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CONSUMER PRODUCT SAFETY COMMISSION

TRANSCRIPT OF PROCEEDINGS

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MR SCANLON Welcome, ladies and gentlemen, to the fourth in a series of five public hearings being held by the US Consumer Product Safety Commission on all-terrain vehicles, ATVs. It is a pleasure to be here in Milwaukee today to receive testimony from Senator Bob Kasten and all the other witnesses who will be appearing before us. Our whole purpose is to hear firsthand, from people who have an interest in ATVs, whether or not you think they are dangerous. And, if so, what you think should be done to make them less so.

By the way of background, recent projections indicate that ATV-related injuries have risen from an estimated 8,585 nationwide during all of 1982 to an estimated 52,000 for the first six months of 1985. Moreover, the CPSC is aware of at least 233 deaths related, in one way or another, to the use of ATVs. Regrettably, there have been 22 ATV-related deaths right here in Wisconsin since 1982.

Unquestionably, the rapid growth of ATV sales account for some of this increase in injuries and deaths. Nearly three-quarters of a million ATVs are expected to be sold this year, bringing to 2.5 million the number of ATVs in use. But there is more to it than that. For instance, 23.2 percent of those killed have been children under 12, and 49.8 percent were children under 16. These figures suggest that, contrary to what some may believe, a three-wheeled ATV is not just
another tricycle that anyone can hop on and ride without the benefit of some instruction

Speaking of training, our studies to date have revealed that roughly 16 times as many ATVs will be sold this year as people will be trained by the industry to ride them. This, to my way of thinking, is a real problem, especially since the ratio doesn't take into account the fact that ATV owners often allow other people, likewise untrained, to ride their machine. Something has to be done, and quickly, to close the gap between the pool of people needing ATV training and the ATV training that is currently available. There are several ways to close that gap. Including training in the purchase price of the ATV is one. And I hope those working on the voluntary standard will give them the most serious consideration. Without proper ATV training, and more of it, the injury and death toll will be difficult to reduce, regardless of whatever else may be done.

Now for the good news. I am happy to report that the CPSC's ATV action plan is well underway and going strong. Telephone checks on over 300 recent ATV-related accidents have already been completed. Engineering work, testing ATVs over a variety of terrains, has begun, and more tests are planned. A detailed study of the capabilities of children of various ages in relation to ATV usage has been completed, and record progress has been made with respect to a voluntary
standard on ATVs

A draft of this standard, which deals with age labeling, training and standardization of controls, has been submitted to the American National Standards Institute approved canvass list for comment. Once the comments have been received, which should be in 30 days or less, the stage will be set for formal submission of the standard to ANSI for approval. If all goes well, that would mean a voluntary standard could be in place by October or November of this year, quite a contrast to the 12 to 18 months the process normally takes. Of course, the significance of that will depend, as I suggested earlier when discussing training, on the final wording of that standard. But at the very least, its rapid evolution is good news. So, too, is the indication that language on performance characteristics will be added at a later date.

As for the possibility of other corrective measures, right now it is simply too early to say what might or might not be appropriate. For instance, we certainly do not have the data at this point to justify a ban on ATV sales or a recall of those ATVs already in use. But, on the other hand, if the results of studies indicate that the remedies proposed in the voluntary standard are inadequate, then additional steps may be necessary. In any event, we expect that the results of our ongoing investigations will enable us to
develop a preliminary ATV injury analysis within the next six months and to have final recommendations ready by September 30 of next year.

At this point, I would be remiss if I did not mention that the input provided at these public hearings has been and will be most helpful to us in this process. My thanks to all who have participated in the past and who are participating today. Your time, experience, interest, and expertise are most appreciated.

At this time I would like to introduce my colleague, Commissioner Carol Dawson. Carol?

MS DAWSON Thank you, Mr. Chairman. I am delighted to be here in this great city of Milwaukee.

I join in welcoming you to this hearing, Senator Kasten. I compliment you on your concern about this very important issue. As you know, Senator, Wisconsin has had one of the higher death rates associated with ATV use. At the same time, many residents of this state and other Midwestern states continue to enjoy ATVs, both because of their utility and their recreational value. In your dual role as senator from Wisconsin and chairman of the Senate Consumer Subcommittee, you have a unique vantage point from which to address the ATV issue, and I look forward to hearing your testimony.

I also welcome each of you who has taken the time to
be here this morning. This hearing is an essential part of
the Consumer Product Safety Commission's study of all-terrain
vehicles. It is important that, as we study the underlying
causes for the deaths and injuries associated with ATVs, we
get firsthand information from you, the users, the dealers,
the medical and law enforcement professionals, and others who
are involved with ATVs on a regular basis.

This is the Commission's fourth public hearing on ATVs.
Through these public forums we have obtained much useful
information about these unique vehicles. Whatever the
Commission ultimately decides to do about ATVs will be
determined in a significant way by what you and others at
similar hearings have to say.

Let me emphasize that, regardless of what you may have
read or heard, the Consumer Product Safety Commission has not
made a decision on how best to address the ATV situation. We
are engaged in a broad-based study of the matter, including
engineering studies, reviews of accident records, and
testimony from people such as you who have experience with
ATVs. No decision will be made until we have reviewed that
information.

As for myself, let me assure you that I come here
today with an open mind. I am a mother of four and thus
recognize the concerns that any parent would have about their
children riding these motorized vehicles. I have taken the
ATV training course offered by the industry in order to better understand the ATV's unique handling characteristics. I have attended these public hearings to learn about users' experiences. I have reviewed the agency's test data as it becomes available. In short, I have tried to get as much input as possible in order to understand the scope of the problem, and I will continue to do so before making a final decision. Throughout my deliberations, I am guided by the view that we should use the least drastic means of federal intervention necessary to protect the consumers from the risk of needless injuries.

Regardless of our individual viewpoints, all of us on the Commission seek to serve and protect the American consumer. You can help us do that by your testimony today. I again thank you for being with us, and look forward to hearing from each of you.

MR SCANLON: Thank you, Commissioner Dawson.

The Commission is most pleased and honored that the distinguished senator from Wisconsin, Bob Kasten, will be our lead-off witness. Senator Kasten chairs the Senate subcommittee on consumers which has the Consumer Product Safety Commission, and hence all-terrain vehicles, within its jurisdiction. As chairman, the Senator has done an outstanding job, and we very much look forward to hearing what he has to say this morning.
It's a pleasure to have you here, Senator

SENATOR KASTEN

Commissioner Scanlon, Commissioner Dawson, as I begin, I think we have kind of reversed roles Usually you're sitting here, and I'm sitting there So I appreciate the opportunity to be here

But first of all, welcome to Wisconsin And I thank you very much for putting Wisconsin on your list of hearing places because I think it's very important that people from Wisconsin have the opportunity to participate in the deliberations that both of you described I am pleased to be here this morning for really two reasons First, to welcome the Consumer Product Safety Commission back to Milwaukee and, second, to thank you for holding this hearing on all-terrain vehicles, or ATVs

As the chairman of the Consumer Subcommittee of the U S Senate Commerce Committee, I have followed the development of this issue for some time, both in my role as chairman of the Consumer Subcommittee and also in my role as senator from the state of Wisconsin, because, as you have described, we have had some very alarming statistics with regard to deaths and injuries on ATVs Frankly, the rising statistics of deaths and injuries associated with ATV use is truly alarming At least 233 deaths related to ATV use nationwide have been documented since 1982 Injuries have risen by more than 600 percent during that time And I might
point out these are reported injuries. Who knows how many injuries that go unreported from the use of ATVs. Right here in Wisconsin, Mr. Chairman, as you pointed out, we have suffered the second highest death toll in the country from ATV use. At least 22 Wisconsinites have been killed, thousands have been injured in the past three and a half years.

As many of you know, the tragic aspect of these grim statistics is the fact that so many of the deaths and injuries associated with ATVs are suffered by young people. According to the data that you have cited, almost a fourth of those killed are under 12 years of age, and nearly half are under 16. The stories of the tragedies across the state of Wisconsin abound. A 13-year-old boy from Verona whose ATV struck a six-inch dip in an open field at 25 miles an hour, caused him to strike the front handlebar and caused fatal internal injuries. A 14-year-old Medford girl died after her ATV flipped on a gravel surface and struck her in the head. A 36-year-old man from Marinette whose ATV slid off the ice into open water during an ice fishing trip. Not only was he drowned, but his four-year-old son who was riding with him drowned as well.

The list goes on and on. These are indeed grim statistics. Clearly the time has come to find out what is causing this extraordinary toll of tragedy and what might be
done to reduce it substantially

I realize, Mr Chairman, that finding workable solutions to the problems surrounding ATVs is going to take some time. But, frankly, we've got to move and act as quickly as possible. This CPSC hearing and the others that you have held will gather much of the information necessary to formulate positive steps to address this problem. But I want to point out that time is of the essence. We simply have got to move forward in terms of dealing with this problem.

I was pleased to see the CPSC adopt the Seven Point Plan on ATVs last April, and I commend you, Mr Chairman, for that effort. In addition to soliciting valuable input from a wide variety of affected parties, it calls for the acquisition, now underway, of the engineering, the human factors, medical and usage data that's essential if informed conclusions are to be made.

