

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1423

2007 HOUSE TRANSPORTATION

HB 1423

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1423

House Transportation Committee

Check here for Conference Committee

Hearing Date: 01-26-2007

Recorder Job Number: 2071

Committee Clerk Signature

Lisa Thomas

Minutes:

Chairman Weisz opened the hearing on HB 1423. All Representatives were present.

HB 1423 relates to youth operation of off-highway vehicles; and to provide a penalty.

Rep. Kelsch introduced the bill.

Rep. Kelsch: I stand before you in support of HB 1423. I was approached this fall by a constituent of mine and Arik Spencer from Parks and Recreation. The last legislative session, we made considerable changes to our off-highway vehicle laws and when we did that, at some time, you omit some of the sections of law and so part of this is clean up and part of it is safety issues. The first of the changes to the bill, changes all references from all-terrain vehicles to off-highway vehicles. Basically, what this change does is it provides unity between section ten and the rest. In speaking to these individuals, what they said to me was when we went to make the change, the law affected motor-cross vehicles and this will bring us into compliance with the rest of 39.09. The second change reduces the minimum age of off-highway vehicles to ten years of age limiting the size of the engine by age groups and requires supervision of a parent of guardian with those children less than twelve years of age. This is currently being done now, especially in the motor cross races, so it is something that we probably think is a good idea to bring it into statute, along with public safety issues and safety issues toward these drivers.

(Kelsch intro continued)

Kelsch: It basically brings the age standards closer to the ATV safety institute and a manufacturers projected age and engine size level. Additionally, this amendment recognizes various motor-cross events, which are happening across ND with youth division and a number of these events are taking place and are a source of revenue for local communities. For those of us that lived here all of our lives, we know that there is not a lot of activities for our young youth, especially in some of the rural communities. These are events that are held and we want to make sure that those young people that are participating in these events have all of the safety measures necessary for them. The other change makes it a violation and increases the fine for a violation of this section for persons under the age of sixteen to twenty dollars.

Basically this is more of a financial incentive to take the training. Currently, the training is ten dollars, so we want to encourage these young people to take the training and currently you can, if you are ten years old, and the way that our law reads, you would not be able to go in to take the training because you do not meet the minimum age requirement. So you can go through the training, but you cannot receive your certificate of training saying to have received it. I look at this as safety for these young people, however I will say that I was not aware of the bill coming up next and if we were to go ahead and reduce these age limits, I would probably be opposed to lowering the age limit if we decided to pass the next bill that allows these ATV's to be on highways. I think that is a real safety issue.

Rep. Weisz: We have six and eight year old kids riding motor cross. I'm not sure how this addresses that.

Rep. Kelsch: I will have Arik address that.

Arik Spencer, North Dakota Parks and Recreation, spoke in support of the bill. See written attached testimony.

Rep. Weisz: Are we technically, all of these races are illegal?

Spencer: If they occur on public property they are, the ones on private property it is not.

Rep. Weisz: This bill will allow kids under ten to take the training?

Spencer: Yes, but they can only become certified at age twelve.

Kim Brandner, ND Dirt Riders, spoke in support of the bill.

Brandner: My daughter Hannah has been rider's motorcycles and ATV's for the last two years. We do it as a family event and unfortunately I don't own a lot of land. I am a little disappointed that it was introduced at age ten. She's been doing this for two years now. She has raced in organized events. She is in proper safety attire. She has a helmet, goggles, long pants, boots, chest protector and gloves. She is usually within fifteen feet of where I am. She is not on the machine if I am not right there with her. I would like to see the age changed to a minimum of eight. I am disappointed that it was introduced at ten. We ride on public land and it's disheartening for me to go out without her.

Rep. Dosch: The bike that Hannah rides, how many CC's is it?

Brandner: That is a fifty cc Honda.

Rep. Delmore: Has your daughter been trained?

Brandner: I have assisted with training in large groups and I help with that, I have trained her myself, as well as my brother. She is pretty good.

Rep. Delmore: Are most other parents as dedicated to the safety factor that you are?

Brandner: As a matter of fact, I do believe that majority of the parents are. When we are out and about in a public place and we see something that is unsafe, we say something.

Rep. Kelsch: How many members are there in your organization?

Brandner: There are about one hundred.

Wes Hendrickson, Member of the ND Dirt Riders, spoke in support of the bill.

Hendrickson: I've got several grandkids that are that age and to put it into prospective, a lot of parents will buy these little jeeps and battery operated vehicles and these children start operating those at about four or five years old or younger and start developing their skills. They get to a certain age where they grow beyond that.

Daryl Brandner, North Dakota Dirt Riders Assoc, spoke in support of the bill.

Brandner: I support this bill, but I too would like to see the age lowered.

Annette Caldwell, Off-road Honda, spoke in support of the bill. See written testimony.

Robert Wokal, Heritage Auto, went on record as being in support of the bill.

Chairman Weisz allowed for opposition to HB 1423 at this time.

Dr. Todd Twogood, spoke in opposition to the bill. See written testimony.

Rep. Dosch: Does it make a difference with injuries, the size of the bike and cc's?

Dr. Todd Twogood: Most accidents I see are when a child is on an adult-size ATV.

Tanya Wisnewski, ND Safe Kids, spoke in opposition to the bill. See written testimony.

Diana Read, ND Dept. of Health, spoke from a neutral position to the bill. See written testimony.

The hearing was closed. No action was taken at this time.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1423

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-01-2007

Recorder Job Number: 2622

Committee Clerk Signature

Lia M Thomas

Minutes:

Chairman Weisz allowed committee discussion on HB 1423. All Representatives were present.

Rep. Weisz: I had these amendments done by Kyle. The question came up having to do with Motocross races and they have currently been doing them for the last thirty years or longer and probably they have all been illegal, so the first amendment would allow an organized sporting event to be an exception. Then the age limit wouldn't apply for an organized sporting event. The only other change was that we added the wording for proper safety gear and attire which is what they teach them in the safety class. I think these amendments address the issues.

Rep. Weisz: What are the committee's wishes?

Rep. Kelsch moved to adopt the amendments. Rep. Delmore seconded.

Voice vote: 13 yes. 0 no. 0 absent.

Motion carried.

Rep. Kelsch: Just to address the eight year old issue, when I was approached by some constituents of mine and talking with Arik Spencer they did ask me to introduce it at age eight. I had some reservations about age ten, but I couldn't go down to age eight and I know that his

little girl is riding the little motocross bike and maybe it's okay to ride. There are knock off brands of bikes that weigh eighty or ninety pounds that people can pick up. I do know that there are smaller ATV vehicles that don't weigh as much. I do also appreciate the fact that these people that are riding these motocross bikes do it as a family and I am all in favor of families doing that. I think my hesitation is on the ATV part. We have to remember that this only applies to public land. Whatever we do does not apply to kids using their own ATV's on their own land. That is probably where we have seen a majority of the instances and accidents. Arik Spencer said there have been no accidents on public land.

Rep. Weisz: This bill doesn't affect me, for example, or my kids, because we are not riding on public lands. This is for the urban people who have no choice but to ride on public land.

Rep. Ruby: The information that I received, I'd asked the question about how many were on public lands and private lands. The information was given to me said that children younger than twelve who were involved in an ATV accident from January 1, 2005 until October 6th of 2006, it is reported by ambulance personal, four were farm, one was a residence, two were public place, two were off-road, two were traffic at fifty five plus miles per hour highways, and five were other traffic way, including all public roadways and streets.

Rep. Kelsch: Would it be better for us to split out so that the motor-cross would be a separate age group and still have the appropriate gear.

Rep. Owens: Didn't we do that with the amendments?

Rep. Weisz: It says organized sporting event, so it could be a group not motor-cross, and that doesn't address that. Yes, you could have an exception of motorcycles.

The committee decided to draft more amendments. No action was taken on this bill.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1423

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-08-2007

Recorder Job Number: 3111

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz allowed committee discussion on HB 1423. All Representatives were present. HB 1423 relates to the operation of off-highway vehicles by youth.

Rep. Weisz: I believe you have the amendments. These amendments attempt to address two issues brought forward in the hearing. Page one, line nine, addresses the issue of the races that are an organized sporting event, this would exempt them. The second on page one line fourteen, adds the language that the committee had already approved that say everyone must wear appropriate safety gear and attire. The next language changes it to say that individuals at least eight years of age and under ten years of age, would be able to operate a class 1 vehicle only, seventy cc or less. You have to be at least ten years of age to drive an ATV and a maximum of ninety cc's but for eight to ten years, you could drive a motorcycle, with proper gear, a safety certificate and it has to be a max of seventy cc's.

Rep. Kelsch moved to adopt the amendment. Rep. Owens seconded.

Rep. Kelsch: I think this addresses the issue about motocross events and not only have them, but also the ability for families to be able to ride together and do their sport together and I felt comfortable with this language.

Rep. Owens: If I read this correctly, we are talking about class 1 for eight to ten but you still need to be twelve to take the certified class, oh, we are not changing that.

Voice Vote: 13 yes. 0 no. 0 absent.

Rep. Delmore moved a DO PASS AS AMENDED. Rep. Owens seconded.

Carrier: Rep. Owens.

Date: 2-8-07
 Roll Call Vote #: 1

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
 BILL/RESOLUTION NO. _____

House Transportation 1423 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Adopt Amendments Voice

Motion Made By Kelsch Seconded by Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Weisz	}		Rep. Delmore	}	
Vice Chairman Ruby			Rep. Gruchalla		
Rep. Dosch			Rep. Myxter		
Rep. Kelsch			Rep. Schmidt		
Rep. Owens			Rep. Thorpe		
Rep. Price					
Rep. Sukut					
Rep. Vigesaa					

Total Yes _____ No _____

Absent Motion Carried

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

Date: 2-8-07
Roll Call Vote #: 2

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. _____

House Transportation 1423 Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Delmore Seconded by Owens

Representatives	Yes	No	Representatives	Yes	No
Chairman Welsz	✓		Rep. Delmore	✓	
Vice Chairman Ruby	✓		Rep. Gruchalla		✓
Rep. Dosch	✓		Rep. Myxter	✓	
Rep. Kelsch	✓		Rep. Schmidt	✓	
Rep. Owens	✓		Rep. Thorpe	✓	
Rep. Price	✓				
Rep. Sukut	✓				
Rep. Vigesaa	✓				

Total Yes 12 No 1

Absent 0

Floor Assignment Owens

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1423: Transportation Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 9, after "guardian" insert "or as a participant in an organized sporting event that involves the use of off-highway vehicles"

Page 1, line 12, overstrike the second "and" and insert immediately thereafter an underscored comma

Page 1, line 14, after "transportation" insert "and wears appropriate safety gear and attire. An individual at least eight years of age and under ten years of age may not operate an off-highway vehicle unless the vehicle is a class 1 with an engine of no more than seventy cubic centimeters and that individual has received an off-highway vehicle safety certificate"

Renumber accordingly

2007 SENATE TRANSPORTATION

HB 1423

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1423

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 15, 2007

Recorder Job Number: 5156

Committee Clerk Signature

Jody Hauze

Senator Gary Lee opened the hearing on Engrossed HB 1423 relating to youth operation of off-highway vehicles; and to provide a penalty.

