

Report of the All-Terrain Vehicle Safety Task Force

**INTERIM and FINAL Reports
Required by
Senate Bill 28 (Chapter 14, 2008)
House Bill 114 (Chapter 487, 2008)**

**Report to the Budget Committees Required by the
Joint Chairmen's Report – Operating Budget, April 2008
(D53T, page 46)**

December 2008

Report of the All-Terrain Vehicle Safety Task Force

INTERIM and FINAL Reports Required by Senate Bill 28 (Chapter 14, 2008) House Bill 114 (Chapter 487, 2008)

Report to the Budget Committees Required by the Joint Chairmen's Report – Operating Budget, April 2008 (D53T, page 46)

This interim and final report is submitted as required by SB 28 and HB 114 (2008), as well as by the 2008 Joint Chairmen's Report, all of which required that an All Terrain Vehicle (ATV) Safety Task Force be convened to examine issues regarding the safety concerns associated with all-terrain vehicles (ATVs).

Background on ATV Safety Task Force

During the 2007 Session of the Maryland General Assembly, two bills were introduced specific to all-terrain vehicle (ATV) operators and passengers. House Bill 261 "Motor Vehicles – All Terrain Vehicles – Helmet Requirement" proposed to amend the Transportation Article to add a section defining ATVS and to require (ATV) operators and passengers under the age of 16 to wear a helmet that met the Motor Vehicle Administration's requirement for motorcycle helmets. HB 261 received an unfavorable report in committee, and the cross-filed Senate version of the bill (SB 482) was withdrawn.

As a result, the 2007 Joint Chairmen's Report requested that the Maryland Institute for Emergency Medical Services Systems (MIEMSS) provide an in-depth report to the budget committees about various issues associated with ATV safety. The final report, submitted in December 2007, contained the following recommendation:

"...that an ATV Safety Task Force, comprised of interested parties, be convened to develop a consensus approach for improvements in Maryland laws that may help reduce the risks associated with ATVs. Potential actions that may help mitigate such risks include: (1) implementing registration requirements for ATVs that would permit accurate tracking of the number of ATVs in Maryland and provide a focal point for dissemination of safety materials to ATV owners; (2) requiring ATV owners and operators to meet certain safety standards, e.g., completion of nationally recognized training and safety education courses; (3) making more broadly applicable the requirements for ATV operation that are currently limited to DNR-regulated land; (4) restricting or limiting ATV use among certain age groups, e.g., restricting adult-sized ATV to those at least 16 years of age; (5) requiring uniform recordkeeping and reporting of ATV-related injuries; and (6) increasing public awareness efforts to improve knowledge of the risks associated with ATV operation, and, in particular, of the dangers to children

and adolescents....[and] [a]s an initial focal point, the Task Force should review the Model State ATV Legislation developed by the Specialty Vehicle Institute of America (SVIA).”

During the 2008 Session of the Maryland General Assembly, legislation passed (SB 28 and HB 114) and was signed into law by the Governor which created the All-Terrain Vehicle (ATV) Safety Task Force. As specified in the legislation, the ATV Safety Task Force is to identify and study major issues related to ATV safety and to make findings and recommendations regarding: (1) accurate methods of tracking ATV ownership in the State; (2) appropriate safety equipment; (3) effective methods of educating consumers; (4) appropriate locations for ATV use; (5) training for ATV owners; (6) public awareness of ATV safety-related topics; and (7) any other topic related to ATV safety that is deemed appropriate by the Task Force. As specified in the legislation, the Task Force is to report its findings to the Governor and the General Assembly in an interim report on or before December 15, 2008, and in a final report on or before May 31, 2009. MIEMSS is to provide staff support to the Task Force.

Also, during the 2008 Session, the Joint Chairmen’s Report included language restricting \$100,000 of MIEMSS special fund appropriation until MIEMSS convened an ATV Safety Task Force to develop a consensus approach for improvements in Maryland laws to reduce risks associated with ATV use. The Task Force is to report to the budget committees by December 1, 2008.

Summary of Work Completed Through December 8, 2008

The 2008 legislation became effective on June 1, 2008. The legislation identified 25 members to be included on the ATV Safety Task Force, all but five (5) of whom were to be appointed by the Governor. MIEMSS solicited the various entities identified in the legislation to identify representatives for consideration for appointment. The Governor-appointed members of the Task Force were appointed on August 25, 2008. The list of individuals who are members of the ATV Safety Task Force and the entities each represents is included at Attachment A.

MIEMSS convened the ATV Safety Task Force on Monday, September 8, 2008. Since the initial September meeting, three (3) additional meetings have been held to date: Monday, October 6, 2008; Monday, November 3, 2008; and Monday, December 8, 2008. A copy of the minutes from the meetings of the Task Force is included at Attachment B.