In addition, I believe the work being done on the voluntary industry standard should be strongly encouraged. I would change that, must be strongly encouraged. The voluntary industry standard I think is crucial. Getting the cooperation of the manufacturers is essential in this process. And the industry has already embarked on safety campaigns involving literature and safety guides. Also instituting rider training programs and public service announcements for radio, TV and also for trade magazines.
I am pleased that the preliminary draft of the voluntary standard addresses a number of key questions that have been brought up in discussions that I have had with people here and also that we are receiving back and forth, in contacts from constituents, things such as age labeling, training, and particularly the standardization of controls. It's my hope that the American National Standards Institute will be able to approve a final draft of this standard in the near future. Of course, a lot of this is going to depend on the final language of the standard. But its rapid evolution I believe is good news, and once again demonstrates that the 1981 amendments to the Consumer Product Safety Act, which originally called for voluntary standards, are working as we intended.

In terms of looking for long-term solutions to the problems associated with ATV use, I am especially interested in seeing an increased emphasis on training. I commend the Commission's attention to the leadership that our state, the state of Wisconsin, has taken in passing legislation aimed at seeing a greater emphasis in supervision and training, particularly for younger ATV users. Beginning in July of next year, Wisconsin will require that all persons under 12 years of age be accompanied by an individual 18 years or older to operate an ATV. Anyone 12 to 16 years must pass a safety course and receive a safety certificate to ride an ATV.
This measure adds our state to the list of those that are beginning to look into the problem with an eye toward preventive action.

And it is my hope that any action the CPSC decides to take on this issue will compliment the kind of state-initiated action that we in Wisconsin are taking. I think if we come in at cross purposes, with some kind of federal legislation that overrides or changes or is in controversy or is in conflict with the state action that a number of states are taking, I think that we would not be serving a useful purpose. So anything that we do on the federal level I am hopeful will compliment the kind of state-initiated action that the state of Wisconsin is taking.

Mr. Chairman, as encouraging as these developments may be, I think it's important to note in conclusion that they may not be all that is necessary to address this problem. The very fact that half of the ATV-related accident fatalities were children under 16 warns against such premature conclusions.

Once again, Mr. Chairman, I commend you and the Commission for the work that you are doing on this issue, particularly for holding these hearings. And as chairman of the Consumer Subcommittee, I look forward to continuing to work closely with you as we attempt to alleviate this important problem. Thank you for the opportunity of
testifying before you today

MR SCANLON  Thank you, Senator, very much. We
certainly appreciate your interest. I might add that I find
it much more comfortable being on this side of the table. I
can get used to this.

Senator, let me ask you this. I wanted to commend you
for two things, especially. One is, as one of the authors of
the 1981 amendments to the Consumer Product Safety Act, you
should feel proud. Because the activity that is now going on
with the ATV voluntary standard never would have happened or
would not have been moving as fastly as it is if we had not
had those amendments to work with. So I commend you for that.

Also, I commend you as a Wisconsinite for the -- for
representing the state which is one of the first states to
enact legislation requiring training of children prior to use
of an ATV.

I do have a question for you. In your position as
chairman of the Consumer Subcommittee in the Senate and as a
representative of the state, what feedback have you received
from ATV users locally?

SENATOR KASTEN  Well, Mr. Chairman, this is an
issue that I think is without question of growing concern to
a broad group of people across the state of Wisconsin. We
have been receiving increasing correspondence on ATVs. We
have been receiving it at different office hours, more and
more people who are concerned. And, frankly, the concern is coming from a number of different directions. If you will, I could say that we are hearing from all sides of this very complex issue.

There are a number of people that I think can come together in terms of the concern overall of the safety factors involved. A number of people, I would say the overwhelming majority of people, are greatly concerned about the growing industry, about the statistics, as we see articles in the papers, as we learn more and more about this.

On the other hand, I've got to say that there are a number of people, particularly in the northern and western part of this state, who are not in favor of stricter government regulation. So I think our job is to strike a balance, if you will.

There are also some people -- and this is not an issue that you're going to address directly, but I think it's an issue that we have to address in general -- a growing number of people who are concerned about the environmental aspects, the environmental concerns of the ATVs. It's similar to the problems we had with snowmobiles at one time, and that now is starting to balance itself out. But there are a number of environmental concerns that are not really within your jurisdiction, but frankly end up in mine because we end up with the broader picture.

I think that there is merit to all these different
views. Something has got to be done to try to prevent the kind of accident statistics that we are now seeing with ATVs. Yet, frankly, barring some new disclosure of an inherently unsafe aspect of one of these vehicles, I don't believe that the Government should come in with a blanket ban on the sales of ATVs. I think what we want to do is to deal with the problem, recognizing these various concerns that we've got to balance.

So I am hearing from more and more -- I'm giving you a long answer to your question, but I'm hearing from more and more people on all sides of the issue. I am not convinced that the state of Wisconsin wants a blanket ban on the sales, but I do believe that there is a growing consensus that we've got to do something about the injury statistics, and most particularly deal with the problems of younger, untrained drivers and riders.

MR SCANLON Thank you, Senator. I know you've been following the activities of the Commission as it relates to ATVs. Do you have any suggestions on anything that we have not done that we should be doing?

SENATOR KASTEN Well, Mr Chairman, I just want to say that, as chairman of the Consumer Subcommittee, I think we're going to be looking very closely at how the voluntary industry standard process works. We have been through this with chain saws, it has worked relatively well. We have been
through this with lawn mowers, it has worked relatively well
But I think the public attention, in terms of whether we were
right in 1981 when we put together these voluntary standards
-- this is an issue that has grabbed the public's attention

I would urge you to work closely with the industry. I
know that there are industry representatives who are in the
audience today. A number of people are going to be looking
to the industry and looking at this example as to whether or
not the 1981 amendments, in fact, can work. If they can work,
this would be used as an example that we can all go back to
and say, "Look what happened. The industry did do what was
needed, we were able to work with different states, we were
able to reach, on one standard or -- one level of government
or another, a training standard." But I think that the
voluntary standards that the industry sets, along with some
of the standardization of controls and other efforts that
they are making, I think are going to be very important

So I would urge you, as chairman of the Consumer
Product Safety Commission, you and your fellow commissioners,
to do everything you can to be sure that the voluntary
standards which the industry sets up are, in fact, meaningful,
have teeth, solve the problem, and are viewed by the public
as a whole, including key consumer groups -- are viewed as
being able to deal with the problem

Secondly, I would just repeat what I said before, that
I would urge you to encourage states to follow the lead of states like ours, which has gone forward with an effort toward training, and ask that you carefully consider, as you look at standards or as you look at rules or as you look at regulations that you might promulgate, carefully consider that what you do isn't in conflict with what states have done on their own, to the degree that you can make this consistent.

So I guess those would be the only two comments.

Number one, make sure that the industry standard process works, and number two, be sure that anything that we do at the federal level doesn't conflict with what I would look at as progressive, thoughtful states are doing. I wish I could take credit for the state legislation I can't. But I can certainly commend those who worked on it. And I think it's important that whatever we do at the federal level not be in conflict with what has happened at the state level.

MR SCANLON Thank you, Senator. And I think we agree with both recommendations, and we will be sure that we make sure that that happens.

Commissioner Dawson, do you have any questions for the Senator?

MS DAWSON Just a general comment. I want to concur in the fine statement Senator Kasten has given us today. And I also want to compliment those in the state of Wisconsin that have come up with this state legislation,
which I understand will take effect next year. I feel that that probably is one of the good approaches, together with what this Commission can do.

You mentioned, Senator, that this is an issue which has grabbed public attention. I hope you're right about that. I wanted to ask you, though, if your feeling about our working with industry in connection with voluntary standards, which is an approach I do support, should include our, as a commission, getting involved in information programs? I myself took the training course which the industry offers. I felt it was very helpful. I am certainly in favor of training as one approach. But I also think that informing the public about the hazards associated with the use of these vehicles and also the need for training is one critical function that we, the Commission, can perform. Do you see a role for the Commission, in cooperation both with industry and with states like Wisconsin, in the information area?

SENATOR KASTEN: I think there's a key role that the Consumer Product Safety Commission can play in terms of demonstrating and bringing forth information to the public on the problems and on the dangers and on the need for training on ATVs. And I think that hearings such as the hearings -- this series of hearings that we are participating in today, along with other information from the Consumer Product Safety...
Commission, can play a valuable role in terms of bringing the people's attention to the fact that this isn't a tricycle, as the chairman or maybe you, Carol, referred to it. It's a complicated, difficult -- I have not taken the training program. I have ridden an ATV. It's something that you can't take lightly. And I think that the Consumer Product Safety Commission, because you've got this national platform, if you will, has a role to play in terms of bringing forth these ideas to the public.