Representative Kelsch introduced Engrossed HB 1423. She introduced this bill on behalf of some of her constituents in Mandan. She says she believes strongly in safety and she is an individual that believes strongly in family. She said the reason that she introduced this bill is because she believes that we don't do things as a legislature to encourage families to do things together. This is one of those bills. Rep. Kelsch went on to explain Engrossed HB 1423. She said they changed all terrain to off-highway vehicles and the second change was the reduction of age for operation for the small motor bikes. They also added appropriate safety gear and attire. In addition, they increased the penalty. She also stated that these laws are for Parks & Recreation land and Motor Cross events.

Senator Fiebiger asked if there was concern on how these age groups can control a vehicle.

Rep. Kelsch said she never had one or used one and doesn't know a whole lot about them but the language that we were given is that it fits in very well with the safety restrictions that are put on ATV & Motor Cross Vehicles. They break it out into age groups and other people testifying will give the committee more of the specifics. She did say that some of these little ATVs only weight about 60-70 pounds.

Senator Potter said that the way he understands it is that in current law if you are under 16 years of age you can't go on any land except on the lands of your own parents. So you can't go on state park or someone else's parents?

Rep. Kelsch said what the law currently reads is if you are under 16 years of age and if you are not in possession of a valid drivers license than these are either on the land of the individual parents or guardians.

Kim Brandner and his eight year old daughter Hannah from Bismarck testified in support of Engrossed HB 1423. Hannah has been riding motor cycles and ATV for about 2 years. He said that they do this as a family. He said that until this process of changing this law started he never realized they were breaking the law. Most of the accidents that happen with ATV are agriculture related. Very few accidents have been on recreational vehicles. He handed out some statistics on OHV Registration tracking and went over some of the numbers. He urged support of this bill and for allowing families to continue to enjoy this outdoor activity together.

Annette Behn Caldwell testified in support of Engrossed HB 1423. Her written testimony is enclosed along with safety material and she also brought in a little motor cycle bike.

Senator Potter asked how fast this little motor cycle goes.

Annette said that the unit went about 30 MPH but it has a governor on it that parents can turn down. It also has a three speed that she tells parents not to tell the kids about.

Daryle Brandner testified in support of Engrossed HB 1423. This bill will tighten some regulations. Children have to have a safety training course, they are required to wear and have safety equipment and parents have to be present. They also are restricted on size of off road motor vehicle. He handed out an Executive Summary of the All-terrain Vehicles in

Minnesota: Economic impact and consumer profile. It states in the summary that most off-road motor vehicles are used for people to ride with their friends and their families.

Laura Lueder, a member of the North Dakota Dirt Riders, a state wide Off-Highway Vehicle organization testified in support of HB 1423. Her written testimony is enclosed.

Senator Andrist said aside from the safety issue, it is important for kids to be physically challenged. Bike riding is great for recreation and well being, will you comment on that.

Laura said her family does ride bike and it is good training for off road riders. She said if you have ever ridden off road vehicles you will know how physically strenuous it is. It requires more body strength than bike riding.

Aaron Mulman and his two sons testified in support of Engrossed HB 1423. This bill is all about common sense and for his family this has been a beautiful experience that promotes family togetherness.

Jeromy Hizinger owner and dealer testified in support of Engrossed HB 1423. He talked about safety and the danger that is involved in different sports. He had his two sons with him.

Senator Lee asked for any opposition testimony.

Dr. Two Good testified in opposition to Engrossed HB 1423. His written testimony is enclosed.

Senator Potter said that these folks are seeking some type of regulation and training.

Dr. Two Good said the issue is not regulating, it is the limitations on age. These children don't have enough ability to handle these machines.

Senator Nething asked if he had testified in the House.

Dr. Two Good said he did but my testimony was a little different. The thing he stressed to the House was that the American Academy of Pediatrics has very strong feelings and gave statistics. Today he talked from the heart and remembered 14 years and all the injuries he has treated from ATV accidents.

Diana Read, Director of the Injury/Violence Prevention Program for the ND Department of Health testified in opposition to Engrossed HB 1423. Her written testimony is enclosed along with a definition of what off-Highway Vehicles classes are and pictures of the classes. She stated that to protect children from injury and death caused by ATV related accidents, the Department of Health recommends that HB 1423 be amended to reflect the recommendations of ATV manufacturers and the CPSC.

Senator Nething asked what would be the amendment proposed.

Diana Read said they didn't have any prepared but said they would work with the committee on those. She said they would like to see at least the recommendations of the manufacturers and the CPSC which requires children under the age of 16 to ride appropriate size vehicles.

Paul Sanderson, PCI testified in opposition to Engrossed HB 1423. They have the same concerns as already stated. Our biggest concern is on line 22 and individual at least age 13 and fewer than 16 has no restrictions on size. This is especially of concern when it ties in with a bill heard earlier in your committee (HB 1445). This would allow a 13 year old child to operate an ATV on the highway. We do not believe the size appropriation extends far enough.

Senator Bakke asked if they are insurable.

Paul Sanderson said yes as long as they are operating on own land.

Dave Peske, ND Medical Associations testified in opposition to Engrossed HB 1423. He handed out two items: a postcard that the American Academy of Orthopedic Surgeons is sending out: Over the river and through the woods to the trauma center we go. Also the way he reads the bill, lines 15, 16, 17 it says when talking about an 8 year old, they must ride a certain size vehicle and have a safety certificate but earlier in the bill it says a 10 year old has to wear safety equipment. It is not requiring the safety equipment for the 8 year old. It is probably an oversight.

Tanya Wisnewski, Coordinator of Safe Kids North Dakota testified in opposition of Engrossed HB 1423. Her written testimony is enclosed.

Kelly Rogers, State Highway Patrol testified in opposition to Engrossed HB 1423. He is concerned about the conflict of HB 1445 and this bill and it moves the 13 year old and older out onto the highways.

Senator Potter asked Eric Spenson of the ND Parks & Rec. a question.

Senator Lee closed the hearing on Engrossed HB 1423.

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. Engrossed HB 1423

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: March 16, 2007

Recorder Job Number: 5195

Committee Clerk Signature *Judy Hange*

Minutes:

Senator Lee opened committee work on Engrossed HB 1423 relating to youth operation of off-highway vehicles; and to provide a penalty.

Senator Andrist moved a Do Not Pass on Engrossed HB 1423.

Senator Nething seconded the motion.

Senator Lee asked if there was anyway we could do to modify this bill so it is acceptable.

Senator Potter said he was uncomfortable with the idea of an 8 year old riding this motorized vehicles but the fact is they are doing it. He said he liked the idea of putting into place appropriate training and safety equipment. Parents are asking the legislature to make it legal but to make it legal in a very safe and supervised way. He said that he opposes it but is there a number in the bill that would make it more comfortable to the majority of the committee because he would like to see it moved in that direction. He stated that the Parks & Recreation Dept. is safety conscious and they think it is alright. He will be opposing the motion.

Senator Fiebiger said after hearing Dr. Twogood's testimony and looking at the age limits, even 12 years of age is giving him heartburn. He doesn't think this bill can be fixed.

Senator Nething wondered if even twelve was old enough. Senator Nething commented on bringing in one of these devices with training wheels on it.

Senator Lee commented on the testimony that said to parents, don't show them how to start it or shift it because it goes faster.

Discussion followed on age appropriate.

Senator Andrist said these kids need to ride tricycles and bicycles to gain coordination and strength.

Senator Potter said he did not disagree with anything that the Senators are saying and he wouldn't buy one for his kids but government can't be the nanny. He said we are not Super Nanny. Parents have to have a responsibility here. These parents are coming in and asking us to let them do this legally because they are already doing it illegally. Maybe I'm just soft on crime.

Senator Lee said that he thinks they are asking us to condone and endorse a behavior that most of us don't agree with.

Senator Nething said we have to have broader responsibility.

Senator Lee asked the clerk to take the roll on a Do Not Pass motion on Engrossed HB 1423.
5-1-0.

Senator Bakke will carry the bill.

REPORT OF STANDING COMMITTEE (410)
March 19, 2007 8:31 a.m.

Module No: SR-51-5617
Carrier: Bakke
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1423, as engrossed: Transportation Committee (Sen. G. Lee, Chairman) recommends
DO NOT PASS (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed
HB 1423 was placed on the Fourteenth order on the calendar.

2007 TESTIMONY

HB 1423

Testimony

House Bill 1423

House Transportation Committee

Friday, January 26, 2007

Safe Kids North Dakota

Mr. Chairman and members of the House Transportation Committee, my name is Tanya Wisnewski and I am the Coordinator of Safe Kids North Dakota. Our childhood injury prevention coalition is a state-wide group with the North Dakota Safety Council as the lead agency. Our mission is to prevent the number one killer of children under age 14, which is accidental injuries. I am here to testify in opposition to House Bill 1423. A particular concern to us is the provision which would allow a 10 year old to operate an ATV.

Safe Kids Worldwide recommends that children under age 16 should not operate adult or youth sized ATV's at all. This same recommendation has also been put forth by the American Academy of Pediatrics. The recommendations from Safe Kids and the American Academy of Pediatrics are based on several factors. First, ATV's are difficult to operate and children do not have the cognitive and physical capabilities to operate these vehicles safely.

Second, ATV related injuries tend to be serious and while wearing a helmet can reduce the risk of head injuries, there are no safety devices to adequately protect a small body from being crushed by such a heavy machine, weighing anywhere from 200-600 pounds.

According to a study of ATV injuries conducted by Altru Health System in 2005, abdominal injuries occurred in 24% of these children most often resulting from the ATV landing on top of the child. These injuries resulted from children driving these heavy vehicles on uneven terrain and not having the upper body strength to correct the tipping motion once it had started.

Children are dying and being injured from ATV's at an alarming rate. In ND, three children died as a result of ATV injuries in 2005. According to hospital data in two major cities in the state, the number of ATV related injuries being seen in the emergency rooms is up 50% over the last three to four years. They also report that the children being injured are younger each year. The more that we lower the age for riding on these vehicles, the more we send the message that it is a safe activity – it clearly is NOT.

The U.S. Consumer Product Safety Commission (CPSC) recommends that children age 12-16 should only operate ATV's with 90cc engines and lower. The Consumer Product Safety Commission has developed regulations intended to make ATVs safer for children — for example, limiting speed on youth models, requiring warnings about the dangers to kids riding adult ATVs, and requiring free training classes for age-appropriate users. These regulations won't make ATVs safe for children. The age suggested in HB 1423 (age10) is even below the less stringent recommendations of the Consumer Product Safety Commission and well below the recommendations set forth by two entities seen as injury prevention experts as it relates to children, Safe Kids and the American Academy of Pediatrics. ATVs are very dangerous to children no matter what precautions you take. You could wear a helmet when you jump out a window, but that wouldn't make it a safe activity.

Parents often refer to our laws for guidance regarding safe practices. The message this legislation sends to parents is that it is acceptable for children as young as 10 to operate an ATV. There is no acceptable way to make ATV riding a safe activity for children. I would encourage a Do Not Pass recommendation on this bill.

OPPOSED HB 1423

Testimony House Bill 1423

Presented by the North Dakota Academy of Pediatrics
Todd Twogood MD, FAAP (president)

It is important to realize that the example we set by the laws provided in our state have a great impact on the public and how they view safety. Parents often refer to our laws for guidance regarding safe practices. It is obvious that the age guidelines suggested in HB 1423 at age 10 years old are far below what is known to be safe for the handling of an ATV. It is also to be noted that the developmental skills and physical attributes in the ages 10 – 12 years old are not able to meet the requirements to handle a machine such as an ATV on their own. These children generally lack the cognitive skills to control ATV's under a wide range of conditions (especially uneven terrain). Even many older, more experienced adolescents cannot make quick, accurate judgment while driving ATV's.

