

HB

460

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY
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May, 1988

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

Mary Van Nimwegen

HT

2-12-86

7 Am

CSSB 294(Res)am

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 294 (Resources) amended, by the Resources Committee, entitled:

"An Act relating to guiding; and providing for an effective date."

was read the first time and referred to the Resources Committee.

CSSB 333(Fin)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 333 (Finance), by the Finance Committee, entitled:

"An Act relating to the Alaska State Building Authority."

was read the first time and referred to the House Special Committee on State Loans and the Finance Committee.

CSSB 442(Fin)

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 442 (Finance), by the Finance Committee, entitled:

"An Act relating to reciprocal insurers that provide marine insurance; and providing for an effective date."

was read the first time and referred to the Labor & Commerce and Finance Committees.

REPORTS OF STANDING COMMITTEES

CSSB 275(Fin)am

The State Affairs Committee has considered COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 275 (Finance) (amended) (relating to release of motor vehicle records), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 275 (State Affairs) (same title) and reports it back as follows: Hurley (Chairman), M.M. Miller, Collins, Boucher and Navarre recommend do pass; Cato has no recommendation.

A fiscal note appears in House Journal Supplement No. 119.

CSSB 275(Fin)am was referred to the Judiciary Committee.

SSHB 128

The Judiciary Committee has considered SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 128 (relating to the interim management of mental health trust land; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 123 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor and Phillips recommend do pass; Clocksin and Pettyjohn have no recommendation.

SSHB 128 was referred to the Finance Committee.

HB 460 *file*

The Judiciary Committee has considered HOUSE BILL NO. 460 (relating to off-road vehicles), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 460 (Judiciary) (same title) and reports it back as follows: M.M. Miller (Chairman), Sund, Gruenberg, Taylor and Phillips recommend do pass; Clocksin and Pettyjohn have no recommendation.

HB 460 was referred to the Finance Committee.

HB 681

The Labor & Commerce Committee has considered HOUSE BILL NO. 681 (relating to unemployment insurance; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 681 (L&C) (same title) and reports it back as follows: Navarre (Chairman), Koponen, Boucher, Hanley and Collins recommend do pass.

A fiscal note appears in House Journal Supplement No. 119.

HB 681 was referred to the Judiciary Committee.

REPORTS OF SPECIAL COMMITTEESCSSSB 430(R1s)

The House Special Committee on Oil & Gas has considered COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 430 (Rules) (relating to the reduction or revocation by the commissioner of the Department of Natural Resources of oil or gas royalty obligation increases made in connection with the institution or operation of a cooperative or unit plan; effective date), recommends it be replaced with HOUSE COMMITTEE SUBSTITUTE FOR COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR SENATE BILL NO. 430 (Oil & Gas) (same title) and reports it back as follows: Pignalberi, Pourchot and Szymanski recommend do pass; Davis (Chairman), Sund and Cotten have no recommendation.

CSSSB 430(R1s) was referred to the Resources Committee.

FEB 21 1986

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 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		84.5	34.5	36.2	38.0	39.9
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		31.0	1.1	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		237.8	157.6	165.4	173.6	182.3
CAPITAL						
REVENUE		450.0	150.0	150.0	250.0	150.0

FUNDING : (Thousands of Dollars)

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
TOTAL		237.8	157.6	165.4	173.6	182.3

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 : 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.		<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. 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 1986 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST

file
Bill/Resolution No.: CSHB 460 (Trans.)
Title: "An Act relating to off-road vehicles."
Sponsor: Representative Hurley
Requestor: House Transportation
Date of Request: 3/28/86

Revision Date: _____

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
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PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

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

Phone: 465-4336
Date: 3-28-86

Approved by Commissioner: *[Signature]*
Agency: Public Safety

Date: 3/28/86

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 (Trans.)

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.

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PC		
Desk, Chairs, etc.		
Filing Cabinet		
Projectors		
Bookcase		<u>30.0</u>
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A 5% inflation factor is included in subsequent fiscal year computations.

DEPARTMENT OF PUBLIC SAFETY

POSITION PAPER - CS HB 460(Trans)

Support

March 28, 1986

The Department of Public Safety supports the passage of CSHB460(Trans). 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.

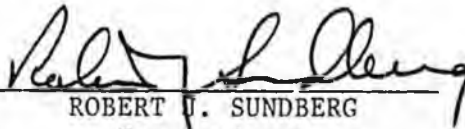
This agency feels that the registration could primarily be done by mail, thus reducing the amount of inconvenience to owners and operators of ATVs. Training would be done the first year by establishing a program, and then bringing in individuals from throughout the state who would be trained as instructor 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.

Position Paper - CSHB460(Trans)
March 28, 1986
Page 2

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
Commissioner

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 CSHB 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 Hermann Do Not Pass!

will be unenforceable in

rural Alaska

Bette Cato

Chairman

Ford
2/19/86 ✓.

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-

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. ^{DELETE}(a) A person may not
20 operate an off-road vehicle on public land unless the person wears a
21 helmet that meets the requirements set out in AS 28.05.081(c).

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

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

28 (1) has in possession a valid off-road vehicle safety
29 certificate; [and]

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

3 Sec. 05.40.090. SAFETY EQUIPMENT. An off-road vehicle is re-
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.

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

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

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

25 [(3) include as a part of the retail sale a helmet that
26 meets the requirements of AS 28.05.081(c)]

27 Sec. 05.40.110. HIGHWAY USE. An off-road vehicle may not be
28 driven on a street or highway, except for the purpose of crossing the
29 street or highway.

1 Sec. 05.40.120. PENALTY. A person who violates a provision of
2 this chapter or a regulation adopted under this chapter is guilty of a
3 misdemeanor and, upon conviction, is punishable by a fine of not more
4 than \$500 for each offense.

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

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

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

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

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

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

18 (f) The department may issue or approve issuance of a special
19 driver's certificate to a person who is at least 14 years of age for
20 the purpose of driving an off-road vehicle. The certificate may be
21 issued upon successful completion of an off-road vehicle education and
22 training program established under AS 05.40.050, and is valid for the
23 same period of time as a driver's license. The certificate is not
24 valid in a municipality that by ordinance prohibits the driving of an
25 off-road vehicle by a person under the age of 16 years; a borough may
26 adopt the ordinance on a nonareawide basis only, unless the power to
27 adopt it on an areawide basis is acquired under AS 29.35.300 -
28 29.35.330 or former AS 29.33.250 - 29.33.290.

29

SURVEY-DILLINGHAM HIGH SCHOOL

MARCH 12, 1986

Three and Four wheelers, Also known as All-Terrain Vehicles, are an important type of transportation in rural areas, as well as a source of recreation. ATV's, however, have been responsible for the death and injury of many people in Alaska. During the two-year period of Jan. 1983-December 1984, there were 20 deaths and 538 injuries associated with ATV's. Of the 20 fatalities, 15 were between the ages of 15 and 34, and 60% could have been prevented if the person had worn a helmet.

Currently, there is legislation that is sponsored by legislators from the Mat-su area regarding ATV's. It would:

- *require protective gear for persons under 17 years of age during operation
- *that persons under 17 complete a safety education program before operating a ATV.
- *make it mandatory that all ATV's be registered before operation
- *require an ATV to have functioning brakes, head lamp, tail light, throttle, and exhaust muffler
- *driving an ATV on a street or highway would be prohibited except for crossing
- *Violation would be a misdemeanor punishable by up to \$500 fine per offense

It would be helpful to gather student's opinions on this matter.

1. How old are you? 14(4) 15(8) 16(23) 17(20) 18 (7)
2. Do you own an ATV? (26)YES (36)NO
3. If yes, how often do you operate it? everday(10) often(11) not often(5)
4. If no, do you plan on buying one? yes(13) no(15) maybe(3)
5. If this law were enacted, and you were under 17, you would not be able to use your ATV outside your home, unless you took the course. If this was necessary, would you...
 - (28)(a) take the course
 - (3)(b) forget about the course, and wait until I turn 17.
 - (23)(c) forget about the course, and ride anyway.
 - (4)(d) other: please explain already 17
6. What kinds of protective gear do you wear when you operate an ATV?
 - (17)(a) none
 - (44)(b) helmet
 - (11)(c) other
 - (6) leather, carharts, gloves, goggles
7. If this law were enacted, all ATV's would have to be registered. To register, there is a \$15 fee. Would you...
 - (37)(a) pay the fee.
 - (24)(b) not pay the fee.
 - (1) already registered
8. As for the penalty for not complying with the law, do you think...
 - (2)(a) it is not stiff enough
 - (34)(b) it is okay
 - (4)(c) it should be stiffer
 - (9) too stiff

9. One part of the law states that the ATV can't be used on streets or highways, yet in small villages it is often found that they are now being used on streets. Do you feel...

(30)(a) this section should be kept in

(22)(b) this section should be omitted

(9)(c) this section should be modified. Please give example: _____

see attached comments

10. In general, the State of Alaska does not have any regulations in reference to ATV's. Do you feel that legislation should be passed?

YES (17)

NO (36)

Undecided (2)

Please give any reasons for your belief.

see attached comments

11. On the space provided below, please write any comments about ATV's.

see attached comments

9. Modify section that states ATV's cannot be used on streets or highways:

ATV's not made for road use.

Limit road driving to towns of certain sizes.

Allow ATV's to be driven in villages, but not on highways.

Operate ATV's freely outside of Mat-Su, Anchorage, Fairbanks areas.

Make exception for villages of 2000 or less.

Smaller communities should be allowed to use ATV's on roads.

10. Reasons legislation should/should not be passed:

Should be passed:

Might help, helmet safety, etc.

Pass, but change for villages where main transportation is 3/4 wheelers.

Needed for protection of operator and bystanders.

Need to be protected.

Will cut down on accidents.

Hate to listen to loud machines late at night.

Should not be passed:

Essential means of transportation in villages.

Only way people get around in villages.

Leave people be - laws are tough enough, police officers are too nosy already.

Should be a person's decision how or where to operate and they know safety gear should be worn.

It's carelessness of the dummy who doesn't wear safety gear.

State shouldn't have anything to do with 3/4 wheelers.

None of state's business, there's enough to worry about already.

If state can control where we ride, why couldn't they control what we ride.

Like to ride and have fun in this boring town.

ATV's should be outlawed.

If someone gets killed or hurt it's their fault for being careless or reckless.

If ATV's are outlawed, there should be a place to ride.

Some people rely on ATV's for their only transportation. If you're going to enact this you ought to set aside money for cars for these people who rely on ATV's.

The law is no excuse for the ATV problem or a solution. Mat-Su's area problems are not our problems. If so, there should be legislation to have them have their bikes registered and have them pass a walking course.

11. Comments about ATV's:

They're fun but the people who try to be cool and ride without lights, not wear helmets, and run from the cops make ATV's look bad.

They're trying to blame ATV's for all the problems. If there were more to do than go to a friend's house or drink or drive your ATV, this wouldn't be a problem. This legislation was probably introduced by a person from a big city and doesn't know how important ATV's are in the rural area.

11. (continued)

ATV's are made and sold they say for off the road but if they don't provide off the road places to ride them, people either let them sit in their yards or they ride them illegally. The law doesn't do any good. All it does is add one more reason to get busted!

ATV's are only unsafe to recluse and unexperienced riders.

Fun, economic and don't destroy the environment.

Fun for recreation if you don't abuse them.

Awesome machines to get around in a village or anywhere else.

In small villages, the only transportation is 3-wheelers.

For fun and work, if people were restricted, they would just say screw the law and ride anyway. If you ban 3-wheeling, you might ban driving. For some, 3-wheelers and snow goes are their transportation.

3-wheelers should be made more stable.

Fun to get away on.

They are awesome.

They're fun.

Essential transportation, leave 'em alone.

Important for transportation and fun.

Should be allowed on the road even if it's off-road vehicle because its hard to get around in tundra. It's easier to drive on road, more wrecks in tundra because of bumps and holes.

Awesome law - pass it.

Should be able to ride anytime, anywhere you want.

To do away with use of 3-wheelers on village roads would be like taking away your automobile in a city.

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



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

MEMORANDUM

TO: Mike Ford
Legal Services

FROM: *Laurie*
Laurie Anderson, Aide
Rep. Katie Hurley

SUBJECT: Committee Substitute for HB 460

DATE: March 18, 1986

We would like to have another work draft of committee substitute for HB 460. Please incorporate the following changes to the draft dated 2/19/86:

- * Page 2, line 19-21, OPERATING RESTRICTIONS - delete section (a) and re-letter section (b) as section (a);
- * Page 2, OPERATION BY CERTAIN MINORS -
line 29, delete "and"

add language to read: "(2) wears a helmet that meets the requirements set out in AS 28.05.081(c); and"
- * Page 3, line 1, renumber section (2) to be section (3)
- * Page 3, line 25-26, delete all of section (3)

The bill is scheduled for yet another hearing in House Transportation Committee Thursday morning so we'd like to have this draft by Wednesday afternoon, if possible. Thanks for all the work you've done, I'm sure we're not through yet!

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.

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 Wood-river 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

laska

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 spin around. They are so noisy."

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.

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 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 16 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. The 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..



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

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 17 to wear a helmet and protective gear;
- Require an ATV to have functioning brakes, head lamp, tail light, throttle, and exhaust muffler;

ATV Fact Sheet
Rep. Katie Hurley
1/17/86

- Require all persons under the age of 17 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; and
- Make violation of this law a misdemeanor and upon conviction is punishable by a fine of up to \$500 for each offense.

POSITION PAPER

HOUSE BILL NO. 460

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

HB 460 attempts to reduce the risk of injuries associated with off-road vehicles by: (1) requiring registration of off-road vehicles; (2) mandating establishment of public information, education and training programs on off-road vehicle safety; (3) placing certain restrictions on use of these vehicles by persons under 17 (e.g., requiring them to complete a safety course and use a helmet); (4) requiring that all sales of vehicles include a helmet as part of the package; and (5) prohibiting off-road vehicles from being driven on any street or highway except to cross.

The number and severity of injuries related to the use of off-road vehicles in Alaska is unacceptably high. In 1983 and 1984, at least 21 persons were killed. Half of these died as a result of direct impact to the head; only two wore helmets. One death was under age 15. Of 11 fatal cases in which blood alcohol was measured, the concentration exceeded the level of intoxication in eight cases.

At least 530 other persons were injured. Of these, six are known to be permanently and totally disabled. Lifetime costs of care for these six persons could reach \$12 million based on current costs of care and a life expectancy of 65 years. The largest number of injuries occurred in the 20-24 year age group followed by the 15-19 group and the 10-14 group. These three groups accounted for well over half the injuries.

The Department of Health and Social Services endorses HB 460. It would prefer to see the helmet requirement extended to all off-road riders; however, such a requirement is probably not politically acceptable at this time. The Department also recommends that consideration be given to the addition of a minimum age requirement although this recommendation is likely to be controversial. We would recommend age 12 as the minimum since that age is consistent with minimum age in those states which have a "true" minimum age, i.e., an age below which operation of an off-road vehicle is in fact prohibited. This would help to exclude very young children who do not have the strength, motor coordination, skill or judgment for using off-road vehicles.

The establishment of an education and training program is essential to increasing the safety of using these vehicles. It seems likely that the income to the off-road vehicle safety fund resulting from the proposed registration fee will not be sufficient to cover the costs of the program. However, the Department will defer to the Department of Public Safety on the question of revenues and costs.

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 1/23/86

Approved by: John R. Pugh
John R. Pugh
Commissioner
Department of Health and
Social Services

Date: 1/31/86

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:

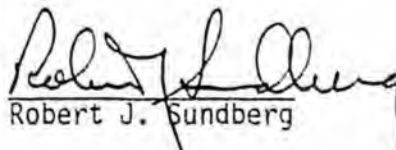
1. Everyone age 16 and 17 to comply or;
2. Change AS 28.15.011 or the definitions to allow persons without operators licenses to operate ATV's and snow machines in the state.

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

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.

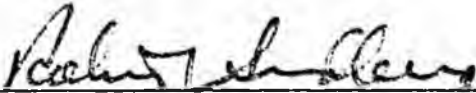
Both the Honda and Kawasaki distributors in Anchorage were contacted. They have no problem with the law, with the exception of the helmet being required at time of sale. They indicate that there are approximately 29 different helmets to choose from, and they do not believe that they should be responsible 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

MAR 3 1986

 * DELIVER TO: JPHH *
 * ORIGINAL *
 * SENT: 02/28/86 TIME: 16:11 *
 * FROM: LIOVAL *
 * SUBJECT: CHCB 460 *
 * PRINT TIME: 02/29/86 TIME: 16:19 *

TO: REP CATO
 FROM: BOB SHATTUCK, BOX 1036, VALDEZ, AK. 95886,
 945-2744
 RE: CHCB 460 OFF ROAD VEHICLES

WOULD YOU TAKE INTO CONSIDERATION THE NUMBER OF DEATHS DUE TO ALCOHOL OR DRUGS WHEN HEARING FIGURES ON INJURIES. IT WOULDN'T BE MENTIONED IF ANY OF THOSE DEATHS WERE RELATED.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 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		94.5	94.5	96.2	98.0	99.9
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						
TOTAL OPERATING		237.8	157.6	165.4	173.6	182.3

CAPITAL						
----------------	--	--	--	--	--	--

REVENUE		450.0	150.0	150.0	250.0	150.0
----------------	--	-------	-------	-------	-------	-------

FUNDING : (Thousands of Dollars)

GENERAL FUND		237.8	157.6	165.4	173.6	182.3
FEDERAL FUNDS						
OTHER						
TOTAL		237.8	157.6	165.4	173.6	182.3

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 : 2/20/86

Approved by Commissioner : [Signature]
 Agency : Public Safety

Date : 2/20/86

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

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.		<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. CSHB 460

The cost breakdcwn 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.

Sec. 28.15.051. Instruction permit, temporary driver's license and special driver's permit. (a) Except as provided in (b) of this section, a person who is at least 14 years of age may apply to the department for an instruction permit. The department may, after the applicant has successfully passed all parts of the examination under AS 28.15.081 other than the driving test, issue to the applicant an instruction permit. The permit allows a person, while having the permit in the person's immediate possession, to drive a specified type or class of motor vehicle on a highway or vehicular way or area for a period not to exceed two years. The permittee must be accompanied by a person at least 19 years of age who has been licensed at least one year to drive the type or class of vehicle being used, who is capable of exercising control over the vehicle and who occupies a seat beside the driver, or who accompanies and immediately supervises the driver when the permittee drives a motorcycle. An instruction permit may be renewed.

(b) The department, upon receiving proper application, may issue a restricted instruction permit effective for a school year or for a more restricted period to an applicant who is at least 14 years of age and who is enrolled in a driver education program which includes practice driving and is approved by the department. The restricted instruction permit allows the permittee, when the permittee has the permit in the permittee's immediate possession, to drive a specified type or class of motor vehicle; however, an approved instructor must occupy a seat beside the permittee or, if the permittee is driving a motorcycle, the permittee must be accompanied by and under the immediate supervision of an approved instructor.