So these hearings, along with whatever other work that you're going to be doing in terms of talking about the necessity -- I'd like to think that after this hearing and after your complete set of hearings is concluded that you might be able, for example, to use Wisconsin as an example and say, "Well, when we were working state by state by state, we discovered a couple of good ideas out there. One of those good ideas is something that Wisconsin has done, and we would suggest that other states follow in this direction." Now, I'm not sure that ours is going to be the best. But at least we're taking a step in the right direction. I'm not certain what other states have done, but I do know that we're in the lead. And there may be ways that you, on a national level, can take the ideas that you gather in this set of hearings and then make the entire country -- through your information dissemination process, make the entire country aware of some
of the positive steps that a number of states have taken

MS DAWSON I agree I think that we do have a role there to perform as a clearinghouse for information that we either obtain both from these hearings or from other sources the Commission has And I would suggest also that in your unique position, that you have a unique and key role in terms of people in this state being able to come to you with suggestions So that if you do receive suggestions, say from user groups, people that are enthusiasts who are involved in safety programs on a local level particularly, that you could share those with us if they do come to you with those kinds of suggestions

MR SCANLON Thank you, Senator, very much We will take your recommendations under serious consideration We have done much of what I think you are suggesting and will continue to do so I might add that Wisconsin is the lead state in requiring training for users of ATVs

SENATOR KASTEN Thank you once again for coming to Milwaukee I look forward to listening to at least some of the testimony this morning, and then we will have a chance to review it together in Washington But thank you again for being here

MR SCANLON Thank you

Let me turn to the agenda for today's session We will be listening to the testimony of approximately 37
witnesses who, for the purposes of clarity, will be divided
into six groups or panels. After a panel is called, each
witness on it will testify individually. And then when all
testimony from that panel is completed, there will be some
questions of individual witnesses posed by myself,
'Commissioner Dawson, Len DeFiore, our executive director who
is sitting to my immediate left, or from Dan Levinson, our
general counsel So that we may hear from everyone who
wishes to contribute, witnesses are asked to limit their
initial testimony to five minutes. That's five minutes, and
to keep their responses to questions as brief and to the
point as possible

We will begin with our first panel. We have one
manufacturer representing the industry, Walter Olmstead, Sr.,
executive vice-president of Carl Heald, Inc. in Benton Harbor,
Michigan. Mr. Olmstead, thanks for coming

MR OLMSTEAD I appreciate the opportunity to be
here, quite obviously, since you are close to my business
location, and it is a relatively pleasant drive from Michigan
to Wisconsin on a nice morning

I would like to address three areas that relate to the
safety issue, if you will, and then a fourth area, which is a
product of these proceedings. It is of special interest to
my company. I am Walter Olmstead, Sr., executive
vice-president of Carl Heald, Incorporated of Benton Harbor,
Michigan, just across the lake. Traffic would have been much better that way. While we take great pride in being the world's largest supplier of two-, three- and four-wheel motor vehicle kits, we are a small company when compared to the major suppliers of three- and four-wheel ATVs.

Carl Heald, Incorporated started manufacturing mini-bike kits in 1969, some 16 years ago. Today our line includes an off-road cycle, three-wheel Super Trykes, which are one- or two-passenger low-seat utility vehicles, an ATC type single-passenger three wheeler, as well as an extensive line of three- and four-wheel quarter-ton utility trucks intended for off-road use.

Among our valued customers we include the local paper boy, our nation's farmers, giant corporations, the physically handicapped and the U.S. military. While a small company, Carl Heald has enjoyed an enviable record for quality, concern for user safety and value in the products we market. Since we and our families have been the first users of each of our products, we have been long aware of the personal implications of product safety.

We have reviewed the SVIA draft voluntary standard for ATVs and have made comments in those areas of unique concern or where we feel there is a better way. Let me say that we fully support establishment of a standard as a cornerstone of an effective ATV safety program. Of particular interest to
us was the issue of age competency and evaluating age competency recommendations by the manufacturers. Consumer or user information, training, education is another vital element in the safety formula. We at Carl Heald, Incorporated have made an owner's manual part of our vehicles since day one. Included back then, in the mini-bikes and today, were pre-use checks, operational do's and don'ts, as well as the normal maintenance functions.

I, too, am a parent. I have three grown children now. They have survived this business quite handily. They were obviously presented some unique opportunities, as the son and daughters of a person in the business. We found that there was a vast difference among our children, and this goes back to age competency. As a matter of fact, our youngest daughter was a real problem in that her last instinct was to let go of the throttle under any circumstance, and it caused us a great deal of grief.

The point here is that I believe that the consumer or user information and training and education also has to be directed at parents or the providers of the vehicles in that there has to be, if we're going to protect these kids, a substantial basis for parental discretion and control over the use of vehicles. It's just essential that parents realize that these aren't tricycles or these aren't toys. And that has to be, I think, one of the focal points of an
In addition to the manufacturers' efforts, we believe that each state's ORV program should include a budget dedicated to reaching the juvenile or first-use individual entering the ATV user group. This amplification and reinforcement of the industry safety program has the highest level of effectiveness. We see extensive testimony as to the effectiveness of these programs in the success of driver education, hunter safety and snowmobile safety programs in those states where they are in force.

Regrettably, it also appears that, in the developing years especially, somewhat like the snowmobile curve, the users of ATVs need some discipline that penalizes unlawful and imprudent use. This requires some uniform set of rules and a means of enforcement, or the threat of enforcement. We believe that the SVIA and CPSC ATV task force could be the source of a model that can be adopted by states with ORV programs.

There is one more facet of the ATV problem that is critical to many of the smaller producers and to Carl Heald in particular. This is the basic image that now accompanies any vehicle with three or four large, soft tires. My company has an enviable record in the area of product safety. We have no suits pending. We have no significant past history of products litigation. We believe that, at a maximum, 16 to
20 percent of our sales are in the recreational ATV market. In spite of this, at this time we cannot get continuing products coverage. Now, I didn't say at a reasonable price. I said we just can't get coverage. As soon as the insurer discovers that the vehicles are, A, off road, B, use big, soft tires, and C, have three or four wheels, the door slams shut in our face.

This is something that has happened in the last year. It doesn't seem to matter that the user is the Air Force, a State park, a paraplegic, a golf course, a farmer, a police department, a corporate grounds-keeping department, or any of hundreds of utility vehicle users. We now are carrying the curse as an outfall of the basic focus on ATVs and its carryover to the utility vehicle market, which is the heart of my business.

Carl Heald, Incorporated is soon faced with the prospect of operating without insurance coverage or simply going out of business. I am aware of others in the industry that face the same dilemma. I suspect some of the smaller operators will elect to risk running bare. That is of special concern when it comes to the consumer being injured.

Yes, sir?

MR SCANLON Your time is up, if you could just summarize your concluding statement.

MR OLMSTEAD Very good. In short, Carl Heald of
Benton Harbor, Michigan and some other American companies may not be with us next year. In my case, it means a loss of 40 jobs in Benton Harbor, Michigan and millions of dollars in American commerce. My engines are built in Wisconsin. My frames are made in Elkhart, Indiana, my tires in Carlisle, Pennsylvania.

It is absolutely essential that a new perspective come from these hearings and the CPSC that places the focus of the proceedings on improper operation or use of ATVs and makes some distinction between types of vehicles and vehicle uses.

We believe that the continued vitality of several small American companies rests in your hands, and the establishment of a new and more precise focus on the source of the ATV problem.

I thank you, sir.

MR SCANLON Thank you, Mr Olmstead. How do you judge the age competency you just described?

MR OLMSTEAD We look at it in our application as one of the child's both physical size and capability as well as mental age, comprehension capabilities. And we find that, in our own children, those of us involved in the company over the years have had wide differences in capabilities of kids the same age.

MR SCANLON Do you label your vehicle, or do you make any recommendations to buyers about age, minimum age?
requirements?

MR OLMSTEAD Yes We have in the past We have in the past had vehicles that were scaled for different size users. Unfortunately, we are no longer in that business. Our business is basically utility vehicles. But at one time we had several sizes that were somewhat keyed to ages and physical sizes.

MR SCANLON Let me ask you, do you think the controls on ATVs should be standardized?

MR OLMSTEAD Yes We felt that the voluntary standard addressed that quite well, with a couple of exceptions that are unique to vehicles, usually of domestic origin, that use automatic clutches and hydraulic brake systems. We have made a comment on that. We feel that there is a better way than the standard came up with. We did feel also that if that was essential, then we would go with redundancy on our vehicles and have dual control.

MR SCANLON Would you support mandatory training by the manufacturer at the time of sale for training for the owner and his or her family?

MR OLMSTEAD Basically, in looking at our business and looking at our method of sale, which is both direct in kit form, unassembled, and through dealers, it would obviously put us out of the kit business in that we don't have a means of reaching these people. We would by far
rather see industry support of mandatory systems like we have in snowmobiles and in motorboats in Michigan.

MR SCANLON Okay Thank you Commissioner Dawson?

MS DAWSON Yes Mr Olmstead, I'm interested in the kind of vehicle that you are involved in, in manufacturing How long have you been in the market?

MR OLMSTEAD 16 years, ma'am

MS DAWSON 16 years? And have you always made a three-wheel type of --

MR OLMSTEAD No, we started many years ago when mini-bikes were the craze We were building mini-bikes And we then built a three-wheel vehicle that is primarily used in the agricultural and industrial applications. Unlike the one on my right, it is a one- or two-passenger vehicle, and the rider sits down quite low on it, or riders It is a different vehicle, but can be used in some of the same applications. It is spring-suspended and rear-engined.

MS DAWSON What were the safety considerations that went into the design of this vehicle? You are talking about a utility vehicle.