There have been many children I have treated (some with serious permanent injuries) who were involved in an ATV accident. When a little body gets crushed under a large machine, limbs are broken and head (brains) are injured. It's hard to understand how something preventable like this could happen, and even the parents of those children watch in agony and regret. We need to protect our children from harm, not put them in harms way. The American Academy of Pediatrics nationally recommends that children under 16 years old should not operate adult or youth sized ATV's at all. We would like to see this bill be defeated and at least keep our state law where it's at and not push the limited age down.

HB 1423

Testimony - House Bill 1423
House Transportation Committee
January 26, 2007

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan
Vice-President, North Dakota Powersport Dealer Association

The North Dakota Powersports Dealers Association recommends a vote of Do Pass with the following amendment:

1. Lowering the age limit from 10 years of age to 8 years of age (39-29-10).

I ask the committee to consider the following:

- Youth riding of motorcycles and ATV's starts as early as 5 years of age on 50cc motorcycles and small 70cc ATVs. Many young ATV riders at the age of 8 have already been riding ATV's "informally" for many years.
- At the age of 8, youth are more willing to attend and participate in ATV training. And at the age of 8, there are fewer bad habits that need to be broken. 10 year old youths may already have an "attitude" against training and think they know everything about riding safely.
- The safety training stresses the importance of proper riding gear. In my experience, younger children are more accepting of and willing to wear riding gear. When they develop the habit of wearing a helmet, boots, and other riding gear at a young age, those habits stay with them through the teen years and into adulthood.
- ATV riding is a family activity. If younger children are not allowed to ride an ATV themselves, there may be more riding double and illegal riding.
- Adult & parental supervision is the most important safety element. This bill requires adult supervision whenever an individual under the age of 12 is operating an off-highway vehicle.

TRX90EX

With TRX450R-inspired styling, an electric starter, a refined suspension system and a bulletproof 89cc SOHC four-stroke engine, the TRX90 is a great place for young riders to start.

House Bill 1423 - 90 cc ATV information - Presented by Annette Behm-Caldwell

FEATURES & BENEFITS

NEW FOR 2007

- New Black with Flames color joins Red.

ENGINE/DRIVETRAIN

- Honda's 89cc SOHC four-stroke engine offers smooth power delivery and legendary reliability.
- Convenient electric starter for ease of starting in all conditions.
- Maintenance-free CD ignition system never needs attention.
- 15mm carburetor offers excellent fuel mileage and crisp throttle response.
- Quiet, efficient exhaust system with USDA-qualified spark arrester/muffler.
- Honda's durable automatic clutch makes take-offs and shifting a breeze.
- Versatile four-speed transmission.
- Closed crankcase vent system safeguards against engine oil contamination.

CHASSIS/SUSPENSION

- Strong and durable steel frame.
- Independent front suspension features a pair of rugged shock absorbers.
- Single-shock rear suspension offers a comfortable ride.
- Durable front and rear sealed drum brakes.
- Long-lasting 8-inch front and rear tires.
- Well-padded seat offers a high level of rider comfort.
- TRX450R-inspired bodywork.
- Uniquely designed center mud guards allow the rider's feet to grip the footrests while keeping mud and debris away from the rider's feet.

ADDITIONAL FEATURES

- Engine design produces low emissions and meets California Air Resources Board (CARB) off-road emissions standards.
- Maintenance-free battery.
- Reusable, washable foam air filter.
- Keypad ignition switch for added security.
- Neutral indicator light.
- Adjustable throttle limiter.
- Front and rear steel grab handles and a low dry weight make loading simple.
- Handlebar designed for increased rider comfort.
- Comfortable handlebar grips and levers.
- Front brake lever positioned closer to grip to fit a wide variety of riders.

- Durable O-ring chain drive system.
- Comfortably low 26.0-inch seat height.
- Fuel capacity of 2.0 gallons for extended range.
- Standard parking brake.
- Transferable six-month limited warranty, extended coverage available with a Honda Protection Plan.
- Purchase of a new, previously unregistered Honda unit by an individual retail user in the United States qualifies the owner for a one-year complimentary membership in the Honda Rider's Club of America™ (HRCA®). Benefits include online access to the *Honda Common Service Manual*, six issues of the bimonthly *Honda Red Rider*™ magazine, travel discounts, trip routing, MSF reimbursement, plus access to the HRCA Web site (www.hrca.honda.com). Look for the HRCA support team at select off-road events across the country. For details on the HRCA, dealers should call (310) 788-3958, 8:30 a.m. to 5 p.m. Pacific Time.

AVAILABLE ACCESSORIES

- Flag Kit

SPECIFICATIONS

Model:	TRX90EX
Engine Type:	89cc air-cooled SOHC single-cylinder four-stroke
Bore and Stroke:	47mm x 49.5mm
Carburetion:	15mm piston-valve
Ignition:	CDI
Starter:	Electric
Clutch:	Automatic
Transmission:	Four-speed
Drivelines:	O-ring-sealed chain
Suspension:	Independent suspension
	Front: 2.6 inches travel
	Rear: Swingarm with single shock
	2.6 inches travel
Brakes:	Dual sealed drum
	Front: Sealed drum
	Rear: 20 x 7-8
Tires:	19 x 8-8
	58.6 inches
Length:	35.2 inches
Width:	35.5 inches
Height:	26.0 inches
Seat Height:	26.0 inches
Ground Clearance:	3.9 inches
Wheelbase:	38.7 inches
Turning Radius:	8.3 feet
Dry Weight:	251 pounds
Fuel Capacity:	2.0 gallons, including 0.3-gallon reserve
Colors:	Black with Flames Red

RECOMMENDED FOR RIDERS 12 YEARS OF AGE AND OLDER.

Testimony

House Bill 1423

Transportation Committee

Friday, January 26, 2007; 9 a.m.

North Dakota Department of Health

Good morning, Chairman Weisz and members of the Transportation Committee. My name is Diana Read, and I am director of the Injury/Violence Prevention Program for the North Dakota Department of Health. I am here to provide information about House Bill 1423, which lowers the age at which children may operate off-highway vehicles, or ATVs.

Between January 1, 2005, and October 6, 2006, North Dakota ambulances responded to 38 ATV-related injuries to children younger than 12. Of those, 16 were 10-year-olds. The 38 reported injuries included 11 fractures, seven head injuries, seven chest injuries and two amputations. The ambulance reports don't indicate whether the injured children were ATV drivers or passengers.

Between 2000 and 2005, five North Dakota children younger than 12 were killed in accidents involving ATVs. Of those, four were driving the ATVs and one was a passenger. Two of the children were killed when their ATV was struck by a car on a rural road.

The Department of Health often looks to the American Academy of Pediatrics for recommendations on injury prevention standards for the safety of children in the United States. The American Academy of Pediatrics has expressed concern about children driving ATVs. The group of physicians states: "Children who are not licensed to drive a car should not be allowed to operate off-road vehicles. Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills."

There is a difference in size and strength between 10-year-old children and 12-year-old children. For example, the average height and weight for a 10-year-old boy is 4 feet 6 inches and 70 pounds. In contrast, an average 12-year-old boy is 5 inches taller and 20 pounds heavier (4 feet 11 inches and 90 pounds). This difference may affect the child's ability to control a vehicle that weighs between 220 and 244 pounds.

This concludes my testimony. I am happy to answer any questions you may have.

HB 1423

House Transportation Committee

HB 1423 – Relating to youth operation of off-highway vehicles; and to provide a penalty

Fort Totten Room – 9:00 am

Friday, January 26th

Mr. Chairman and members of the House Transportation Committee, I am Arik Spencer, Recreation Division Manager for the North Dakota Parks and Recreation Department. I appear in support of HB 1423 for the following reasons.

1. Currently section 10 of chapter 39-09 refers to "All-Terrain" Vehicles (ATVs) while the rest of chapter 39-09 refers to "Off-Highway" Vehicles (OHVs). Removing the references to ATV's in section 10 provides consistency between this section and the rest of Chapter 39-09.
2. Reducing the minimum age to operate an OHV to ten (10) years while also limiting the size of engine to 90cc's for those twelve (12) and under, recognizes the age at which youth riding occurs while also recognizing that young riders may not be physically able to control an adult sized OHV. Furthermore it prohibits those without a valid driver's license from driving class 3 OHV's which are large off road utility vehicles typically used in agricultural or industrial settings.

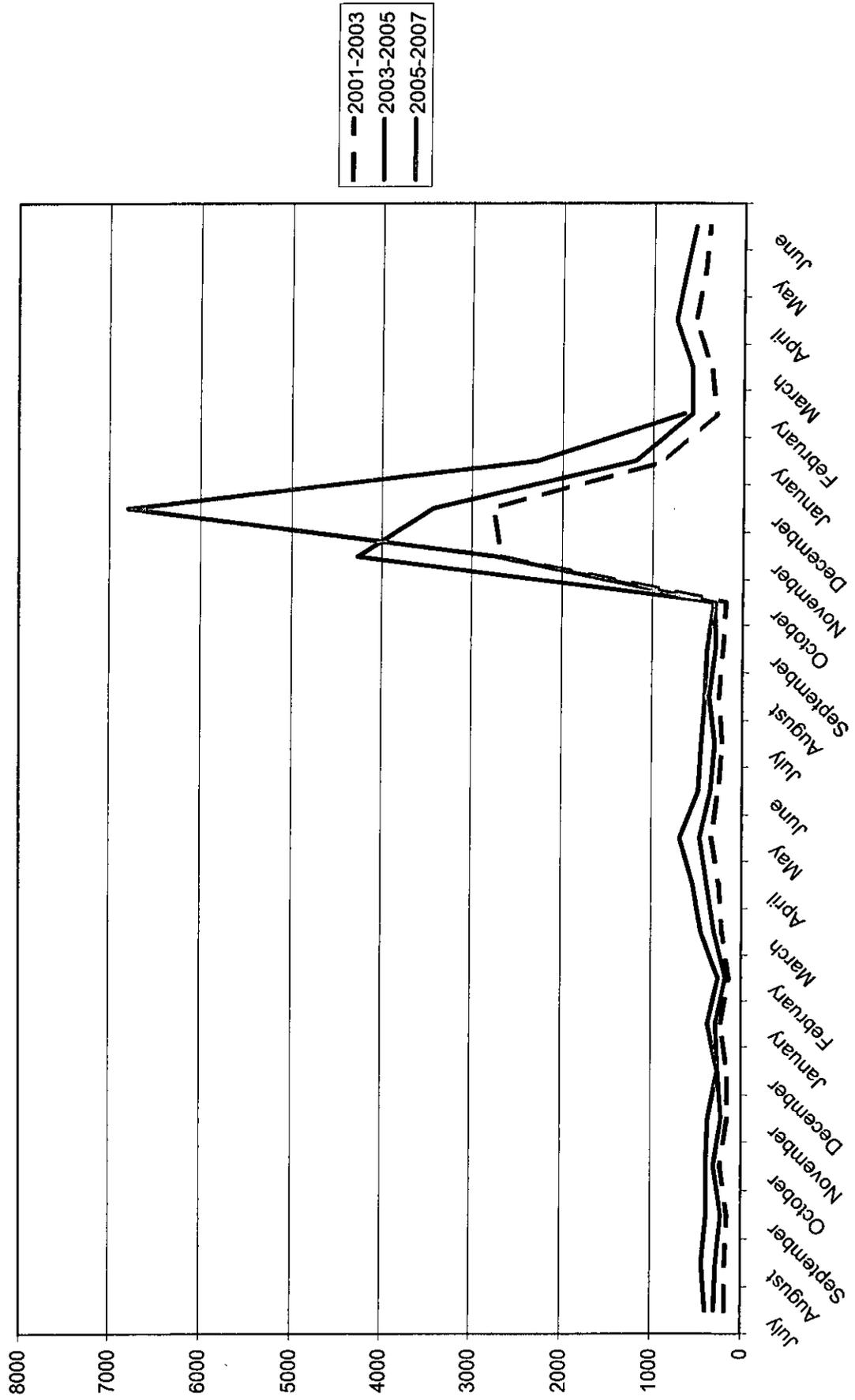
As you know the North Dakota Parks and Recreation Department is charged with providing OHV Safety Classes throughout North Dakota. Of the hundreds of kids we train every year not a single one is new to riding. Riding off road is something they have done for a number of years whether it is for farming and ranching or for fun and recreation. Generally as kids approach the current legal age of twelve (12) their parents contact us not to teach their kids safety, rather so they can legally ride. Reducing the legal riding age to ten (10), subject to taking and passing a safety course allows kids to be trained in the proper operation and safety of an OHV at a younger age, reducing the years of improper riding they may do before receiving the proper instruction.