At the September meeting, background information was provided to the Task Force regarding the charge to the Task Force, as well as an overview of the recent MIEMSS study of ATV safety issues. The Task Force discussed a consolidated list of ATV safety issues that it will consider over the course of its deliberations and agreed upon a schedule of meetings for the first several months. The Task Force elected a Chairman, Mr. Devin Battley, who is the Task Force representative from the Maryland Motorcycle Dealers Association.

At the October meeting, the Task Force representative from the Specialty Vehicle Institute of America (SVIA) briefed the Task Force on the Model State Legislation developed by the SVIA. The Task Force also had in-depth discussions regarding age limits and training requirements for ATV operation.

The November meeting of the Task Force focused its continued discussions on the potential for titling requirements, safety training and age limitations on ATV use. The December meeting included a review of the draft report and an in-depth discussion of the various issues under consideration by the Task Force.

ATV Safety Task Force Recommendations

The ATV Safety Task Force has reached consensus regarding specific recommendations to improve safety. The Task Force recommends that the Transportation Article of the Maryland Code Annotated be revised to include the following:

1. Definition of ATV: There should be a uniform definition of "All Terrain Vehicle" set forth in statute. The Task Force recommends the following language:
 - a. "All Terrain Vehicle" or "ATV" means a motorized off-highway vehicle designed to travel on 3 or 4 low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended by the manufacturer for use by a single operator or an operator and no more than one passenger. ATVs intended by the manufacturer for use by an operator and a passenger shall be equipped with a designated seating position behind the operator designed to be straddled by no more than one passenger.
 - b. The administration may establish by regulation or other requirements for or limitations on the definition of off-highway recreational vehicle.
2. Titling: All newly-purchased ATVs should be titled through the Electronic Registration and Titling system beginning with an identified start date for the titling requirement.
3. Training: Successful completion of an ATV safety training program should be required for all operators of ATVs who are under age 18, with an identified start date for the training requirement. Successful completion of an ATV safety training program before use of ATVs should be recommended, but not required, for individuals over the age 18. However, effective July 1, 2010, successful completion of an ATV safety training program should be required for all new ATV operators, regardless of age. ATV safety training programs should meet or exceed the course content of the ATV safety training program provided by the ATV Safety Institute.

4. Age Restrictions: Use of an ATV should be prohibited for anyone under the age of 6 years, either as an operator or a passenger. Operation of an ATV by an operator between the ages of 6 and 16 should be age-size appropriate, as follows:
 - a. No person shall operate an all-terrain vehicle bearing a Certification Label conforming to ANSI / SVIA 1 – 2007 in violation of the Age Recommendation Warning Label affixed by the manufacturer.
 - b. No person shall operate an all terrain vehicle not bearing a Certification Label conforming to ANSI / SVIA 1 – 2007 except as follows:
 1. ATVs with engine capacity less than 70 cubic centimeter displacement should be operated only by those aged 6 and older;
 2. ATVs with engine capacity 70 cubic centimeter displacement up to and including 90 cubic centimeter displacement should be operated only by those aged 12 and older;
 3. ATVs with engine capacity greater than 90 cubic centimeter displacement shall be operated only by those aged 16 and older.
5. Protective equipment: An approved safety helmet and eye protection should be required to be worn by the ATV operator and passenger. Additional safety gear, including long pants, gloves and boots should be recommended for operators and passengers, but not required.
6. Passengers. A passenger should be prohibited from riding on an ATV unless the ATV has been expressly identified by the manufacturer for use by one operator and one passenger.
7. Applicability of ATV Safety Requirements. The ATV safety requirements (Recommendations 1 through 6) should be applicable to operation of ATVs throughout the State, not only on DNR-controlled land, but to operation of ATVs on privately-owned property as well.
8. Operation: The operation of ATVs should continue to be prohibited on roads and highways throughout Maryland, the sole exception being to cross a road or highway at a 90 degree angle. The crossing of any interstate or limited access highway shall not be permitted.
9. Public Education: The ATV Safety Task Force believes that public education is a key element in improving the safe operation of ATVs. The Task Force recommends that a portion of any fees associated with ATV titling (Recommendation #1) should be directed to: 1) increased public education

about ATV safety issues; and 2) increasing and maintaining public areas for safe use of ATVs.

10. Data Collection. The ATV Safety Task Force recommends that community hospitals, trauma centers, EMS providers, and state agencies develop a coordinated data collection effort in order to collect accurate and useable statewide data on the incidence of ATV-related injuries and death and to track the effect of statutory and regulatory changes to improve ATV safety.
11. Utility Terrain Vehicles (UTV). The ATV Safety Task Force recognizes the growing popularity of UTVs, or so-called “side-by-sides.” These vehicles do not fall within the traditional definitions used for ATVs and, therefore, fall outside the purview of this Task Force. The ATV Safety Task Force recommends, however, that the legislature consider convening another Task Force to undertake a safety review for these vehicles, similar to that completed for ATVs.