MR OLMSTEAD We liked the stability. We realized that our farmers were chasing cows and checking fences, and they were on rough ground And we liked the operator being down low. Our center of gravity is quite low And it was a
design that provided for the things that we felt the machine needed to do. It needed to carry a load or to tow a load. This goes back 10 years that we entered into that market.

MS DAWSON: What's the range of engine size that you are dealing with?

MR. OLMSTEAD: Currently we put out vehicles with engine sizes from 5 to 16 horsepower. We use domestic four-cycle engines. The 16-horse engines are used in our quarter-ton trucks, which are three- or four-wheeled vehicles that have a box on the back like a pickup that dumps and is used in utility applications.

MS DAWSON: You talked about the standardization. Would you think this would have any effect on safety, if controls were standardized on this type of vehicles through the voluntary standard?

MR. OLMSTEAD: I think that standardization can be an asset to basic vehicle safety, especially among those who are casual riders or are riding different vehicles, as sometimes happens. I think that there are a few domestic manufacturers that use some different forms of operation and have some unique circumstances, primarily the location of the kill switch. And we feel that we want the kill switch, in our case, on the right handlebar. Because in our vehicle on the left handlebar is the location of a hydraulic brake master cylinder, and we don't want the operator to have to
remove his hand from the brake to get to the kill switch. As we expressed in our comments on the standards, if need be, we will put a kill switch on both handlebars. Now, that redundancy is a small cost and certainly would end up being an asset, we think.

MS DAWSON That's interesting. You also mentioned in your statement that your vehicles have front-wheel suspension? Front suspension?

MR OLMSTEAD We have front and rear suspension on many of our vehicles, yes.

MS DAWSON Have you always done this, or is this a new development?

MR OLMSTEAD 16 years ago, our first mini-bike had front suspension.

MS DAWSON Do you feel that that is, from a safety standpoint, a cushioning factor in terms of the types of accidents that we have seen where an individual hits a bump or a depression in the terrain?

MR OLMSTEAD This hurts my pride, but I have to say not particularly.

MS DAWSON Not particularly?

MR OLMSTEAD We have pushed that feature for 16 years, and I hate to stand here and say that it certainly is a comfort feature, but I don't believe that it's a significant aid in terms of reducing impact on a handlebar or
that type thing

MS DAWSON Thank you

MR SCANLON Thank you, Commissioner Dawson

Dr DeFiore?

MR DeFIORE Mr Olmstead, you mentioned that you have manufactured these vehicles since 1969. Can you maybe share with us some of the design evolution that has occurred in that time, especially those that you think may have some impact on the safety issue?

MR OLMSTEAD Well, we started, of course, in the mini-bike business. And I think we ended up being one of the few that survived that particular business, to be honest about it.

We did go to a front suspension. We did go to a torque converter system that provided something other than instant acceleration for the user. We went with some longer wheel bases, which provided some stability in terms of doing wheelies and that type thing. And from that we kind of gravitated into what's essentially a low-speed, off-road vehicle, not particularly aimed at the recreational market. We use that philosophy in the way of tires, but our speed limitations are quite a bit less than the typical vehicle today. That's one of the things, I think, that has been an asset to us over the years is that we are not capable of getting these kids up at 50, 60 miles an hour. We are down
in, you know, the 20s, which makes a difference

We have refined the suspension. We have -- as I look back on some of those vehicles with the throttle controls and so on that were available back then and the brake systems, we have done a lot. We now use hydraulic disk brakes instead of mechanical systems. We use just vastly superior throttle controls in terms of wire diameters and strengths and so on. I think everyone in the industry has gone through that upgrade.

So, yes, we have seen a lot of changes in those areas.

MR DeFIORE Let me go back to the comment you made at the end of your last response to Commissioner Dawson about the suspension system. Were you saying that you felt that whether an ATV had suspension or not was mostly a comfort issue rather than a handling issue?

MR OLMSTEAD In terms of the vehicles that we manufacture, I have to say that, yes, sir. I am not deeply versed in the vehicle that you are really addressing. And I make this comment also, that one of our problems is that we are in trouble based on the transfer of concern about the ATV to the utility vehicle that we manufacture. So I can't speak with a great deal of depth on that type vehicle.

MR DeFIORE All right. So just your own vehicles, then, is your qualification?

MR OLMSTEAD Yes, sir.
MR DeFIORE Fine In terms of the trouble you alluded to, one of the things you mentioned was your insurance difficulty In your discussions with insurance companies, have they indicated whether coverage might become available if certain steps were taken to either change the ATV or other changes in the way it is marketed?

MR OLMSTEAD We are now discussing that. My most recent proposal was to voluntarily withdraw from what we can identify as the recreational market totally. In other words, drop our two-wheel vehicle, drop our three-wheel one- or two-passenger vehicle, and only market the line of trucks. Their comment was, well, they still use the same tires and they are still -- you know, they, in their view, still present the same claim opportunities. That is going through the system. We may find someone who will write on that basis. We are not real happy about that, but we simply cannot subject our business and our families to operating without coverage. We don't feel we can subject the public to that risk. One of the unfortunate losers in this whole scenario will be the individual who has been aggrieved by a faulty vehicle. And based on what has happened in the industry, there will be nothing there to cover his loss. That is really a crime, in our eyes.

MR DeFIORE Just one final question. You mentioned a law in Michigan that applies to snowmobiles and
motorboats that you thought might have some merit in its possible applicability to ATVs. Can you share with us what that law is, please?

MR OLMSTEAD Yeah. My kids have gone through it most recent was motorboats with the kids. They are required to take a course. It is put on through the support of the local sheriff's department. There is some funding and support in terms of materials from the industry. There is also funding from the registration fee within the state. And young children do have to go through that course before they can operate a motorboat in Michigan. Our kids predated that on snowmobiles in Michigan. But, you know, in Michigan we have an ORV situation, or a snowmobile license. We also have an ORV licensing procedure which makes moneys available to do those kinds of things. And I am very familiar with it in terms of motorboats. It's been tremendously successful there in Michigan.

MR DeFIORE Thank you.

MR SCANLON Thank you, Mr. Olmstead. Thank you for coming.

MR OLMSTEAD Thank you for the opportunity.

MR SCANLON Thank you, Mr. Olmstead, if you or the other witnesses that follow have a prepared text, we would appreciate having a copy of that if you could leave it with Mr. Brott, who is there now and sitting over here.

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would ask the other witnesses to do the same thing

I would ask you also to maintain our five-minute rule, if you would. This will allow everyone an opportunity to testify today. We have a little light here that will go on after the conclusion of five minutes.

We will proceed then with the second panel, composed of state and federal officials. And if you would, come to the table, please. Thomas Thoreson, Larry Freidig from the Wisconsin Department of Natural Resources located here in Milwaukee. Fred Krantz, Wisconsin Department of Health and Social Services of Madison. Clay White, the executive director of Concerned Consumers League in Milwaukee. Bruce Hronek, director of recreation of the U.S. Forestry Service, Eastern Region, located here in Milwaukee. And Jane Jansen, assistant administrator, Trade and Consumer Protection Division, Department of Agriculture, Trade and Consumer Protection, the State of Wisconsin in Madison.

Good to see you again, Jane.

Okay. We will begin with Mr. Thoreson.

MR THORESON Thank you. Basically, I would like to start off by giving a little bit of the history of the Wisconsin ATV law which was just recently passed by this last legislation and budget. Two previous attempts had been attempted by the legislature to get some sort of legislation on ATVs. The most recent attempt did go through, and I would
like to highlight the main points of that Wisconsin law.

The first requires registration of ATVs. It sets up aids for trails and law enforcement and education. It puts on many regulations the same as snowmobiles, with the age restrictions being the same. It prohibits certain types of operation in the vicinity of highways. It puts speed restrictions around dwellings, on ice, within people who are pedestrians. The new law also sets up safety courses that would have to be in effect by July of '87.

So our department has a little bit under two years to come up with some sort of safety training. At this time we are not sure exactly what direction that is going to take, whether it's going to be similar to what the hunter education, snowmobile and boating safety courses are. But it will probably be on the same sort of format. It may take on a nature similar to Minnesota, where they have a correspondence course the first part, and then you come in to take the test, both the written and the practical riding test.

A couple of major areas that the legislation also addressed is that it required accident reporting. Up to this time, we had no idea of how many accidents were happening within the state. We were finding out about the fatals, but not the broken arms and that sort of thing, other than what we may have heard. So we had no sort of way of compiling the statistics of just how they were happening and who they were.
happening to So the legislation requires that the riders who are involved in an accident which has any sort of injury file a report.

And lastly, and also very importantly, that it sets up an enforcement provision by any enforcement officer in the state of Wisconsin who is certified, whether it be a conservation warden, state patrol, sheriff's departments, local police departments, to reinforce the provisions of this legislation. And then there are penalties that go along with the violations of civil forfeitures up to $250.

So that's a brief -- a very brief rundown on what our legislation entails.

MR SCANLON Good Thank you very much.

MR FREIDIG?

MR FREIDIG I will save you time I represent more or less the trails and accommodation interests with the Department of Natural Resources, the snowmobiles and all-terrain vehicles Tom highlighted the recent legislation. I am here for questions.

MR SCANLON Okay Thank you.

MR KRANTZ?