It is important to note, HB 1423 requires supervision by a legal guardian for those ages 10 and 11. We support this component as it is an additional feature that will improve the safety of those younger riders. Lack of adult supervision has played a role in most of the youth OHV fatalities documented over the last five years; recorded between a high of 3 fatalities last year to a low of 0 in 2002.

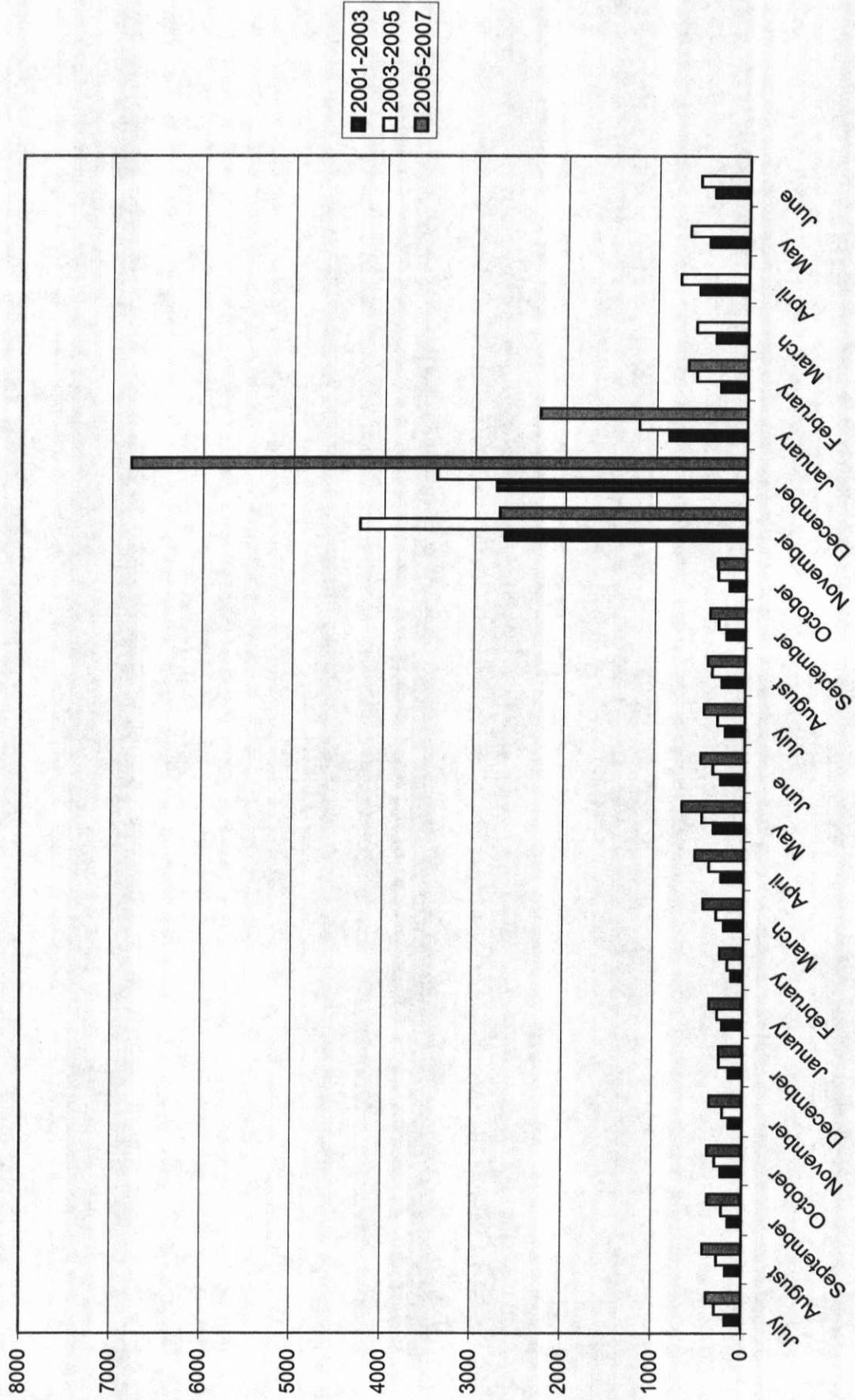
3. Finally, the current cost of receiving the Youth OHV Safety Certification is \$10.00. The fine for riding without having a certification is also \$10.00. HB 1423 increases the fine to \$20.00, taking a proactive step by providing a financial incentive to take the safety course and be a safe rider.

In closing, the proposed changes to chapter 39-09 of the century code are necessary to provide a safer riding experience for our youth. That concludes my remarks. I would be pleased to answer any questions you may have.