Future Activities

The Task Force members will monitor the 2009 Legislative Session and will meet, if needed, to review and provide input regarding pending legislation regarding ATVs. As such, the ATV Safety Task Force has set a tentative meeting date of January 26, 2009, to meet to discuss any pending legislation relating to ATVs that might be introduced. Although the Task Force remains in effect until May 31, 2009, the Task Force has completed the consideration of issues as directed by the SB 28 / HB 114 and by the Budget Committees. Consequently, this report constitutes both the interim and final report from the Task Force.

Appendix A: All-Terrain Vehicle Safety Task Force
(August, 2008)

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Maryland All-Terrain Vehicle (ATV) Safety Task Force

Meeting Summary

September 8, 2008

MEMBERS PRESENT: Devin Battley; Chuck Barrick; Randall Burd; William Casey; Joyce Dantzler; Shannon Frattaroli; Patricia Gainer; Steve Huettner; John Kuo; Richard Lichenstein; Paul Peditto; John Riggio; Michael Silverman; Cathlene Anne Tharpe; Kathy Van Kleeck; Mary Alice Vanhoy; Gamunu Wijetunge; Susan Ziegfeld.

OTHERS PRESENT

MIEMSS: Lisa Myers; John New; Chris Handley; Jim Brown; Cyndy Wright-Johnson; Mary Beachley, Carlita Lindsey.

Children's National Medical Center: Tim Jones.

The meeting was called to order at 1:10 pm.

Welcome and Introductions

Patricia Gainer welcomed the group and gave a brief overview of MIEMSS. Task Force members and others present introduced themselves and explained their interest and/or expertise as it relates to ATV safety.

Background

Ms. Gainer explained to the group that the Task Force is charged with studying and identifying major issues related to ATV safety and is required to report its findings and recommendations to the Governor and the Maryland General Assembly in an interim report by December 15, 2008 and in a final report by May 31, 2009.

MIEMSS Study

Ms. Gainer informed the Task Force that MIEMSS completed a study on ATV safety in Maryland which was submitted to the General Assembly in 2007. The sources used for the study included Maryland Vital Statistics death files, HSCRC hospital outpatient and inpatient data sets, Maryland Trauma Registry for patient data. MIEMSS also used information from the Consumer Product Safety Commission, Maryland state laws and regulations, laws of other states and media reports.

The following Maryland statistics were extracted from a combination of the study sources.

Off-Road Vehicle Outpatient Injuries

9,057 outpatients treated in MD emergency departments. Of this number, 26% were children under 15 years of age. From 2001 to 2006 there has been a 32% increase in the

number of outpatient injuries. In 2001, the average outpatient charge was \$359. The average had increased to \$504 in 2006.

Off-Road Vehicle Inpatient Injuries

1,027 inpatients were admitted to MD hospitals. Of this number, nearly 25% were under age 15. Drivers represent 80% of the inpatients. The most frequent diagnosis was concussion with loss of consciousness, traumatic pneumothorax and hemothorax, or fractures of the tibia or fibula. The average inpatient charge was \$6,811 in 2001. In 2006, the amount had increased to \$11,356.

Trauma Center Admissions for ATV Injuries

911 patients were treated at MD trauma centers.

31% were under age 15.

19% tested positive for alcohol.

Between 1/2 and 2/3 of the patients were not wearing a helmet when injured.

Maryland State Law

In Maryland, the Department of Natural Resources regulates ATV use only on DNR controlled land. ATV use on state land requires DNR registration and permit. There were 2,584 permits issued in 2007. Helmets are required for drivers and passengers. Drivers must have eye protection and some additional requirements for operators.

Study Conclusion

MIEMSS concluded that the increasing number of off-road vehicle & ATV associated injuries in Maryland, coupled with the very low number of accidents reported to DNR, suggests that a significant amount of ATV use in Maryland – and a significant number of ATV-associated injuries – are occurring on non DNR-controlled land, e.g., private property or local or county roads. Maryland state law is not tailored to address actual patterns of current ATV use or to address or help mitigate ATV injuries.

Discussion

Paul Peditto explained that the 2,584 number represents people who actually have permits issued by DNR however; persons with a hunter's license are also authorized to ride on State forest which increases the number of riders on State forest to nearly 5,000. Mr. Peditto said that there had been concerns with the safety of Cumberland's 18-mile track. He also felt that the injury numbers may be low because patients often are not transported to hospitals by EMS.

Chuck Barrick said that number of alcohol related accidents seems to be low.