(c) The department may issue a temporary driver's license to an applicant for a driver's license permitting the applicant to drive a specified type or class of motor vehicle while the department is completing its investigation and determination of all facts relative to the applicant's eligibility to receive a driver's license. The temporary license must be in the applicant's immediate possession while the applicant is driving a motor vehicle. A temporary driver's license is invalid when the applicant's license has been issued or has been refused for good cause.

(d) [Effective January 1, 1986] The department may issue a special driver's permit to a person who is at least 14 years of age with the consent of the person's parents or guardians for the purpose of driving a motor-driven cycle. This permit may be issued upon application and successful completion of all prescribed tests and fees, and is valid for the same period of time as a driver's license. The permit is not valid in a municipality that by ordinance prohibits the driving of a motor-driven cycle 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.

(e) Notwit-
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ch 74 SLA 198

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Article :

Sec. 28.15.18
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Sec. 28.15.291.
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Probable cause to
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State, Ct. App. Op. No.
A-496), P.2d (1985)
Prerequisite to su-
driver's license or privi-
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driver was in fact licen-
actually privileged to dr-
cle within the state. Rol-
App. Op. No. 478 (File
P.2d (1985), followin-
chorage, 641 P.2d 226 (A-
Conviction reversed.
a defendant's license had
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(e) Notwithstanding other provisions of this chapter, the department may issue a special driver's license to a person who is under the age of 16 years because of the circumstances of hardship. Special licenses to be issued because of hardship shall be determined on an individual basis by the commissioner. (§ 19 ch 178 SLA 1978; am § 50 ch 74 SLA 1985)

Effect of amendments. — The 1985 amendment, effective January 1, 1986, in subsection (d) substituted "that" for "which" preceding "by ordinance" and inserted "AS 29.35.300 — 29.35.330 or former" in the last sentence.

Article 2. Cancellation, Suspension, Revocation or Limitation of Drivers' Licenses.

Sec. 28.15.181. Court suspensions, revocations, and limitations.

NOTES TO DECISIONS

Magistrate erred in concluding subsection (c)(3) applied to a defendant who at the time of his two current offenses had not been convicted of more than one driving while intoxicated offense. *Thomas v. State*, Ct. App. Op. No. 436 (File No. A-553), 694 P.2d 789 (1985).

Article 5. Driver License Violations.

Sec. 28.15.291. Driving while license canceled, suspended, revoked or in violation of limitation.

NOTES TO DECISIONS

Probable cause to arrest for driving with revoked license. — See *Ford v. State*, Ct. App. Op. No. 474 (File No. A-496), P.2d (1985).

Prerequisite to suspension. — A driver's license or privilege to drive cannot properly be suspended unless the driver was in fact licensed or otherwise actually privileged to drive a motor vehicle within the state. *Roberts v. State*, Ct. App. Op. No. 478 (File No. A-342), P.2d (1985), following *Francis v. Anchorage*, 641 P.2d 226 (Alaska App. 1982).

Conviction reversed. — The fact that a defendant's license had been suspended for driving while intoxicated did not have probative value in evaluating the defendant's conduct at the time of arrest for violating this section; and the trial judge abused his discretion in admitting the evidence of two prior convictions for driving while intoxicated because the jury might have been prejudiced. It could not be said that the error was harmless, so the conviction was reversed. *Nelson v. State*, Ct. App. Op. No. 427 (File No. A-264), 691 P.2d 1056 (1984).

Conviction and sentence reversed since "vehicular way or area," an element of subsection (a), does not include a privately owned parking lot. *Conner v. State*, Ct. App. Op. No. 451 (File No. A-574), 696 P.2d 680 (1985).

Cited in *Witt v. State*, Ct. App. Op. No. 433 (File No. A-482), 692 P.2d 976 (1984).

Sec. 29.35.260. Cities outside boroughs. (a) A city outside a borough may exercise a power not otherwise prohibited by law. A provision that is incorporated by reference to laws governing boroughs applies to home rule cities outside boroughs only if the provision is made applicable to home rule boroughs.

(b) A home rule or first class city outside a borough is a city school district and shall establish, operate, and maintain a system of public schools as provided by AS 29.35.160 for boroughs. A second class city outside a borough is not a school district and may not establish a system of public schools.

(c) A home rule city outside a borough shall provide for planning, platting, and land use regulation as provided by AS 29.35.180(b) for home rule boroughs. A first class city outside a borough shall, and a second class city outside a borough may, provide for planning, platting, and land use regulation as provided by AS 29.35.180(a) for first and second class boroughs.

(d) This section applies to home rule and general law cities. (§ 10 ch 74 SLA 1985)

Article 5. Acquisition of Additional Powers.

<p>Section 300. Additional powers 310. Transfer by city 320. Initiation of acquisition of power 330. Election</p>	<p>Section 340. Effect of acquiring an areawide power 350. Definition</p>
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Effective date of article. — Section 90, ch. 74, SLA 1985 provides: "This Act takes effect January 1, 1986."

Sec. 29.35.300. Additional powers. (a) A first class borough acquires an additional areawide power by transfer of the power by a city or by holding an areawide election on the question.

(b) A second class borough acquires an additional power by transfer of the power by a city or by holding an election on the question. For acquisition of an areawide power, the election shall be held areawide. For acquisition of a nonareawide power, the election shall be held nonareawide.

(c) A third class borough acquires an additional power to exercise in a service area by forming a service area in accordance with AS 29.35.490(b) or (c). (§ 10 ch 74 SLA 1985)

Sec. 29.35.310. First class borough. (a) A first class borough may exercise its powers or functions not otherwise prohibited by law.

(b) A first class borough may transfer to a second class borough

Sec. 29.35.320. Transfer of powers. (a) A second class borough may, on the question of whether to acquire a power, transfer to a first class borough

(1) a number of votes to be cast at the precinct election on the question areawide, in addition to the votes cast with the borough

(2) the assembly of the borough

(b) An election on the question of whether to acquire a power for exercise in a service area

(1) a number of votes to be cast at the precinct election on the question which the power is to be exercised in the assembly; or

(2) the assembly of the borough

(c) The borough may, on the question of whether to acquire a power, transfer to a first class borough

(d) Within 30 days after the question is put to a vote, the required number of votes for acquisition of a power, or the number of votes for acquisition of the power in the borough to be exercised in a service area shall order an election on the question.

Sec. 29.35.330. Election on the question. (a) For acquisition of a power, the election shall be held areawide.

(b) If a power is to be exercised in a service area, only a vote in the service area shall be counted.

(c) A vote on the question of whether to acquire a power in a second class borough shall be counted in the borough. The other votes shall be counted outside all cities. If the vote is favorable, the election shall be held 60 days after certification of the question.

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Sec. 29.35.310. Transfer by city. (a) A city in a first or second
ss borough may transfer to the borough in which it is located any of
powers or functions, subject to the approval of the assembly.

(b) A first or second class borough shall exercise all powers
ransferred to it by a city. (§ 10 ch 74 SLA 1985)

Sec. 29.35.320. Initiation of acquisition of power. (a) An elec-
on the question of adding an areawide power in a first class
orough or of adding an areawide or nonareawide power in a second
ass borough may be initiated in two ways:

(1) a number of voters equal to 15 percent of the number of votes
ast at the preceding regular election in the area, either areawide or
onareawide, in which the election is to be held may file a petition
with the borough clerk; or

(2) the assembly may propose the acquisition of the power.

(b) An election on the question of adding a power in a third class
orough for exercise in a service area may be initiated in two ways:

(1) a number of voters equal to 15 percent of the number of votes
ast at the preceding regular election in a proposed service area in
which the power is sought to be exercised may file a petition with the
assembly; or

(2) the assembly may propose the acquisition of the power.

(c) The borough clerk shall certify whether a petition filed under (a)
or (b) of this section contains the required number of signatures.

(d) Within 30 days after a petition is certified as containing the
required number of signatures or the assembly proposes the acquisi-
tion of a power, at least one public hearing shall be held in the
borough on the question. The assembly shall then evaluate the ability
of the borough to exercise the power and make its findings public.
Within 60 days after its findings have been made public, the assembly
shall order an election on the question. (§ 10 ch 74 SLA 1985)

Sec. 29.35.330. Election. (a) If more than one power is proposed
for acquisition under AS 29.35.320, each shall appear separately on
the ballot.

(b) If a power is proposed for exercise by a third class borough in a
service area, only voters residing in the proposed service area may
vote.

(c) A vote on the question of adding an areawide power in a first or
second class borough shall be tabulated in two separate classifica-
tions. One shall consist of all votes cast in all cities located in the
borough. The other shall consist of all votes cast in the borough area
outside all cities. If the majority of the votes cast in each classification
is favorable, the borough shall assume the added power within 30
days after certification of the election results.

(d) If a majority of the votes cast on the question of adding a nonareawide power in a second class borough or a power to be exercised in a service area in a third class borough is favorable, the borough shall assume the added power within 30 days after certification of the election results.

(e) The borough mayor shall certify the election results to the department. (§ 10 ch 74 SLA 1985)

Sec. 29.35.340. Effect of acquiring an areawide power. (a) On acquisition of an areawide power the first or second class borough succeeds to all of the rights, powers, and duties of any city or service area with respect to that power. The borough succeeds to claims, franchises, and other contractual obligations, liability for bonded and all other indebtedness, and to all of the right, title, and interest in the real and personal property held by a city or service area for the exercise of the power.

(b) The assembly may levy and collect special charges, taxes, or assessments including interest for the purpose of amortizing bonded indebtedness previously incurred by a city or service area for exercising an areawide power acquired by the borough. When a city or service area had previously incurred bonded indebtedness, all property that was in the city or service area at the time the bonds were issued remains subject to taxation to pay the principal of and interest on the bonds.

(c) On acquisition of an additional areawide power the first or second class borough, in consultation with the city or service area personnel, shall arrange for an orderly and equitable transfer of rights, assets, liabilities, powers, duties, and other matters related to acquisition of the areawide powers.

(d) This section applies to home rule and general law cities. (§ 10 ch 74 SLA 1985)

Sec. 29.35.350. Definition. In AS 29.35.200 — 29.35.350, "power" means the provision of a public facility or service, or the exercise of a regulatory power. (§ 10 ch 74 SLA 1985)

Section
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410. Extent of

Effective date
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Sec. 29.35.350.
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Sec. 29.35.350.
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Section
450. Service areas
460. Service area boundaries
470. Financing

Effective date of
90, ch. 74, SLA 1985
takes effect January

Sec. 29.35.450.
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abolished by ordinance
on an areawide or
different level of
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(1) the city agrees
(2) approval is given
and by a majority
proposed service area

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

Revision Date : _____

REQUEST
 Bill/Resolution No. : CSHB 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		57.5	60.4	63.4	66.6	69.9
TRAVEL		25.0	27.3	27.6	28.9	30.4
CONTRACTUAL		80.0	30.0	31.5	33.1	34.7
SUPPLIES		8.0	2.0	2.1	2.2	2.3
EQUIPMENT		30.0	1.0	1.1	1.1	1.2
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		200.5	119.7	125.7	131.9	138.5

CAPITAL						
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REVENUE						
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FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL		200.5	119.7	125.7	131.7	138.5

POSITIONS :

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See attached page.

Prepared by : Kathy Niles, Admin. Assistant Phone : 465-4336
 Division : Commissioner's Office Date : 2/19/86

Approved by Commissioner : [Signature] Date : 2/19/86
 Agency : Public Safety

Distribution (by Agency preparing fiscal note):

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

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Article 5. Additional Areawide Powers.

Section

- 250. Additional areawide powers
- 260. Transfer by city
- 270. Petition for power

Section

- 280. Investigation
- 290. Election

Sec. 29.33.250. Additional areawide powers. First and second class boroughs acquire additional areawide municipal powers by transfer from a city or by holding an areawide election on the question, except as provided otherwise in AS 29.48.030(b) and 29.48.035(b). (§ 2 ch 118 SLA 1972)

Opinions of attorney general. — If a borough had been given areawide public health powers, the borough assembly would have had the power under a former, similar provision to contract with any city for the furnishing of additional health services. 1962 Op. Att'y Gen., No. 9.

Under a former, similar provision borough voters might use an initiative to acquire an areawide power for the borough which cities refused to transfer. 1965 Op. Att'y Gen., No. 6.

Sec. 29.33.260. Transfer by city. (a) A city may transfer to the first or second class borough in which it is located any of its powers or functions, subject to the approval of the borough assembly.

(b) First and second class boroughs shall exercise all powers transferred to them by cities. (§ 2 ch 118 SLA 1972)

Sec. 29.33.270. Petition for power. An election on the question of adding an areawide power may be initiated in two ways:

(1) a number of voters equal to 15 per cent of the number of votes cast in the borough at the preceding regular election may file a petition with the assembly, or

(2) the assembly may propose the acquisition of the power. (§ 2 ch 118 SLA 1972)

Opinions of attorney general. — Under a former, similar provision borough voters might use an initiative to acquire

an areawide power for the borough which cities refused to transfer. 1965 Op. Att'y Gen., No. 6.

Sec. 29.33.280. Investigation. The assembly shall hold at least one public hearing in the borough on the question. The assembly shall then evaluate the ability of the borough to exercise the powers and make its findings public. (§ 2 ch 118 SLA 1972)

Sec. 29.33.290. Election. (a) The assembly shall, within 30 days after its findings have been made public, order an election to be held on the question. The election shall be held at least 30 days after the order and not later than the next regular election occurring after the 30-day period.

(b) If more than one power is proposed, each appears separately on the ballot.

(c) The borough mayor shall certify the election results to the Department of Community and Regional Affairs. The vote on the question of adding an areawide power shall be tabulated in two separate classifications. One shall consist of all votes cast in the home rule and first class cities of the borough. The other shall consist of all votes cast in the remaining borough area. If the majority of the votes cast in each classification is favorable, the borough shall assume the added power within 30 days of certification of the election results. Upon acquisition of an areawide power the borough succeeds to all of the rights, powers and duties of any city or service area with respect to that power. The borough succeeds to claims, franchises and other contractual obligations, liability for bonded and all other indebtedness and to all of the right, title and interest in the real and personal property held by the city or service area for the exercise of the power. The borough assembly may levy and collect special charges, taxes or assessments including interest for the purpose of amortizing bonded indebtedness previously incurred by the city or service area for continuing services in the area. When a city or service area had previously incurred bonded indebtedness, no less than all property that was within the city or service area at the time the bonds were issued shall remain subject to taxation to pay the principal of and interest on the bond for as long as they remain outstanding. Upon acquisition of additional areawide powers the borough, in consultation with the city or service area personnel, shall arrange for an orderly and equitable transfer of rights, assets, liabilities, powers, duties and other matters related to acquisition of the areawide powers. This subsection applies to home rule and general law cities. (§ 2 ch 118 SLA 1972; am § 9 ch 200 SLA 1972)

NOTES TO DECISIONS

Cited in *Jefferson v. State*, Sup. Ct. Op. No. 1084 (File No. 2000), 527 P.2d 37 (1974).

Chapter 38. Borough Powers and Duties in the Area Outside Cities.

<p>Section</p> <p>10. First class borough</p> <p>20. Second class borough</p> <p>30. Additional powers</p>	<p>Section</p> <p>40. Investigation</p> <p>50. Election</p>
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Cross references. — For exceptions to this chapter with respect to assumption of certain powers, see AS 29.48.030(b) and 29.48.035(b).

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at least 30 day
election occurri

BARTON A SOLLARS, SR.

Birthdate 11/09/29 Alumni Sitka High 1947 Long time
Fisherman long line & power troll, Trailer court owner.
Feb. 12, 1986

Richard I. Eliason
Alaska State Legislature
Pouch V (MS 3100)
Juneau, Alaska 99811

Dear legislater:

I just came from this teleconference on HB 460 and I couldn't believe my ears on all the tunnel vision and do-gooder testimony in favor of this bill. It seems the ultimate solution is to outlaw ATV's period. I am against that also!!! I believe these machines are only as hasardus as the people operating them.

HB 460 is just one more unneseccary bill in the march toward more and bigger government.

I think we were on a much better track when we could license them and take a driving test and be legal on the highway. The license plate makes them identifiable and registures them. I saw a licensed Big Red Honda pull in to a service station in ARIZONA for gas. At least the law makers there are nice enough to give the people what they want! Instead of being duty-bound to protect us from ourself. Or trying to legislate any broblems away by making us all potential outlaws. It seems our rights and freedoms are getting less all the time! and the average mind your on business citizen doesn't take the time to fight back!!

These machines are well built and are inherently no more dangerous than any other machine built by man! And I think its totally unfair to pick on them the way I just heard. A program of safty in operation could accomplish a lot more. Along with allowing us the option we had before (like in Arizona) of the modifications necessary to make them street legal and license them!! All the other owners I know complained bitterly when this right was taken from us and our complaints, from the governor on down, fell on deaf ears. All we got was song & dance quotes that these machines were built only for off road use which almost can't be done in southeast Alaska.

Sincerely,

Barton A Sollars, Sr.
P.O. Box 771
Sitka, Alaska 99835
907 747 3369

Barton Sollars, Sr.

Valley Medical Center, Inc.

P.O. BOX 879, 425 E. DAHLIA, SUITE M, PALMER, ALASKA 99645 - Telephone (907) 745-4268

Family Practice
James F. Ivey, M.D., F.A.A.F.P.
David P. Werner, M.D., F.A.A.F.P.

Representative Betty Cato
Chairman - Transportation Committee

2/14/86

FEB 18 1986

Dear Representative Cato,

I approve of H.B. 460 regarding ATVs. However, I strongly urge the addition of the following points

- ① A minimum age of 13 years of age for operation of any motorized ATV regardless of whether or not it is on private or public land, on with or without protective equipment, or training
- ② One rider per 3-wheeler - no more!
- ③ No vehicle ~~under~~ operation under influence of Alcohol or drugs.

Please help lower the body count of children in our emergency room.

Yours truly,

David P. Werner

FEB 12 1986

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 * DELIVER TO: JPOH *
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 * ORIGINAL *
 * SENT: 02/11/86 TIME: 12:22 *
 * FROM: LIONAT *
 * SUBJECT: 2/11 MS POM/CC *
 * PRINT DATE: 02/11/86 TIME: 12:22 *
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9

TO: REPRESENTATIVES HURLEY, CATO, DAVIS, FURNACE, HERRMAN,
MARROU, PIGNALBERTI, SHULTZ

FROM: JOAN WELCH 376-4731
POB 871175
WASILLA 99687

RE: HB 460-OFF ROAD VEHICLES

I SUPPORT THIS BILL.