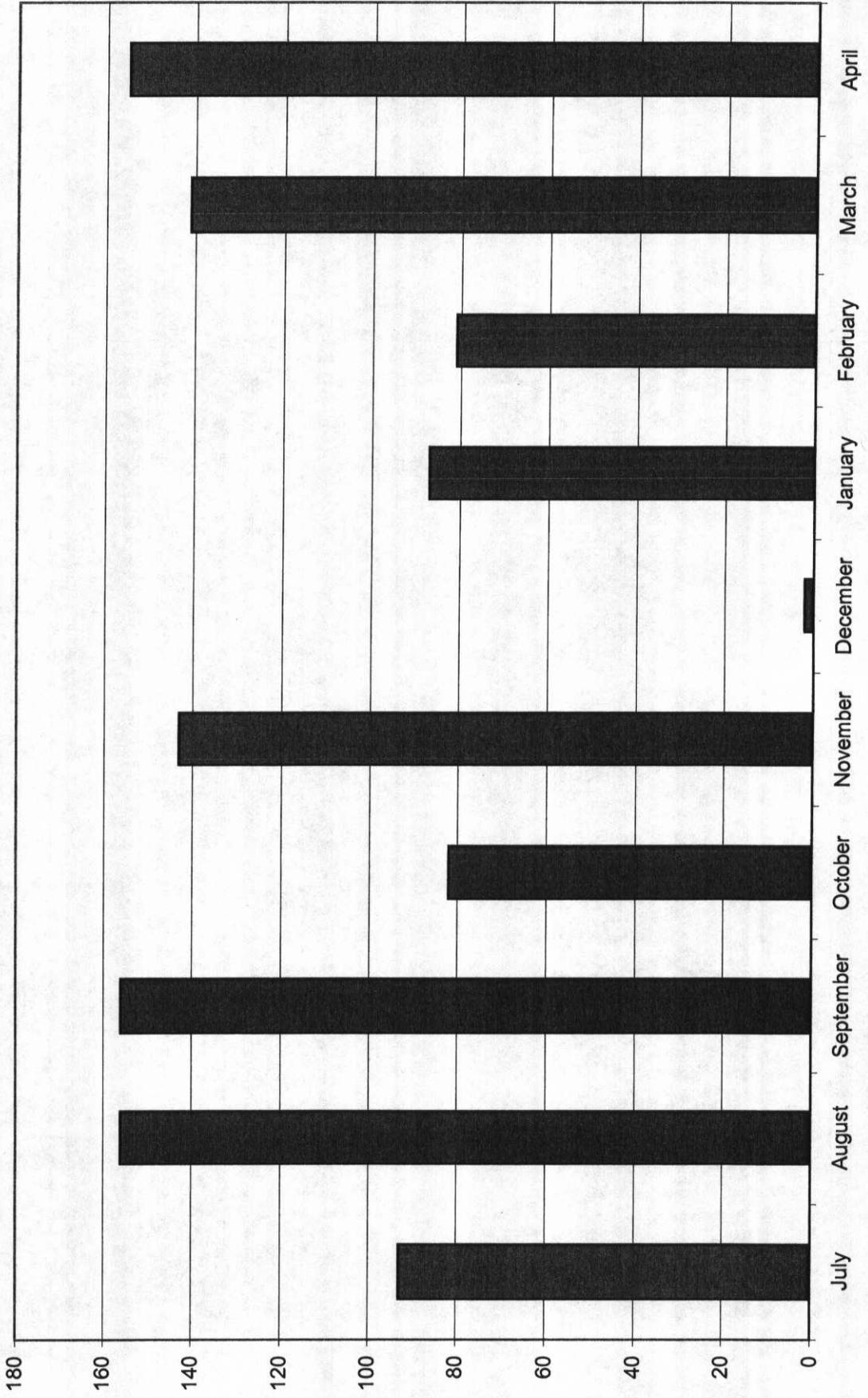
Registered OHVs by Month



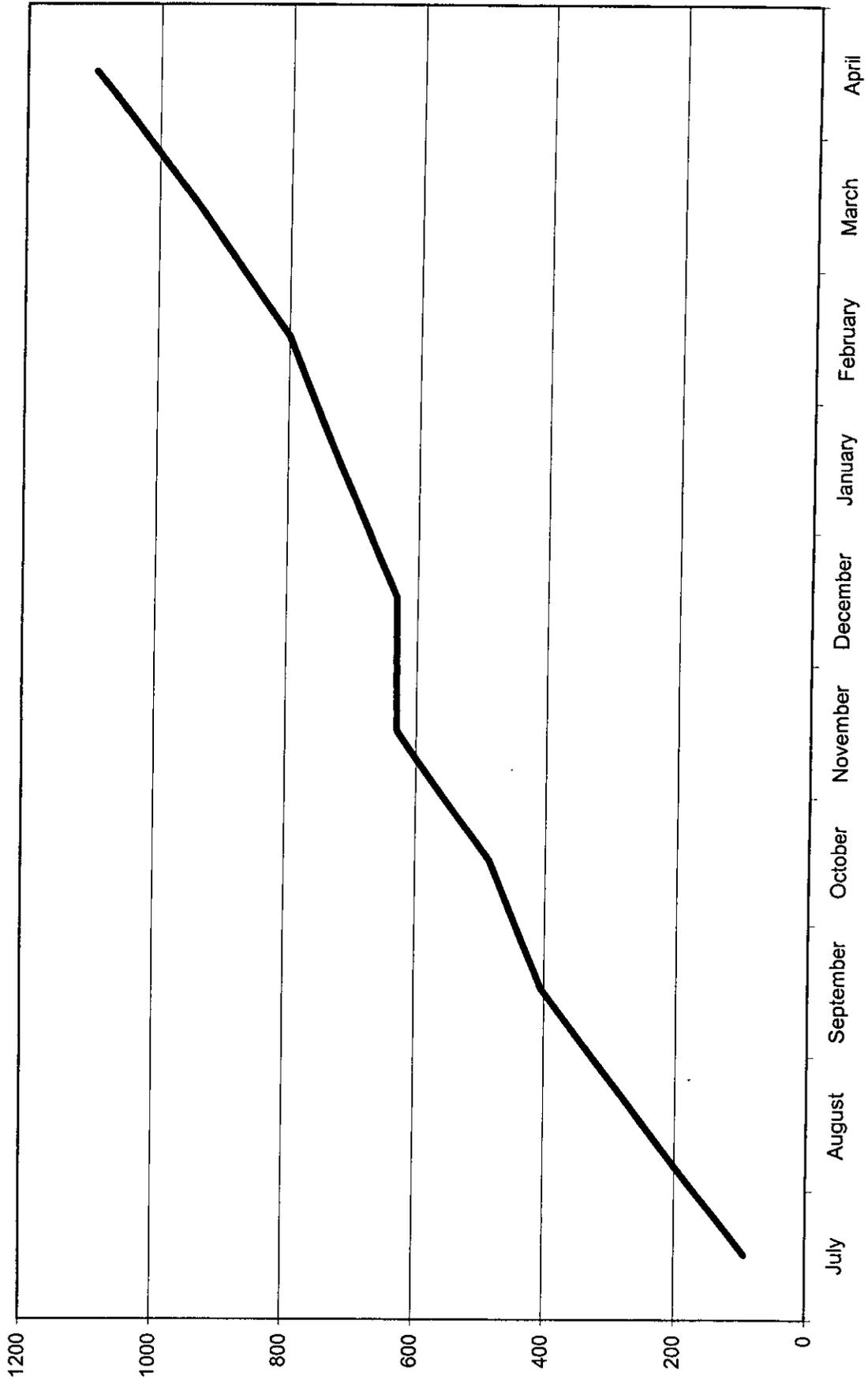
OHVs Registered By Month



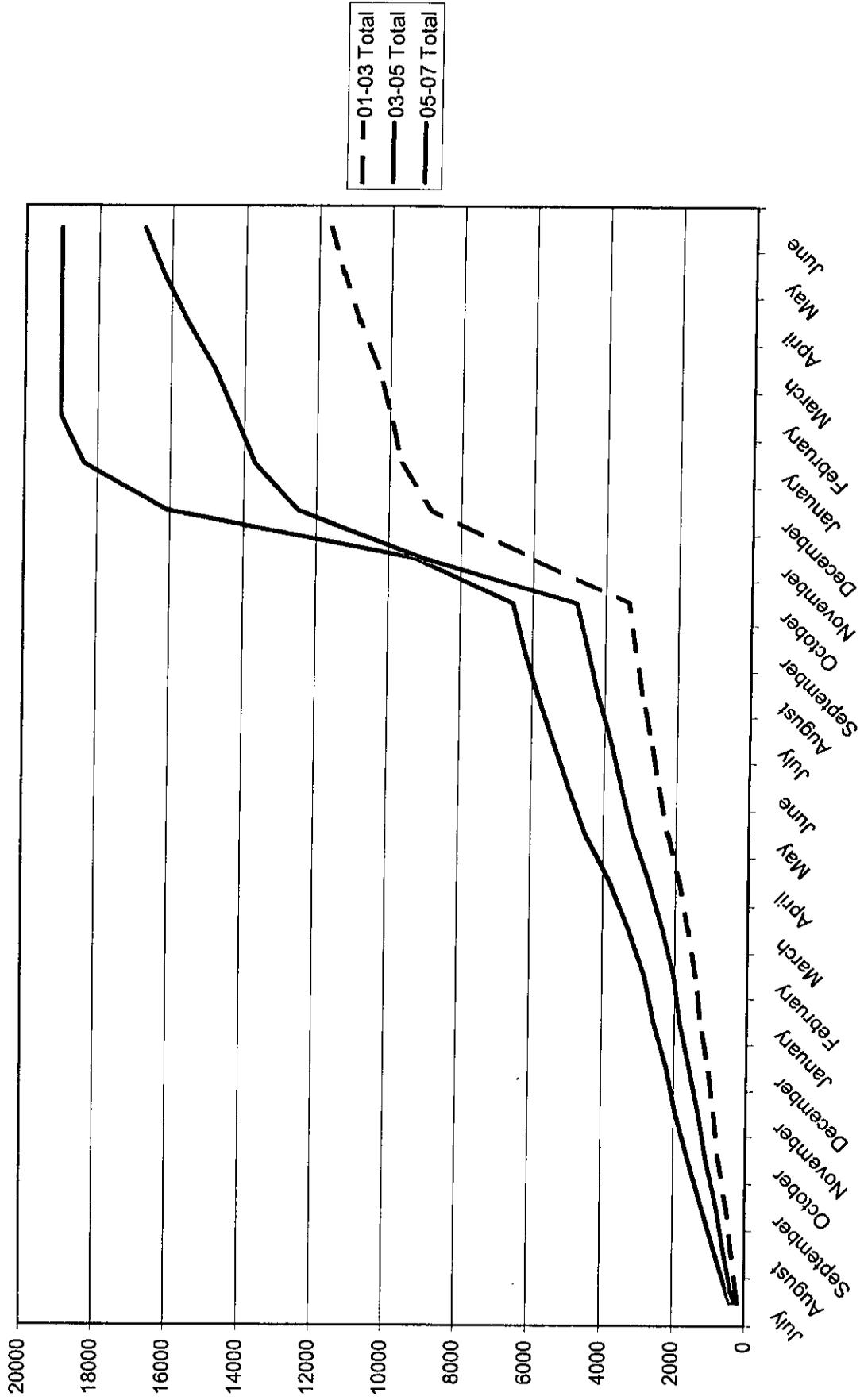
Monthly Gain(Loss)



Gain(Loss) for Total



Total OHVs Registered



Testimony – HB 1423
Senate Transportation Committee
March 15, 2007

Testimony presented by Annette Behm-Caldwell
Dealer Principal – Open Road Honda, Mandan
Vice-President, North Dakota Powersport Dealer Association

The North Dakota Powersport Dealers Association (NDPDA) is a network of professional powersport dealers, dedicating time and resources to protect, preserve and expand their businesses and the organizations associated with them.

The NDPDA recommends a vote of Do Pass on this bill.

I ask the committee to consider the following:

- Youth riding of motorcycles and ATV's starts as early as 5 years of age on 50cc motorcycles and small 70cc ATVs. Many young ATV riders at the age of 8 have already been riding ATV's "informally" for many years.
- If passed, HB 1423 would require the riders to attend the safety course and receive an "Off Highway Safety Certificate". At the age of 8, youth are more willing to attend and participate in ATV training and have fewer bad riding habits that need to be broken.
- Riders would also be restricted to 70cc and smaller units. These units are size and age appropriate for 8 – 10 year old riders.
- The safety training stresses the importance of proper riding gear. In my experience, younger children are more accepting of and willing to wear riding gear. When they develop the habit of wearing a helmet, boots, and other riding gear at a young age, those habits stay with them through the teen years and into adulthood.
- ATV riding is a family activity. If younger children are not allowed to ride an ATV themselves, there may be more riding double and illegal riding.
- Adult & parental supervision is the most important safety element. This bill requires adult supervision whenever an individual under the age of 12 is operating an off-highway vehicle.

EXECUTIVE SUMMARY

All-terrain Vehicles in Minnesota: Economic impact and consumer profile



Prepared by

Ingrid E. Schneider, Ph.D.
Tony Schoenecker, Graduate Research Assistant

With the analytical assistance of
Analysis & Evaluation
at the Department of Employment & Economic Development
March 2006

UNIVERSITY OF MINNESOTA

Tourism
C E N T E R

SUMMARY ECONOMIC RESULTS

Two surveys and secondary data were used to ascertain ATV economic activity and impact. In cooperation with ATV Association of Minnesota (ATVAM) and the Department of Natural Resources (DNR), a mail survey of Minnesotan's with registered ATVs was implemented, as was a mail survey to ATV retailers and manufacturers.

<i>Direct ATV-related expenditures:</i>	\$641.9 million.
<i>Of the total residential travel expenditures (\$572.1 million):</i>	\$260.3 million spent in destination \$311.8 million spent at home and en route
<i>Economic impact of resident expenditures:</i>	Jobs: 8,756 jobs Wages and salaries: \$224.6 million Contribution to GSP: \$491.2 million Tax Revenue: \$48.9 million
<i>ATV-Related Retail activity:</i>	Jobs: 1,477 jobs Wages and salaries: \$39.2 million Contribution to GSP: \$79.3 million Tax revenue: \$6.9 million
<i>ATV manufacturing activity:</i>	Jobs: 4,216 jobs Wages and salaries: \$165.6 million Contribution to GSP: \$349.2 million Tax revenue: \$30.4 million
<i>Total state and local tax revenues:</i>	Tourism: \$48.9 million Retailer sales: \$6.9 million Manufacturing: \$30.4 million

Range of Total Impacts of ATV Riding in Minnesota, 2005			
	<i>Low*</i>	<i>High**</i>	<i>Average</i>
Total Employment	12,238	16,663	14,449
Wages and Salaries (millions)	\$372	\$486	\$429
Total Gross State Product or Value-Added (millions)	\$796	\$1,043	\$920
State and local tax revenues (millions)	\$74	\$98	\$86
*Sum of low range impact estimates of residential travel/nontravel and retail sales. No high and low estimates for manufacturing.			
**Sum of high range impact estimates of residential travel/nontravel and retail sales. No high and low estimates for manufacturing.			

EXECUTIVE SUMMARY

All-terrain vehicle (ATV) sales and subsequent recreational riding has significantly increased in the United States and Minnesota. Both sales and participation are projected to continue significantly increasing thru 2014. To date, no Minnesota specific information on ATV consumers and their economic impact exist. Given the strong presence and projected increase in this activity, such information seems critical.

This project assessed the economic impact of all ATV activity in Minnesota and profiled registered ATV riders. More specifically, the project focused on:

- (1) economic impact of ATV trips and related tourism by Minnesota residents,
- (2) economic impact of ATV manufacturing in the state,
- (3) economic impact of consumer purchases of ATVs, accessories and apparel as measured by retail sales margins (gross sales less cost of goods sold),
- (4) state government activity related to riding ATVs, and
- (5) experiences, motivations and preferences of registered Minnesota ATV recreational riders.

METHODS

Two surveys and secondary data were used to ascertain economic activity and impact. In cooperation with the ATV Association of Minnesota (ATVAM), a mail survey of Minnesotan's with registered ATVs was implemented, as was a mail survey to ATV retailers and manufacturers.