Devin Battley believed that outpatient injury numbers may be misleading because they probably include other motor vehicles such as scooters and go-karts. John New said ATV injuries occur throughout the State, even in Baltimore City.

Ms. Gainer said that "all-terrain vehicles" are not clearly defined in Maryland law.

Kathleen Van Kleeck informed the group that incidents are increasing nationwide on paved roads. She discussed concerns regarding ATV use on paved roads, helmets for drivers and passengers, parental supervision, and child use of ATVs.

John Kuo explained that there is no statutory provision at the Maryland Motor Vehicle Administration for off-road vehicles. He said that law enforcement is having difficulty catching drivers on paved roads and when they are caught, vehicle owners cannot be identified. He believes that additional research is needed to identify what other states are doing to resolve these issues.

Tim Jones reported that most children injured on ATVs who are treated at Children's National Medical Center are from the Southern Maryland region. He would like for organizations to consider the size of ATVs for use by children.

Mr. Battley said that ATV manufactures were previously mandated to sell only specific sized ATVs to dealers for the use of children. Although the mandate has expired, dealers have continued to uphold the mandated standards. He expressed concern with improper training and supervision of vehicle use. He would like to identify stricter training requirements.

Discussion ensued regarding age restrictions and helmet/equipment use.

Susan Ziegfeld commented that trauma units see morbidity and loss of limbs can occur in ATV injured patients.

Steve Huettner and Mr. Kuo expressed the importance of education. They believe that people have a misconception about the safety of an ATV vs. a dirt bike because an ATV has four wheels that may give a false sense of confidence regarding stability of the vehicle.

Mr. Kuo said that Maryland MVA will title an ATV on a voluntary basis, but does not register them. Maryland MVA only registers and issues license plates to vehicles meeting applicable NHTSA safety standards for on-road use.

Mr. Battley would like safety courses and registration to begin with the dealers at the time of sale.

Cathy Tharp emphasized the importance of ATV rider courses because it promotes the use of safety equipment. Each time you are connecting with an ATV, even if you are not riding, you must put on equipment in the rider course. She feels repetition helps.

Ms. Van Kleeck discussed whether laws may have to be created in order to get compliance. She said that a federal law was passed in August regarding safety provisions requiring all manufacturers of ATVs to meet the same basic product safety standards. William Casey asked if there were injury statistics available since the law became effective. Ms. Van Kleeck informed the group that in Texas, the number of ATV injuries have decreased in response to the changes to the law.

Ms. Van Kleeck reported that even with a \$100 incentive, only 6% of Marylanders who purchase an ATV take the rider course.

Ms. Tharp said that a transition ATV model is coming on-line for adult-sized children. She said that although two of the three youth model ATVs have a tether cord, the transition ATV model will not.

Issues for Consideration

Ms. Gainer asked the group to prioritize the issues for consideration and to select a chairperson. The order was determined as follows:

- 1) Model Legislation;
- 2) Broader Regulation;
- 3) Safety Equipment;
- 4) Training;
- 5) Age Limits;
- 6) Registration and Tracking;
- 7) Data Collection on ATV incidents; and
- 8) Public Education

Mr. Battley was elected as chairperson.

Future Meeting Dates

The next three meetings of the Task Force were scheduled. The meeting dates and times are as follows:

October 6th at 1 pm;
November 3rd at 1pm; and
December 8th at 1 pm.

All meetings will be held at the MIEMSS headquarters in Baltimore, 653 West Pratt Street.

The meeting was adjourned at 2:43 pm.

Maryland All-Terrain Vehicle (ATV) Safety Task Force

Meeting Summary

October 6, 2008

MEMBERS PRESENT: Devin Battley; Chuck Barrick; Gregory Boutwell, William Casey; Joyce Dantzler; Shannon Frattaroli; Steve Huettner; John Kuo; Richard Lichenstein; Paul Peditto; John Riggio; Michael Silverman; Cathlene Anne Tharpe; Kathy Van Kleeck; Mary Alice Vanhoy; Gamunu Wijetunge; Susan Ziegfeld.

OTHERS PRESENT

MIEMSS: Lisa Myers; John New; Mary Beachley, Carlita Lindsey.

Johns Hopkins Hospital: Delores Sanchez.

The meeting was called to order at 1:06 pm.

Approval of Minutes

The minutes from the September 8, 2008 meeting were amended as follows.

Mr. Peditto indicated that on page 2, all references to State park land should be changed to State forest.

According to Ms. Tharp, although two of the three youth model ATVs will have a tether cord, the transition ATV model will not.

Mr. Battley made a motion to approve the September 8, 2008 meeting minutes. The motion was seconded by Ms. Dantzler. The minutes were unanimously approved as amended.