MR KRANTZ Yes A little background, I am a research analyst within the Center for Health and Statistics. We are the recipient of the death certificates. And numbers have been alluded to already, and we have had 22 deaths I
can account for 20 of them I am going to have to go back
and look and see if I can find those other two

But what I would like to, I guess, just present to you
is some more numbers, and that we know nearly 50 percent were
under the age of 16 That was mentioned I had looked at
the certificates and found that 63 percent were under the age
of 25 And it is definitely male, and that 84 percent of the
deaths were males When I say that most of them were under
the age of 25, that doesn't mean that we don't have the full
age range We have had them from as young as seven up to the
age of 78 Now, I don't know what a 78-year-old man would be
doing riding an ATV, but it was fatal for him

As for when they occur, it's mostly year round We
see that July, August and September had seven But we find
them in January, as they go through the ice or through open
water We find them operating also on the rural roads and
that, even though they are an off-the-road vehicle

That's about what there is

MR SCANLON Okay Thank you, sir

MR WHITE Chairman Scanlon, Commissioner Dawson,
staff, my name is Clay White I'm the executive director of
the Concerned Consumers League here in Milwaukee We are not
a state or federal agency We are a private, nonprofit,
independent consumer protection and education organization
We wish to speak about the regulatory and non-regulatory alternative actions open to the Commission related to all-terrain vehicles.

All the available data suggests that there is considerable risk associated with the operation of ATVs, especially three-wheel ATVs. Death rates have climbed at a phenomenal pace since 1980. This injury rate is in part a reflection of the equally phenomenal growth rate in the sale of ATVs, a growth rate which is unprecedented among recreational vehicles. Who would have thought that this seemingly innocuous little three-wheeler, introduced for agricultural and utility work in the early '70s, would have achieved the popularity and market share it now commands?

That popularity is in part a tribute to the ability of Americans to see the potential for recreation, excitement and fun in an otherwise mundane product. But the other part of that equation, however, falls to the producers. Once the idea of the recreational use of three-wheel ATVs started to catch on, the producers saw the potential and stepped in with an aggressive marketing campaign. Combined with a seemingly unbounded enthusiasm for ATVs, word of mouth and national advertising set up a love affair between consumers and ATVs on what seems to have been now an inevitable course of accident, injury and death.

Manufacturers have known of the design limitations of
ATVs from their inception, as they have been aware of the growing injury and death rates. There are currently about 200 product liability cases pending in the United States, and most people involved in ATV liability litigation believe this is just the beginning. Up until as late as mid-1985, as reported on CBS's 60 Minutes, the industry's response has been one of, "Well, gee, we made these things about as safe as we can, let the rider beware."

But evidently not everyone was suffering from ostrichitus, because there was a major shift in policy. No, it was not a halt in current three-wheel ATV production until a safer design could be worked out. It was rather an abrupt change in ATV advertising from three wheelers to four wheelers, proving that corporate executives are better at handling abrupt changes in terrain than their three wheelers are.

The regulatory and non-regulatory actions open to the CPSC range from a ban on all ATVs to a ban on ATVs intended for use by children to mandatory product safety standards, to voluntary standards, to ordering a recall, repair, replacement or refund, finally to the dissemination of risk information to consumers. A wide variety of potential actions, to be sure. But which of these actions or combination of actions will best protect the consuming public from the unreasonable risk of injury from ATVs?
The Concerned Consumers League believes that every reasonable effort should be made to set product safety standards for ATVs, which include performance standards. We believe that the Commission's technical resources, combined with the technical resources of the motivated ATV industry, have a good chance of being able to establish such standards if, in fact, meaningful safety and performance standards are possible for this unique vehicle.

The ATV industry should have reasonable opportunity to improve on the design and performance of ATVs, but any voluntary standards should be judged in light of commission-established safety and performance standards. However, as these efforts go forth, the accident and injury and death toll has continued to mount. For this reason, we recommend as least a temporary ban on further sales of three-wheel ATVs intended for use by children, until such time as adequate safety and performance standards can be accomplished. This should be accompanied by state action to limit the use of ATVs by children, as has been done by Wisconsin and a few other states.

In addition, a mandatory industry-wide hazard and safety alert program aimed at all ATV owners and users should be ordered. This should be conducted by the ATV industry at their expense, to standards set by the CPSC.

Should the Commission find that product safety
standards, including performance, can be established that
will protect consumers from an unreasonable risk of injury
from ATVs, the Concerned Consumers League believes the public
interest can be served. The league does not, however,
believe that this can be accomplished by product safety
standards which include only safety instructions and hazard
warnings, without performance standards. The burden of proof
with regard to safety and performance should be on the
producer, not the consumer.

If adequate product safety standards and performance
standards are established, the manufacturers of ATVs should
be responsible for the recall, repair, replacement or refund
of purchase price, less an allowance for use, for any ATV
then in use which does not meet the standards. If product
standards which adequately protect consumers from unreasonable
risk of injury from ATVs cannot be established, the
Commission must ban the sale and recall units in service.

We do not mean to imply by these remarks that ATVs not
intended for recreational use should be banned. But
recreational products have a particular appeal to young
people and children who, because of their inexperience as
consumers, are more vulnerable to the inducement of
advertising claims than they are to those of hazard warnings.

By virtue of their primary use as recreational
vehicles, we believe that all-terrain vehicles require
special attention and must be held to a more stringent standard of safety

Thank you

MR SCANLON Thank you, Mr White I think the TV show that you referenced was ABC's 20/20, not CBS's 60 minutes

MR WHITE I stand corrected

MR SCANLON Okay Bruce Hronek?

MR HRONEK Good morning My name is Bruce Hronek I'm the director of Recreation, Range, Wildlife and Landscape Management for the USDA Forest Service, Eastern Regional Office here in Milwaukee, Wisconsin I am pleased to have been invited to testify before this Commission on the subject of all-terrain vehicles

It is my job to advise the regional forester in regard to recreational uses and program management efforts on 16 national forests located in 13 midwest and northeastern states This responsibility includes coordinating recreation activities with individual forest supervisors and recreational staff officers on each national forest

My reference today to ATVs pertains only to three- and four-wheel, low-pressure-tired vehicles ATV use has been a growing recreational pursuit, especially over the last four to five years, both on and off the national forests Since my responsibilities relate only to the National Forest System
lands, my testimony is based on experience our personnel has had in managing ATVs on these lands. It is a composite of information and opinions formed during our efforts to manage, control and facilitate ATV recreational use. However, some of my comments could apply to the use and management of ATVs on private or other agency lands.

ATVs share the use of the National Forest roads and trails and certain other areas with motorcyclists, snowmobilers, hikers, skiers and other recreationists. Use of these vehicles on public roads is normally subject to state motor vehicle codes in states in which we manage National Forest System lands. In some states, ATV operation on public roads is illegal. In other states, the registration system and appropriate laws have been enacted, and these vehicles can be legally operated on most Forest Service roads.

I should point out that most National Forest System roads are subject to law enforcement activities by local and state law enforcement officers, and that local and state laws apply equally on and off the National Forest System lands. Where ATVs are licensed, applicable state laws normally regulate operator age, vehicle size, registration and equipment.

National Forest regulations have been adopted to prevent ATV use from causing considerably adverse effects to...
soil, vegetation, wildlife, wildlife habitat, culture and historical resources. These regulations ensure resource protection, public safety of users, and minimization of conflicts among the various users of the Forest System lands.

I have four points to be brought before the Commission. While they may have come before the Commission hearings elsewhere, it is desirable that these comments be added to provide additional emphasis.

Since ATV use is relatively new, organized vehicle user groups have not been developed to the extent associated with snowmobiles and motorcycles. Contacts with vehicle buyers and operators are generally made by dealers. Contacts by Forest Service personnel have been on a very limited basis. This Forest Service region does not have, nor is it funded to provide, broad-scale safety programs aimed at developing safe user operation. Safety efforts are limited to messages printed on maps and brochures. The effectiveness of these messages is not known.

I believe that sufficient evidence is accumulated to point to a need for a major safety program. This program should be undertaken by ATV manufacturers, dealers and user organizations. It is believed the effects of such a program, channeled through organizations like the Recreational Vehicle Institute of America, could reduce the number of accidents, injuries, deaths and claims now arising out of ATV use.
Since many of the vehicle operators appear to be juveniles, the safety campaigns should be aimed at the parents of juvenile operators to assure that, first, they maintain supervision of the juvenile while using the vehicle. Two, train the juveniles in vehicle features and safe operation. And three, subject the vehicle to all local and state laws of operation and use. Assistance such as training programs and seminars, training booklets and supervised events, should be provided by manufacturers in areas where these vehicles are popular.

Second, we believe that several additional efforts should be made to undertake -- should be undertaken by vehicle manufacturers. These should include organization of responsible user groups and the development of model vehicle regulatory codes. Organized user groups can be easily reached with programs promoting safe use among group members and their families. Groups would provide points of contact for land management agency personnel, such as the Forest Service or State Department of Natural Resources. Production of a vehicle regulation code would be aimed at encouraging states to adopt such a code and to include in the code the most important features relating to safety and responsible use of ATVs.