Questionnaires and Samples

The consumer questionnaire consisted of seven pages focused on questions to determine ATV riding experience, travel, expenditures, and perceptions of ATV recreation in Minnesota among a systematically selected sample of Minnesota ATV riding households. Using a modified Dillman (2000) technique, a response rate of 40.2% was achieved (n=280). Twenty-one non-respondents queried by telephone did not significantly differ on three of four select variables of interest (age, number of times riding ATVs for recreation in a typical season, riding skill level). However, non-respondents indicated statistically significant fewer number of registered ATVs ($\bar{M} = 1.24$ for non-respondents, $\bar{M} = 1.61$ for respondents).

The manufacturing and retail questionnaire consisted of four pages focused on total sales, employment, wages and industry supply costs both in and out of Minnesota to a list supplied by ATVAM. Using a modified Dillman (2000) technique, a response rate of 39.7% (n=98) was achieved.

Analysis

Data were collected, edited and analyzed using SPSS and REMI (Regional Economic Models, Inc – an economic simulation model of the Minnesota economy). The estimates of ATV activity were entered into REMI to determine the direct (the actual activity), indirect (industry suppliers) and induced (industry employee spending) impacts on the Minnesota economy.

To estimate tourism-related expenditures for Minnesota residents, the analysis used data from the consumer survey including number of trips, expenditures during these trips, annual repair and maintenance costs, and other non-travel related expenses. Expenditure per household data were statistically extrapolated to the total number of households with ATVs and entered into REMI. The respondents were separated into two groups – those that ride both day and night, and those that ride only in the day. In addition, low, middle and high scenarios were created to provide sensitivity intervals with the middle scenario results typically cited in the text.

The manufacturing and retailer questionnaire provided the production and sales data necessary to estimate the impacts of ATV activities. These data were augmented by company information available via public reports. After removing data that may be duplicative between retailer sales and consumer expenditures and adjusting the sales data to represent only gross margins – the net contribution on the economy - the data were also statistically extrapolated and entered directly into REMI.

RESULTS

Expenditures

The direct expenditures of residents in Minnesota are the study's first area of analysis. Low, middle and high scenarios were statistically created to provide sensitivity intervals with the middle scenario results typically cited in the text.

For resident direct expenditures, the average household spent about \$172 per riding experience, which includes spending by riders on day trips and those including nights on their trip. This spending is equivalent to \$43 per person per day. When these dollars are combined with the number of riding experiences and other household factors results in \$641.9 million in consumer expenditures related to ATV riding, with the single highest share of costs typically going toward groceries.

Considering the middle estimation scenario of travel-related direct expenditure estimates, about 40.6% (\$260.3 million) of the total residential expenditures (\$641.9 million) are spent in the destination area within the state. The rest of the expenditures (\$311.8 million) are spent at home and en route to the destination; additional \$69.8 million are spent in nontravel expenditures (equipment, insurance, off-season storage, etc.).

Economic Impacts

Expenditures: When residents use ATVs throughout the state, significant direct (expenditures or economic activity), indirect (suppliers to industry) and induced (employee spending) impacts flow into the local areas visited. In terms of total employment, resident expenditures due to ATV riding supported 8,756 jobs. Resident spending resulted in Gross State Product (GSP) impacts (i.e., contributions to the state economy) of \$491.2 million.

Retail Sales of ATVs and Accessories: Retail sales of ATVs, parts and accessories also generated economic impact statewide. This retail activity supported 1,477 Minnesota jobs, wages and salaries of \$39.2 million, \$79.3 million of GSP contribution and \$6.9 million state and local tax revenues.

ATV Manufacturing: Manufacturing of ATVs, parts and accessories in Minnesota resulted in: 4,216 jobs; wages and salaries of \$165.6 million; \$349.2 million of GSP impacts and \$30.4 million in state and local tax revenues.

Tax Revenues: Tourism-related activity (\$48.9 million), ATV-related manufacturing activities (\$30.4 million) and ATV-related retail sales (\$8.6 million) generated \$86 million in state and local tax revenues.

State Government Activity Related to ATV Riding

Two state government entities directly connect to Minnesota's ATV riders: the Department of Natural Resources (DNR) and Explore Minnesota Tourism (EMT).

According to the DNR, Trails and Waterways Unit, there are 1,708 miles of trails available to ATV users for the 2006 season. Of those, 706 miles are located on state forest lands and 948 miles are attributable to the Trails Assistance Program, specifically the OHV Grants-in-Aid (GIA) Program (R. Potter, personal communication, January 30, 2006). GIA trails are maintained by volunteers and, notably, the 2005 value of a volunteer hour is \$17.55 (Independent Sector, 2005).

The DNR generates revenue through registration fees and unrefunded gas tax related to ATV use which goes into a dedicated ATV Account. For 2006 the DNR Trails and Waterways Unit appropriated \$1,570,000 while the Division of Enforcement was allocated \$1,536,000 from the ATV Account for ATV specific activities. With respect to the Trails and Waterways Unit funding, \$575,000 is earmarked for GIA funding to ATV clubs sponsored by local units of government. Additionally, in the Enforcement budget \$213,000 is earmarked for grants supporting ATV enforcement efforts by local County Sheriffs (R. Potter, personal communication, January 30, 2006).

DNR progress continues on classifying Minnesota's state forest lands for ATV use. Through the end of 2005 eight forests were completed, five of which now offer ATV riding opportunities, more than doubling the miles available. The past year has seen the addition of 202 miles of new GIA trails as well, and several more projects are in the early stages of development (R. Potter, personal communication, January 30, 2006).

In addition, EMT has distributed 10,000 ATVentures Guides produced by Minnesota Sport Publishing Network (MSPN) since 2002, along with travel related information inserted in the ATV Association of Minnesota publication. These are distributed at Travel Information Centers, affiliate travel information centers, 8-10 sport shows in the Midwest and to individual inquiries for ATV information (B. Erler, personal communication, January 6, 2006).

Further, EMT has participated in the ATVAM annual conference and ride 2002-2005. Involvement includes media and promotional aspects in which the Governor participates on an ATV ride to raise awareness of recreational ATV riding, the trails that are available, and Minnesota's important connection to the ATV manufacturing industry as home to Arctic Cat and Polaris.

ATV Rider Profile

Demographics: Mirroring a national sample, the typical 2005 Minnesota ATV rider was a white male in his mid-forties with some college or technical schooling. The typical rider is most often full-time employed with an income greater than \$50,000 that supports a family with an average size of 2.8.

Motivations for ATV riding: The most important experience attribute among Minnesota ATV riders was 'being with friends and family'. 'Being in a natural area', 'relaxation', and 'getting away from it all' tied as the second most important experience attributes. Two factors explained 61.9% of the variance regarding what is important to ATV riding: riding with others in natural environments and elements of the ATV ride.

Typical ATV riding experience: ATV recreational riders participate in the activity about 26 times during the season, on average. Those who travel 100 miles or more for ATV riding, do so about 11 times a season. Overnight travel occurs 3.1 times a year and those who overnight stay an average of 2.1 nights per trip. A follow-up questionnaire revealed that riders under-estimated their actual riding and therefore, participation could be higher than reported here.

Survey respondents reported more than half of their ATV experiences involve distances less than 30 miles, while most of the remainder range up to 100 miles or more. The average experience was 4.2 hours in duration.

Most respondents use one to two ATVs and groups typically consist of 4 or more adults. When children or teens participate, there are usually two or more in the group. Most

often, groups include both family and friends, while about 20% of the time they include just friends, and another 23% just family.

ATV-related travel: Most often, ATV recreational riding takes place in the northern portion of the state. More than four of 10 respondents (47.9%) travel to the north central/west region and over a third (35.5%) travel to the northeast region.

Desired experience improvements and willingness to pay for improvements: ATV riders cited a series of improvements that they would like to see in the Minnesota trail system. The most frequently cited improvements included more trails as well as trail signage.

More than half of respondents supported an increase in the state trail sticker to pay for the improvements. Further, respondents were willing to pay, on average, an additional \$21 for trail improvements but the median value was less (\$10.00).

DISCUSSION & IMPLICATIONS

Expenditures

Consumers reporting day and night trips typically experienced higher spending (per person and party) than day trippers. Overall, the total expenditures of ATV riders that report both day and overnight trips (\$307.9 million) is about 17 percent greater than the total expenditures of ATV riders that report only day trips (\$264.2 million). This reflects the higher average expenditure per person and per household — due to the lodging expenditures — and the higher incidence of overnight travelers.

The distribution of spending follows expected trends especially as it relates to snowmobiles where higher levels of lodging expenses and lower levels of grocery spending were found in the 2004 snowmobile impact analysis report.

The current survey was done solely on residents of Minnesota since no up-to-date information is available for nonresident ATVers. If nonresidents trends are similar to those identified in the 2004 snowmobile impact study and comprise 7.7 percent of total resident and nonresident expenditures, the resulting impacts would easily fall within the low and high range impact scenarios. This is consistent with results from a 2003 ATV study completed by the Wisconsin Department of Tourism.

Economic Impacts

The total economic impact of the ATV riding in Minnesota is broken down into the following components: resident ATV travel (home and enroute); resident ATV travel (local area); resident ATV nontravel; ATV retail sales; and ATV related manufacturing. The extrapolation methods utilized three statistically-generated scenarios for expenditures and ATV-related retail sales; ATV-related manufacturing survey results were limited and results represents actual data from

surveys or data estimated from publicly available business records without any extrapolation or alternate scenarios.

Range of Total Impacts of ATV Riding in Minnesota, 2005			
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Total Employment	12,238	16,663	14,449
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**Sum of high range impact estimates of residential travel/nontravel and retail sales. No high and low estimates for manufacturing.			

ATV-related retailer sales represented the smallest share of overall impacts while resident expenditures (travel and nontravel related) about half. The impacts have been adjusted to account for possible duplication between consumer expenditures and retailer sales. These impacts are higher than the impacts identified in a similar analysis done on the snowmobile industry in 2004 for several reasons with the longer ATV season which allows for more riding experiences accounting for most of the difference.

Consumer Profile

The 2005 registered ATV rider in Minnesota mirrors both national and state statistics in that they are a middle-aged non-Hispanic White male with less than a college education. These results are consistent with ATV profiles from Wisconsin (2004), Colorado (1999), and Utah (2001). In terms of national studies, Minnesota's ATV recreational riders most closely mirror Cordell's 'middle-age actives' segment in terms of age and participation.

Similarly, the typical recreational riding experience and ride were comparable to other states' findings in terms of numbers and length as well as travel party. The social nature of the ATV experience is apparent as family groups or groups of family and friends ride together in groups of about four. However, a follow-up questionnaire revealed that riders participated more times per month than they intended. Therefore, participation estimates may be under-reported. Such participation is important as the trail planning process ensues and use is estimated.

National data indicates that this 'boomer' has specific desires for novelty (National Travel Monitor, 1998), family accommodations (Chon & Singh, 1995), as well as flexible opportunities that include educational, cultural, or sport experiences (Cato & Knustler, 1988). Therefore, experience planning and marketing should focus on the opportunity for novel experiences for the whole family that enrich other elements of their lives. ATVAM can consider using these elements in marketing membership, as well as a minority (10%) of respondents were club members.

Important attributes of ATV recreational experiences reflected include those found in other outdoor recreation activities: being with others, being in a natural environment and getting away

from it all. Unlike other recreation experiences, however, elements of the ATV ride experience also emerged as important. In particular, access to intensive use areas with a variety of terrain and ability to ride to destinations were important. Information emerged as important: specifically, area maps and signs indicating trail users and length were important.