Specialty Vehicle Institute of America (SVIA)

Ms. Van Kleeck gave an overview of the SVIA Model ATV Legislation.

- Definitions - The model law defines an ATV as having three or four wheels. She explained that 3-wheelers, although no longer manufactured in the United States, are included in the model because people still own them.
- Education and Training - The SVIA currently has an approved training course available for the State of Maryland to adopt which should be helpful.
- Safety Certificate – The Task Force should determine if the safety certificate requirement should apply to private and/or public land. The SVIA model only speaks to public land.

- Age Restrictions – In July 2007 the American National Standards Institute (ANSI) approved the SVIA revised standard which includes expanded youth-model categories and a new “transition” category. The old standard was cubic centimeter based and the new age recommendation is based on speed.
- Equipment Requirements – A federal law was passed August, 2008. H.R. 4040, The Consumer Product Safety Improvement Act of 2008, mandates the Consumer Product Safety Commission to adopt the ANSI standard.
- Prohibited Acts – Discussion ensued regarding ATVs intended by the manufacturer to carry both an operator and a passenger.

Dr. Burd said that the model law should include minimum age requirements for a passenger. Ms. Van Kleeck said that age requirements may vary by manufacturer. Mr. Battley said that only two manufacturers have ATVs with passenger capability.

Ms. Tharp said that most children are injured on single rider ATVs. Dr. Burd would like data on injuries when two people were riding single passenger ATVs vs. two people riding two passenger ATVs. Ms. Vanhoy said that including an “ATV-related” option may better capture data. Mr. Barrick said that the trauma registry already provides most of the discussed data. Dr. Burd would like to include specific category data collection as a component of the Task Force recommendations.

Mr. Battley said that all off-road vehicles should be registered in order to provide a tracking and reporting mechanism. Mr. Kuo reiterated that the MVA registers vehicles for on-road use only, but would be willing to support mandatory titling, not registration, of off-road vehicles. He distributed a sample decal that would be used for titling off-road vehicles. Mr. Huettner said that a registration mechanism would not work because most ATVs are used on private land. Ms. Tharp said that it is not likely that injured patients will know model and registration numbers.

Mr. Peditto expressed concern that titling does not prevent mortality and morbidity. Mr. Huettner said that the Task Force should find a solution that will address public and private land use of ATVs. Mr. Casey asked if the prohibited acts from the model legislation apply to private land also.

Dr. Silverman said that safety, equipment, and age limits can all be accomplished together. He felt that titling the vehicles is the accountability component which should help with reducing mortality numbers.

Age Limits

Dr. Lichenstein expressed concerns with children riding ATVs designed for adults. Dr. Lichenstein said the public health perspective should be considered when the age limits are being made. Ms. Van Kleeck said that children under 16 years old should be encouraged to ride youth model ATVs.

Dr. Frattaroli suggested that section 3.301(a) of the model legislation read “No person under age 6 may operate or ride on an ATV.” Dr. Silverman thinks that children will continue to ride and because of the age restriction, training will not be available.

Training

Ms. Tharp said that when you train a youth on a child size ATV, parents will see the benefit. Mr. Riggio said that children who pass certain levels of training should be able to progressively ride bigger, faster ATVs.

Mr. Battley would like training to be mandated at the time of purchase. The operator would need to pass a safety test.

Ms. Tharp informed the group that the training course is very comprehensive and includes classwork and practical skills, weight shifting, safety, equipment checks, being a responsible rider and respecting your machine and your environment. She encouraged the group to attend a training course in order to get the full perspective on ATV training. The training is basic and children can carry it forward. Parents are required to attend the training with their children.

Ms. Van Kleeck said that when an ATV is purchased, the purchaser’s information is entered into a system by the dealer. The SVIA call center phones the purchaser to encourage them to attend a training course.

Mr. Peditto said that the goal should be to mandate that everyone who is riding an ATV complete training. Ms. Dantzler expressed concern with the wording in the Safety Certificate section of the model law. Mr. Peditto said that the safety certificate and enforcement should be geared toward individual riders, not owners. Mr. Barrick suggested mandating the safety training course. He said a buyer could purchase the vehicle, but not be allowed to take it home without the taking the training course.

Mr. Battley encouraged the group to review the SVIA model as an outline for Maryland to make a decision regarding adoption.

The meeting adjourned at 3:05 pm.

Maryland All-Terrain Vehicle (ATV) Safety Task Force

Meeting Summary

November 3, 2008

MEMBERS PRESENT: Devin Battley; Chuck Barrick; Gregory Boutwell, Randall Burd, Joyce Dantzler; Steve Huettner; Richard Lichenstein; Paul Peditto; John Riggio; Michael Silverman; Kathy Van Kleeck; Gamunu Wijetunge; Susan Ziegfeld.