Third, I think that individual states should be encouraged to adopt a vehicle code for safe and sane
operation of the vehicles on public roads. The Forest Service, as I pointed out, does not have the authority to completely regulate ATVs on public roads. Only through the adoption and enforcement of state vehicle codes can effective control of the situation be maintained. The objective of this control is the minimization of accidents to adults and juveniles.

Last, some of the accidents we know about raise safety questions relating to design of these vehicles. A complete evaluation should be made by the ATV manufacturers to establish any possible link between accident types or trends and designs of the vehicles. The vehicles should be designed to be controllable and safe for juveniles. There should be a reasonable limit placed upon their speed potential.

The Forest Service is always ready to do what it can to promote wise and safe use of the vehicles and will cooperate, within our capabilities and budgets, with any agency working to accomplish these recommendations.

Thank you for permitting me this opportunity to offer our views. If you have any questions, I would be pleased to respond.

MR SCANLON Thank you, Mr Hronek

Jane Jansen?

MS JANSEN Good morning

MR SCANLON Good morning Welcome
Thank you. I'm Jane Jansen, assistant administrator of the Trade and Consumer Protection Division of the Wisconsin Department of Agriculture, Trade and Consumer Protection. We are the Consumer Product Safety Commission's designee for the state of Wisconsin. As such, we have investigated approximately 160 incidents of potential product failure for the CPSC in the past two years. Of these, five have involved all-terrain vehicles. I would like to briefly describe these incidents.

All of our investigations on ATVs were on three-wheel models. In four of the five incidents, the vehicles flipped over. Events preceding this action were as mild as crossing a dip in the terrain or moving from the flat surface of a driveway over the grassy edge of the driveway. One driver was uninjured, although thrown off the vehicle. Three drivers sustained fractures. One driver was killed.

Two of the victims were under the age of 16. The man who lost his life was 17. None of the drivers were operating the vehicles under the influence of alcohol or drugs.

I review these facts from our experience to illustrate what appears to be the pattern developing in ATV incidents. The large number of accidents involving children and a high incidence of the vehicles overturning are of particular concern.

The product safety laws of Wisconsin have an emphasis...
on protecting our children. Wisconsin's philosophy has been
to protect this portion of our population where the
individuals cannot be expected to appreciate the need for
precautions. So it is only natural to be concerned about the
number of children we see injured in accidents involving ATVs.
40 percent of the victims in the accidents we investigated
were children. A slightly higher percentage of victims in
Wisconsin overall were children. And approximately 50
percent of the deaths resulting from ATV accidents nationwide
were persons under the age of 16.

The high incidence of vehicle rollover is also a
matter of concern. A full 80 percent of our investigations
involved rollover. I understand this is not an uncommon
component in the national statistics.

With these factors in mind, we look at the growing
numbers of incidents with a growing amount of concern. All
of these factors need to be synthesized into an organized
whole. An analysis of how ATV accidents take place needs to
be made. The analysis should continue to a definition of the
causes and contributing factors of accidents. Does age of
the driver contribute to rollover? Are the vehicles
inherently unstable? Can people be trained sufficiently to
avoid accidents?

It doesn't appear that these questions have been fully
answered as yet. Most of those participating in this hearing
would agree to the existence of a problem. Much opinion as to the level of that problem is apparent.

So we come to the question of how the information available is to be gathered and analyzed. This hearing and the others previously conducted are a good start. Further testing and research are also a necessary part of a reliable analysis. We can all have confidence that this is the work the Consumer Product Safety Commission is most capable of performing. As a state agency with product safety responsibilities, we look to federal CPSC representatives as the experts in the field who will insure safe products for us all. In this instance, we save great duplication of efforts between states and benefit from their resources in testing and analysis.

We very much appreciate the work that the Consumer Product Safety Commission is performing in researching all-terrain vehicle safety. We have the highest confidence in their ability to search out the answers that we are all looking for.

I would also like to add just very briefly one comment as far as what one of the DNR representatives stated concerning having a real dearth in information as far as accidents across Wisconsin, that he got the fatality numbers but not the accidents. We, as the product safety agency in Wisconsin, have the same problem. We have only investigated
five incidents, and there have been now 22 deaths in the
state. It is very difficult for us to seem to get the
numbers or the word that there are accidents happening. And
I think that just relates to another question as to what
people think, the user thinks, is going on when a child or an
adult has an accident involving an ATV.

Thank you.

MR SCANLON Thank you, Ms. Jansen. And on behalf
of the whole Consumer Product Safety Commission, we thank you
and your office for acting on our behalf as the Wisconsin
state designee. You do a great job.

We will take a five-minute break. I would ask the
witnesses to remain there because the three of us will have
questions for you in five minutes. Thank you.

(Recess was taken.)

MR SCANLON We will begin with the questioning of
the panel.

Ms. Jansen, I have a question for you. Compared to
the other product safety investigations that you do, both on
your own and for the Consumer Product Safety Commission, how
would you rate the hazards of ATVs?

MS JANSEN Again, it's at a fairly --

MR SCANLON You've got to talk into your
microphone, please. Would all witnesses please speak into
their mikes?
MS JANSEN  It's at a very low level number in relation to other investigations. But in reviewing the five that we have handled, I was rather alarmed at the content of the investigations. And by that I mean that four out of five of them, there did not appear to be a very strong element of user fault.

One of the accidents did appear that there was a good level of user fault. And that, in a product safety investigation, normally just throws it out of whack as far as it being a product fault. And in that particular incident you had two young girls whose attention was distracted, and they were driving, and they hit a tree. Well, the only thing that would concern me about that accident is what happened, in that the vehicle turned over.

The other four incidents, what was alarming was the degree of reaction of the accident to what had happened. For instance, the incident where the young man was pulling across a driveway, and when he hit the ridge of grass at the edge of the driveway, the vehicle flipped over. That just seems to be an alarming reaction to have occur as a result of a fairly small act on his part.

MR SCANLON  Okay. Thank you.

Mr. White, you mentioned that you thought that ATVs should be banned for the use of children. What cutoff age would you suggest?
MR WHITE Well, I would suggest certainly between 12 and 15, I would say It seems to me that there is -- there has to be some lower limit at which a child can, number one, understand the complexity, have the physical ability and strength to handle one of these vehicles And I don't have any specific age in mind But somewhere in that area

MR SCANLON Thank you

Mr Hronek, does the Department of Agriculture have any plans to regulate the use of ATVs on Government-owned land?

MR HRONEK We are presently regulating them with regard to environmental impacts When it comes to the type of ATV vehicle type of safety, we do not have that at this time

MR SCANLON Could you compare for us accident patterns with ATVs vis-a-vis other off-the-road recreational type vehicles used on federal lands?

MR HRONEK We have accidents in all various types of vehicles, which is obvious, because of the millions of people who use the National Forest However, we do note a particular increase and notation of this type of vehicle accidents That's why we are testifying here today, is because of our personal concern for the type of accidents arising out of this low-pressured three- and four-wheeled vehicle
MR SCANLON  Okay

Mr -- I'm not sure if this should be for Mr Thoreson
I think it would be more appropriate for you. Does your plan
for training that you mentioned earlier, training ATV riders
-- how would that compare with training for other
recreational vehicles?

MR THORESON  Right now we are not sure what
format the training is going to take, whether it's going to
be correspondence and then coming in to take the test or
whether or not we will have voluntary instructors, much as in
our other programs. With the hunter education, boating
safety and snowmobile safety, with the amount of enthusiasts
in those sports who have a very strong interest in the sports,
and since they are in clubs already or they are Coast Guard
auxiliary or some sort of group that is formed, there is
readily a source of instructors. And presently there is no
ready group of instructors for the ATV courses. So that is
where there is a major problem at this time.

MR SCANLON  Mr Krantz, for the death
certificates processed by your department, do you know what
percentage of those deaths on ATVs were alcohol related? Ms
Jansen mentioned that, in the five investigated by her
department, alcohol or drug abuse was not involved

MR KRANTZ  In the ones that I have looked at,
there was no mention made on the certificates. But that's
not to say that it didn't happen. Because there is no particular place on the death certificate for the coroner or the medical examiner or doctor to specifically enter whether there was alcohol use involved in that. So in lots of cases -- well, I shouldn't say in lots of cases. I'm sure in some cases, certainly from motor vehicles and that and, say, suicide deaths, the mention of alcohol doesn't get mentioned for various reasons. So there possibly could have been some. But from the certificates, none did mention that.

MR SCANLON In your opinion, why do you think ATVs have a higher accident death rate than other recreational vehicles?

MR KRANTZ Well, I think that it's been alluded to by a number of people. And Ms. Jansen I think mentioned that, I think, it involves rollovers and flipbacks. At least from the certificates that's what we see, is a lot of rollovers, or the passenger or the driver being thrown from the vehicle.

MR SCANLON Okay Thank you

Commissioner Dawson?

MS DAWSON Yes Mr. Krantz, I would like to follow up with a comment that you made. And I think Ms. Jansen also mentioned this. The difficulty of getting reports of accidents, whether they be death or injury. And what do you think can be done at your level to increase the
reporting so that we do get a better picture of how and why these accidents are occurring?

MR KRANTZ I don't think there is probably really a problem with getting the death certificates Because there we get virtually 1 -- we almost certainly get 100 percent Whether the death certificate specifically mentions ATV, I guess, could be a problem Because there is no specific death code that we can point to that identifies an ATV

MS DAWSON What would it more likely be reported as?