Trail improvements focused on greater trail quantity, quality and access, again comparable to other states. The willingness to pay for these trail improvements ranged, but perhaps the most acceptable price to pay is about \$10. Further research to understand 'quality' trails and experiences among ATV riders would be advantageous given the current planning time frame for MN ATV trails. In addition, understanding riding patterns and potential changes in these due to additional trail supply will enhance recreation planning for this activity as it booms in the next decade. As the majority of respondents ride primarily in northern Minnesota, any changes in access will immediately impact this area with possible affects across the rest of the state. While fewer than 10% of respondents indicated they ride in Wisconsin, onsite research in northwest Wisconsin (WDOT, 2004) revealed about 24% were from Minnesota. Notably, one-third of respondents were willing to travel more than 100 miles for an ATV experience.

(4)

Good morning, Mr. Chairman and members of the committee.

I am Laura Lueder. I am a member of North Dakota Dirt Riders, ^{a wide} ~~the~~ state Off-Highway Vehicle ^{organization} ~~club~~, and I am the owner and rider of an off-road motorcycle. I also am the mother of a 4-year-old daughter who is likely to have her own off-road motorcycle within the next couple of years.

For me, like many others here, off-road riding is a family activity. In fact, it's one of the things we make time to enjoy together as a family. And we get a number of benefits from it. Beyond simply being able to spend time together as a family without distractions, there's the physical exercise, the pleasure of enjoying the outdoors and the chance to see different parts of North Dakota in a unique way.

We're all ^{obviously} here today, however, to talk specifically about the use of off-highway vehicles by children. As I said, it is likely that my daughter will have an off-road motorcycle within the next couple of years.

I respectfully request that you ^{approve} ~~pass~~ this bill. As the law exists today, no children under the age of 12 can legally ride an off-road vehicle on public land. This has a number of ramifications, not the least of which is the fact that the current law ^{doesn't incentivize} ~~prevents~~ children under 12 who are riding — whether doing so legally on private land or illegally on public land — ^{to take} ~~from taking~~ the rider safety and certification course offered by North Dakota Parks and Rec. That means there are a number of kids ~~out there~~ who are riding who haven't had the safety training that may very well prevent some of the injuries and deaths that we all ^{here} are concerned about.

I do not know if any of you ride off-road vehicles. If you do, and you've had a chance to ride in the handful of public areas available for riding in North Dakota, you will have undoubtedly seen someone under the age of 12 riding either an off-road motorcycle or an ATV. The simple fact is, it happens. And local law enforcement does not generally have the resources — neither the manpower nor the off-road vehicles — to adequately police and enforce the law as it exists now. Nor can they can regulate how consumers use off-road vehicles after they are purchased.

This bill would ~~allow~~^{encourage more} children who are riding to receive the proper training, would encourage^{more} parental supervision and the use of safety gear, and would allow children to ride right-size vehicles, all of which would do much to reduce ~~ATV~~^{OHV}-related injuries ~~and~~ ~~injuries~~ involving children.

According to the American Motorcyclist Association and the All-Terrain Vehicle Association, a review of ATV-related accidents shows that vehicle misuse and ill-prepared riders appear to be the fundamental causes of fatalities. The Consumer Product Safety Commission reports that formal training may reduce an ATV rider's risk of injury by half.

One of the best approaches for reducing ~~ATV~~^{OHV}-related injuries ~~and~~ ~~injuries~~ over the long term is through rider safety training. North Dakota Dirt Riders advocates voluntary training for adult riders, and we ~~do not oppose~~^{advocate} mandatory training for children.

Training for ~~ATV~~^{OHV} riders should educate them about proper riding gear, teach them safe riding techniques, and improve their riding skills through hands-on training. ~~Young riders should be trained in the context of family riding, like the training provided by the Utah State Parks program, which requires parents to actively participate in safety training.~~

Proper gear includes wearing a helmet while riding. We ~~do not~~^{advocate} ~~oppose~~ mandatory helmet requirements for young riders.

~~Another important point kids can learn through safety training is that most ATVs and off-road motorcycles are not designed to carry passengers. Passenger deaths represent a significant number of ATV-related fatalities, especially among kids.~~

North Dakota Dirt Riders also strongly believes that parental supervision is key to keeping young riders safe. We believe it's important for parents to advocate having their children ride size~~s~~ ^{appropriate} vehicles.

Utah may be a good example of a similar state law. There, kids ~~between the ages of 8 and 15~~ ¹⁵ who are going to be riding on public property must take ^{OHV} training, and their parents also must attend. Utah has trained more than 20,000 kids. ~~between the ages of 8 and 15~~

Again, I respectfully request that you ~~pass~~ ^{approve} this bill and provide greater opportunities for the children who ride off-road vehicles to receive the proper training.

Thank you, Mr. Chairman.

Mr. Chairman?
Mr. Chairman & members of the committee

~~the committee~~

**Testimony House Bill 1423
Senate Transportation Committee 3/15/2007**

**Presented by the North Dakota Academy of Pediatrics
Todd Twogood MD, FAAP (president)**

It is important to realize that the example we set by the laws provided in our state have a great impact on the public and how they view safety. Parents often refer to our laws for guidance regarding safe practices. It is obvious that the age guidelines suggested in HB 1423 at age 10 years old, and now down to 8 years old, are far below what is known to be safe for the handling of an ATV. It is also to be noted that the developmental skills and physical attributes in the ages 8 - 12 years old are not able to meet the requirements to handle a machine such as an ATV on their own. These children generally lack the cognitive skills to control ATV's under a wide range of conditions (especially uneven terrain). Even many older, more experienced adolescents cannot make quick, accurate judgment while driving ATV's.

There have been many children I have treated (some with serious permanent injuries) who were involved in an ATV accident. When a little body gets crushed under a large machine, limbs are broken and head (brains) are injured. It's hard to understand how something preventable like this could happen, and even the parents of those children watch in agony and regret. We need to protect our children from harm, not put them in harms way. The American Academy of Pediatrics nationally recommends that children under 16 years old should not operate adult or youth sized ATV's at all. We would like to see this bill be defeated and at least keep our state law where it's at and not push the limited age down.

(6)

Testimony

House Bill 1423

Transportation Committee

Thursday, March 15, 2007; 11 a.m.

North Dakota Department of Health

Good morning, Chairman Lee and members of the Senate Transportation Committee. My name is Diana Read, and I am director of the Injury/Violence Prevention Program for the North Dakota Department of Health. I am here today to testify in opposition to House Bill 1423.

House Bill 1423 lowers the age at which children can operate off-highway vehicles, including all-terrain vehicles (ATVs). Current law requires operators of off-highway vehicles to be at least 12 years old. The proposed law would allow children ages 8 and 9 to operate vehicles with engine sizes up to 70 cubic centimeters, children ages 10 through 12 to operate vehicles with engine sizes up to 90 cc, and children 13 to 16 to operate vehicles 90 cc and above.

The U.S. Consumer Products Safety Commission (CPSC) is a federal agency charged with protecting the public from serious injury or death from more than 15,000 types of consumer products. According to the CPSC, children younger than 16 lack the developmental skills to safely drive adult-sized ATVs. Adult-sized ATVs have engine sizes over 90 cubic centimeters (cc), operate at speeds up to 70 miles per hour and higher, and weigh hundreds of pounds.

ATV manufacturers and the CPSC recommend that children 11 and younger be restricted to operating ATVs with engines under 70 cc and that children ages 12 through 15 be restricted to ATVs with engines between 70 and 90 cc.

Even with the current law requiring operators of off-highway vehicles to be at least 12 years old, children younger than 12 are being injured and killed in ATV-related accidents. Between January 1, 2005, and October 6, 2006, North Dakota ambulances responded to 38 ATV-related injuries to children younger than 12. Of those, 16 were 10-year-olds. The 38 reported injuries included 11 fractures, seven head injuries, seven chest injuries and two amputations. The ambulance reports don't indicate whether the injured children were ATV drivers or passengers.

Between 2000 and 2005, five North Dakota children younger than 12 were killed in accidents involving ATVs. Of those, four were driving the ATVs and one was a passenger. Two of the children were killed when their ATV was struck by a car on a rural road.

To protect children from injury and death caused by ATV-related accidents, the Department of Health recommends that House Bill 1423 be amended to reflect the recommendations of ATV manufacturers and the CPSC.

This concludes my testimony. I am happy to answer any questions you may have.

DEFINITIONS (NDCC 39-29-01)

Dealer: Any person who advertises or holds out to the public his or her engagement in the buying, selling, resale, or exchange of off-highway vehicles.

Off-highway vehicle (OHV): A motor driven, off-road, recreational vehicle capable of cross country travel on land, snow, ice, marsh, swampland, or other natural terrain. This includes, but is not limited to, multi-track vehicles, multi-wheel or low pressure tire vehicles, belt-driven vehicles, and amphibious machines (dirt bikes, 3-wheelers, 4-wheelers, off-road utility vehicles, etc.).

Class I off-highway vehicle has two low pressure tires, a saddle seat designed to be straddled by the operator, and it is steered by the use of handlebars.



Class II off-highway vehicle has three or more low pressure tires, a saddle seat designed to be straddled by the operator, and it is steered by the use of handlebars.



Class III off-highway vehicle has three or more low pressure tires, a seat designed for the operator, and a wheel for steering control.



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Over the river and through the woods to the trauma center we go. ⁸²



All-terrain vehicles can go 60 mph and weigh 600 pounds. Yet, many owners think of them as just big toys. Consider the facts: 136,000 ATV-related injuries were treated in hospitals and doctors' offices in 2004. Accidents happen when ATVs are operated in the wrong place, under the wrong conditions, by people too young or too inexperienced in ATV safety measures. If you must ride an ATV, use your head — the right way. A public service message from the American Academy of Orthopaedic Surgeons and the Orthopaedic Trauma Association.

For recommendations on ATV safety, visit orthoinfo.org and ota.org.

AAOS

AMERICAN ACADEMY OF
ORTHOPAEDIC SURGEONS



ORTHOPAEDIC TRAUMA ASSOCIATION

All-Terrain Vehicle Safety

All-terrain vehicles (ATVs) are fun, but they are also deadly. More than 136,000 ATV-related injuries were treated in hospitals, emergency rooms and doctors' offices in the year 2004, according to the U.S. Consumer Product Safety Commission (CPSC). They cost the U.S. over \$3.6 billion in medical, legal and work loss expenses.

Here are some safety tips for ATV use. Following these guidelines could help reduce your risk of injury.

- Read all instruction manuals and follow the manufacturers' recommendations for use, maintenance, and pre-use checks.
- Never operate an ATV on a public road. Almost 10 percent of injuries and over 25 percent of deaths occurred while the ATV was on a paved road.
- Always wear protective gear. Helmets are especially important in reducing the risk of head injury. Protective gloves and heavy boots can also help reduce injuries.
- Do not operate at excessive speeds or after dark. ATVs are difficult to control and collisions with other vehicles can result in severe injuries or death.
- Do not operate an ATV if you have taken drugs or alcohol. According to the CPSC, 30 percent of all fatal ATV accidents involved alcohol use.
- ATV drivers should be age 16 or older and never allow additional passengers.
- Never operate a 3-wheeled ATV.