11

FEB 14 1986

file

TO: REPRESENTATIVE CATO, DAVIS, FURNACE, HERRMANN, MARROU,
PIGNALBERTI, SHULTZ, AND HURLEY
FROM: DAVE WERNER
C/O VALLEY MEDICAL CENTER
P.O. BOX 879
PALMER AK 99645

9

RE: HB460 THREE WHEEL-OFF ROAD VEHICLES

I STRONGLY ADVISE A LOWER AGE LIMIT OF THIRTEEN YEARS TO OPERATE
A MOTORIZED A.T.C. ALSO I ADVISE TRAINING SAFETY EDUCATION FOR
OPERATION OF MOTORIZED A.T.V. BETWEEN AGES OF THIRTEEN AND
SEVENTEEN.

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FEB 12 1986

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* ORIGINAL
* SENT: 02/11/86 TIME: 13:14
* FROM: FALEENE BIGGS
* SUBJECT: POM
* PRINT DATE: 02/11/86 TIME: 13:15
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TO: HOUSE TRANSPORTATION COMMITTEE MEMBERS
 REPRESENTATIVES CATO, CH.
 DAVIS
 FURNACE
 HERRMANN
 HARROU
 PIGNALBERI
 SHULTZ

CC: DISTRICT LEGISLATORS:
 SPEAKER GRUSSENDORF AND SENATOR ELIASON

FROM: BARTON SOLLARS, SR., P.O. BOX 771, SITKA, AK 99835
 747-3369

RE: HB 460; OFFROAD VEHICLES

IN REGARDS TO HB 460, I AM AGAINST REGISTRATION AND A FEE FOR OFFROAD VEHICLES AND STILL NOT BE ALLOWED TO MAKE THEM STREET LEGAL FOR PUBLIC HIGHWAY USE. I WOULD BE GLAD TO REGISTER AND PAY A FEE IF I COULD LICENSE FOR HIGHWAY USE.

*****END OF MESSAGE*****

FEB 18 1986

HOUSE TRANSPORTATION COMMITTEE MEMBERS:

- BETTE CATO
- MIKE DAVIS
- WALTER FURNACE
- ADELHEID HERRMANN
- ANDRE MARROU
- MARCO PIGNALBERI
- RICHARD SHULTZ

I AM IN FAVOR OF HR 460.
 I SEE THIS BILL AS A HEALTH AND SAFETY TRAINING BILL FOR YOUNG RIDERS FUNDED BY ALL THE ATV OWNERS. I DON'T HAVE A PROBLEM WITH THAT. I WOULD LIKE TO CAUTION YOU TO HAVE THE TRAINING PROGRAM READY TO GO WHEN THIS BECOMES LAW. I DON'T SEE THAT KODIAK HAS THE DEPARTMENT OF SAFETY PERSONNEL TO CONDUCT THIS TRAINING. PLEASE CONSIDER THE FOLLOWING;
 MINIMUM AGE REQUIREMENT
 ALL DRIVERS WEAR HELMETS
 INSURANCE REQUIREMENT
 NO PASSENGERS ALLOWED
 VEHICLE IMPOUNDED IF FOUND USED ILLEGALLY

THANK YOU

JOHN VINCENT
 1619 SELIEF LANE
 KODIAK, AK. 99615
 486-3554 (HM) 486-5090 (WK)

I am in favor of house bill NO. 460.
I see this bill as a Health + Safety
TRAINING bill for young Riders funded
by ALL the ATV owners. I don't have
a problem with that. I would like
to caution you to have the TRAINING
Program ready to go when this becomes
Law. I don't see that Kodiak has
the Dept of Safety personnel to conduct
this training. Please consider the
following;
minimum age Requirement
ALL drivers wear helmets
INSURANCE Requirement
NO Passengers Allowed
Vehicle impounded if found used illegally.

Thank You

John Vincent

1619 Selief Lane

Kodiak, AK. 99615

486-3554 (hm) 487-5090 (wk)

FEB 19 1986

message Ch. Betty Cato
to House Transport. Com, date 2/12/86
from Dorothy J. Roundtree
Box 454, Petersburg, AK 99833
772-3194

Re: HB. 460 OFF-ROAD VEHICLE
Sect. 05.40.050 Education
and Training Fund
Sect. 05.40.060 OFF ROAD
VEHICLE FUND.

My 21 yrs son, Sean, is a
victim of the lack of safety-
instructions concerning operation
of a 3-wheeler. Accident occur-
ed on logging road due to
instability of vehicle entering a
roughly filled in culvert removal
space across road and lack of equip-
-ment. On 1/2 day coma, permanent
brain damage, paralyzed rt side was

the state of the injuries.

My son is lucky. Mr. Tom Wood "air vacated" him to HarborView's Trauma center. Sean is recovering use of his body and brain.

Please support the Safety, Education and Training and Safety Fund Sections of this bill.

Education may save lives and avoid the \$50,000 medical fees that have accumulated so far in just one case.

Sincerely,
Jacky J. Rountree

Sec. 28.15.030. Persons not to be licensed. [Repealed. § 19 ch 178 SLA 1978.]

Sec. 28.15.031. Persons not to be licensed. (a) The department may not issue a driver's license to a person who is under the age of 16 years, except that the department may issue a permit under AS 28.15.051 or a restricted license under AS 28.15.121.

(b) The department may not issue an original or duplicate driver's license to, nor renew or reinstate the driver's license of, a person

(1) whose license is suspended or revoked, except as otherwise provided in this chapter;

(2) who fails to appear in court for the adjudication of a certain vehicle, driver or traffic offense when the person's appearance is required by statute, regulation or court rule;

(3) who is an habitual user of alcohol or another drug to such a degree that the person is incapable of safely driving a motor vehicle;

(4) who has previously been adjudged to be afflicted with, or suffering from, a mental disability or a disease and who has not, at the time of application for the license, been restored to competency by the methods provided by law;

(5) when the department, based upon medical evidence, has determined that because of the person's physical or mental disability the person is not able to drive a motor vehicle safely;

(6) who is unable to understand official traffic control devices as displayed in this state or who does not have a fair knowledge of traffic laws and regulations, as demonstrated by an examination;

(7) who has knowingly made a false statement in the person's application for a license or has committed fraud in connection with the person's application for, or in obtaining or attempting to obtain, a license, or who has not applied under oath on the form provided for the purpose of obtaining or attempting to obtain a license or permit; or

(8) who is required under AS 28.20 to furnish proof of financial responsibility and who has not done so. (§ 19 ch 178 SLA 1978)

NOTES TO DECISIONS

Stated in Commercial Fisheries Entry: 2011 (File No. 4464), 606 P.2d 1255 (1980)
Comm'n v. Apokedak, Sup. Ct. Op. No.

Collateral references. — 7A Am. Jur. 2d, Automobiles and Highway Traffic, §§ 108 to 111.

60 C.J.S., Motor Vehicles, §§ 154, 155.
Constitutionality of statute which makes proof of financial responsibility condition of granting, or of nonsuspension

of, automobile registration license, or driver's license, 115 ALR 1376, 35 ALR2d 1011.

Denial, suspension, or cancellation of driver's license because of physical disease or defect, 38 ALR3d 452.

Validity, of age require vehicle opera.

Sec. 28.1 [Repealed.]

Sec. 28.1 Commissioner of licenses. The reasonably and combined with medical and other state licenses. The applicant's qualifications and upon issuance of the license the applicant must be qualified by examinations under current regulations of the legislature.

(b) A person or a bus transport when in use for the person has purpose under license under of age, has had ment is satisfied fitness to be licensed proper application and physical examination issued under following issuance of the license and paying

Sec. 28.15.050

Sec. 28.15.051 and special driver's license section, a person applicant has submitted AS 28.15.081 of instruction permit in the person

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 16 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. The 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..



Kanakanak Hospital

P.O. Box 3050
DILLINGHAM, ALASKA 99576
Phone: (907) 842-4224 (423) 441-2200

February 10, 1986

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

Dear Representative Hurley,

I just had a couple of questions and comments regarding House Bill No. 460.

1 - Sec. 05.40.020. (a) some villages do not have a department of Public Safety - Will the form be mailable?
(b) Federal, State or political subdivision not required to pay - can we include retired persons and people that are on fixed incomes? i.e. handicapped, low income, etc.

2 - Sec. 05.40.050. (a) training - Is the Department of Public Safety going to be able to travel to all the villages to provide this training? Or is it going to be home correspondence? For training I would like to suggest "hands on" type of training since the manufacturers already include educational material with each machine they sell.

3 - Sec. 05.40.060. Off road vehicle safety fund - This sounds like money is being earmarked. Can this be done? Could we just set an amount?

4 - Sec. 05.40.070. How did you arrive at the age of 17? Fishing communities usually have the 10 year olds involved in helping with the fishing business, subsistence, etc.

5 - Sec. 05.40.080. Safety Equipment - Will the department be enforcing and checking all equipment to make sure that all vehicles have all of the required safety equipment?

6 - Sec. 05.40.090. Retail Sales - One of the reasons that the 3-wheeler is so popular is that it is inexpensive. Have you checked with the industry to see how much more the 3-wheeler is going to cost after everything is added? A family or four buys a 3-wheeler and all plan to use the 3-wheeler, which family member should be fitted to wear the helmet? Is this going to drive the cost of the 3-wheeler up? Do all retail sales outlets have the storage capabilities to store a huge inventory of helmets?

Bristol Bay has 32 villages that encompass 40,425 square miles with a population of approximately 6,000 people. Approximately 80% of these people depend on the 3-wheeler for transportation and work. It isn't uncommon to see 2,3, or even 4 3-wheelers in some households. The 3-wheelers are used by health aides, VPSO'S, fishermen, fire fighters, schools, villagers, etc. and its popularity is due to the fact that it is inexpensive, all terrain, and a year round vehicle.

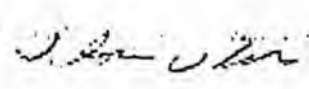
I see problems with enforcing H.B. 460. Is there money?

Prior to passing a law that might drive up the cost of the 3-wheeler and creating undue hardship on the consumers, I suggest that we try and see if the villages will be willing to pass local ordinances that will lower the accident rate, i.e. helmet laws, speed limits, DWI's, age restrictions, this will give the villages and an opportunity to tailor a law that will meet their own needs.

I cannot emphasize enough the importance the 3-wheeler plays in the village life style. It has replaced the role that the dog teams once played in their lives.

If you should have any questions I will be more than glad to try and answer them.

Sincerely yours,


Thomas Tilden
Safety Trainer

tt/kh

cc Robert Clark, Executive Director
Pat Hefley, Community Health Services Director
Rep. Adelheid Herrmann
Sen. Fred Zharoff

**FIVE METHODS OF REDUCING INJURIES
ASSOCIATED WITH ALL-TERRAIN VEHICLES**

A legislative policy analysis

Prepared for

**Alaska Department of Health and Social Services
Division of Public Health
Emergency Medical Services Section**

by

**Robert H. McKnight, MPH, ScD
College of Nursing and Health Services
Universtiy of Alaska, Anchorage**

under contract with

**Alaska Native Health Board
Anchorage, Alaska**

January 1986

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INTRODUCTION

What's an ATV?

All-terrain vehicles (ATVs) include both three-wheel and four-wheel, balloon tire, motorized, off-road vehicles. Typically, an ATV weighs less than 600 pounds, is less than 50 inches wide, and has a seat that is straddled by the operator. They are designed for one, and only one, rider. ATVs are not intended for operation on paved surfaces, especially highways. In fact, ATVs are prohibited from state-owned and state-maintained highways in Alaska, as well as most other states. They cannot be registered as "street legal" vehicles. Snow machines are not ATVs. Neither are "dirt bikes."

Why Enact Legislation?

In Alaska, we have no state laws that are specific to the all-terrain vehicle or its operators. However, provisions of existing snow machine and general highway laws apply to ATVs, including:

- Illegal for highway use
- Registration, but only if used as a "snow machine"
- Permitted for right-angle crossing of highways

Alaska laws have not kept pace with the problems associated with its 30,000 ATVs--environmental damage, noise pollution, and injuries and deaths.

These papers are limited to 5 state government steps that could reduce injuries and deaths. These strategies are aimed at ATV use on public lands, not private property. These 5 chapters do not suggest that we should eliminate all risks associated with ATVs, but rather those risks that are unreasonable and unacceptable from a public health perspective. The recommendations contained herein will reduce deaths and injuries only if enforced and given adequate funding.

Who Is Suffering?

Nationally, about 23 percent of all ATV-related deaths were children 12 and under. Often, only after a tragedy do people become motivated to stop the carnage caused by ATVs.

A Mississippi State Senator recently testified:

"As the parent of an only child who lost his life August 2, 1982, while riding an ATV, I feel qualified to speak about the hazards of ATV vehicles. . . . His ATV's back wheel hit the back wheel of another ATV and it threw Greg into the air. His head hit the pavement; he was not wearing a helmet.(1)

Other witnesses expressed similar concern:

"This problem, I feel, is extremely dangerous to the children involved."(2)

"So, we can clearly see that this is a disease, an epidemic of our young people."(3)

"They are marketing these vehicles as toys. They are aiming them at young children, let's go out and have fun. . . . I am talking about young children who are being killed and maimed and put into comas by these vehicles."(4)

Also, eighty-five (85) percent of the people questioned in a recent Anchorage survey said that they were concerned about the deaths and injuries caused by ATVs.(5)

1. State Senator Walter Graham, New Albany, Mississippi, testimony before U.S. Consumer Product Safety Commission (CPSC), Federal hearing on ATV Safety, Jackson, Mississippi, May 30, 1985, p. 12 of transcript.

2. Dr. Jonathon Lee, CPSC testimony, Dallas, Texas, June 17, 1985, p. 58.

3. Dr. Francis Cline, CPSC testimony, Jackson, Mississippi, May 3, 1985, p. 138.

4. Ms. Bonnie Sumner, CPSC testimony, Milwaukee, Wisconsin, September 3, 1985, p. 83.

5. Survey conducted by Carrie Bashaw, graduate student, University of Alaska, Anchorage.

Statistics show misuse of ATVs caused 530 injuries, 20 deaths

by Larry Persily
Times Journal Bureau

Juneau — Examine every death certificate in Alaska for the past two years, all 4,000 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

ATVs linked to 20 deaths

Continued from page B-1

and injuries as they affect the population."

From his survey of death certificates, Middaugh said the youngest of the 20 fatalities in the past two years was 12 years old, the oldest 53. 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 highway department reports, it was discovered that only 9 percent of 304 riders were wearing helmets, "the point being folks are not protecting their heads in operating these things."

The most frequent contribut-

ing factors cited in the two years of state reports, Middaugh said, in order of their influence, were: alcohol, speeding, driver inexperience and driver intention.

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

Gatts listed as another cause of accidents: "Many people almost 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 roads 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 \$1.6 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, Middaugh said.

The epidemiologist's office estimates the cost of long-term care for the six accident victims paralyzed by head or neck injuries will total \$11.5 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 physician, drug or other private care costs.

Wednesday, May 22, 1985

Doctors want moratorium on ATV sales

From Daily News wire reports

WASHINGTON — The American Academy of Pediatrics called for a moratorium Tuesday on the sale of all-terrain vehicles — an increasingly popular three-wheel bike blamed for a rising number of fatal accidents.

There were 67,000 emergency room-treated injuries associated with the motorized bikes last year, a 10-fold increase from 1981 and most of them involved children, Dr. Joseph Greensher, an academy chairman, told a hearing in the House of Representatives.

"It appears to me that in good conscience what the situation calls for is an immediate voluntary moratorium on the sale of new ATV's while we accumulate necessary data to insure acceptable safe use," he said.

American Honda Motor Co., the biggest seller of the ATV's, said a moratorium is unwarranted and that the off-road bikes, which look like big tricycles with balloon tires, are safe.

But it vowed to work with those who question it, including

the Consumer Product Safety Commission. ATV's are used for recreation as well as for work on ranches and farms.

A "Fact Sheet on ATV's," prepared by Statler and distributed at the hearing, showed:

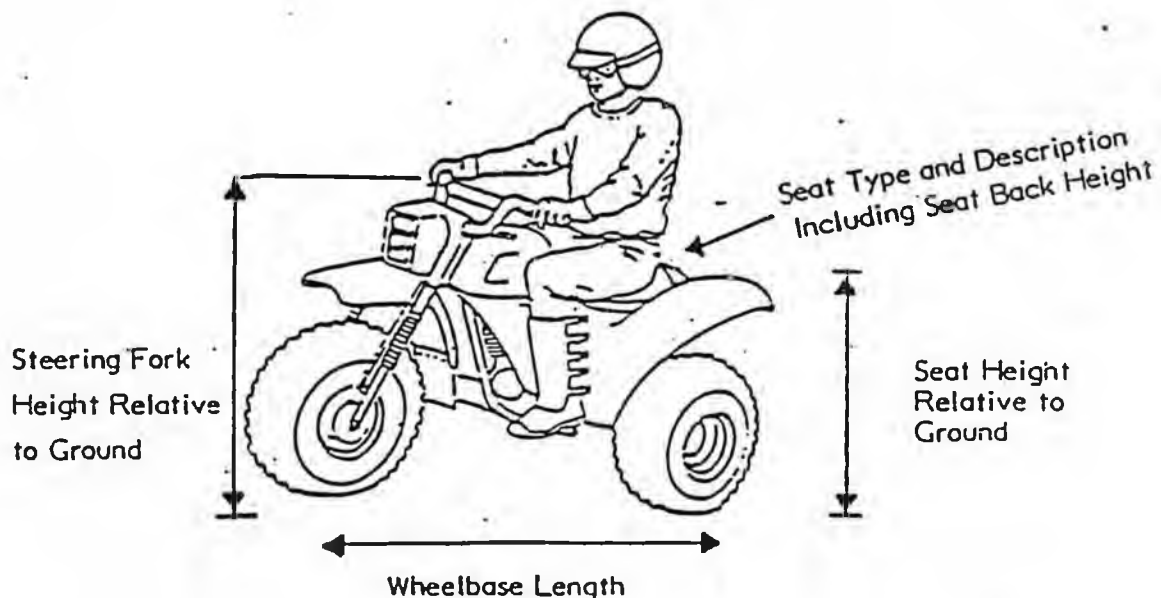
• Sales of ATV's rose from 136,000 in 1980 to 650,000 in 1984. By the end of 1985, there are expected to be 2.5 million ATV's in United States.

• Estimated hospital emergency room-treated injuries associated with the bike rose from 4,929 in 1980 to 66,956 last year.

• The accident rate for ATV's is 50 percent higher than it is for mini-bikes and trail bikes.

• From 1982 to 1984, the commission is aware of 161 ATV-related deaths.

