicles, including three-wheelers so popular in the village.

Nageak said people in Anaktuvuk use three-wheelers to travel to their land allotments away from the villages and often cross National Park Service land in the process. If three-wheelers are prohibited, it will be difficult to reach her land, she said.

"If I got a caribou over there how am I supposed to get it back?" Nageak asked. She said the Alaska National Wildlife Conservation Lands Act created the

## Sheffield wants ATV hearing

The Associated Press

JUNEAU — Gov. Bill Sheffield wants the Consumer Products Safety Commission to hold a hearing in Alaska as it investigates safety hazards of all-terrain vehicles such as three-wheelers.

In a letter Thursday to Commission Chairman Terrence M. Scanlon, the governor said Alaska "constitutes a major market for ATV manufacturers and has the second highest per capita use of ATVs after California."

Sheffield said Alaskans use ATVs not only for recreation but for basic transportation and as a tool for rural subsistence lifestyles.

The governor also said the commission could profit from a hearing in Alaska because it would hear first-hand information Alaska health and safety officials have developed about ATVs.

park, protects traditional subsistence uses and the use of three-wheelers falls under that protection.

Photos published in the draft plan show ruts full of water where three-wheelers have formed trails and mudholes in the park. Because of the damage, the park service suggests eliminating three-wheelers in the park.

Several people said protecting the wilderness resources of the park should be the park service's first priority. They cited other portions of

the lands act that say the park's purpose is "to maintain the wild and undeveloped character of the area."

Randy Rogers, director of the Northern Alaska Environmental Center, said his organization "recognizes the importance of subsistence" and would assist in the search for a solution to the three-wheeler issue in Anaktuvuk.

But protection of park land should be the park service's goal, he said. Three-wheeler use may be allowed "as long as park resources are not

damaged," he said.

A "cooperative solution" should protect park resources, ensure reasonable access and involve plenty of public comment, Rogers said.

Villagers were not convinced.

"Am I supposed to walk over to my allotment and park everything over there?" Nageak asked. "Like everybody else, I'm getting a little soft, and I don't like walking."

"That's not true, I like walking," a Fairbanks man in the audience told Nageak. "I see traditional use as meaning something ancestors would have used."

"I'm not out there to experience ATVs," he said.

Warren Matumeak, deputy zoning director with the North Slope Borough planning department, said the geography of Anaktuvuk Pass makes three-wheelers a necessity.

The village is not located on a navigable river, as are many other Native communities, he said. The riverboat is the primary method of travel for many villagers, but in Anaktuvuk it is replaced by the three-wheeler, he said.

2/27

## ATV injuries prompt call for action

by RANDOLPH SCHMID  
The Associated Press

WASHINGTON — More than 100 Americans have been killed and thousands injured on all-terrain vehicles in the last three years, and the government should get involved in finding ways to reduce the toll, the Consumer Product Safety Commission was told Tuesday.

The commission's staff recommended that the agency commit resources to research the reasons for the rising death and injury rate and to work with industry on solving it.

"We're at a crossroads as a commission as to whether we're going to keep studying a

See Back Page. ATV

## ATV toll

Continued from Page A-1

problem or whether we're going to do something about it," commented Commissioner Stuart M. Statler, who has pressed for action on the three-wheel vehicles.

The toll associated with the vehicles increased from 8,858 injuries and 14 deaths in 1982 to 66,956 injuries and 48 deaths in 1984. Overall, the commission reported, 104 Americans died in accidents involving all-terrain vehicles between 1982 and 1984.

"I don't believe that we can tolerate this situation and I don't believe it's going to go away," Statler said.

"The large number of injuries and deaths, the high rate of hospitalizations, and the large number of injuries to children make this an issue that we cannot ignore," Commission Chairman Terrence Scanlon agreed.

But, he added, there appears to be much the industry can do in the way of public education concerning safe methods or using the vehicles.

Scanlon pointed out that "the risks associated with ATVs may not always be accurately perceived. Many riders, and parents, are simply not aware of the proper techniques for handling a three-wheeled vehicle at high speed or that there may be special knowledge necessary for safely handling ATVs."