OTHERS PRESENT

MIEMSS: Mary Beachley (for Pat Gainer); John New; Carlita Lindsey.

MD MVA: Chrissy Niser; Deb Rogers (for John Kuo).

CareFirst: Mark McCoy (for William Casey).

The meeting was called to order at 1:05 pm.

Approval of Minutes

The minutes from the October 6, 2008 meeting were amended as follows.

Dr. Burd was “present” at the October 6th meeting.

The last sentence of bullet one on page 2 should be changed to read, “The old standard was cubic centimeter-based and the new age recommendation is based on speed.”

Mr. Boutwell indicated that the second paragraph on page two references to “two passengers” should be changed to “two persons.”

Mr. Riggio made a motion to approve the October 6, 2008 meeting minutes, as amended. The motion was seconded by Mr. Boutwell. The minutes were unanimously approved as amended.

Safety Certificates

Mr. Battley suggested that the group recommend mandatory safety training courses for all youth riders under the age of sixteen.

“Ms. Van Kleeck expressed concerns regarding training requirements for purchasers of ATVs rather than operators. She said other states have training requirements for use, rather than purchase, since purchasers of ATVs are not always the operator of the ATV.” Mr. Boutwell likes the Rhode Island model requiring training for people less than 16 years or first-time buyers. Ms. VanKleeck said that there would be a challenge enforcing the requirements.

Mr. Huettner asked if safety certificates should be obtained before and ATV is purchased and/or ridden. He agrees that minors should have safety certificates but questions appropriateness of timing.

Mr. Barrick said that ATV purchases are not whimsical and that safety courses should be held before the purchase, similar to gun laws.

Mr. Huettner expressed concern that if a child is already riding an ATV, there is no incentive for the parent to send the child to a safety course. Dr. Silverman suggested that fines are built into the titling process. He also suggested that failure to obtain a safety certificate within 30, 60, or 90-days of receiving a title should result in a fine. Ms. Nizer told the group that MVA does not ask for the age of a person when titling ATVs and reminded that group that the title is usually under the parents' name.

Dr. Lichenstein agreed with the safety certificate requirement but expressed concern with the limited number of places to ride an ATV in Maryland. Mr. Peditto informed the group that DNR provides training classes for people that do not have or bring an ATV to the course. The number of classes is based on demand. Dr. Lichenstein said that he would prefer if children receive training prior to purchase of an ATV.

Mr. Peditto said that less than 30% of ATV accidents and fatalities are children less than 16 years. He said that if you have not demonstrated the ability to ride, with the exception of some grandfathering, you should have to take the safety course regardless of age if you are a first-time buyer or under age 16. Mr. Huettner and Dr. Silverman agreed.

Ms. VanKleeck suggests wording for the age requirements read, "...if you were born after 1992..."

Ms. VanKleeck said that public service announcements regarding safety certificates should be created to get the word out through media outlets. Mr. Peditto feels that citations for noncompliance in Maryland would send purchasers to neighboring states.

Dr. Lichenstein asked if safety certificates are required of Maryland youth who ride in West Virginia. Mr. Peditto said that a certificate is required if you are in West Virginia for more than 3 days, otherwise, no. He said that Maryland could enter into a reciprocity agreement with West Virginia.

Mr. Battley suggested that any ATV operators 16 years or younger and all new owners (riders) receive mandatory training. Mr. Peditto said that this requirement would not be applicable for agricultural or farm usage.

Mr. Peditto asked how safety certificate training would be funded. Ms. VanKleeck said that currently, owners of new ATVs and eligible family members may take the course at no cost. For used ATV purchases, there is a \$75 fee for children under age 16 and \$125 for adults.

Mr. Battley said that the titling provision should be included to better track and understand the number of ATVs in Maryland. Dr. Lichenstein asked the difference between registration and titling. Ms. Niser said that, in general, a title is an ownership document, while registration is certification to ride on the road. She said that there are 8,000 ATVs titled in Maryland. The legislature had been concerned with the allocation of the \$50 titling fees. Ms. Deb Rogers said that the only way to title an ATV in Maryland is through an electronic registration and titling system. Lien holders usually want the borrower to obtain a title.

Further discussion ensued.

The Task Force agreed that there should be mandatory training prior to ATV use for all riders under 16 years and all new riders, all others may be grandfathered in.

Regulation and Tracking

Dr. Burd said that data collection should reflect the impact of the safety training. Dr. Silverman said the data should also show the number of people being training and if the number of ATV-related injury patients are increasing or decreasing.

Mr. Wijetunge inquired about the safety benefit of training. Ms. Van Kleeck said that titling would allow for better tracking of ATVs in Maryland.