TYPICAL THREE-WHEELED ATV



American
Academy of
Pediatrics



Young Health

A service of your family's pediatrician —
caring for infants, children and young adults

Summer 1985

Experts raise questions about ATV safety

Thrill seekers, beware.

Children, adolescents and adults looking for excitement might well be advised to consider some disturbing facts before joy riding in three-wheel, all-terrain vehicles (ATV).

During the past three years, there have been more than 160 deaths and more than 100,000 injuries related to ATV use, reports the U.S. Consumer Product Safety Commission. Twenty-two percent of the injuries and fatalities occurred to users aged 5 to 12 years. Forty-six percent occurred to users younger than 16 years.

"The desire to be carried at a speed greater than our legs allow continues to spur the imagination of inventors and industry, leaving in their wake a stream of broken bodies and an unacceptable death toll," states Joseph Greensher, M.D., FAAP, an accident prevention expert.

More than 750,000 ATVs are expected to be sold in the United States this year. However, few states apply minimum age or licensing requirements for ATV use on private land. The vehicles feature large, balloon tires and often are used for recreational, off-the-road riding.

"Operation of these vehicles requires coordination, dynamic balance, quick



reflexes, good visual and auditory perception and also a good sense of judgment," Dr. Greensher notes. "Such characteristics and developmental ma-

turity are often lacking in the younger age group."

Several other reasons have been cited in arguments criticizing ATV safety, including: the vehicle's inherent instability created by three instead of four tires; difficulty in controlling the vehicle; drivers who speed; and people who ride double.

"One message is clear: children under 16 seem to be at the greatest risk attempting to control and stabilize the ATV," Dr. Greensher says.

Dr. Greensher, safety commission representatives and other experts recently testified about ATV safety before a congressional panel. The safety commission has authorized a special task force to gather information regarding ATV use, misuse and safety standards. The American Academy of Pediatrics is developing a formal policy statement on the issue.

In the meantime, parents, adolescents and other ATV users might think twice before jumping on one of the vehicles.

"While the clock runs," Dr. Greensher concludes, "injuries and fatalities will continue to rise. There are over 2 million ATVs already in use and a projected 2.5 million by the end of the 1985."

CHAPTER 1. REGISTRATION AND LICENSURE OF ALL-TERRAIN VEHICLES

A. Summary and Recommendations

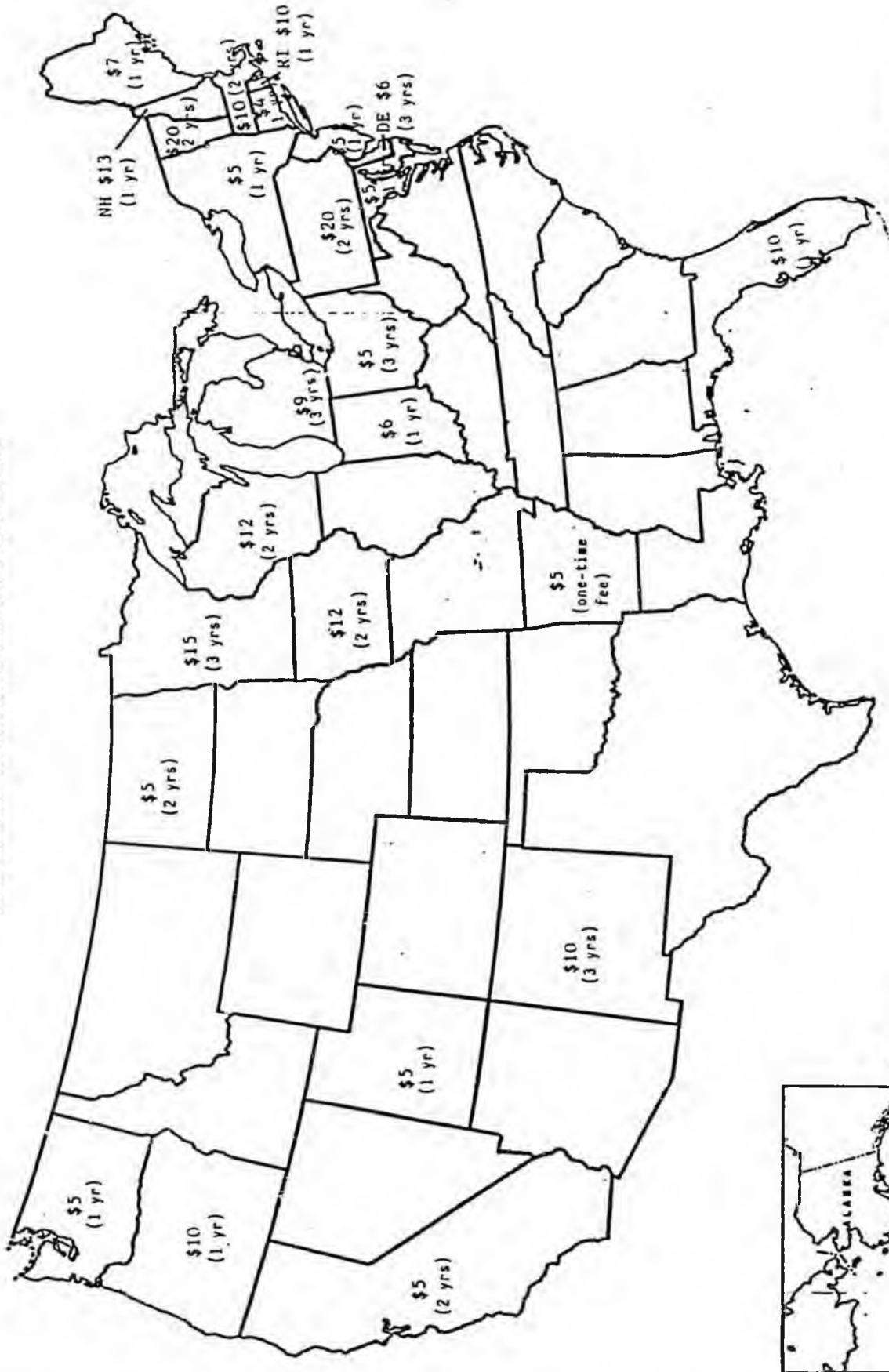
Alaska law should require that all-terrain vehicles be registered with the Division of Motor Vehicles (DMV) as a unique type of off-road vehicle. Registration would be similar to the current DMV system for snow machine registration, but fees would be higher. ATV registration would be semi-annual, costing between \$25 and \$30. A decal-type sticker (but not a license plate) would be affixed to the ATV as evidence of registration. Enforcement of registration seems doubtful, perhaps doomed to failure. Also, the funds generated by registration could be insufficient to support a comprehensive all-terrain vehicle safety program unless enforcement and public awareness mechanisms are assured beforehand.

B. Experiences in Other States

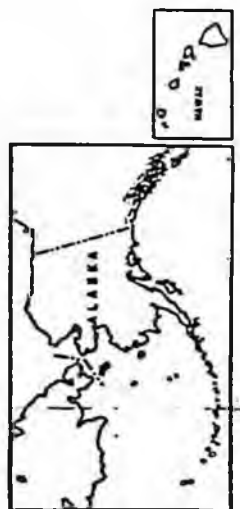
Twenty-five (25) states require off-road/recreation vehicles (including ATVs) to be registered if used on public lands. The map on the following page provides costs and frequency of registrations.

States administer ATV registration through either the Division of Motor Vehicles or the Division of Natural Resources. Key features of ATV registration statutes include (1) definition of ATVs, (2) exemptions from registration, (3) who can register, (4) the cost, (5) frequency, and (6) expenditure of directed revenues. Registration details are included in the following summaries of laws in Minnesota, New Hampshire, and North Dakota.

FEE CHARGED TO REGISTER ALL-TERRAIN VEHICLES



Source: Specialty Vehicle Institute of America



MINNESOTA SUMMARY

A. DEFINITIONS (§84.92)

"Three-wheel off-road vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Three and four wheeled ATVs are regulated by all provisions of these laws and regulations.

B. EQUIPMENT (§84.928)

1. Vehicle

- a) Both front head light and rear taillight must be in use when crossing a highway on an ATV between the hours of 1/2 hour after sunset to 1/2 hour before sunrise or in conditions of reduced visibility.

2. Operator - None

C. NOISE - No requirements

D. TITLE - May be titled at owner's option

E. REGISTRATION (§84.922)

1. All ATVs operated within the state must be registered.
2. Fee: \$15 every 3 years, plus an additional \$3 per registration to be credited to the three-wheel off-road vehicle account.

3. Exceptions

Registration is not required for the following:

- a) Vehicles being used for work on agricultural lands
- b) Vehicles owned and used by the United States, another state or political subdivision

This information 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.

- c) Vehicles covered by a valid license of another state or county that have not been in the state for more than 30 days
- d) Vehicles used exclusively in organized track racing events
- e) Vehicles being used on private land with the permission of the landowner

F. OPERATOR LICENSE/AGE LIMIT (§84.925)

1. Operator License - Not required, but safety certificate required for persons 12 to 14
2. Age limit

A person under the age of 14 years may not operate an ATV on any public land or water under the jurisdiction of the Commissioner of Natural Resources unless accompanied by an adult on the ATV or on an accompanying ATV or on a device towed by the same or an accompanying ATV. However, a person 12 years of age or older may operate an ATV on public lands and waters under the jurisdiction of the commissioner if he has in his possession a valid ATV safety certificate. (See Also Section H. Miscellaneous)

G. USE RESTRICTIONS (§84.928)

1. An ATV may not be driven or operated on a highway.
2. An ATV may make a direct crossing of a street or highway provided:
 - a) The crossing is made at a 90 degree angle to the direction of the highway and at a place where no obstruction prevents a safe crossing
 - b) The vehicle is brought to a complete stop and the driver yields the right of way to all oncoming traffic before crossing a highway
 - c) In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway.
3. On a case by case basis, after notice and public hearing, the Commissioner of Natural Resources may allow ATVs on public trails under his jurisdiction during specific times. (§84.926)
4. Only motor vehicles which are licensed and which may be driven on Minnesota Highways may operate within parks, campgrounds and day use areas. (DNR 1)
5. No motor vehicle other than a snowmobile shall be operated within a trail except upon a legal road or highway. (DNR 20)

This information 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.

H. MISCELLANEOUS**1. Vehicle Identification Number (§84.923)**

All ATVs made after January 1, 1985, and sold in the state, must have manufacturer's permanent identification number stamped in letters and numbers on the vehicle in the form and at a location prescribed by the Commissioner of Natural Resources.

2. Registration Number (§84.923)

All vehicles made after January 1, 1985 and sold in the state, must be made to provide an area to affix the registration number. This area shall be at a location and of dimensions prescribed by the Commissioner of Natural Resources.

3. Safety Education and Training Program (§84.925)

a) Comprehensive ATV environmental and safety education and training program shall be established by Commissioner of Natural Resources to include:

(1) Preparation and dissemination of vehicle information and safety advice to public

(2) Training of ATV operators

(3) Issuance of safety certificates to those successfully completing training course

b) Commissioner shall collect \$5 fee for each person trained to be deposited in the 3-wheel off-road vehicle account.

4. Three-Wheel Off-Road Vehicle Account (§84.927)

1. The money for the account comes from:

a) Registration fees

b) \$5 fee for safety education and training course

c) Fees from the ATV unrefunded gasoline tax

2. The money from the account may only be spent for the following purposes:

a) The safety education and training program

b) The administration and implementation of this Act

c) Acquisition and development of vehicle use areas

This information 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.

NEW HAMPSHIRE SUMMARY**A. DEFINITIONS (§215-A:1)**

1. "All-terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained road with one or more tires designed to hold no more than 10 lbs. per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1000 lbs. net vehicle weight, and not to exceed 50 " in width. Any vehicle exceeding these limitations shall be defined as an OHRV.
2. "Off highway recreational vehicle" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes.
3. "Trail bike" means any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not.

All three and four wheeled ATVs are regulated by all provisions of these laws and regulations.

B. EQUIPMENT (§215-A:6 and §215-A:14)**1. Vehicle**

All ATVs must be equipped with:

- a) At least one but no more than two lighted headlights and one or more lighted rear tail lights when operated during the period from 1/2 hour after sunset to 1/2 hour before sunrise.
- b) Adequate brakes in good working order capable of stopping the vehicle within 40 feet at 20 miles per hour, or locking the wheels or track to a standstill.
- c) Suitable exhaust system required when operated in woodlands. Baffled muffler or U.S. Forest Service approved spark arrestor meets this requirement. (§224:52)

2. Operator - None

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(Rev.)
10/1/85

C. NOISE (§215-A:12 & §215-A:13)

1. Sale of New Vehicles

No trail bike shall be sold in the state manufactured after 1/1/73 which produces in excess of the following limits measured in accordance with SAE J-331a:

- a) Manufactured between 1/1/73 and 12/31/74 . . . 88 dB(A)
- b) Manufactured between 1/1/75 and 12/31/82 . . . 86 dB(A)
- c) Manufactured on or after 1/1/83 . . . Vehicles, exhaust systems and exhaust system components shall comply with Federal EPA noise emission standards. (Note: EPA noise emission standards do not apply to 4-wheeled ATVs.)

2. Labelling

- a) Each federally regulated trail bike and exhaust system manufactured on or after 1/1/83 sold within the state shall display noise emission control information labels in accordance with the EPA regulation.
- b) Such labelling constitutes a certification by the manufacturer that they comply with federal regulations and the sound levels established herein.

3. Competition Vehicles

- a) Vehicles designed constructed and sold solely as racing vehicles are exempt from noise provisions, but only when used at facilities constructed for closed-course racing.
- b) Each trail bike and exhaust system or component manufactured on or after 1/1/83, that is designed, constructed and sold solely for competition shall be labelled as required by EPA noise regulation, that the vehicle and exhaust system or component is designed for closed-course competition only.
- c) Such labelling constitutes certification by manufacturer that they do not conform to federal or state noise requirements.

4. Operational Limits

- a) No person shall operate a trail bike which produces a sound level in excess of 99 dB(A) measured in accordance with ANSI/SAE, J-1, Mar 82.
- b) No person shall operate any trail bike or other OHRV which is designed, constructed and sold solely for closed-course competition. This does not apply when operated at approved OHRV competitions, on the owner's land or when the exhaust system is modified to comply with state noise laws.

5. Other

The Executive Director of the Fish and Game Department may adopt sound level limits for OHRVs not otherwise regulated. (No regulations have been adopted)

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10/1/85

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D. TITLE - Not issued

E. REGISTRATION (§215-A:21, §215-A:23 and 215-A:26)

1. Owner

Except as otherwise provided, OHRVs shall not be operated unless registered. No registration shall be required for an OHRV operated solely on land owned or leased by the owner of the OHRV.

No person under the age of 18 shall register an OHRV without written permission from a parent or guardian. No one under 16 may register an OHRV in his own name.

Fee: \$13 each year.

2. Dealer

Any person who is in the business of selling OHRVs shall register as a dealer with the Executive Director of the Fish and Game Department. They shall be assigned a registration number and plates. Registration numbers or plates shall be carried while the OHRV is operating.

Fee: \$12 for each plate or set of plates.

F. OPERATOR LICENSE/AGE LIMIT (§215-A:29)

A person shall not need a license to operate an OHRV unless he operates upon or across a public highway, in which case the person must be at least 16 years of age and be licensed to operate a vehicle, except that any unlicensed person either a resident or non-resident over the age of 12 years, who has successfully completed an approved OHRV training course may operate an OHRV or trail bike across a highway. Such unlicensed person shall carry with him while operating an OHRV evidence of completion of an approved OHRV safety training course.

A motor vehicle operator's license is not required while operating a snow traveling vehicle or OHRV upon any frozen surface of a public body of water.

No person under 12 years of age shall operate an OHRV unless he is on land owned or leased by his parent or guardian, or unless he is accompanied by a person 18 years or over.

G. USE RESTRICTIONS

1. No person shall operate an OHRV: (§215-A:6)
 - a) Upon any portion of the right-of-way of any public way
 - b) Except at a reasonable and prudent speed for existing conditions

- c) Within the limits of any railroad right-of-way
 - d) To make a direct crossing of an interstate highway, toll road or limited access highway, except if OHRV crossing trails are established by the Department of Public Works and Highways either under or over these roads.
 - e) On land of another, without snow cover, unless he has landowner's permission (§215-A:21)
2. A person may operate an OHRV across any public way in compliance with the following conditions: (§215-A:9)
- a) The crossing shall be made at a 90 degree angle to the direction of the public way and at a place where no obstruction prevents a quick and safe crossing.
 - b) The operator shall bring the OHRV to a complete stop before crossing and yield the right-of-way to all traffic on the public way.
3. Use on State Lands:
- a) All trails or lands owned or under lease to the Department of Resources and Economic Development shall be closed to all conventional vehicles. This includes roads being maintained for snowmobile use. Certain trails may also be closed to motorcycles, trail and mini bikes, and other multi-wheeled vehicles during the snowmobile season when such closure is in the best interest of trail maintenance and safety. (Res-0 301.05 Bureau of Off-Highway Vehicles, DRED)
 - b) The use of any type of trail bike or ATV shall be prohibited on all parkland except where otherwise designated. (Res-P-302.02 Division of Parks and Recreation)

H. MISCELLANEOUS

1. Appropriation of Registration Fees (§215-A:23)

- a) Portions of the registration fees shall be appropriated to the Department of Resources and Economic Development for:
 - (1) Publications
 - (2) Trails
 - (3) Easements and rights-of-way
 - (4) OHRV facilities
 - (5) Grant-in-aid to organize non-profit OHRV clubs, OHRV trails and facilities
- b) Portions shall be appropriated to the Fish and Game Department for purposes to include:
 - (1) Enforcement
 - (2) Establishment of OHRV training programs

(Rev.)

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2. Racing Permits (§215-A:30)

Any person who wishes to operate an OHRV racing meet must procure a permit from the Executive Director for \$50. Participants in racing meets shall not be required to register, but shall operate under provisions of the permit.

3. Road Toll Refunds - OHRV Clubs (§260:47)

Road toll refunds from the state of New Hampshire are not assignable except, members of an organized OHRV club the users may assign individual rights to a refund to their clubs for the expansion and maintenance of club trails.

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NORTH DAKOTA SUMMARY**A. DEFINITIONS (§39-30-01)**

All-terrain vehicle means a motor vehicle using more than 2 low pressure tires and with a dry weight of less than 1200 pounds (544.31 kilograms).

Three and four wheeled ATV's are regulated by all provisions of these laws and regulations.

B. EQUIPMENT (§39-30-09)**1. Vehicle Equipment - ATV's may not be operated unless equipped with:**

- a) A lighted headlamp and tail lamp conforming to standards prescribed by rule of the highway commissioner.*
- b) Brakes in good working order conforming to standards prescribed by rule of the highway commissioner.*
- c) A manufacturer-installed or equivalent muffler in good working order connected to the ATV'S exhaust system. (See also Section C. Noise)

*The highway commissioner has not promulgated any rules regarding ATV's.