National

# Hazards of all-terrain vehicles

## alarm safety commission

by Randolph E. Schmid  
Associated Press

Washington — The Consumer Product Safety Commission is searching for ways to reduce the nation's rapidly rising toll of deaths and injuries associated with all-terrain vehicles.

The three-wheel runabouts have grown sharply in popularity in recent years with more than 1.8 million currently in use as Americans take to fields and stream beds in increasing droves.

But that increased use has been paralleled by deaths and injuries, with many of the victims teen-agers or even younger. Fatalities include children drivers as young as 5 years old.

The commission's staff on Tuesday urged that more resources be committed to sorting out problems with the vehicles and finding ways to solve them.

From 8,858 injuries involving all-terrain vehicles in 1982, the number rose to 27,554 in 1983 and 66,956 last year, the

commission reported. Over that period 104 people were killed.

"I don't think we can tolerate that," Commissioner Stuart M. Statler said, raising the possibility that recalls or new regulation setting safety standards may be required.

"This is an inherently dangerous vehicle. The question is whether it is unreasonably dangerous," he said.

Commission Chairman Terence Scanlon suggested working with manu-

facturers of the products to improve safety instructions and warnings provided with the vehicles.

But he concurred that "the large number of injuries and deaths, the high rate of hospitalizations, and the large number of injuries to children make this an issue that we cannot ignore."

George Rutherford of the commission staff said about one-third of the injuries being reported involve persons under age 15, and fully three-fourths of

all those injured are age 25 or under.

Roy Deppa of the commission's engineering staff explained that the three-wheel design of most all-terrain vehicles makes them unstable.

He said the intent is to make them easier to handle in rough-terrain situations, where that same instability makes it easier to maneuver over rocks and around boulders.

# Alaska 3-wheeler toll: 19 dead, 476 hurt in 2 years

By LARRY CAMPBELL  
Daily News reporter

At least 19 Alaskans have died and 476 were injured in accidents involving three-wheeled recreational vehicles during the past two years, and the figures have prompted health officials to declare three-wheeler safety a significant public health issue for Alaska.

The findings are part of the preliminary results of the first comprehensive study of

deaths and injuries related to three-wheeled recreational vehicles in the nation. The study, released this week, was conducted by the state Department of Health and Social Service's Epidemiology Office and an epidemiologist from the Centers for Disease Control in Atlanta.

Riders who don't wear safety helmets seem to be more likely to die from three-wheeler accidents, according to the preliminary figures.

Only two of 8 people who died from head injuries were wearing helmets when their accidents occurred, according to the report.

Four others who died after being knocked unconscious might have been saved had they worn helmets, said Dr. John Middaugh, state epidemiologist.

The study is the first done in the United States and was aided by Dr. Suzanne Smith, epidemiologist for the Centers

for Disease Control in Atlanta. Smith said she came to Alaska at the state's request, and to test new information-gathering techniques for injury statistics developed by the CDC.

While the preliminary statistics show the number of deaths declining between 1983 and 1984 — from 12 to 7 — injuries increased, from 140 in 1983 to 336 in 1984. The majority of those injuries were leg fractures.

The figures also show that males in their late teens and early 20s are most likely to suffer three-wheeler injuries. Most injuries also occur between late summer and early fall.

While improper riding is one suspected cause of accidents, both Middaugh and Smith declined to expand further on their findings until a report is completed, possibly later this year.

AP/WIDE WORLD

# All-terrain danger



All-terrain vehicles — which are especially popular in Bush Alaska — are responsible for thousands of injuries annually; a federal agency is reviewing safety laws

## Injuries prompt review of ATV regulations

by Larry Penaby  
Times Journal Bureau

**I**ncrease — Independent-minded Alaskans usually greet government regulations with about as much warmth as a cold day in Barrow.

But with an estimated 67,000 persons injured nationwide last year in accidents involving all-terrain vehicles (ATVs), Alaskans may welcome a federal Consumer Product Safety Commission review which could lead to regulations on the manufacture and use of the popular 3- and 4-wheelers.

