
A BILL FOR AN ACT

RELATING TO OFF-HIGHWAY VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 708-815, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-815 Simple trespass.** (1) A person commits the
4 offense of simple trespass if [~~the~~]:

5 (a) The person knowingly enters or remains unlawfully in
6 or upon premises[-];

7 (b) The person operates an off-highway motor vehicle upon
8 the land or premises of another without the permission
9 of the owner of the land or premises, the owner's
10 agent, or the person in lawful possession of the land
11 or premises; or

12 (c) The person operates an off-highway motor vehicle
13 without authorization in a public park or recreational
14 ground.

15 (2) For the purposes of this section, unless the context
16 requires otherwise, "off-highway motor vehicle" includes, but is
17 not limited to, the following:



1 (a) Any motorcycle, regardless of whether registered
2 pursuant to section 286-41, that is designed or
3 equipped to be operated off of the highway and over a
4 variety of terrain; or

5 (b) Any motor vehicle having three or more wheels,
6 regardless of whether registered under section 286-41,
7 that is designed or equipped to be operated off of the
8 highway on a variety of terrain, commonly referred to
9 as an "all-terrain vehicle," "ATV," or "dune buggy".

10 The term does not include emergency vehicles.

11 [~~2~~] (3) Simple trespass is a violation. Simple trespass
12 involving the operation of an off-highway motor vehicle may be
13 punishable by a fine of not more than \$ _____ and forfeiture of
14 the off-highway motor vehicle."

15 SECTION 2. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun, before its effective date.

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21

INTRODUCED BY:

Cindy Evans

JAN 23 2009



Report Title:

Off-Highway Motor Vehicles

Description:

Classifies the unauthorized operation of an off-highway motor vehicle on another's land as simple trespass.