2. Operator Equipment - No requirements**C. NOISE (Regulation of North Dakota Game and Fish Department)**

No noise regulations exist for lands under the jurisdiction of the North Dakota Game and Fish Department. On these lands no motorized vehicle may exceed a noise level greater than 85 dB(A) at a distance of 50 feet.

D. TITLE - No state requirement.**E. REGISTRATION (§39-30-02,03,05)****1. Owner**

- a) All ATV's must be registered.
- b) Fee: \$5/2 years registration fee to be credited to motor vehicle registrar fund. \$5 ATV trail tax, payable every 2 years and deposited in a state fund. Parks & Recreation Department may, on appropriation by legislature, expend moneys for establishing ATV facilities, use areas and safety and education programs.

2. Dealer

Dealers shall be issued registration numbers for use on ATV's owned by dealership upon payment of above fees.

3. Exemptions From Registration (§39-30-04)

- a) ATV's owned and used by US, any state or political subdivision.
- b) ATV's registered in a foreign country which are temporarily in ND or licensed in another state and have not been in ND for more than 30 days.
- c) ATV's used exclusively for work on private agricultural lands or on industrial jobsites on private land.
- d) ATV's used exclusively in organized track racing events.

F. OPERATOR LICENSE/AGE LIMIT (§39-30-09 and §39-30-10)

- 1. Operator License - Driver's license, permit or ATV safety certificate required to operate an ATV.
- 2. Age Limit

Any person under 16 years of age who is not in possession of a valid driver's license or permit may not operate an ATV, except upon lands of the person's parent or guardian. A person at least 12 years old may operate an ATV if the person has completed an ATV safety training course and has received a safety certificate.

G. USE RESTRICTIONS (§39-30-09)

- 1. Except as follows, no person shall operate an ATV upon the roadway, shoulder or inside bank or slope of any road, street or highway. No ATV shall be operated within the right-of-way of a controlled access highway except in emergencies.
 - a) An ATV operator may make a direct crossing of a street or highway if the crossing is made at a 90 degree angle to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- 2. ATV's may not be operated:
 - a) In any tree nursery or planting in a manner which damages growing stock.
 - b) On any private land which is posted to prohibit trespassing.
 - c) Within the right-of-way of any highway while towing a sled, skid, or other vehicle, unless towed object is connected to ATV by a hinged swivel and secure hitch.

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C. Positive and Negative Effects

<u>Negative</u>	<u>Positive</u>
<ul style="list-style-type: none"> ● High rate of noncompliance expected (70% won't be registered). ● Viewed as "one more" added burden from government. ● Failure to affix the decal on the ATV. ● Large public awareness needed. ● Revenue generated could be insufficient to support ATV safety programs. 	<ul style="list-style-type: none"> ● Provides a revenue source to assist ATV enforcement and safety programs. ● Relatively easy for DMV to implement and operate.(1) ● Provides a statistical base for understanding types and number of ATVs in Alaska. ● Only six months needed to implement.(1) ● Improves theft recovery. ● Provides data on vehicle type for use in epidemiological studies of injuries.

D. Effects of Local Laws

A recent survey indicated that no local jurisdictions register all-terrain vehicles. ATVs are only registered at the state level presently, but then only as snow machines. Apparently there would be no prohibition for local jurisdictions to impose special use taxes, local stickers, etc. on ATVs. A more thorough legislative research paper on this topic may be needed.

E. Enforcement

Bleak; probably nonexistent. Without adequate enforcement, registration of Alaska's 30,000 ATVs(2) becomes primarily voluntary and ineffective. For example, the DMV requires snow machines used off of private property to be

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1. John Lucking and Chuck Hozack, Division of Motor Vehicles.
 2. Estimate provided by Susan Halbert and Dr. John Middaugh.

registered. However, only about one sixth of the estimated 35,000 snowmobiles in Alaska are registered.(3) State Troopers and other law enforcement agencies are responsible for the enforcement of DMV registration requirements. State Troopers indicate that the failure of an ATV registration system would parallel that of snowmobiles, i.e., essentially nonexistent.(4) Trooper officials provide three reasons why enforcement would be poor:

1. Inadequate number of law enforcement personnel
2. ATV laws would be of lower priority in comparison to violent crime
3. Public resistance to Troopers acting as "big brothers" in rural areas and ticketing unregistered all-terrain vehicles.

There is little justification to enact registration unless there is ample evidence that registration laws will be enforced. A portion equal to the funds received for the registrations should go into a fund that includes law enforcement. This will place an incentive on local law enforcement agencies (including police, VPSOs, etc.) to enforce the law.

F. Costs and Red Tape

Costs to the state. DMV currently has a registration system for snowmobiles. It can be expanded to include ATVs. The costs for expanding only the registration program are estimated as follows:

-
3. Chuck Hozack, Division of Motor Vehicles.
 4. Lt. Glen Godfrey, Alaska State Troopers.

Function	Cost Estimate(1)
One additional full-time equivalent clerk at DMV	\$27,000
All forms, decals, and paper work, and computer programing	13,000
Postage for application and registration forms at 50 cents to complete transaction	7,000
Registration portion of public information campaign (radio, TV media, etc.)	20,000
GRAND TOTAL, estimated first-year start-up costs	\$67,000+

Costs to enforce registration program could not be estimated.

Costs to ATV Owners. Registration fees must be higher than the present snow machine fee of \$5 for 2 years. ATV registration revenues must be sufficient to offset the DMV's administration costs, public awareness efforts, and enforcement efforts. Assuming that one sixth of the state's ATVs will be registered the first year (one sixth = 5,000), a \$25 fee would generate \$125,000 for 2-year use, or \$62,500 a year. This is slightly above the estimates above, yet hardly enough to support the unknown enforcement costs. It would not support costs of public awareness for the non-revenue producing portions of the ATV bill, such as information campaigns for helmet awareness (estimated at \$20,000 for year one) or information campaigns for age restriction (estimated at \$20,000 for year one). Realistically, \$30 every two years will be about the maximum fee people would tolerate. This is equal to the present motorcycle registration fee of \$15 every year. A problem still exists in that revenues are not going to be sufficient to offset the cost of a comprehensive ATV safety program. However, beginning in year three, DMV costs should decline because public awareness campaigns can be scaled down. [See costs, Chapter 3.]

1. Estimates provided by John Lucking, DMV, and Kathy Wolgemuth, Department of Public Safety.

Red tape would be minimal. ATVs would not be titled. Existing registration locations and procedures for motor vehicles would handle ATV registrations. Bush registration would be by mail.

G. Political Acceptability

Moderately favorable. Registration is much less controversial than helmet requirements or age restrictions. Responsible ATV owners should welcome registration as a "beneficial nuisance," especially since it:

- Would be at low cost
- Can be completed via the mail
- Offers improved theft recovery
- Provides funds for rider services, i.e., safety programs, etc.

Political acceptability is further bolstered because:

- ATVs can currently be registered as "snow machines" on an optional basis
- A growing number of states are requiring ATV registration programs.

Political problems could arise among rural and bush registrants who currently do not register any vehicles with the DMV. They will question, "Why do it when we have no state roads or state-maintained roads?" Residents must be assured that the fees derived from registration will directly benefit them, i.e., improved safety programs. Registration will be opposed if the funds are allowed to evaporate into the general fund without a method to retrieve them.

H. Discussion

Registration of ATVs is primarily a revenue-generating technique. Ways these funds are spent will determine whether the public will benefit from the process. Constitutionally, the receipts must be placed in the state's general fund. Some mechanism is needed to get an equivalent amount of money appropriated for ATV safety concerns and law enforcement. Agencies to receive

these funds might include:

- The Department of Public Safety
- The Division of Public Health
- Alaska State Parks
- Local governments
- Other groups (e.g., Cooperative Extension Service, non-profit ATV clubs)

Revenues must be adequate to:

1. Promote increased enforcement
2. Pay basic administration costs
3. Fund operator training courses
4. Provide for improved recreational trails and trail maintenance
5. Provide public awareness of the law
6. Fund ATV injury prevention studies and projects

Whatever the uses of the money, the costs that government expends to control the problems created by ATVs should be paid by the ATV users.

Responsible ATV users will not oppose reasonable registration fees if the state assures them that benefits will be forthcoming. \$25 to \$30 every two years is appropriate.

CHAPTER 2. AGE RESTRICTIONS

A. Summary and Recommendations

Alaska law should prohibit children under the age of twelve (12) from operating all-terrain vehicles (ATVs) on public property. A minimum age of 12 is consistent with laws in seven other states. Potentially controversial, this age restriction is necessary if ATV-related injuries among children aged 0-11 are to be reduced statewide. ATV enthusiasts and others will demand a lower minimum age, perhaps 6 or 7, or even no minimum at all. Any arguments favoring a lower minimum age must be balanced against its effects: Children will have benefits of recreation, transportation, and subsistence life style with these vehicles, but their rate of injury will remain unacceptable from a public health perspective, particularly on public property--trails, parks, right of ways, etc. For youth aged 12 to 15, an operator permit should be required.

Enforcement of state age restrictions is expected to be poor, perhaps nonexistent. The political feasibility of an age restriction that avoids excessive loopholes (i.e., no exceptions for youths under 12) is uncertain; much depends on forceful arguments by public health professionals, concerned law makers, and others.

B. Experience in Other States

Eighteen (18) states impose minimum age restrictions in order to operate any off-road or recreation vehicle, including ATVs, on public lands. Thirty-two (32) states have no restrictions. State age restrictions apply only when the vehicle is driven beyond one's private property to locations such as roads, right of ways, parks, designated trails, or other public land. No state has imposed age restrictions that apply to the use of ATVs on the operator's personal property.

No age limit restrictions for senior citizens were found in any state.

Of the 18 states with minimum age restrictions, laws in ten states appear to be specific to the all-terrain vehicle, not just the broader category of "off-road/recreation vehicle." Minimum ages to operate ATVs in off-road situations range from 10 to 16 years. Often, these age restrictions are filled with exceptions and loopholes to the extent that they are meaningless. Two common examples:

- o If a youthful operator possesses a valid ATV "safety certificate" or "operator permit," the age restriction is lowered. The "true" minimum age then becomes the lowest age that the state will issue an ATV operator's permit, often 10 to 12.
- o If a youthful rider is accompanied by an adult, or supervised by an adult, the age restriction does not apply. In some states this provision permits children as young as three years old to operate an ATV on public property--in effect, no minimum age.

The combination of these two loopholes has removed true ATV age restrictions in all but 4 states.

The 10 states having ATV-specific age restrictions are listed in the first chart. Off-road/recreation vehicle age restrictions applying to ATVs in 8 states are found in the second chart.

Minimum Age to Operate ATVs off of Private Property or on Public Lands

State	Minimum Age	LOOPHOLES		"True" Minimum Age
		Operator Permit	OR Accompaniment/Supervision by Another Person	
North Dakota	16	Yes	-	12
New York	16 or 16	- Yes	Yes -	none 11
Pennsylvania	16	Yes	Yes	10
Michigan	16 or 16	Yes -	- Yes	12 none
Wisconsin	16 or 12	Yes -	Yes Yes	none none
Vermont	12	-	Yes	none
New Hampshire	12	-	Yes	none
Oregon	12	Yes	Yes	none
Minnesota	14	Yes	Yes	12
Maine	10	-	Yes	none

Source: Specialty Vehicle Institute of America, All-Terrain Vehicle Laws and Regulations, Vol. 1 and Vol. 2.

(- = No)

States with Off-Road or Recreation Vehicle Age Limits

State	Minimum Age	LOOPHOLES		"True" Minimum Age
		Operator Permit	Accompaniment/ Supervision by Another Person	
Rhode Island	16	-	Yes	12
Iowa	16	-	Yes	12
Ohio	16	-	Yes	12
Utah	16	-	Yes	none
Maine	14	-	Yes	none
Indiana	14	-	Yes	none
Maryland	12	-	-	12
Delaware	12	-	Yes	none

Source: Specialty Vehicle Institute of America, All-Terrain Vehicle Laws and Regulations, Vol. 1 and Vol. 2.

(- = No)

Only North Dakota, Pennsylvania, Michigan, and Minnesota have a "true" minimum age restriction for ATV operators. Additionally, minimum age restrictions applying to ATV operators under the off-road/recreation vehicle laws exist in four other states: Rhode Island, Iowa, Ohio, and Maryland.

The intent of age restrictions is to prevent high risk groups from being exposed to unreasonable risks of injury and death. For children under 12, it is doubtful that being supervised by an adult is sufficient to reduce the risk of injury associated with ATVs.(1)

For example, New York has a minimum age of 16. Yet, a child as young as five could operate an ATV without anything more than adult supervision. Similarly, in Wisconsin, children aged five or six could circumvent the 12-year minimum age by just being under adult supervision on public property.

Operator certification appears to be a more acceptable loophole, provided that no child under 12 be certified to operate an ATV. Operator permits are primarily intended for children aged 12 to 15. Prior to being certified, the youth should have a riding skills test and a written exam.

Other states will likely consider age restrictions for ATV operators in 1986 and 1987.

1. Dr. Gordon Smith, a physician at Johns Hopkins University, told the author that for children under 12, supervision of ATV use is no substitute for the lack of physical strength, coordination, and dexterity necessary to operate an ATV. Speaking plainly, he said that the loophole was "absolute rubbish."

C. Positive and Negative Effects

Negative	Positive
<ul style="list-style-type: none"> ● Bush and rural children <12 forced to abandon ATVs for subsistence, transportation, etc. if not on private property. ● Opposition from ATV enthusiasts with young children. ● <u>Fierce</u> opposition by bush/rural residents whose children use ATVs for subsistence hunting, transportation and work. ● Sales of smaller ATVs and accessories would decline. ● Apathetic law enforcement expected. ● More ATV use on private property and around the house; could create noise nuisance in neighborhoods. 	<ul style="list-style-type: none"> ● <u>If enforced</u>, the most effective method of controlling ATV injuries and deaths among Alaskan youth <12. ● The dangers associated with ATVs would be reinforced to children immediately above the age restrictions. ● Parents of children covered by age restrictions would be more knowledgeable about the risks and take more precautions when children operate in the yard. ● Children's lives would be saved. ● Childhood disabilities would be reduced. ● Reduced state expenditures for hospitalization and emergency care.

D. Effects on Local Laws

Local governments retain the option to impose a higher age limit. However, they cannot enact laws allowing children under the minimum age to operate ATVs. Suppose a town decided that the injury risks to 12-year-olds were not acceptable, even with an operator permit. The local government could raise the minimum age to 13 or 14. However, in no instance could a local government lower the age to 10 or 11.

At least 3 Alaska communities have age restrictions on ATV users.(2) In Scammon Bay an ordinance states, "It shall be illegal for anyone under the age of thirteen (13) years to operate a snow-go or 3-wheeler within the city limits unless accompanied by or under the personal supervision of a responsible adult over age 18."

2. Survey of local ATV laws conducted by Susan Halbert, Cooperative Extension Service

Similarly, in the village of Chefornek an ordinance states, "It shall be unlawful for anyone under the age of 10 to operate or drive any motor vehicle, including snowmobiles, scooters, motorcycles, wheel-and-track vehicles, without parental supervision."

In Soldotna, the age restriction reads, "No person under the age of 16 shall ride an off-road vehicle in the right of way of any public roadway unless: (a) accompanied by a parent or responsible guardian, or (b) they have in their possession a valid motor-driven cycle permit issued by the State."

In Valdez, youth aged 14-16 can operate ATVs on city streets, provided they have a motor vehicle learner's permit. Children of any age can operate ATVs on the right of way of city streets and along public property, excepting 2 town park strips.(3)

Based upon survey findings, very few local communities have any minimum age requirement. In most cases, there is no minimum age for use on public land. Enactment of statewide age restrictions would raise the age to 12 in all cases of public property, both state and local.

E. Enforcement

Enforcing an age restriction will be problematic, spotty, and resisted. In effect, poor.

Enforcing an age restriction, however, would be easier than enforcing the ATV registration.

First, identification of violators who are 2 to 3 years younger than the minimum age will be easy. For instance, with a 12-year minimum age, the size of an 8-year-old riding an ATV will be fairly easy to spot. However, enforcement

3. Patrick Shely, Police Chief, Valdez.

for children aged 9, 10, and 11 will be hampered by inaccurate age guessing. In many cases, children surrounding the minimum age might be given the "benefit of the doubt" and not stopped and asked for identification. Apprehending violators would be difficult because ATV riders can elude police by darting onto trails and off-road locations where patrol cars cannot follow.

Enforcement hinges also upon operators' possessing some form of valid age identification. [See Chapter 3.] Officials encountering children without age identification will face frustration and may find their work all but impossible. Similarly, smaller-frame children who meet the minimum age restrictions will be questioned frequently and be asked to prove their age.

Second point. Public opposition in rural and bush areas will hamper enforcement by Village Public Safety Officers (VPSOs). The use of ATVs by village children is so common that enforcement could jeopardize the VPSO's community relations. Law enforcement of more serious problems could be adversely affected. Numerous village residents stated that they would consider age restrictions as a "joke." Furthermore, age restrictions would disrupt their rural lifestyle. Village children use ATVs for multiple purposes: to check traplines, haul fish, go hunting, set nets, travel to school, and have fun. The ATV is an essential component of village youth transportation, and the imposition of an age restriction would be fiercely resisted. The author's travel to 3 rural villages was most beneficial in documenting these impressions.

Enforcement in regional centers and larger towns will depend on the public's insistence that these laws be enforced. Community pressure and the attitude of local law enforcement officials will be critical.

State trooper officials indicate that enforcing age restrictions on ATV use would be a low priority.(4)

4. Lt. Glen Godfrey, A.S.T. Headquarters, Anchorage, AK.

F. Costs and Red Tape

Funds will be needed for (1) enforcement and (2) public awareness. No detailed cost formulas exist. However, the following activities will drain existing resources.

- Age restriction signs (on trails, in state parks, on public roads, etc.)
- Radio/TV public service announcements
- Enforcement time to identify, ticket, and process offenders by troopers, VPSOs, and others
- Time spent in exploring and changing the attitudes of law enforcement officers toward enforcement
- More safety education programs

G. Political Acceptability

Uncertain. No other proposal angered more ATV users than the author's discussions of age restrictions. Common responses included: "I'd like to see them enforcing that." "All our kids would be lawbreakers."

Sales of smaller ATVs will decrease if children less than 12 cannot ride ATVs on public lands. This will create an economic impact on dealers. Their opposition for economic reasons is anticipated.

Opposition from parents of children who presently use ATVs on public property may be the most vocal opponent of this bill, particularly those in rural and bush areas.

Bush legislators who vote for age restrictions may be inviting political problems. Emotions of residents opposing age restrictions are loud and angry.