With 20 deaths and more than 530 injuries in the past two years, Alaska also is considering on its own what can be done to make operators of the vehicles more safety conscious.

"There is no question that there has been an explosion of injuries since 1983," said Dr. John Middaugh, state epidemiologist with the Alaska Division of Public Health.

Nationwide, the number of hospital emergency room cases associated with 3- and 4-wheeler accidents has increased from 8,583 in 1982 to 27,554 in 1983 and to 68,956 in 1984, reported Nick Marchica, chairman of the ATV task force formed in April by the Consumer Product Safety Commission.

He said there were an estimated 1.8 million ATVs in use last year nationwide, with that total expected to reach 2.5 million by the end of this year.

An Anchorage Honda dealer estimates there are between 25,000 and 35,000 3-wheelers in Alaska.

Marchica said, "We have issued an advance notice of proposed rulemaking," and after a series of hearings this year in five different cities the federal

### Statistics show misuse of ATVs caused 530 injuries, 20 deaths

by Larry Penaby  
Times Journal Bureau

**J**urors — Examine every death certificate in Alaska for the past two years, all 4,100 of them. Contact coroners, magistrates, emergency medical services personnel, the Indian Health Service and major hospitals. Review state trooper and highway records. Total it up and you'll find:

- Twenty people died in 1983 and 1984 from 3-wheeler all-terrain vehicle accidents.
- More than half of the deaths might have been prevented had the operators been wearing helmets.
- Eight of 11 people who died had blood-alcohol levels above the legal limit and were intoxicated at the time of their accidents.
- More than 530 persons were injured.
- Six of the victims are permanently disabled with head or spinal cord injuries.
- Of the more than 320 hospital reports reviewed, victims of 3-wheeler accidents averaged more than eight days in the hospital because of the severity of their injuries.
- Another fact reported by state health officials, after reviewing two years of state highway

Alaska safety program

— page B-2

and trooper records, is that "63 percent of the incidents occurred on roadways, even though that is supposedly illegal . . . and they (3-wheelers) are marketed for off-road use."

John Middaugh, state epidemiologist, has been working since January on a comprehensive review of 3-wheeler safety. He was assisted for the first two months by a worker from the federal Centers for Disease Control in Atlanta, who was assigned to Alaska to help with the project.

A preliminary report already has been released, and the federal worker arrived back in Alaska last weekend for a one-month stay to help Middaugh finish the study and prepare the final report.

In addition to the report, Middaugh said, his office plans to provide recommendations to promote 3-wheeler safety in Alaska.

The epidemiologist's office is in the Division of Public Health, with Middaugh describing his job as "a physician trained to look at diseases." See ATVs, page B-2

ATV task force is scheduled next year to recommend regulations for the commission's consideration.

Congressional hearings on the issue of 3-wheeler safety were held last month in Washington D.C. Martha Fox, of the governor's office staff in Washington, said among the testimony "was the suggestion, 'There should be a moratorium on sales pending the safety commission investigation.'"

Gov. Bill Sheffield June 12 wrote the Consumer Product Safety Commission, asking the agency to add Alaska to its

hearing agenda.

In requesting the hearing, Sheffield noted that 3-wheelers "are used in Alaska for work, for basic transportation and as an essential part of the rural subsistence lifestyle."

ATVs are used by rural Alaskans for transportation to hunting areas, hauling freight, and recreation.

Fox said the state is concerned the federal agency, in its effort to reduce the number of accidents, may impose restrictions contrary to the best interests of Alaskans.

The founder of Alaska's

training program for operators of 3-wheelers. Susan Halbert, 4-H youth program coordinator for the University of Alaska Cooperative Extension Service, traveled last month to Washington D.C. to testify before the House subcommittee with oversight responsibilities for the Consumer Product Safety Commission.

Halbert said she told the subcommittee, and Alaska's congressional delegation, that a ban on 3-wheelers would cause severe hardships for rural Alaskans.