The Task Force agreed that all new sales of ATVs will require mandatory titling. Sample wording could be "from this day forward..."

Data Collection

The Task Force discussed collecting data through the trauma registry. Ms. Beachley informed the group that some data would not be captured as the trauma registry only tracks patients who are seen in a trauma center. Mr. New said that the MAIS sheet currently has an option for ATV injury. Dr. Silverman said that the MAIS sheet may need to be revised in order to capture more data.

Dr. Burd expressed concerns about major injuries and fatalities. He said that better resources should be provided to trauma centers to capture the data and that trauma centers are willing to make data collection a priority. He agreed with Dr. Silverman and said that any ATV legislation created should recommend that certain information be collected to capture better data.

Mr. Barrick said that, in his opinion, the costs to reprogram current data fields to capture more data for both trauma and EMS should be minor..

Mr. Wijetunge asked if the Task Force had the authority to recommend that a state agency create an annual report on ATV injuries. If a law is passed, a state agency should be responsible for re-examining the safety issue. Mr. New said that 80% of ATV injured patients are taken to community hospitals, and so would not be captured in the trauma registry. Also, ATV-injured patients can be transported to the hospital by private vehicle, so there would be no ambulance-generated MAIS report. Ms. Beachley said that trauma registrars in trauma centers will have to

be educated on coding. She also said that an MOU with community hospitals may be necessary in order to collect ATV-related injury data from them .

Mr. Huettner suggested that the Task Force recommend that all forms of data collection be accessed.

Dr. Burd said that additional reporting beyond mortality and fatality should also be considered for inclusion in any legislation. Mr. Peditto said that DNR should be required to report all information related to ATVs in the CAD system.

Mr. Wijetunge suggested that a designated state agency could examine and report the impact of any new state laws on morbidity and mortality.

Other Business

Discussion ensued about similar regulation of side-by-sides or to include “side-by-sides” in the ATV legislation. Mr. Boutwell informed the group that no one under age 16 may operate a two-seater ATV and that there is no age requirement for the passenger. The only requirement is that the passenger’s feet should be able to touch the floorboards and hands must reach the handlebars. Task Force Members felt that the issue of side-by-side would be a problem but also realized that this issue was not included in their charge.

Chairman Battley and Ms. Beachley asked the group for final consensus of the issues for consideration. The decisions of the Task Force were summarized as follows:

- 1) Title all newly purchased ATV’s beginning with an agreed start date;
- 2) Have mandatory training before use for all new riders and riders less than age 16; and
- 3) Data collection process on injury and deaths from ATV/s going forward.

The meeting adjourned at 2:51 pm.

Maryland All-Terrain Vehicle (ATV) Safety Task Force

Meeting Summary

December 8, 2008

MEMBERS PRESENT: Devin Battley; Chuck Barrick; Gregory Boutwell, Randall Burd, William Casey; Joyce Dantzler; Shannon Frattaroli; Patricia Gainer; John Kuo; Richard Lichenstein; Paul Peditto; John Riggio; Michael Silverman; Kathy Van Kleeck; Mary Alice Van Hoy; Gamunu Wijetunge; Susan Ziegfeld.

OTHERS PRESENT

MIEMSS: John New; Lisa Myers; Carlita Lindsey.

MD MVA: Chrissy Niser.

Children's National Medical Center: Tim Jones.

The meeting was called to order at 1:08 pm.

Approval of Minutes

The minutes from the November 3, 2008 meeting were amended as follows.

On page one of the Safety Certificates heading, paragraph 2 should read, "Ms. Van Kleeck expressed concerns regarding training requirements for purchasers of ATVs rather than operators. She said other states have training requirements for use, rather than purchase, since purchasers of ATVs are not always the operator of the ATV."

On page 4, the second paragraph should read, "Mr. Wijetunge suggested that a designated state agency could examine and report the impact of any new state laws on morbidity and mortality.

Mr. Boutwell made a motion to approve the November 3, 2008 meeting minutes, as amended. The motion was seconded by Mr. Wijetunge. The minutes were unanimously approved as amended.

Interim Report to the General Assembly

Ms. Gainer gave an overview of the reporting requirements of the ATV Safety Task Force to the General Assembly. She summarized the draft of the report to be sent to the Legislature which included the following recommendations of the committee:

- 1) All newly-purchased ATVs should be titled, beginning with an identified start date for the titling requirement.
- 2) Training before use of ATVs should be mandatory for all riders under 16 years of age.
- 3) Data collection on ATV associated injury and deaths in Maryland should be required.

Dr. Silverman said he thought the Task Force had essentially reached consensus on safety equipment requirements. The Task Force decided to discuss this and other areas to clarify where consensus had been reached.