Public health and public safety officials are facing an uphill battle if the public and elected officials are to be convinced that age restrictions are in the best interest of Alaska's children.

H. Discussion

Why a minimum age restriction of 12? Why not 9? or 15? or 18? A minimum age of 12 was chosen because:

- It is consistent with at least 7 other states.
- An age restriction greater than 12 would not be politically feasible in Alaska.
- There is some consensus among many public health officials that children less than 12 should not operate ATVs.
- The strength, coordination and judgment skills of many children less than 12 are likely to be inadequate to safely operate ATVs without serious injury risks.

The last two points are critical. The following persons provided an age recommendation to the author:

Name and Title	Minimum Age
Dr. Joseph Greensher, Chairman Committee on Accident and Poisoning Prevention American Academy of Pediatrics Mineola, New York	14
Susan Halbert ATV Education Specialist Alaska Cooperative Extension Service Anchorage, AK	12
Dr. Jim Berner, Chief Community Health Services Branch Alaska Native Medical Center Anchorage, AK	10
Dr. Clint Lillibridge, Pediatrician Anchorage, AK	18
Dr. Gordon Smith, Injury Epidemiologist Johns Hopkins University Baltimore, MD	12

Other ages recommendations from federal hearings:

Dr. Steve Hargarten St. Luke's Hospital Milwaukee, WI (5)	12
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5. CPSC Public Hearings on ATVs, Milwaukee, Wisconsin, September 3, 1985.

Stuart Statler, Commissioner U.S. Consumer Product Safety Commission Washington, D.C.	14
Dr. Norman Yenofsky, President New Hampshire Chapter American College of Emergency Physicians Hanover, New Hampshire (6)	14
Dr. Jonathan Lee, Orthopedic Surgeon Louisiana State University School of Medicine Shreveport, LA (7)	16
Dr. Kenneth Johnson, Pediatrician Glendale, Wisconsin (8)	12
Everett Glen, Assistant Vice President Motorcycle Division American Honda Gardenia, California (9)	12

Mr. Glen's testimony before the Consumer Product Safety Commission in Jackson, Mississippi, included the following:

Question: "Are you at this point, as I understand it, discussing an age limitation requirement of about 12, Mr. Glen?"

Response: "Yes, on the children's model, make a recommendation that no one under 12 ride it. . . . The studies that were done at the University of Maryland indicate that a person 8 years old would be able to ride an ATV. But that had a variance of plus or minus 4 years, so then the age range would be 4-12. What we did was to be conservative; we went with the 12-year-olds because in most of the studies and in all of our experience someone that age would certainly be able to ride one."(10)

A comment about the vehicle itself: All-terrain vehicles are ridden, not driven. They are rider active, requiring shifting of the body position, control of speed, and stability control. These skills require operators to be of sufficient size, possess adequate dexterity, and have quick judgment. Riding an ATV is not the same as riding a bicycle, a motorcycle, or snow machine.

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6. CPSC Public Hearings on ATVs, Concord, New Hampshire, July 25, 1985.
 7. CPSC Public hearings on ATVs, Jackson, Mississippi, May 30, 1985.
 8. CPSC Public Hearings on ATVs, Milwaukee, Wisconsin, September 3, 1985.
 - 9 & 10. CPSC Public Hearings on ATVs, Jackson, Mississippi, May 30, 1985.

Obviously, a restriction based on age does not accommodate for individual differences in weight, height, skill, experience or judgment. For instance, a skilled 11-year-old with four years of ATV experience will be a better rider than a 12-year-old with two weeks of experience. Despite this, the use of age restrictions is consistent with other state laws, for instance:

- To be affected by the Alaska child seat-belt law
- To purchase alcoholic beverages
- To obtain a driver's license
- To enter into contract
- To vote

Age, though imperfect, is still the best single measure of the child's maturity, potential riding skill, judgment and dexterity that is available for public policy decisions.

The 12-year age restriction should exist without exceptions or loopholes. Under no circumstances should children under 12 operate these machines off of private property, even if they have completed an ATV riding skills program, or are accompanied by an adult, or supervised by an adult. Allowance for these exceptions would defeat the purpose of age restrictions--limiting exposure to unreasonable risks.

For children aged 12 to 15, an ATV operator permit should be required. [See Chapter 3.] Youths not possessing an ATV permit would be prohibited from operating an ATV until age 16. Being accompanied by another person should not exempt children under 16 from having an operator permit in order to ride an ATV.

Age restrictions are not proposed for persons 16 and over.

CHAPTER 3. OPERATOR PERMITS FOR ATV USE ("OPERATOR CERTIFICATION")

A. Summary and Recommendations

Alaska law should probably require youths aged 12 to 15 to possess an operator permit before riding an ATV on locations other than private property. The author is hesitant to wholeheartedly support this option. Persons aged 12 to 15 who do not acquire an operator permit should be prohibited from using ATVs until age 16. [See Chapter 2.] No operator permit should be issued to a child less than 12 under any circumstances.

Operator permits would be issued by the Division of Motor Vehicles after the operator has completed a DMV-approved ATV rider education and skills class. DMV presently has no permit system for ATVs. No recommendation is made on who should provide the operator training--the DMV? private groups? local government? cooperative extension service? or ATV sales agencies? Efforts to certify riders in the bush will be hampered by the limited availability of both training sessions and certified instructors. Training programs, if provided at state expense, will require additional revenue; rider education fees and permit fees should be charged. Politically, the requiring of operator permits is favorable.

B. Experiences in Other States

At least 7 states have statutory provisions for ATV the certification of ATV operators via operator permits. Other states are expected to follow this trend in 1986. An operator permit (not a license) is issued after the operator has completed a state-approved ATV rider education program. Operator permits are aimed at youthful riders aged 10 to 15. Without such a permit, the youth's legal authority to use an ATV is restricted.

ATV OPERATOR PERMIT PROVISIONS*

<u>State</u>	<u>Target Ages</u>	<u>Loopholes</u>	<u>Issuing Agencies</u>
North Dakota	12 to 15	Not required if youth possesses driver's license or permit	Parks and Recreation
New York	12 to 15	Not required if youth is under general supervision of a person over 18	Motor Vehicles
Pennsylvania	10 to 15	Not required if participant is in rider education program under supervision of certified safety instructor	Motor Vehicles
Michigan	12 to 15	Not required if under direct supervision of person 18 years or older	Natural Resources
Wisconsin	12 to 15	Not required if accompanied by persons greater than 18 years old	Natural Resources
Oregon	12 to 15	Not required if accompanied by person over 18 years old on another ATV	Motor Vehicles
Minnesota	12 and 13	Not required if accompanied by an adult on another ATV	Natural Resources or Motor Vehicles

* Source: Specialty Vehicle Institute of America, ATV Laws and Regulations, Vol. 1 and Vol. 2.

North Dakota and Pennsylvania are the only states without detrimental loopholes in operator permits. In other states youths are exempt from permits if they are "accompanied by or under the supervision of an adult." This is stupid and counterproductive to the public's health. Why? Merely being supervised or accompanied by an adult is no substitute for whatever knowledge and skills youths gain in approved operator certification courses.

The effectiveness of ATV operator certification courses has not been scientifically documented, primarily because they are so new. Theoretically, they should help reduce injuries, but this is debatable.

C. Positive and Negative Effects

Negative	Positive
<ul style="list-style-type: none"> ● Training courses not readily available or accessible in rural areas. ● DMV does not offer training programs or permits for ATV. ● Initial demand could outstrip capacity of program. ● Permits are voluntary for older riders. ● If ATV permits become a "cult craze," then more youths might be exposed to the risks of ATVs; and total deaths and injuries might increase (theoretical) (1)(2) ● Effectiveness of ATV operator certification has yet to be demonstrated (theoretically it should work) ● Groups or agencies providing rider education could be liable for injuries during training or if operators claimed they were improperly trained. ● Only 5 certified instructors in Alaska. 	<ul style="list-style-type: none"> ● A permit verifies that an operator possesses the minimum knowledge and skill needed to operate an ATV. ● Will generate revenue to help fund rider training classes. ● Programs for rider education currently exist, through the Cooperative Extension Service. These could be expanded. Alaska's rider education program was the nation's first. ● Politically acceptable. ● Injury and death rates among youth would <u>probably</u> decline, provided that loopholes do not permit children <12 to ride ATVs on public property.

D. Effects on Local Laws

No local laws related to operator certification were found in the survey conducted by the Alaska Cooperative Extension Service.

E. Enforcement

Because enforcement of operator certification is closely linked to enforcement of age restrictions, please refer to the enforcement part of the age restriction chapter. The prognosis is poor, however, that enforcement will be adequate.

1. Leon Robertson, Injuries: Causes, Control Strategies and Public Policy. Lexington, Mass: Lexington Books, p. 91-116. He questions high school driver education for this reason.

2. Also suggested by Dr. Joseph Greensher, Mineola, New York

F. Costs and Red Tape

Cost to the DMV. Currently the DMV issues no permits of any kind to persons under age 14. A new administrative system will be needed (1) to certify rider trainer courses and the instructors, (2) to verify that persons have completed an approved rider course, and (3) to issue the permits and distribute them to the riders.

DMV officials were not eager to initiate a new permit system for ATV use. There was less enthusiasm for offering the training courses. Current DMV facilities for off-road testing do not meet existing needs for motorcycles, and there are no DMV facilities in rural areas for ATV skill testing. The cost estimate per permit issued would be \$8 to \$10, a one-time fee.(3)

Cost to the Consumer. (a) Operator certification courses. It all depends on who offers the course--the DMV? the Cooperative Extension Service? a native corporation? private off-road organizations? Several states impose a \$5 fee to be collected at training to fund the courses and administration costs. Susan Halbert of the Cooperative Extension Service indicated that the cost of training might be between \$30 and \$60 per person, depending on location. She cautioned that this is only an estimate.

(b) Obtaining of ATV permit. This should be a one-time charge, valid for five years. The cost must be adequate to support a comprehensive ATV safety program, perhaps greater than the \$8 to \$10 that it costs to issue the permit.

Obtaining the permit will be relatively easy and done by mail. Once a youth has completed an approved training course, the certificate of completion will be attached to a DMV application and mailed to DMV. A wallet-size permit would be issued by mail and would include the person's name, address, and a permit number.

If operator permits are required, an initial surge of applications can be expected. Also, a number of questions will arise. "Will current ATV users ages 12 to 15 be "grandfathered" into certification, or will all existing 12- to 15-year-olds be required to go through an exam?" Demand will outstrip the supply.

A start-up period of six to twelve months is needed to enact programs and get the DMV started, perhaps longer to get enough qualified instructors.

G. Political Acceptability

Favorable, provided rural and bush legislators can be assured that the "bugs" can be worked out beforehand. Otherwise, don't expect support for an operator permit programs having too few instructors and too many unanswerable questions. Money is needed to make the permit system work.

H. Discussion

Will enough qualified instructors be available? No. At present, only 5 persons in Alaska are known to be certified as ATV instructors. While other persons may offer rider skills classes, there is no system to verify that their methods and instructional techniques are sufficient. These limitations are great barriers to the practicality of issuing operator permits.

A still greater issue is the over-all effectiveness of ATV education in reducing injuries. Yes, persons who complete a course may be more knowledgeable, but will this be conveyed in a clinically significant reduction of injury? Robertson (cited earlier) states:

"For education to change behavior that leads to injury or to induce increased protection, its assumptions must be valid. Following are 4 assumptions that are included, either explicitly or implicitly, in educational efforts to reduce injury:

1. Persons informed of risk will retain the information and take recommended action to reduce the risk.

2. Persons skilled in a given hazardous endeavor are less likely to be injured than those unskilled.

3. The educator has the means available to teach information or skills, and to cause behavior change related to emotions, attitudes, and values.

4. The training of people to perform hazardous activity will not result in an increase in the activity to the point that any injury reducing effect of the training is more likely to be offset by an increase in injuries resulting from the use of the new skill.'

Robertson goes on to say,

"Among the myriad educational programs aimed at reducing injury, the few that have been researched have not established the validity of each of these assumptions in each case. The evidence suggests, rather, that more often one or more of the assumptions are not valid. In some cases educational programs are demonstrably harmful."

Furthermore, he adds:

"Among the most hazardous means of transportation is a motorcycle. Because motorcycle crashes are more frequent among those inexperienced in their operation, motorcycle education has been advocated. In England, however, motorcyclist training in a special course had a greater average number of crashes per mile than a comparison group who learned to ride by other means. Some of the evidence pointed to the special training as an element in the creation of a greater-than-justified confidence in riding ability among the formally trained riders. In the United States, a study comparing motorcyclists with medically treated injuries and a sample of owners of registered motorcycles found a similar result: A greater group who acknowledged training were in the injury group." (p. 92)

Obviously, Robertson's point is controversial and debatable, but it raises some important questions that public health policy makers must answer.

CHAPTER 4. HELMET REQUIREMENTS

A. Summary and Recommendations

Alaska law should require all operators of ATVs, regardless of their age, to wear helmets. The risk of head injury while using ATVs is so catastrophic as to require the law to apply to all ages.

Political acceptability of an ATV helmet law that included adults could be troublesome. The political acceptability of a helmet law applying only to persons under 18 is more favorable.

Violators of a helmet requirement will be easy to identify, but enforcement will be poor. If some ages are exempted from the helmet provision, enforcement will be even poorer, particularly among ages just beneath the minimum age.

B. Experiences In Other States

Laws in 9 states require the operator of an ATV to wear a helmet while on public property such as trails, parks, etc.. The remaining 41 states have no ATV helmet laws. No ATV helmet laws were found that apply only to children.

<u>State</u>	<u>Ages Affected</u>	<u>Comments</u>
New York	All	-
Massachusetts	All	-
Delaware	All	Applies only to 3-wheelers, not 4-wheelers
Oklahoma	All	-
Pennsylvania	All	Applies to street and highway ATV use only
Rhode Island	All	-
Tennessee	All	Applies to state parks only. Additionally, rider must wear (a) protective clothing, (b) heavy shoes, (c) shatter-proof eye protection.
Texas	All	Applies to state parks only
Utah	All	For competitive events only

Source: Specialty Vehicle Institute of America, All-Terrain Vehicle Laws and Regulations, Vol. 1 and Vol. 2.

C. Positive and Negative Effects

Negative	Positive
<ul style="list-style-type: none"> ● Enforcement would be poor, especially in the bush. ● Face masks sometimes fog over in severe cold, limiting vision. ● Helmets not readily available in bush villages ● Children's growth patterns require purchase of more than one helmet ● Bush families with several users forced to purchase multiple helmets ● Some persons argue that helmet use is a matter of personal choice, claiming the injury would affect no one but themselves (argument similar to motorcycle helmet issue). ● Support for adult helmet law is weak. 	<ul style="list-style-type: none"> ● Very effective in controlling head trauma from ATVs, if enforced. (Head trauma is the No. 1 killer in ATV crashes.) ● Would limit the state's liability if injury occurred in state parks ● Reduced state expenditures for brain injured persons ● Constitutionally valid (courts have upheld helmet laws at least 35 times throughout the nation) ● Despite complaints, the effects on vision and hearing are minimal.

D. Effects on Local Laws

Minimal. At least 3 Alaska communities have helmet laws affecting operators of ATVs.(1) Both Soldotna and Anderson have city ordinances requiring all operators and passengers to wear helmets while riding ATVs within the city limits. In Valdez there is an ordinance matching the current motorcycle law requiring persons under 18 to wear a helmet. No other communities reported helmet requirements applying to operators of off-road vehicles. Be cautioned, however, that not all communities responded to the survey. Riders of ATVs are not required to wear helmets in state parks or on designated areas of non-military federal land in Alaska.(2)

1. Survey of local ATV laws in Alaska, Susan Halbert, Cooperative Extension Service, Anchorage.

2. Russell Harding, Deputy Director, Alaska State Parks, and Harry Leslie, Public Affairs Office, Chuglak National Forest.

A statewide public policy helmet law would apply to public lands in all local jurisdictions. The local option would not exist to exempt persons from the law. However, if the state ATV helmet provision did not cover all age groups, local law could add age groups to the helmet requirement.

E. Enforcement

The helmet requirement will not be adequately enforced. The enforcement scenarios appear similar to registration and age restrictions: Enforcement simply won't occur.

Rural and bush ATV users voiced their opposition to helmet requirements to this researcher. Their sentiments will be reflected in the attitudes and actions of local enforcement agencies, particularly VPSOs. Throughout the state, enforcement of helmet laws on ATVs will be a low priority among State Troopers.(4) The law would be "virtually unenforceable." (5) An exception would be jurisdictions where local authorities had the personnel and the persistence to enforce the helmet law.

The difficulties of enforcement are compounded by the current low prevalence of helmet use. Of 30 persons observed riding ATVs by this author in three rural villages, none wore a helmet.(6) The same was observed in Nome. Enactment of a helmet law would require a significant behavior change each time the vehicle was used, i.e., to put on a helmet. This requires the development of a habit. Unless there are assurances that enforcement will be forthcoming, compliance with a helmet law will probably be insufficient to alter the epidemiology of head injuries related to ATVs in Alaska.

4. Lt. Glenn Godfrey, Alaska State Troopers, Anchorage.

5. Capt. Terry McConaughy, Alaska State Troopers, Anchorage.

6. Teller, Clark's Point, and Manokotak.

F. Costs and Red Tape

An ATV operator without a helmet must purchase one. Costs of a minimally acceptable helmet range from \$40 to \$60 (Anchorage, Mat-Su, Juneau, Fairbanks) to \$60 to \$100 (outlying areas). Helmet costs vary, depending on style, degree of eye protection, brand name, size, and local price competition.

Residents of bush villages will have difficulty purchasing helmets: Most village stores do not stock helmets. Bush residents will be required (a) to order helmets by mail or telephone (provided they know the size to order), or (b) to travel to a larger town to purchase one. Shipping costs can be expected to increase the total price estimate to bush areas.

The limited availability of helmets in bush areas will severely reduce compliance with the law, regardless of what ages are protected.

The total helmet cost for some bush families with four or five eligible riders may exceed \$300. Additional helmets will be purchased as teens grow.

The economic advantages of purchasing a helmet should be emphasized in educational programs, especially a comparison of the income loss when injured and not wearing a helmet.

G. Political Acceptability

Mixed, but leaning toward positive. A driving force improving the political acceptability of an ATV helmet proposal is Alaska's current requirement that (a) motorcycle drivers under the age of 18 wear helmets while on public roads, (b) all passengers of motorcycles on public roads must wear helmets, regardless of age. This provision applies only to motorcycles, is for on-road use only, and its age requirements are not as comprehensive as those urged for ATVs. Prior to June 1976 all motorcycle operators in Alaska were required to wear helmets.