The state currently imposes

few restrictions on the use of 3-wheelers, other than requiring lights and safety reflectors and prohibiting their use on streets and highways.

"There is no real requirement for licensing," said Charles Hosack, deputy director for the Division of Motor Vehicles. As no license is required to operate a 3-wheeler, a person of any age can run the vehicle and there are no requirements for protective gear.

Legislative action to change state law would be required before the Division of Motor Vehicles could institute any 3-wheeler regulations, he added.

Legislation is being considered by Rep. Katie Hurley, D-Wasilla, House State Affairs Committee chair, who said some safety standards are needed for ATV operators, "not to punish them, but for their own protection."

She said, "I know there is a balance that has to take place" between state-ordered safety requirements and the need for 3-wheelers for rural transportation. She is considering legislation to establish a minimum age for operation of a 3-wheeler and to require riders to wear helmets.

State trooper and highway department statistics show that only nine percent of persons involved in ATV accidents in the past two years were wearing helmets.

The Consumer Product Safety Commission reports that 25 percent of all ATV injuries are suffered by children under the age of 12, and 45 percent of 3-wheeler accidents nationwide involve persons under 16.

"There is a lot of support (in Alaska) for helmet legislation and some kind of licensing."

See Safety, page B-2

# Pheasant won't mix

crossbreeding chickens can be done, but the results are not as good as those of the parent birds. If fertile available, it would save time and money. It's being used in every corner of the state," by 4-H Clubs, community groups, schools, native associations and safety programs, said Susan Halbert, 4-H youth program coordinator for the University of Alaska.

to Farm in Wasilla and who can find no valid reason to, a combination that does to means would have done it a id have no commercial value. Rvart added that most focus a crossbreeding of possession lines and the fact it, several damaged. ng with your personally, so completely on 160. *Paul*

## ARM response

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aria and Melham of Anchor- ge; his mother, I grandm- ent Edward of Union Bridge, G.; and paternal grandparent, Oscar and Marjorie Ayerds Brooklyn, N.Y. Burial will be in the Anchor- ge Memorial Park with in- terments by Evergreen Me- morial Chapel.

## Terrence M. Brown

Brother Francis Shetler, re- sult Terrence Michael Brown, died after an illness June 12 in Anchorage. Born Jan 1, 1941 in Buffalo, N.Y., he had worked as a house painter for companies in Califor- nia, Washington and Alaska. He made a living as a construc- tion worker, excavator and heavy equipment operator until he was disabled by illness. Mr. Brown moved to Anchor- ge in 1979. The last year he lived the Brother Francis Shetler died was engaged to marry Er- ne Wasson, also a resident of a Shetler. He leaves no known survivors. Funeral services will be 2 p.m. day at Evergreen Memorial Chapel with Brother Bob and other David of the Brother Francis Shetler officiating. A vis-

itors of all-terrain vehicles, with a package of videotape, slides and printed materials now in its third year of distribution. "It's being used in every corner of the state," by 4-H Clubs, community groups, schools, native associations and safety programs, said Susan Halbert, 4-H youth program coordinator for the University of

passing the office serves "as the informal arm of the university's educational system... providing practical, useful information to the community." She said the package includes a videotape on three-wheeler riding skills, a slide show on vehicle maintenance and safety gear, and printed materials to accompa- ny the program.

bert said. The package was completed and distribution started in 1983 in Alaska, while other states only this year have started similar safety programs of their own. Halbert said her office received help in 1983 from Honda of Anchorage, which contributed funds for printing material. The same dealership again helped by

Halbert, praised the Anchor- age and Mai-Su Honda dealers for their support, though she did acknowledge, "Obviously, it's to their advantage" to promote the safe use of their vehicles. Tony Gatts, the owner of Honda of Anchorage, said, "Edu- cation is primary to safety," ad- ding, "It's like a buffet table, it's out there and it's available."



Alaska was the first to offer an all-terrain vehicle safety program

# Safety on wheels

Continued from page B-1

Halbert said, such as recurring safety training for youngsters. She said she mailed out a sur- vey in April to village safety of- ficers and city officials some- where, asking for their sugges- tions and comments on the issue.