MR KRANTZ It would be as a motorcycle And the only way that we can identify deaths involving ATVs is to manually go back to all of the accidental deaths and visually inspect to see if it mentions ATV And as I say, maybe in some cases it was a motorcycle because there is no classification for ATVs So we could be losing or missing some

As for accidents that are not fatal, there is no reporting system, and it would be -- well, one would need to be established, I guess, through any number of agencies, I guess There is the National Injury Surveillance System I am not real familiar with that But I would presume that that would possibly be one beginning point

MS DAWSON Which, of course, the CPSC does monitor those statistics Let me ask you, on the deaths you
mentioned in your state, you were able to confirm 20

MR KRANTZ Yes

MS DAWSON And our papers show there are 22

MR KRANTZ 22

MS DAWSON Of those 20, did you investigate those
deads, or did you go back and get a report on what the
accident scenario was?

MR KRANTZ No We didn't do that In fact, a
request was made from us by Jane's office, and I supplied her
copies of the death certificates and the information we
obtained But we don't do any investigations

MS DAWSON Maybe, Ms Jansen, you can respond to
that In the incidents that you investigated, were these all
recreational use incidents?

MS JANSEN Absolutely, yes They were all
recreation use

MS DAWSON And maybe, Mr Thoreson, you could
respond to this question You mentioned in your statement
that the new legislation which will be going into effect
includes an accident reporting system Can you share with us
the plan, how that is supposed to operate and how perhaps the
CPSC could share that information?

MR THORESON Any accident that would involve any
sort of injury that would require any medical treatment would
have to be reported, along with all the fatalities
MS DAWSON: This is reported to whom?

MR THORESON: Reported to our department. And our department will come up with an accident report form which the accidents are reported on, and we will gather the statistics. But any accident in which an injury happens will have to be reported.

MS DAWSON: This is also done for other types of recreational vehicles now?

MR THORESON: Right. With boating, there is also a property damage, depending on the type of accident. With the exception of snowmobile legislation passed two years ago, which now only requires that fatal accidents are reported. But we had 12 years of statistics or more from the snowmobile accidents to gather data, so there was already a good data base. But boating accidents have to be submitted if there is property damage over $100 or an injury which requires medical attention.

MS DAWSON: Thank you.

Mr. Freidig, you indicated earlier that you are involved mainly with the trail system?

MR FREIDIG: That's correct.

MS DAWSON: How are you involved, then, with ATVs in terms of monitoring the safety?

MR FREIDIG: Not directly. I guess the back way to it would be in setting standards similar to our snowmobile
program for the design, construction and maintenance of
trails. We are programmed in Wisconsin for, say,
snowmobiling, based on local unit choice to participate. In
our case, counties. There are standards set up in the
administrative rules for the design, construction and
maintenance of trails.

And I'm sure that will be parallel to what's happening
or what will be happening in the all-terrain vehicle program.
So from that sense, we are concerned with providing, or
having the responsibility of providing, a reasonably safe
trail, keeping in mind that it is all-terrain. We're not
building sidewalks out there. But that's the avenue that I
would be connected with safety.

MS DAWSON Are you aware of any particular
problems that the use of ATVs on these public trails has
arisen? What kind of problems do you see having occurred in
the recent past?

MR FREIDIG The problems that I would note would
not be necessarily of a safety concern. They may -- well,
I'm sure they are more of a user conflict situation
inappropriate use on private property at the wrong times of
the year, trespass conditions, things of those sorts.

MS DAWSON Would the enforcement of these types
of rules be up to the county level?

MR FREIDIG Well, it's a shared responsibility.
MS DAWSON  Shared?

MR FREIDIG  Yes  Tom mentioned all conservation wardens and local government law enforcement officials have the capability of making citations

MS DAWSON  So in this state, in any case, it's not the responsibility of any one level of enforcement

MR FREIDIG  No

MS DAWSON  But all levels can --

MR FREIDIG  It is shared, yes

MS DAWSON  Mr Hronek, I was interested in your statement about the reason -- the four points that you mentioned, the first one being user groups  You felt that, in comparison with other types of vehicles that you have had some connection with in your work with the Forest Service, that the ATV user groups are really not well developed at this point  Could you elaborate on that and give us some ideas as to how that could be corrected?

MR HRONEK  Well, it's been our experience when it comes to working in safety or environment or anything, if you work with an organized group, you seem to have much higher production  You can also provide instruction to safety people within those organized groups that can monitor that within them  And to date, the ATV groups have not been well organized  There are some minor organizations  Compared to motorcycle clubs, compared to four-wheel-drive clubs,
snowmobile groups and clubs seem to have a great deal of organization

There also is a tendency, which I don't think is bad, to have these ATVs as a family outing rather than a group outing. As a family outing, it lacks that cohesiveness and sometimes the organization that the other groups have. I guess that's the point I was trying to make, was it's an organized group, or a vehicle by which safety can be issued from.

MS DAWSON Are you familiar with the programs that are underway sponsored by the Special Vehicle Institute of America?

MR HRONEK Yes, we are. We have participated in some of those events.

MS DAWSON In what way?

MR HRONEK As they have given instruction, we have been a party to that instruction provided. And they have given instructions to our users. We are users of these vehicles in the National Forest System by our own personnel and have a strong need for safety.

MS DAWSON Do your personnel take the industry training courses?

MR HRONEK Yes. Not all of them, but most of them do. We try to make that a part of the package.

MS DAWSON Do any of your personnel possess
instructor certificates?

MR HRONEK    Not to my knowledge

MS DAWSON    Do you believe that there is a greater need for more instructors?

MR HRONEK    I think yes  I do

MS DAWSON    How can the Forest Service -- which I think you're going to continue to see a lot of problems with these vehicles -- how can you at your level best cooperate with, for example, Ms Jansen's agency and our agency in helping to promote the numbers of instructors, the numbers of training courses that are available?

MR HRONEK    Well, I think, again going back to the user group concept, we also have the opportunity -- all users seem to like maps  And as part of the printed message upon the maps of the National Forest, the messages about safety, messages about where they can contact the instructors or instructions or groups that instruct would be very appropriate  We feel this is one of the services we can use to promote  And certainly in cooperation with the states, the DNR and the states and the safety groups within the state, this can be an important vehicle just through our brochures, which we distribute literally millions of brochures and maps each year

MS DAWSON    So this would be maps giving locations of trails and facilities for ATV users
MR HRONEK That's correct

MS DAWSON Sounds like an excellent suggestion

I will defer to you

MR SCANLON Thank you, Ms Dawson

Dr DeFiore?

MR DeFIORE Thank you

Ms Jansen, Mr Krantz, both in your accident investigations you and we share kind of a search for causality, and I guess we can say kind of two generic categories One would be the product design, the other would be the rider behavior, or maybe some combination of those two

In the absence of both of you investigating, do you have a feel for which of those two categories seem to be most at issue? And related to that, were the variables, such as the training of the rider, the use of safety equipment, experience of the rider, were those things at all at root here? Ms Jansen first, and then Mr Krantz

MS JANSEN I do have a good bit of concern about riding responsibilities versus the mechanism of the machine One of the things that strikes me, of course, is the youth involved, the young ages of the people who are accident victims And as someone who started out as a pre-school teacher for a year, I am very much aware that young children frequently don't have a lot of coordination

Something that I would couple with that is that
perhaps parents aren't aware enough that there could be a danger involved here. And I say that, and it's a suspicion on my part. I don't have hard facts. But even the people that I have spoken with, friends who have these types of vehicles don't hesitate to put a seven- or nine-year-old child on it, and they haven't had any training.

And I believe there is a necessity for some coordination to be able to drive one of these vehicles. Never mind if it's on farmland and there aren't other vehicles supposedly around. They need to have some kind of background, training, someone with them to show them how to use the vehicle.

So I think there is likely to be a combination of both those factors involved. And I am very concerned that parents have an alert, something that will trigger them to believing that there could be a problem here or a need for some responsible oversight on their part.

MR DeFIORE In the five accidents that you investigated, in how many instances were the riders wearing helmets or other safety equipment?

MS JANSEN I don't believe we had a single one where there was even so much as a helmet on them, which I find curious. Because I also know people who are involved in the motor cross, fun types of things with children. And those groups are very safety conscious, very equipment.
conscious And it's totally — seems to be totally absent in this particular area

MR DeFIORE Mr Krantz, do you have any observations in this?

MR KRANTZ The death certificate is not a vehicle where we collect data that surrounds the accident, namely, whether they were using helmets or whether they had training or anything like that. So we are going to have to depend on Ms Jansen's investigations and the DNR reporting system to give us data of that nature.

It appears from the death certificates that hitting trees is one of the main problems. They also have hit hay balers out in fields. Apparently the hay baler was somewhat hidden or something, and they came upon it at a rather fast speed and were unable to avoid running into it. And there have been other instances where they have run into a companion rider or another motorcycle and that. But hitting trees seems to be the main problem from the death certificates.

MR DeFIORE Mr Thoreson, Mr Freidig, since a major component of the program that you described involves training and safety awareness, presumably it is based on some experience that better rider education, better training, may have prevented some of the accidents that have been reported. Can you share with us here your views about the relative
causality, either whether it was the vehicle or whether it was some rider behavior or lack of equipment?