The crux of political acceptability will be whether helmet laws apply to

all age groups or only to persons less than 18. The smaller the age group affected, the more politically acceptable, yet the less effective in reducing injuries. If all ATV users are to be protected, all age groups should be required to wear helmets. Opposition can be expected, especially the argument that adults should be left to decide their own fate. It is likely that the upcoming debate on the adult seat-belt law will bring out corresponding arguments.

Three health-related groups passed resolutions in 1985 urging an ATV helmet law: Alaska Native Health Board, Alaska Nurses Association, and Alaska Public Health Association.

H. Discussion

A helmet is the single most important item of equipment that an ATV operator should wear. Failure to use helmets was a major risk factor in a recent Alaska study of ATV deaths and injuries.(7) During 1983 and 1984 one half of the 20 people killed on ATVs in Alaska died from head injuries. In Wisconsin, 70 percent of the 19 ATV deaths resulted from head injuries.(8) Sixty-three (63) percent of ATV deaths in the Lower 48 states were caused by injuries to the head and neck.(9)

7. John Middaugh, MD, and Susan Smith, MD, Morbidity and Mortality Weekly Report. Vol. 34, No. 15, pp. 213-215.

8. Steve Hargarten, MD, p. 96 of testimony before CPSC, Milwaukee, Wisconsin, September 3, 1985.

9. Robert McKnight, ScD, and Carrie Bashaw, BS, paper presented at the American Public Health Association, Washington, D.C., November 21, 1985.

Recent federal hearings conducted by the Consumer Products Safety Commission showed that there was complete consensus among physicians, ATV users and ATV dealers that helmets should be worn at all times on ATVs. Support for helmet laws came primarily from physicians and other health professionals, with less enthusiasm from dealers and ATV users.

The beneficial effects of helmets in controlling head injuries on motorcycles has been well established in recent research.(10) The relative newness of the ATV has prevented effective evaluation studies from being conducted, but they are expected to be positive. Minimum design of performance standards for helmets might need to be included in the legislation--specifically requiring a full-face helmet with a chin strap. The Alabama state law for motorcycle helmets is a good example.(10)

10. Nancy Pease, Effects of Helmet Laws, Legislative Research Request No. 84-014, March 1984, with Helmet Attachments.

CHAPTER 5, RETROFITTING ATVS WITH ADDITIONAL SAFETY FEATURES

A. Summary and Recommendations

It is recommended that the State not require the placement of additional safety devices on ATVs at this time. The only exceptions should be those minimum items, e.g., headlights, brake lights, tail lights, etc., that would be conditions for DMV registration and off-road use. However, most ATVs in Alaska are already equipped with these items. This recommendation is tempered by the phrase not at this time. Because the design features of ATVs are under intense scrutiny by the federal government, Alaska should defer a decision until the U.S. Consumer Products Safety Commission releases more results of its design and engineering investigations. Frankly, there is not enough credible evidence to warrant state legislation requiring retrofit options. The availability and integrity of these items are in doubt.

B. Experiences in Other States

No states have required ATVs to be retrofitted or refitted with major safety features. However, some states have made the registration or use of ATVs contingent upon a minimum number of safety items, many of which are now standard. (headlights, brake lights, tail lights, front brakes, etc.) [See following chart.] Some ATVs sold in previous years and some new children's models are not so equipped. The following pages list equipment requirements that were recently enacted in Maine, Pennsylvania, and North Dakota.

VEHICLE EQUIPMENT REQUIRED TO OPERATE OR REGISTER AN ATV
IN SELECTED STATES

<u>State</u>	<u>Headlight</u>	<u>Tail Light</u>	<u>Brake Light</u>	<u>Braking System</u>	<u>Muffler</u>	<u>Spark Arrester</u>
California	yes	yes	-	yes	yes	yes
Maine	yes	yes	-	-	yes	yes
Michigan	yes	yes	yes	yes	yes	yes
Minnesota	yes	yes	-	-	-	-
North Dakota	yes	yes	-	yes	yes	-
New Hampshire	yes	yes	-	yes	yes	-
New York	yes	yes	-	yes	yes	yes
Oregon	yes	yes	-	yes	yes	yes
Pennsylvania	yes	yes	-	yes	yes	yes
Washington	yes	yes	-	yes	yes	yes
Wisconsin	yes	yes	-	yes	yes	-

Source: Specialty Vehicle Institute of America, ATV Laws and Regulations, Vol. 1 and Vol. 2.

MAINE SUMMARY

EQUIPMENT (§7857)

1. Vehicle

All ATVs must be equipped with:

- a) 1 or more headlights to illuminate objects at least 100 feet ahead during the period 1/2 hour after sunset to 1/2 hour before sunrise and when lighting is insufficient due to weather conditions
- b) 1 or more red rear lights visible at a distance at least 100 feet behind during the period 1/2 hour after sunset to 1/2 hour before sunrise and when lighting is insufficient due to weather conditions
- c) Adequate muffler (See Also Section C. Noise)
- e) Spark arrestor

NORTH DAKOTA SUMMARY

EQUIPMENT (§39-30-09)

1. Vehicle Equipment - ATVs may not be operated unless equipped with:

- a) A lighted headlamp and tail lamp conforming to standards prescribed by rule of the highway commissioner.*
- b) Brakes in good working order conforming to standards prescribed by rule of the highway commissioner.*
- c) A manufacturer-installed or equivalent muffler in good working order connected to the ATV'S exhaust system. (See also Section C. Noise)

*The highway commissioner has not promulgated any rules regarding ATV's.

2. Operator Equipment - No requirements

NOISE (Regulation of North Dakota Game and Fish Department)

No noise regulations except for lands under the jurisdiction of the North Dakota Game and Fish Department. On these lands no motorized vehicle may exceed a noise level greater than 85 dB(A) at a distance of 50 feet.

Source: Specialty Vehicle Institute of America,
ATV Laws and Regulations, Vol 1 and Vol 2.

PENNSYLVANIA SUMMARY

EQUIPMENT REQUIREMENTS

1. Vehicle Equipment

- a) Headlamps and Tail lamps (§7741) - When operated from $\frac{1}{2}$ hour after sunset to $\frac{1}{2}$ hour before sunrise and at any time when objects are not clearly discernible for 500' ahead, all ATVs shall display a lighted headlamp and tail lamp.
 - (1) Headlamp shall display white light adequate to reveal person, vehicle or substantial object at 100' ahead. If equipped with multiple beam headlamp, upper beam shall reveal objects at least 100' ahead and lower beam shall reveal persons and vehicles at least 50' ahead. If equipped with single beam headlamp, lamp shall be so aimed that when vehicle is loaded none of the high intensity portion, at 75' ahead, projects higher than the level of the center of the lamp.
 - (2) Tail lamp shall display a red light plainly visible during darkness from 500'.

- b) Brakes (§7742) - No ATV may be operated unless equipped with a braking system which may be operated by hand or foot, capable of producing deceleration of 14' per second on level ground at 20 mph, and the design must permit simple and easy adjustment to compensate for wear.

- c) Mufflers (§7743)
 - (1) No ATV may be operated unless equipped at all times with a muffler in good working order which blends exhaust noise into overall ATV noise.
 - (2) It is unlawful to modify a muffler or to operate an ATV with a modified muffler so as to increase the sound level above allowable level. (See Section C, NOISE, below)
 - (3) These provisions do not apply to organized races or similar events.

- d) Sparks Arrestors (DER Regs., Ch. 51) - All ATVs operated on State Forest land shall have an approved spark arrestor.

Numerous equipment changes and additions have been suggested for the ATV, some of which would be retrofits. The following list was compiled from testimony at CPSC hearings, articles in ATV magazines, and the researcher's inquiries throughout Alaska.

Device	Reason to Retrofit
1. Limited slip differential	Improves stability while turning.
2. Smaller rear tires	Lowers the center of gravity.
3. Speed limiting devices	Limits maximum speed.
4. A rear "safety whip" antenna with a bright flag atop	Easier to be seen if vehicle partly obstructed.
5. Steering stabilizers	Improves steering and handling.
6. A speedometer	Operator recognizes speed.
7. Turn signals	Warns of impending turn.
8. Ignition keys	Prevents unauthorized starting.
9. License plate bracket	Provides for larger license.
10. Roll bars	Improves crash worthiness in overturn.
11. Ignition "kill switches"	If operator falls off seat, ignition is killed, not just reduced to idle.
12. Lower pressure in the tires	Change in handling.
13. Wider foot pegs	Provides more stability support for shifting weight, feet wouldn't slip off as easily.
14. Longer fender in front of rear tire	Places guard between foot and rear tire.
15. A shorter seat	Removes the illusion that the ATV is designed for two people.
16. Conversion of 3-wheeler to 4-wheeler by adding double front wheels	Changes handling characteristics.

The author met on November 20, 1985, with engineers and the staff of the U.S. Consumer Products Safety Commission's ATV Task Force in Washington, D.C. It was asked whether older model ATVs could be equipped with functioning head and tail lights. Apparently, this could be done, but it would require considerable cost (\$100-\$200 each) and technical skills. An electrical generating device would have to be installed inside the engine. Battery powered lights would probably have less intensity than is needed.

A major investigation of the design, handling, and engineering characteristics of the ATV is being conducted by the CPSC. Numerous engineering studies are under way. It is advisable to wait until federal investigations are complete to see what, if any, design or retrofit recommendations are forthcoming. These results should be available by fall 1986.

C. Positive and Negative Effects

Negative	Positive
<ul style="list-style-type: none"> ● Uncertainty on which retrofit items are justified (except headlights, tail lights, etc.) ● Limited availability of items; additional cost to consumer ● Results of federal engineering studies at CPSC are not complete. If conflicting, federal recommendations/requirements would preempt state requirements. ● Consumers would not necessarily comply with request to retrofit. ● An inspection system might be needed to assure compliance. 	<ul style="list-style-type: none"> ● Some design problems contributing to injuries would be eliminated.

D. Effects on Local Laws

No local governments in Alaska require ATVs to be retrofitted with additional safety items. There are no minimum equipment requirements to register an ATV as a snow machine under state law.⁽¹⁾ However, there are minimum equipment requirements for use of snow machines, including:

- At least one headlight
- One brake light
- One rear reflector
- One rear light
- Brakes
- Muffler
- Rear snow flap
- Side reflectors
- Spark arrester
- Throttle with idle spring

E. Enforcement

If retrofitted items are required for registration, a statewide inspection system is needed. This is impractical and too costly. Serious enforcement problems discussed in chapters 1 through 4 would apply equally to retrofit requirements for off-road use. Omissions of headlights, tail lights, brake lights and mufflers would be most obvious. Smaller, less obvious equipment modifications could not be detected except by close inspection.

1. Carol Scott, DMV Headquarters, Anchorage.

F. Costs and Red Tape

Enormous. Presently there is no state inspection for ATVs, snow machines--much less automobiles. An inspection system would be needed. The feasibility of this working, particularly in the bush, is doubtful. It would be an ocean of red tape.

The availability of retrofit parts and accessories in the bush would be limited to mail orders. Much of the equipment would be installed by owners, not by qualified personnel at dealerships. Finding the correct fitting part may be difficult, as ATVs come in numerous sizes.

G. Political Acceptability

Probably not applicable. Except for minor items (headlights, tail lights, etc.), it would be difficult to impose a legislative retrofit law when so little is known about the benefits of the equipment, their availability, their costs, and their relationship to preventing injuries.

H. Discussion

Retrofitting safety items is not recommended except for headlight, brake light, tail light, and muffler, which are primarily minimal equipment on all-terrain vehicles.

CHAPTER 6. SOME CLOSING REMARKS

These papers have explored only 5 options. Other options that should be explored include:

- Impose a tax on the sale of ATVs to help fund long-term care of persons injured, and provide funding for enforcement and public awareness.
- Apply the State child neglect laws to parents who permit children to use ATVs in an unsafe manner, both on private and public property.
- Require Insurance on ATVs.
- Determine how the law will apply in native villages where there is debate regarding what is "public land" versus "private property."
- Require an ATV accident reporting system.
- Prohibit the possession of loaded weapons on an ATV.
- Require the sale of helmets when an ATV is purchased.
- Determine the projected state costs for long-term care of persons severely injured or disabled on ATVs.
- Establish severe penalties for carrying passengers on ATVs.
- Regulate advertising and consumer guidance provided by ATV dealers and manufacturers.

APPENDIX 1

Testimony of Robert H. McKnight, MPH, ScD
Before U.S. Consumer Product Safety Commission
Regional Hearing on All-Terrain Vehicles
Los Angeles, California -- October 17, 1985

I am Dr. Robert McKnight. I am an Injury epidemiologist at the University of Alaska, Anchorage. I am a graduate of the newly-developed program in Injury Control at the Johns Hopkins University. Today I will briefly address the Commission on four points that I hope you will listen carefully to.

Point 1. I appeal to the Commission to realize that the use of all-terrain vehicles in Alaska is very unique from any other state. These uses place our citizens at injury risks that concern public health agencies in Alaska. These differences are found in four categories:

1. How ATVs are used
2. Where they are used
3. When they are used
4. Who uses them

How used: Don't assume that ATVs are merely a recreational vehicle. They are used for basic transportation in rural villages and also for subsistence hunting and trapping. For many Alaskan natives, an ATV is the equivalent of the family car.

Where they are used: They are used on diverse surfaces: gravel, sand, ice, snow, and yes . . . arctic tundra. I urge that the Commission's engineering studies include the arctic environment in your testing.

When they are used: They are used year-round and often in areas above the arctic circle where there is near perpetual darkness in winter, lasting from November to February.

Who uses them: All ages--infants to senior citizens. I have seen children as young as 9 months riding with their parents. That has disturbed me greatly.

Point 2. Alaska has taken national leadership in attempting to deal with ATVs on a state level. Studies are being conducted in both the epidemiology of ATV crashes and public policy to control ATV injuries, looking particularly at helmet laws, age restrictions, and registration requirements. Agencies cooperating in these efforts have included the Alaska Division of Public Health, Alaska Native Health Board, the Cooperative Extension Service, the University of Alaska, Anchorage, the State Epidemiologist, the U.S. Public Health Service, and numerous people in rural villages. We are attempting to adopt reasonable public policy that will protect the public health of Alaskans.

Point 3. In Alaska, we understand that sound principles of injury epidemiology must guide our policy making. We recognize that education is also crucial to controlling these injuries; however, it should not dominate. We need a three-tiered approach: (a) engineering changes, (b) enforcement, and (3) education. We realize that the problem to be addressed is injuries, not accidents. Sound principles of public health injury control guide our thinking. We urge the Commission also to follow these scientific approaches.

Point 4. I urge CPSC to hold additional hearings of this type in several locations in Alaska, especially rural areas. Resolutions have been passed by the Alaska Nurses' Association, Alaska Public Health Association, and the Alaska Native Health Board requesting such hearings in Alaska.

To conclude, Alaskans must be sufficiently protected from the hazards of the all-terrain vehicle. Make certain that your federal rule making takes into account our unique environment and uses. Alaskans should not be shortchanged as you exercise your duty to protect the public health from the unreasonable risks of this vehicle.

STATE OF ALASKA

DEPT. OF HEALTH AND SOCIAL SERVICES

DIVISION OF PUBLIC HEALTH
EMERGENCY MEDICAL SERVICES SECTION

465-3027

January 23, 1985

BILL SHEFFIELD, GOVERNOR

POUCH H-06C
JUNEAU, ALASKA 99811

Dear Colleague:

The number of injuries and deaths in Alaska resulting from the use of all-terrain vehicles (ATV's) has been well documented recently by the Division of Public Health. That study has strengthened the public's growing concern that measures be taken to prevent further injuries.

The enclosed document summarizes a study that was funded by the Division to explore the feasibility of several regulatory measures that have been commonly discussed as having the most potential for making an impact on this problem. The amount of time and budget available limited the number of options to be explored. The author has suggested others that deserve attention as well.

While the author has made his own strong recommendations on each option, as he was asked to do, these may not necessarily be those of the Division. He has also outlined in clear summary: what other states have done regarding similar regulations; what positive or negative impacts such regulations would have in Alaska's unique situation; and such considerations as cost and red tape, enforceability and political acceptability of each of these options.

In short, we believe there is much food for discussion here, which was the reason such a paper was undertaken.

ATV legislation has indeed been introduced recently. A copy of H.B. 460 has been included with this packet for your information. It is hoped that this document can provide some additional background for decision-makers who must sort through these potentially controversial issues as they determine what, if any, legislation may help reduce this alarming public health problem.

This office will attempt to keep interested individuals informed of opportunities for discussion and comment as legislation is considered during the current session.

Sincerely,

Elizabeth Ward
Elizabeth Ward, M.N., Director
Division of Public Health

Gloria Houston Way
Gloria Houston Way, Planner
Injury Prevention
Emergency Medical Services Section



ALASKA STATE LEGISLATURE

Katie Hurley, House of Representatives

Room V
Building, Alaska 99511
Ph: (907) 465-4763
Box 670157
Wasilla, Alaska 99687

Chair, State Affairs Committee
Member, Health Education & Social Services
Member, Alaska Legislative Council
Member, House Special Committee on Fisheries

MEMORANDUM

TO: Rep. Bette Cato, Chair
House Transportation Committee

FROM: Rep. Katie Hurley

SUBJECT: HB 460 - "An Act relating to off-road vehicles."

DATE: February 11 1986

Thank you for scheduling HB 460 for a public hearing in your committee on February 12, 1986. I look forward to hearing from individuals around the state and members of the Transportation Committee regarding this safety legislation for all-terrain vehicles (ATVs).

The increasing number of deaths and injuries related to the use of ATVs is of great concern to many Alaskans, myself included, and was the impetus behind the drafting of this bill. It is my hope that, with the passage of HB 460, Alaskan's will continue the safe use of ATVs for both transportation and recreation. It is also my hope that lives will be saved and injuries prevented.

Thank you, again, for your consideration of HB 460.

HB 465 BACK UP MATERIAL

HOUSE TRANSPORTATION COMMITTEE PUBLIC HEARING

February 12, 1986

7 - 8:30 a.m.

HB 465 - "An Act relating to off-road vehicles."

Fiscal Notes: Department of Public Safety
 1) Division of Motor Vehicles
 2) Alaska State Troopers

 Department of Health & Social Services

Position Papers: Department of Public Safety
 Department of Health & Social Services

Fact Sheet on HB 460, prepared by Rep. Katie Hurley, sponsor.

Alaska Administrative Code 13 AAC 02.445 Riding on
Snowmobiles and Other Off-Highway Vehicles.

House Research Report 85-354 "Licensing and Regulation of
All-Terrain Vehicles (ATVs).

State All-Terrain Vehicle Requirements (list of other state's
requirements).

Three Wheeler (ATV) Injuries in Alaska 1983-84, by Dr. John
Middaugh.

Letter from Dr. Middaugh, dated 2/4/86.