Safety Equipment - Mr. Battley said that he thought that it will be hard to mandate universal helmet use. Ms. Van Kleeck informed the group that the SVIA supports the use of safety equipment especially for operators under age 16, but agreed that enforcement on private land will be difficult. Ms. Vanhoy, Dr. Lichenstein, Ms. Dantzler, Dr. Frattaroli, Dr. Silverman, and Ms. Ziegfeld all support mandated helmet use for all.

The Task Force discussed whether an exemption from helmet use should be created for certain uses, such as agriculture or on agricultural land. Mr. Battley said that only operators under age 16 should be required to wear safety equipment. Mr. Boutwell said that ATV Clubs support mandatory helmet use for all, but could support helmet use for operators under age 16. Mr. Riggio indicated that he does not support mandatory helmet use. Mr. Peditto said that helmet use is mandatory for everyone riding on DNR land. The majority of Task Force members indicated support for mandatory helmet use for all ages.

Ms. Vanhoy asked for clarification on what would constitute “agricultural land”. Mr. Peditto said that it is currently defined as any land that is not developed.

After further discussion, the Task Force reached consensus that helmet use and eye protection should be required for all operators and passengers of ATVs and that use of additional safety equipment would be recommended, but would not be required.

Safety Training - The Task Force said that the mandatory training recommendation in the draft report should be amended to say all operators under age 18. Training should be recommended for persons 18 years and older, but not required. The group also decided that beginning July 1, 2010, all new ATV operators should be required to complete an ATV Safety Institute course or an approved equivalent.

Ms. Ziegfeld asked the group if there should be minimum age requirements for operators of ATVs. The Task Force concluded that no person under the age of 6 should be a passenger or operator of an ATV. The group also decided that persons between ages 6 – 16 years should operate age-appropriate and appropriately-sized ATVs.

Public Education – Ms. Van Kleeck suggested that MIEMSS coordinate a media event to promote ATV safety. Ms. Gainer proposed that media events be held by each of the organizations represented on the Task Force in order to promote a coordinated message about ATV safety. The Task Force suggested that an Off-Road Safety Awareness Day or Week would be helpful to increase public awareness. Ms. Vanhoy suggested the event be held in late spring prior to school closings for summer vacation. The Task Force agreed.

The members of the Task Force agreed that the public education component should stress that ATV use is prohibited on public roads, except for crossing the road at a 90 degree angle. Dr. Frattaroli said that she would like the Task Force to make a strong statement about prohibition of ATV operation on paved roads.

Mr. Battley suggested that any ATV legislation for changes to Maryland law that are based on the Task Force recommendations should be housed within the Transportation Article. The group agreed.

The Task Force also decided that a portion of the titling fees should be allocated to the Department of Natural Resources for maintenance and trail development, as well as to public education initiatives.

Discussion ensued regarding ATV passengers. The Task Force agreed that the report should include a recommendation that prohibits passengers on ATVs except for ATVs designed specifically by the manufacturer to include passengers.

Mr. Peditto said that “side-by-side” vehicle operators should follow ATV standards until a side-by-side standard is in place. Ms. Van Kleeck asked whether Maryland has a definition for “ATV”. Mr. Peditto said Maryland does have a definition for ATVs, although it excludes “side-by-sides”. The Task Force agreed that any legislation should include a definition of an all-terrain vehicle. Mr. Kuo said that we should be cautious when creating the definition of ATV to ensure that motorcycles and other vehicles are not inadvertently categorized as an ATV.

Discussion continued regarding recreational off-highway vehicles (ROVs) and utility terrain vehicles (UTVs). The Task Force members agreed that while these vehicles are becoming increasingly popular, they are not currently identified as ATVs. The group recommended that another Task Force should be convened to study these vehicles, since consideration of these vehicles is beyond the scope of the ATV Task Force.

Data Collection – Mr. Barrick informed the group that the Trauma Coordinators at each trauma center had decided to modify their injury coding to better capture ATV-related injury data. Ms. Ziegfeld expressed concern with the ability of capturing data from community hospitals. Ms. Gainer suggested that a comprehensive approach is needed to capture ATV related injury data. The Task Force discussed the need for a coordinated data collection effort that would involve the EMS community, trauma centers, community hospitals, and state agencies working together to capture accurate ATV-related injury data.

Task Force members discussed whether any further meetings were necessary, since the group had concluded its deliberations of all the issues identified for consideration. Task Force members decided that the report to be sent to the Legislature would function as both the interim and final reports, since the Task Force work was concluded. The Task Force set a tentative meeting date for late January, however, in the event that ATV-related legislation is proposed in the General Assembly. The tentative meeting is scheduled for 1:00 p.m. January 26, 2009. The meeting will not be held unless necessary.

The Task Force meeting adjourned at 3:05 pm.