"Quite a few villages and municipalities already have local ordinances of one kind or another," she said, and many "were anxious for more help" in reducing 3-wheeler acci- dents.

A state task force also is working on the problem of 3- wheeler safety, with Indian Health Service, village public safety officer, university, native health corporation and state officials working to- gether.

The state also is looking for another report on ATV safety. The Division of Public Health has \$10,000 to spend and is asking for grant proposals to produce a series of policy pa- pers this year on ATV safety.

The policy papers will sur- vey state and municipal laws on ATV use in Alaska and the Lower 48, said Gloria Way, with the injury prevention office of the Division's emergency medi- cal services unit.

She said the decision to seek a review of possible ATV laws was prompted, in part, by re- quires from legislators.

Hittler said she was one of the lawmakers to ask for the re- view. "Just driving out here in Wa- silla and seeing those young kids on these ATVs jockey across the highway... appar- ently there's nothing that re- solves them," she said.

# ATVs linked to 20 deaths

Continued from page B-1

and injuries as they affect the population."

From his survey of death cer- tificates, Michigan said the youngest of the 20 fatalities in the past two years was 12 years old, the oldest 51. Of the 14 who died from head injuries or other factors related to head injuries, only two were wearing helmets.

"Twelve persons still might be alive today if only they had been wearing a helmet," he said. In a review of state trooper and high- way department reports, it was discovered that only 9 percent of 204 riders were wearing helmets. "The point being folks are not protecting their heads as operat- ing these things." The most frequent contribu-

ing factors cited in the two years of state reports, Michigan said, in order of their influence, were: alcohol, speeding, driver inex- perience and driver inattention.

Tony Gatts, the owner of Honda of Anchorage, said, "I think the problem is just as it is with almost any form of recrea- tion — drinking is a major prob- lem."

Gatts listed as another cause of accidents: "Many people al- most totally disregard owners' manual recommendations," which include wearing a helmet and not carrying passengers.

He also said designation of recreational areas would help keep the vehicles off the road and provide a safe area for urban owners of 3-wheelers.

In addition to the cost in lives and injuries, the medical cost of 3-wheeler accidents runs into

millions of dollars. Records for the past two years show hospital charges of \$1.8 million for the 324 cases reviewed, an average of about \$5,000 per person, excluding physician, therapy and other charges.

At one hospital, two-thirds of the patients brought in from ATV accidents had injuries severe enough to require major surgery with general anesthesia, Mich- igan said.

The epidemiologist's office es- timates the cost of long-term care for the six accident victims paralyzed by head or neck in- juries will total \$1.5 million in state and federal funds, assuming the six live to their normal life expectancy. That estimate includes only long-term care costs and does not include physi- cian, drug or other private care costs.

# Clues sought in arsons

The Anchorage Police Department asks for your help with unsolved crimes. Crossstoppers is offered as a public service.

During a 10-day period, in May, the Anchorage Fire Department responded to approximately 10 arson fires a day. The fires were primarily brush fires that police believe were set by youths.

Damage from the fires exceeded \$10,000. In an earlier incident, at approximately 5 a.m. on May 8, the Anchorage Fire Department responded to a fire along the Rasmusen Road extension east of the 2000th St. A house was being moved in two sec- tions and was being transported to the location. The fire was started in one section but spread to the other, causing an estimated \$100,000 damage. A combu- sible substance was used.

Information leading to the arrest and indictment in this arson could net you as much as \$5,000 cash. If you have information, please call Crossstoppers at 274-STOP or the Arson Hotline at 523-FIRE.

**Call for HOME DELIVERY 263-9141**

## Obituary

# Ironworker dies after accident

Thomas Wayne Spitzer, who died Thursday as a result of an industrial accident in early May, was an ironworker who had been working in Alaska for the past two months.

Funeral services for Mr. Spitzer will be conducted Wednes- day at the Futen Funeral Home in Beaverton, Ore. He was 43. Mr. Spitzer was born on Dec. 10, 1941 in Omaha, Neb.