For more information about All-Terrain Vehicle Safety, visit the American Academy of Orthopaedic Surgeons Web site at orthoinfo.org or the Orthopaedic Trauma Association Web site at ota.org.

Testimony

House Bill 1423

Senate Transportation Committee

Thursday, March 15, 2007

Safe Kids North Dakota

Mr. Chairman and members of the Senate Transportation Committee, my name is Tanya Wisnewski and I am the Coordinator of Safe Kids North Dakota. Our childhood injury prevention coalition is a state-wide group with the North Dakota Safety Council as the lead agency. Our mission is to prevent the number one killer of children under age 14, which is accidental injuries. I am here to testify in opposition to House Bill 1423. A particular concern to us is the provision which would allow a child as young as eight years of age to legally operate an ATV.

If children are not old enough to drive a car on a paved road with traffic control devices, they should not be old enough to drive an open-seat vehicle at high speeds over dirt trails and wild terrain. Lowering the age for riding off-highway vehicles sends the message to parents that it is a safe activity as long as the child has an off-highway safety certificate and the appropriate safety gear. We know this is not true. First, children this young have not yet developed the cognitive and physical capabilities to operate these vehicles safely.

Second, ATV related injuries tend to be serious. Wearing a helmet can reduce the risk of head injuries but there are no safety devices to adequately protect a small body from being crushed by such a heavy machine, weighing anywhere from 200-600 pounds. Even chest protectors are not designed to support a large amount of weight.

According to a study of ATV injuries conducted by Altru Health System in 2005, abdominal injuries occurred in 24% of these children, most often resulting from the ATV landing on top of the child. These injuries resulted from children driving these heavy vehicles on uneven terrain and not having the upper body strength to correct the tipping motion once it started. 82% of the children involved in these incidents had permission to use the ATV but the parents were in the house, the garage or busy with other activities while the child operated the ATV.

In ND, three children died as a result of ATV injuries in 2005. According to hospital data in two major cities in the state, the number of ATV related injuries being seen in the emergency rooms is up 50% over the last three to four years. They also report that the children being injured are younger each year. Clearly, lowering the age will not make this injury rate decline.

Safe Kids Worldwide recommends that children under age 16 should not operate adult or youth sized ATV's at all. This same recommendation has also been put forth by the American Academy of Pediatrics. The U.S. Consumer Product Safety Commission (CPSC) recommends that children age 12-16 should only operate ATV's with 90cc engines and lower. HB 1423 suggests that children age 8 can safely operate a 70cc ATV. This recommendation is well below the less stringent recommendations of the Consumer Product Safety Commission and well below the recommendations set forth by Safe Kids and the American Academy of Pediatrics.

Parents often refer to our laws for guidance regarding safe practices. The message this legislation sends to parents is that it is acceptable for children as young as 8 to operate an ATV, as long as they have appropriate riding gear, a safety certificate, and adult supervision. There is no acceptable way to make ATV riding a safe activity for children this young. I would encourage a Do Not Pass recommendation on this bill.

WHAT SHOULD KIDS WEAR?

Before a youngster rides off-road, you'll need to provide them with a few basic safety items, and make sure they wear them on every ride.

The most valuable piece of safety equipment is a high-quality motorcycle helmet with a label showing approval by the U.S. Department of Transportation (DOT). The helmet should also fit snugly and be securely fastened before riding. A good helmet isn't cheap, but it is the best way you can protect your youngster against head injuries.

Other important safety wear includes goggles (unless the helmet has a full-face shield to protect the eyes), sturdy boots, gloves, long pants and a long-sleeved shirt or jacket.

HOW MUCH TRAINING AND SUPERVISION WILL THEY NEED?

Providing good instruction is a key responsibility of parents. As a first step you should read the owner's manual together with your son or daughter, and make sure they understand the instructions and cautions.

Next will come a period of hands-on training and practice. Whether you serve as primary instructor or arrange for a qualified teacher, plan on attending all instruction and practice sessions.

This may take some time, but no one is better able than you to evaluate your child's progress.

Ask your Honda dealer to tell you about the training and familiarization programs in your area. And if you decide to buy an ATV, see *More about ATVs* below.

Remember, even after young people become skilled off-road riders they still need adult supervision on every ride. If you can't personally ride with your youngster, you'll need to make sure a qualified and caring adult will be there.

MORE ABOUT ATVs.

If you select an ATV for a young rider, be sure you both read and follow all instructions and warnings in the owner's manual and vehicle labels. You should also know that ATVs handle differently than other vehicles, such as motorcycles and cars, so proper instruction and practice are very important.

YOUNGSTERS AND OFF-ROAD VEHICLES

Rider training is available for all interested people. American Honda recommends that all ATV riders take a training course. For safety and training information, see your dealer or call the ATV Safety Institute (ASI) at 1-800-887-2887.

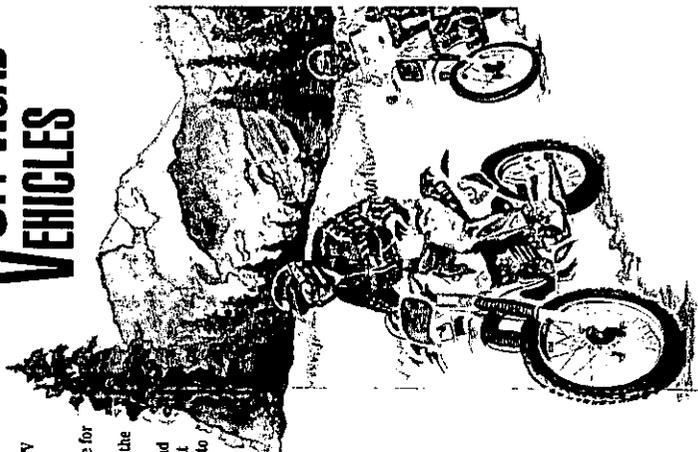
ATVs with an engine size 70-90cc are recommended for youngsters 12 years old or older. ATVs with engine size greater than 90cc are recommended for people at least 16 years old. Youngsters should not be allowed to ride an ATV unless it is recommended for their age group.

Even though a child is of the recommended age for a particular ATV, not all youngsters have the strength, skills or judgment needed to operate the vehicle safely. You should supervise your youngster's operation of the ATV at all times and permit continued use only if you determine that the young person has the ability and judgment to operate the ATV safely.

HONDA

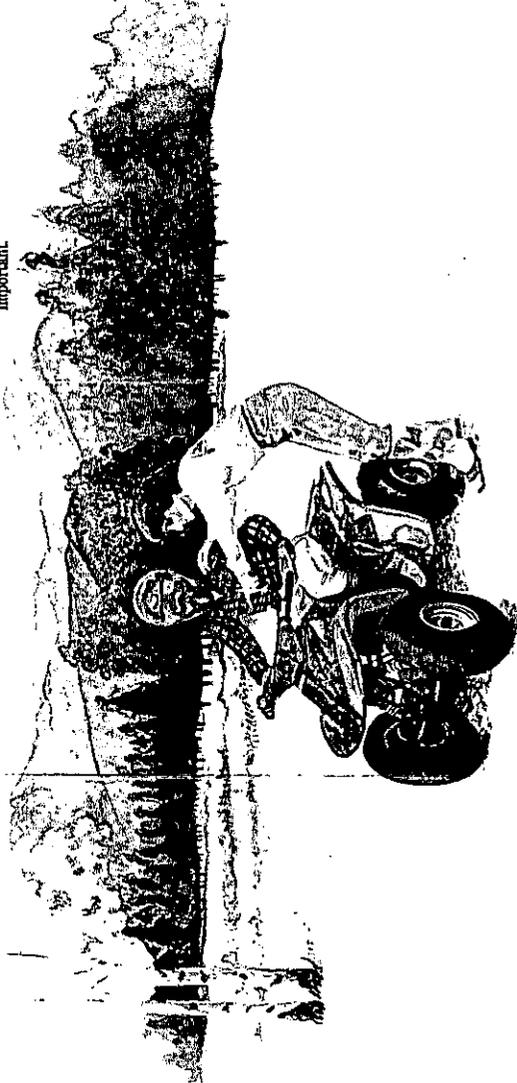
Off-road riding offers countless adventures and rewards. By always putting safety first, parents and kids can enjoy many hours exploring the outdoor world together.

Happy riding!



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Brochure Number: 0005

HONDA



WELCOME TO THE OFF-ROAD WORLD.

Off-road riding is a great family activity. It's a chance for young people to learn new skills and develop self-confidence. And parents find exploring the out-of-doors a wonderful way to spend time with their kids.

Off-roading can take you far from everyday sights, to places you can't easily reach by car or on foot. And wherever you go, you can help protect the environment by always riding responsibly.

Along with the fun and adventure, off-roading involves special responsibilities for parents and young people. So if you're thinking of buying an off-road vehicle for your son or daughter, please read this brochure. It contains important information that can help make the experience safer and more enjoyable.

IS YOUR YOUNGSTER READY TO RIDE

This is the first question you'll need to answer. And because parents know their kids best, you are in the best position to decide when your son or daughter is ready to ride.

Riding readiness can vary widely from one person to another, and there's no sure way to determine whether a given boy or girl is ready to ride. However, the following guidelines can help you reach a decision.

Are they Big Enough?

To safely ride off-road, a person must be large enough and strong enough to easily reach and operate all the controls. To see how a young rider measures up, first have them sit on the vehicle you are considering. Are their arms long enough to turn the handlebars all the way to the right and left? Are their hands big enough and strong enough to work the brake levers, the throttle and other hand controls? Can their feet comfortably reach and operate the brake and other foot controls?

Next, have the young person stand up on the footrests while they hold onto the handgrips. See if there is at least three inches between the vehicle seat and the youngster's seat of the pants. A rider needs at least three inches of clearance so they can rise off the seat for comfort, balance and visibility.

With a motorcycle, also check that the youngster can sit on the seat with both feet touching the ground. And make sure they are strong enough to push and pull the bike as they walk alongside it, with the engine off.

Are they Well Coordinated?

Off-road riders need good hand-eye coordination, agility, and a sense of balance. If your son or daughter is good at riding a bicycle, skate-boarding, playing baseball or soccer, they'll probably do fine on an off-road vehicle.

Do they make Good Judgments?

Because riders need to think quickly and react appropriately, it's important to ask yourself if your youngster analyzes problems and comes to logical conclusions. Do they understand the relationship between unsafe actions and consequences? Do they follow instructions? Do they understand that people have different abilities and accept their own limits?

Try to be honest as you evaluate riding readiness: a young person is too small, has poor coordination, takes unnecessary risks or doesn't make good judgments, you'll probably decide that they need more time to mature before riding off-road.

WHICH SHOULD YOU CHOOSE:

A MOTORCYCLE OR ATV?

It all depends... If you haven't already made a decision, you should know that there are two main types of off-road vehicles that may be suitable for young riders. And within each you'll find a range in size, power, looks, ease of operation and cost.

In one group are motorcycles—some designed off-road use only, others that can be ridden both off-road and on. While a dual purpose motorcycle may be suitable for a youngster to ride off-road, be used on road it will need to be registered and the rider will need a driver's license.

The second main category is all terrain vehicles known as ATVs. With four fat tires, ATVs are a popular option, especially among families who grew up with ATVs. For age recommendations, see *More about ATVs* in this brochure. Your Horn dealer can explain the advantages of each vehicle type and model help you decide which one is best for your needs.