Memo from Rep. Cato, Chair, Transportation Committee
transmitting Dr. McNight's comments on HB 460.

Safety Alert from U.S. Consumer Product Safety Commission
regarding ATVs.

News Clippings.

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						
TOTAL OPERATING		12.8	13.6	14.4	15.2	16.2

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING : (Thousands of Dollars)

GENERAL FUND		12.8	13.6	14.4	15.2	16.2
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attached Page

Prepared by : Francis C. Allan *F.C.A.*
 Division : Alaska State Troopers

Phone : 269-5691
 Date : 01/14/86

Approved by Commissioner : *[Signature]*
 Agency : Department of Public Safety

Date : 1-17-86

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</u> - Incidental costs		
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-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						
TOTAL OPERATING		277.7	286.6	300.4	314.8	330.5

CAPITAL						
---------	--	--	--	--	--	--

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						
TOTAL						

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 *CHR* Phone : 269-5551
 Division : Motor Vehicles *MBB* 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. : 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-
----------------	------------	------------	------------	------------	------------	------------

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 Ward, M.N. P.W.
 Division : Public Health

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

Approved by Commissioner : [Signature]
 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)

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

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

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 02.450. 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.

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.

(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 13007 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



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 licensing 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

STATE ALL-TERRAIN VEHICLE REQUIREMENTS



JANUARY 1985

STATE	REGISTRATION	TITLE	M/V OPERATOR'S LICENSE	MINIMUM AGE	SAFETY EDUCATION CERTIFICATE	EQUIPMENT REQUIREMENTS					ON-ROAD USE ALLOWED	CLASSIFIED AS
						LIGHTING	SEATBELT	MUFFLER	SPARK ARRESTOR	OTHER		
Alabama												
Alaska												
Arizona								●*C				
Arkansas	●A											
California	●A	●				●G	●	●IC	●			OHMV
Colorado								●IC				
Connecticut	●A		●P			●	●	●				ATV
Delaware	●AC			12D		●G	●	●IC	●	●K*M		OHV
DC												
Florida	●BE											OHV
Georgia										Yes-X		
Hawaii												
Idaho												
Illinois												
Indiana	●BUE		●F	14D		●	●H	●				ORV
Iowa	●BE			13, 15D, 16F	●Q	●	●	●AC				Snowmobile ATV
Kansas										Yes-XV		
Kentucky												
Louisiana		●										
Maine	●AL*			10U, 15F		●G		●I	●			ATV
Maryland	●HE		●EP	12E		●EG	●E	●EI				OHV
Massachusetts	●R			14D, 16F		●	●	●(P)	●	●K		RV/ATV
Michigan	●AL*			12D or E		●G	●H	●IC	●	●M		OHV
Minnesota	●A or B			14UE, 14RE	●H	●YG				●M		3-whe. OHV
Mississippi												
Missouri												
Montana												
Nebraska										●S		
Nevada												
N. Hampshire	●B		●J	12D	●Z	●	●H	●(P)	●			OHRV
New Jersey												
New Mexico	●*A	●*										OHM
New York												
North Carolina												
North Dakota	●									●LS		
Ohio	●A		●E	16DE, 12U		●EG	●	●I				APV
Oklahoma										●*S	●*OS	ORV
Oregon	●					●SG	●	●I	●S	●W		ORV
Pennsylvania	●					●Q	●	●I	●S			
Rhode Island	●B	●	●Y	12E, 18D&P		●G	●	●I	●S	●KLE		RV
South Carolina												
South Dakota												
Tennessee		●							●*S	●*S	●*KS	OHMV
Texas		●*							●S	●S	●KS	
Utah	●B			18DE		●G	●	●IC		●Y		ATV/RV
Vermont	●AE			12D, 16FD		●GC	●C	●IC				ATV
Virginia												
Washington	●AC					●G	●	●I				NHV/ORV
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 Mngmt. 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 13-14
 - O - Helmet (for 3 wheelers); roll bar & seat belts (on 4 wheelers); flag on whip, 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 7/1/65
 - R - With safety certificate
 - S - Applies only on specified public lands
 - 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 vehicle
 - ATV - All-terrain vehicle
 - NHV - Non-hwy. vehicle
 - OHM - Off-hwy. motorcycle
 - OHV - Off-hwy. vehicle
 - OHMV - Off-hwy. motor 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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3 Wheeler (ATV) Injuries in Alaska 1983-1984

By John Middaugh, M.D.
Epidemiologist, Division of Public Health, AK DHSS
and Suzanne Smith, M.D.
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., Jean 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 304 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)
TOTAL	20	(100.0)

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, 86 (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 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.

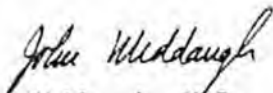
Finally, we urge you to amend your bill to make carrying passengers illegal. Since the machines are sold with specific warnings against carrying passengers, it would appear that such use is recognized even by the manufacturers as incompatible with safe operation.

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/dr

Alaska State Legislature

House of Representatives

Committee on Transportation

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

Rep. Bette Cato, Chairman

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.

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 736-1080.

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-30 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.

Nageak said the Alaska National Parks and Conservation Service, which 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

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 pack 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

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 that 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.

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

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 and 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-

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 9 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.

Pheasant: won't mix

of crossbreeding chickens can be done, but the problem is to obtain fertile hybrids. If fertile hybrids are available, it would save time and money. However, if a chicken-silver pheasant hybrid is used, the fertility determination can be made nearly two years before the fertility determination. I haven't been able to find any other information. I sincerely hope you can help me.

Keith

es Form in Wasilla and who can find no valid reason to do so, a combination that does not seem to have been done it a commercial value. Rivard added that most folks who crossbreed pheasants are doing so for their personal use, not for commercial purposes. He said that the fact is, several pheasants are being raised in the area, but they are not being marketed. He said that he is completely on his own.

Bud

arm response

for \$52.25 to Ice Age Origination was in the Anchorage area. I didn't write down the address for me so I can write or call.

A.P.

sculptures is P.O. Box 104444, Anchorage, Alaska. I went to the firm and got an impression of the new manager. The problem, but as you didn't state what you ordered, she asks that you keep trying or leave your name and address.

Bud

Lara and Melissa of Anchorage; his maternal grandparents, Lurel Edwards of Union Bridge, Idaho; and paternal grandparents, Enzo and Marsellina Ayerdis of Brooklyn, N.Y.

Burial will be in the Anchorage Memorial Park with arrangements by Evergreen Memorial Chapel.

errence M. Brown

Brother Francis Shelter resident Terrence Michael Brown, 61, 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 California, Washington and Alaska. He so made a living as a construction worker, excavator and heavy equipment operator until he was disabled by illness.

Mr. Brown moved to Anchorage in 1979. The last year he lived in the Brother Francis Shelter he was engaged to marry Ernie Wasserm, also a resident of the shelter.

He leaves no known survivors. Funeral services will be 2 p.m. today at Evergreen Memorial Chapel with Brother Bob and Sister David of the Brother Francis Shelter 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

planning 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-wheel riding skills, a slide show on vehicle maintenance and safety gear, and printed materials to accompany 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 Anchorage and Mat-Su Honda dealers for their support, though she did acknowledge, "Obviously, it's to their advantage" to promote the sale of their vehicles.

Tony Gatts, the owner of Honda of Anchorage, said, "Education is primary to safety," adding, "It's like a buffet table, it's out there and it's available."



Times file photo

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

Safety on wheels

Continued from page B-1

Halbert said, such as requiring safety training for youngsters. She said she mailed out a survey in April to village safety officers and city officials statewide, asking for their suggestions 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 accidents.

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 together.

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 papers this year on ATV safety.

The policy papers will survey 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 medical services staff.

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

Hurley said she was one of the lawmakers to ask for the review.

"Just driving out here in Wasilla and seeing those young kids on these ATVs going across the highway... apparently there's nothing that regulates them," she said.

Clues sought in arsons

The Anchorage Police Department asks for your help with unsolved crimes. Crimestoppers 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 Raspberry Road extension east of Minnesota Drive. A house was being moved in two sections and was kept temporarily at this location. The fire was started in one section but spread to the other, causing an estimated \$100,000 damage. A combustible 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 Crimestoppers at 274-STOP or the Arson Hotline at 522-FIRE.

Call For HOME DELIVERY 263-9111

ATVs linked to 20 deaths

Continued from page B-1

and injuries as they affect the population."

From his survey of death certificates, Middaugh said the youngest of the 20 fatalities in the past two years was 12 years old, the oldest 53. 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 highway department reports, it was discovered that only 9 percent of 304 riders were wearing helmets, "the point being folks are not protecting their heads in operating these things."

The most frequent contribut-

ing factors cited in the two years of state reports, Middaugh said, in order of their influence, were: alcohol, speeding, driver inexperience and driver intention.

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

Gatts listed as another cause of accidents: "Many people almost 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 roads 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 \$1.6 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, Middaugh said.

The epidemiologist's office estimates the cost of long-term care for the six accident victims paralyzed by head or neck injuries will total \$11.5 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 physician, drug or other private care costs.

Obituary

Ironworker dies after accident

Thomas Wayne Spittler, 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 nine months.

Funeral services for Mr. Spittler will be conducted Wednesday at the Fuiten Funeral Home in Beaverton, Ore. He was 43.

Mr. Spittler was born on Dec. 10, 1941 in Omaha, Neb.

He was employed by H and L Corporation of Gracem, 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 Vancouver, Wash., and JoAnn of Anchorage; three sisters, Connie

Schwarz of LaCenter, Wash., Charlene Kane of Riverside, Calif., and Genevieve Gievel-house of Vancouver, Wash.

Burial will be in Funeral Homes and Crematory in Hillsborough, Ore. Local arrangements were made by Witzleben Funeral Home — Bragaw Chapel.

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AUCTIONEWS

about twice 9/24/85

All-terrain danger



Times file photo

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 Persily
Times Journal Bureau

Juneau — 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 8,585 in 1982 to 27,554 in 1983 and to 66,956 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 Persily
Times Journal Bureau

Juneau — Examine every death certificate in Alaska for the past two years, all 4,000 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 Hurler, D-Wasilla, House State Affairs Committee chair, who some safety standards needed for ATV operators 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 43 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



Official Business

Alaska State Legislature

House of Representatives

Committee on State Affairs

Pouch V
State Capitol
Juneau, Alaska 99811

(907) 463-4863

PUBLIC SERVICE ANNOUNCEMENT

February 7, 1986
For Immediate Release

THE HOUSE TRANSPORTATION COMMITTEE WILL HOLD A PUBLIC HEARING ON HB 460 "AN ACT RELATING TO OFF ROAD VEHICLES" ON WEDNESDAY, FEBRUARY 12, 1986 FROM 7 - 8:30 A.M.

THE PUBLIC HEARING WILL BE TELECONFERENCE STATEWIDE. PLEASE CONTACT YOUR LOCAL LEGISLATIVE INFORMATION OFFICE OR TELECONFERENCE CENTER IF YOU WOULD LIKE TO TESTIFY.

REP. KATIE HURLEY, SPONSOR OF THE BILL, STATES, "MY CONCERN OVER THE GROWING NUMBER OF DEATHS AND INJURIES RELATED TO THE USE OF ALL TERRAIN VEHICLES PROMPTED THE DRAFTING OF THIS SAFETY LEGISLATION."

CONTACT: REP. BETTE CATO, CHAIR
HOUSE TRANSPORTATION COMMITTEE, 465-3704

REP. KATIE HURLEY, 465-4963

#####

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						
TOTAL OPERATING		277.7	286.6	300.4	314.8	330.5
		(290.8)	(300.5)	(314.8)	(330)	(346.7)
CAPITAL						
REVENUE		450.0	150.0	150.0	250.0	150.0

FUNDING : (Thousands of Dollars)

GENERAL FUND		277.7	286.6	300.4	314.8	330.5
FEDERAL FUNDS						
OTHER						
TOTAL						

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 *CHR* 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. : HR460
 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						
TOTAL OPERATING		12.8	13.6	14.4	15.2	16.2
		<i>297.5</i>	<i>300.0</i>	<i>314.8</i>	<i>1330.0</i>	<i>1316.7</i>
CAPITAL						
REVENUE						

FUNDING : (Thousands of Dollars)

GENERAL FUND		12.8	13.6	14.4	15.2	16.2
FEDERAL FUNDS						
OTHER						
TOTAL						

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</u> - Incidental costs		
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.

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.

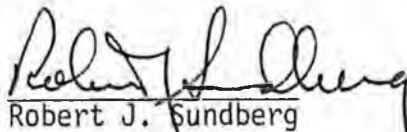
The Department can register the vehicles with a modest increase of one person in our mail unit. The Troopers will incur more court time and have requested funding for the anticipated increase in hours.

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.

Wiley did
WA 8/92

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

POSITION PAPER

HOUSE BILL NO. 460

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

HB 460 attempts to reduce the risk of injuries associated with off-road vehicles by: (1) requiring registration of off-road vehicles; (2) mandating establishment of public information, education and training programs on off-road vehicle safety; (3) placing certain restrictions on use of these vehicles by persons under 17 (e.g., requiring them to complete a safety course and use a helmet); (4) requiring that all sales of vehicles include a helmet as part of the package; and (5) prohibiting off road vehicles from being driven on any street or highway except to cross.

The number and severity of injuries related to the use of off-road vehicles in Alaska is unacceptably high. In 1983 and 1984, at least 21 persons were killed. Half of these died as a result of direct impact to the head; only two wore helmets. One death was under age 15. Of 11 fatal cases in which blood alcohol was measured, the concentration exceeded the level of intoxication in eight cases.

At least 530 other persons were injured. Of these, six are known to be permanently and totally disabled. Lifetime costs of care for these six persons could reach \$12 million based on current costs of care and a life expectancy of 65 years. The largest number of injuries occurred in the 20-24 year age group followed by the 15-19 group and the 10-14 group. These three groups accounted for well over half the injuries.

The Department of Health and Social Services endorses HB 460. It would prefer to see the helmet requirement extended to all off-road riders; however, such a requirement is probably not politically acceptable at this time. The Department also recommends that consideration be given to the addition of a minimum age requirement although this recommendation is likely to be controversial. We would recommend age 12 as the minimum since that age is consistent with minimum age in those states which have a "true" minimum age, i.e., an age below which operation of an off-road vehicle is in fact prohibited. This would help to exclude very young children who do not have the strength, motor coordination, skill or judgment for using off-road vehicles.

The establishment of an education and training program is essential to increasing the safety of using these vehicles. It seems likely that the income to the off-road vehicle safety fund resulting from the proposed registration fee will not be sufficient to cover the costs of the program. However, the Department will defer to the Department of Public Safety on the question of revenues and costs.

Recommended by: Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 1/23/86

Approved by: John R. Pugh
John R. Pugh
Commissioner
Department of Health and
Social Services

Date: 1/31/86

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-
---------	-----	-----	-----	-----	-----	-----

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 Ward, M.N. E.W.
 Division : Public Health

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

Approved by Commissioner : *J.P. [Signature]*
 Agency : Health & Social Service

Date : 1/31/86

Distribution (by Agency preparing fiscal note) :

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

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 *H-Enforcement?
Burden to areas* 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-
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

Speed limits?

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

22 *Rural - more than 1 rider at a time* (b) Not more than one person may ride an off-road vehicle at the
23 same time, unless the off-road vehicle is specifically designed by the
24 manufacturer to carry more than one person.

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

28 (1) has in possession a valid off-road vehicle safety
29 certificate; and

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

3 Sec. 05.40.090. SAFETY EQUIPMENT. An off-road vehicle is re-
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.

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

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

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

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

27 *Trail breaks up for 2 miles; manufacturer?*
28 Sec. 05.40.110. HIGHWAY USE. An off-road vehicle may not be
29 driven on a street or highway, except for the purpose of crossing the
street or highway.

1 Sec. 05.40.120. PENALTY. A person who violates a provision of
2 this chapter or a regulation adopted under this chapter is guilty of a
3 misdemeanor and, upon conviction, is punishable by a fine of not more
4 than \$500 for each offense.

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

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

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

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

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

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

18 (f) The department may issue or approve issuance of a special
19 driver's certificate to a person who is at least 14 years of age for
20 the purpose of driving an off-road vehicle. The certificate may be
21 issued upon successful completion of an off-road vehicle education and
22 training program established under AS 05.40.050, and is valid for the
23 same period of time as a driver's license. The certificate is not
24 valid in a municipality that by ordinance prohibits the driving of an
25 off-road vehicle by a person under the age of 16 years; a borough may
26 adopt the ordinance on a nonareawide basis only, unless the power to
27 adopt it on an areawide basis is acquired under AS 29.35.300 -
28 29.35.330 or former AS 29.33.250 - 29.33.290.

MAR 3 1986

*Any - drop
response please*

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*****
*
* DELIVER TO: JPOH
*
* ORIGINAL
* SENT: 02/28/86 TIME: 16:11
* FROM: LIQVAL
* SUBJECT: CHSB 460
* PRINT DATE 02/28/86 TIME: 16:19
*
*****

```

TO: REP CATO

FROM: MIKE SHATTUCK, BOX 1036, VALDEZ, AK. 99686,
835-2761

RE: CHSB 460 OFF ROAD VEHICLES

file

WOULD YOU TAKE INTO CONSIDERATION THE NUMBER OF DEATHS DUE TO ALCOHOL OR DRUGS. WHEN HEARING FIGURES ON NUMBERS. IT WASN'T MENTIONED IF ANY OF THOSE DEATHS WERE RELATED.

Three-wheelers safe?

On both the national and state levels, moves are afoot to make the operation of three-wheelers safer.

Both urban and rural Alaskans have embraced these vehicles just as we did snowmachines a few decades earlier. Three-wheelers seem to be the recreational vehicle of choice for urban residents. And they are the family car and workhorse for many rural Alaskans.

Two things, though, have led to strong concerns over safe operation of three-wheelers. One is the high accident and death rate, and the other is the frequent violation of laws prohibiting operation of three-wheelers on streets and highways.

Now, the federal Consumer Product Safety Commission has scheduled a hearing for March 25 in Anchorage on three-wheelers. The commission wants to hear about problems with three-wheelers and suggestions for preventing accidents.

And, a state legislator has proposed a bill that would require the vehicles be registered, that riders under 17 pass a training program and wear safety equipment if riding on public land, and that the vehicles be sold with helmets.

Since 1982, three-wheeler accidents around the nation have killed more than 300 people, and nearly half of them were children. In Alaska, there were 20 deaths and 538 injuries associated in 1983 and 1984.

Some of those were deaths and injuries that could have been avoided had more attention been paid to safety.

Comments for the Consumer Product Safety Commission can be mailed to CPSC, 1111 18th St., Washington, D.C. 20207. Comments on the proposed state legislation, HB460, can be mailed to Rep. Katie Hurley, D-Wasilla Pouch V, Juneau, 99811.

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