He was employed by H and L Corporation of Gresham, Ore., and was a member of the Ironworkers Local 29 of Portland, Ore.

He leaves his mother, Fern of Beaverton; four sons, Thomas, Gary, Benjamin, and Daniel, all of Portland; three daughters, Peggy of Portland, Cathy of Van- couver, Wash., and JoAnn of An- chorage; three sisters, Cora

Schwartz of LaClem, Wash., Charles Kane of Riverside, Calif., and Genevieve Grelvold- house of Vancouver, Wash.

Burial will be in Funeral Homes and Crematory in Hills- bourough, Ore. Local arrange- ments were made by Witzleben Funeral Home — Bragaw Chapel.

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**AUCTIONEWS**

# 'Bank

## 3-wheeler hits, injures young girl

A 4-year-old girl who had been enjoying an afternoon of sledding was in critical condition at Fairbanks Memorial Hospital this morning after being hit head-on by a three-wheeler on the Noyes Slough.

Jennifer Gallagher suffered severe head and chest injuries late Thursday afternoon when the all-terrain vehicle crashed into her just behind 633 Noyes St.

The 14-year-old driver estimated he had been going about 40 mph.

Fairbanks City Police said the little girl was sliding down the slough embankment on a small saucer. Her aunt stood nearby watching. Neither of them saw the three-wheeler approaching from around a curve.

The 14-year-old driver told police he traveled on the slough often. When he didn't see anyone ahead of him Wednesday, he speeded up from third gear to fifth gear. He tried to brake when he saw the girl sliding toward him, but he could not stop.

After a preliminary investigation, police said it did not appear likely that any criminal charges would be filed against the young driver of the three-wheeler. Investigation continues.

3/16/86

### JENNIFER S. GALLAGHER

Jennifer Susan Gallagher, 4-year-old daughter of James and Jeanne Gallagher, died Friday afternoon as a result of injuries sustained when she was hit by a three-wheeler vehicle Thursday.

Jennifer was born Jan. 25, 1982, in Fairbanks. She attended the Montessori School where everyone was her friend. She loved music and to sing and dance.

Surviving in addition to her parents are a brother, Aaron, 5, and a sister, Ashley, 8 months; grandparents Ruth and Moe Samuelson and Paul Woods Sr., and Joe and Mary Ann Gallagher, all of Fairbanks; great grandmothers Addie Woods of Fairbanks and Barbara Hakes of Muscatine, Iowa; aunt and godmother, Ann Gallagher, and godfather, Mark Gregory, both of Fairbanks; an aunt, Sue Samuelson, and uncles David Samuelson, Jerry Woods and Paul Woods Jr., all of Fairbanks; and other relatives in Alaska and other states.

Services will be at 2 p.m. Monday at the St. Matthew's Episcopal Church, 1029 First Ave. The Rev. Roger Williams will officiate.

Daily News Miner 3/15/86

## Girl, 4, hit by ATV dies from injuries

A four-year-old girl who was hit head-on by a three-wheeler died Friday afternoon at the Fairbanks Memorial Hospital from injuries caused by the accident.

Jennifer Gallagher suffered severe head and chest injuries late Thursday afternoon after an all-terrain vehicle operated by a 14-year-old juvenile crashed into her just behind 633 Noyes Street. The girl was reportedly sledding on Noyes Slough when the accident occurred. She died from severe head injuries, according to hospital officials, at about 2:30 Friday afternoon.

The 14-year-old driver of the three-wheeler estimated his speed at about 40 mph, according to Fairbanks City Police.

Police said the girl was sliding down the slough embankment on a small saucer, with her aunt watching her nearby, when the all-terrain vehicle came around a curve. Police said neither of them saw the three-wheeler.

The driver said he used the slough for three-wheeler travel often. He said he didn't see anyone in front of him and speeded up, but was not able to brake fast enough when he saw the little girl on the saucer.

Norman J. Klingeiser, 50, died Wednesday afternoon at 4405 Woodriver Drive.

Alaska State Troopers said he suffered an apparent self-inflicted gunshot wound.

## Obituaries Daily News Miner



JENNIFER GALLAGHER

### STEPHEN BIRMINGHAM

Burial arrangements are pending for Stephen Norris Birmingham, who died March 12 at Fairbanks Memorial Hospital at the age of 31.

Mr. Birmingham was a former

employee of the State Division of Fish and Wildlife Protection and also worked as a police officer at Fairbanks International Airport. He was currently employed as an environmental assistant at the State Department of Transportation.

Mr. Birmingham leaves his wife, Kristi, and a son, Stephen Robert, both of North Pole; his parents, Jackie and Les Sewell of North Pole; a brother, Clarence Sewell of Fairbanks; two sisters, Valerie Cugini of Littleton, Colo., and Nita Armstrong of Fairbanks; his grandparents, Clarence and Thelma Cargill Sr. of Prattville, Ala.; two nephews, Kent Armstrong and Joshua Sewell, both of Fairbanks; one niece, April Brinkerhoff of Littleton; his wife's parents, Robert and Edna Woodbury of St. Maries, Idaho; his wife's sister, Dianna Blair of Fairbanks, and his wife's grandmother, Pauline Woodbury of St. Maries.

The family requests that memorials be made to the Kidney Unit at Fairbanks Memorial Hospital, 1650 Cowles St., 99701, or the American Diabetes Association, P.O. Box 80728, Fairbanks, 99708.

## Pupils appeal for laws tightening ATV usage

Some local children have written to the Daily News-Miner appealing to the public for stricter laws regulating all-terrain vehicles after a motorized three-wheeler killed a four-year-old girl last week in Fairbanks.

"It is time to protect Fairbanks from kids on three-wheelers," said a letter submitted to the News-Miner Friday signed by about seven students from Montessori Elementary School in Fairbanks.

Four-year-old Jennifer Gallagher died from severe head injuries Friday afternoon after she was struck by a three-wheeler speeding down Noyes Slough Thursday afternoon.

Fairbanks police said a 14-year-old child operating the vehicle estimated his speed at about 40 mph.

The little girl, who was a student at the local Montessori school, was sliding on a saucer on Noyes Slough when the accident occurred.

Her aunt was watching her at the time, but neither of them saw the three-wheeler coming.

"We would like a law that forbids young people from driving three- and four-wheelers at trailer parks or public paths and trails," said a letter signed by several children from Montessori Elementary School in Fairbanks.

"Today one of our Montessori friends die (sic) because she was hit by a kid on a three-wheeler," wrote nine-year-old Kelli Sue Tarrant. "I'd like Fairbanks to have some laws on kids not being able to ride three- or four-wheelers on trailer parks or public trails."

"The children were very upset," said Elizabeth Stachow, a teacher at Montessori. "They were real sad. I think people are generally getting fed up with three-wheelers in Fairbanks. We've just seen a lot of accidents."

Borough Mayor Juanita Helms said Saturday she would consider introducing a resolution to the borough assembly addressing the issue.

"I need to have more information as far as what kind of motion it would be," she said. "It should be something fairly concrete in order to be endorsed. It has to be directed at somebody."

Helms said that while the Fairbanks North Star Borough has no enforcement powers, it could pressure local and state law officials to push for regulation on the use of all-terrain vehicles within the borough.

"It sounds reasonable to me that a younger child may be a little bit terrorized by them," she said. "The older kids always tend to tease the younger kids anyway when they are on one of those things. Now the kids have proof. That is not at all to say that was done deliberately."

Helms said all-terrain vehicles and their operators "need to at least have a license of some kind."

"I think there should be safety laws," said 12-year-old Alethea Stachow. "There should be restrictions in trailer parks and also on trails."

"You have to be very careful on mushing trails," Elizabeth Stachow said. "When you are walking sometimes you can't get out of the way of those things. Perhaps there should be areas just for three- or four-wheelers where they can spin around. They are so noisy."