MR THORESON In general, as far as I can relate to the other safety problems, the other problems with boating and snowmobiling and reducing accidents, we found that there are two major ways of -- well, at least a couple of major ways of reducing accidents on our department's part. And that is through both the educational enforcement, where you have a mandatory education safety class, and by enforcement, enforcing the various laws. The two together have shown, at least in those programs, a reduction in accidents.

MR DefIORE Mr Freidig, do you have any suggestions?

MR FREIDIG No, other than I think both Tom and I will agree there is a need for safety training because it is a uniquely different vehicle to operate. It requires a different set of skills than many of us are used to. And we suspect that -- you know, it's a hunch, based on our experience with other safety programs -- that once people are exposed to those types of concerns, that they will be better prepared to encounter some of the liabilities they may incur out there on the trail.

MR DefIORE Since both of you also are involved presumably in the use of snowmobiles and other off-road vehicles — is that correct?
MR FREIDIG Yes

MR DeFOIRE In the past hearings we have had people testify on comparative accidents between or among these vehicles, but also the different levels of intensity of use of the vehicles. People have testified that ATVs are used five to ten times more frequently than other off-the-road recreational vehicles. Do you have any observations about the experience in this part of the country, about that comparative usage of these vehicles?

MR FREIDIG That would be a difficult one to answer. Because they have the potential, at least, for a 12-month period of use, versus two months or three months at best. It would be a little difficult to draw comparisons, such as X number of times per month. That's not a very good indication. But we don't have any data. We could only relate hunches, I guess, at this point.

MR DeFOIRE Mr. Thoreson, have you got any feel for that?

MR THORESON I would just echo what Larry said. Briefly, part of the legislative history was that snowmobiles were regulated closely on the ice or on the snow, and ATVs weren't. And so here you had a short period use of snowmobiles, and yet a year-round use of ATVs. And the legislative and legal requirements are considerably different. But amount of use, I think Larry answered that quite well.
MR DeFIORE  Ms Jansen, Mr White, you have heard today about the Wisconsin response to this problem. Do either of you have an opinion about what do you think would be effective in terms of addressing the problem?

MR WHITE  Well, I think it would be somewhat effective. I think it falls short in that there is no mention of safety equipment, helmets, padding, anything of that nature. And also I think that the allowing children to use these things accompanied by an 18-year-old or more, or a parent or adult, I think that that is a weakness in the law. I think that it will be difficult to enforce that.

MR DeFIORE  Ms Jansen, do you have any observations?

MS JANSEN  Yes. There are a couple of things that -- I have been in the enforcement arena for over 10 years now. And a problem I have with it is just that, enforceability of it. On the other hand, I am very pleased and proud that this state has dealt with at least a segment of the problem already. I think we need to get the information out to people that there could be a danger here so they start thinking about it. And this is certainly a step in the right direction. I was just terribly pleased that that legislation included keeping records of accidents so that people could see that there was a necessity to have some kind of a handle...
on this so we would at least know what was going on. I think it's a good start.

I don't think that we can get away from the idea of what the DNR representatives today have been talking about as far as training and public information. I also don't think we can totally walk away from the idea of regulation, either. Because it has been said many times before, the regulation or the threat of regulation is frequently what is needed to bring together the components of cooperation and voluntary standards. So I think it's a step in the right direction. I don't think it's a total answer.

MR DeFIORE Thank you.

MR SCANLON Thank you, Mr. DeFlore.

We want to thank each of the panels for coming here today. We appreciate your testimony. If you do have any prepared statement, could you leave it at the table?

We will proceed with the third panel, consisting of injured parties and/or their families. First witness, Bonnie Sumner, Milwaukee. Meg Petullo from Mequon. Noah Desmond from Mequon. Sherry Laatsch from Clintonville, Wisconsin. Joe Steier from Oconto, Wisconsin. James B. Erickson from Anoka, Minnesota.

We ask you to limit your remarks, please, to five minutes. When you see the yellow light go on, we ask that you stop.
We will begin with you, Ms Sumner. Welcome.

MS SUMNER: Good morning.

MR SCANLON: Can you talk into the mike?

MS SUMNER: Okay. My name is Bonnie Sumner. I'm from Milwaukee. I'm here because my 14-year-old son was injured in an ATV accident last summer. He is not here himself because he has started high school, and also he remembers nothing.

The particulars of the incident were, we were visiting friends at their lake home. They had purchased this vehicle a month before the accident for their 14-year-old son. They had received no training or anything. I consider myself to be a very concerned, cautious, perhaps overcautious parent. And when I set eyes on the vehicle, I thought of it as a cross between a golf cart and a big wheel. I did not perceive any danger whatsoever. I had never heard of these vehicles, I had never seen one before, and I thought it was perfectly okay for my 14-year-old to ride this.

The boys were riding them, taking turns, one at a time, up and down a private driveway. My son didn't return. He was found in the woods. We don't know what happened. But the vehicle had overturned. He had hit a tree, we surmise from the damage to the tree. There was a branch sticking out of his mouth. The vehicle was on top of him. He was unconscious.
He sustained severe head injuries, a ruptured spleen, broken collarbone, broken ribs, two permanent teeth knocked out, damage to his jaw, facial injuries. He spent a month at Children's Hospital, two weeks of that in intensive care. He came close to dying several times. Again, he's not here because he doesn't remember any of this. I, unfortunately, remember every minute of it.

There are a few things I would like to talk about. First of all, I hope you don't mind, but I have with me Commissioner Statler's testimony from May 21, '85. And there were some things that he has said in that testimony that I think he said better than I could have. One of the main points is what he has called the hidden hazards of these vehicles. And that's something that I think is very, very important.

"When it comes to three-wheeled ATVs, apart from any possible misuse or abuse, the very design of these vehicles may well render them inherently unstable and unreasonably dangerous. And so many users are wholly unaware of this. ATVs look like they won't fall over. They look stable. Because the vehicle looks stable, buyers assume it is. They assume it is safer than the dirt bike or trail bike, that it won't tip over, flip over or roll over. But the facts don't bear that out.

"Clearly, not every ATV user recognizes and willingly
accepts the risks inherent in riding a vehicle. Certainly children don't. They can't. Can a five-, seven-, nine-year-old, or in my case a 14-year-old, "really appreciate that they may be risking their lives or inviting life confined to a wheelchair if they somehow mess up in performing the tricky balancing acts that are required to ride these vehicles?"

He goes on to say, "To operate such a vehicle properly, the rider must induce instability. There is no differential on the two rear wheels. It is precisely the opposite of what our natural instincts tell us and everything our experience with such other vehicles has taught us. There are hidden hazards in these vehicles. They are inherently unstable."

This is one of the points that I would like to make. This is something that concerns me greatly, that I think we have heard a little bit this morning, but not enough about. And I am not an engineer. I don't know the answer. But I would like to know from people who do know, are these vehicles in their design, in their engineering, unstable? We have heard the incidents of rollover. The panel just before talked about rollovers, hitting trees, about the one that went off the driveway and it didn't seem like such a small thing could cause such a big accident.

Again, I'm not an engineer. I can't answer this. I can only speak as a parent and as a consumer. My impression of this vehicle was it was safe, it was stable, there was no
reason why a child should ride it (sic)

I think not only do they have to be investigated to find out if they are physically and mechanically unstable, but the public as a whole has to become aware of these vehicles as dangerous. People perceive of snowmobiles as being dangerous. They perceive of motorcycles as being dangerous. If they are concerned, caring parents, they do not allow their small children to ride these vehicles. I don't think the public has that perception of this vehicle. And while I don't believe it is the job of the Government to protect everybody from every hazard that there could be, I do think it's the job -- I will finish -- of the Government to protect innocent children from killing and maiming themselves.

Thank you.

MR SCANLON Thank you, Ms. Sumner.

Ms. Petullo, how old are you?

MS PETULLO 11

MR SCANLON Welcome.

MS PETULLO My name is Meg Petullo. I'm 11 years old and live at 4012 West LeMont Boulevard, Mequon, Wisconsin. On Friday, August 2, 1985, I was at my 10-year-old girlfriend's house and was driving their four wheeler, or TRX, on their blacktop driveway, with my girlfriend sitting behind me. Both of us were wearing helmets.

The wheels slid off the side of the driveway. I lost
control of the TRX and ran into a barbed wire fence. The next thing I knew I was sitting on the ground with my back against the fence. The barbed wire had cut my neck from the right ear across to my left ear, and there was a lot of blood. My girlfriend was screaming and asking me if I was going to die. When we got to their house, I looked in the mirror and saw my windpipe.

I then went to the hospital, where I was in surgery for a few hours and had well over 100 stitches. The doctor said I was very lucky that the barbed wire did not cut my windpipe, because probably no one would have known what to do and I would have suffocated to death.

MR SCANLON: Thank you. You did very well. We will have some questions for you in a minute.

Okay. The next witness would be Noah Desmond.

MR DESMOND: My name is Noah Desmond. I'm 16 years of age. My accident happened when I was 15. I was driving around our house on an ATV, and I went to take a turn. I leaned into the turn, and the ATV turned too much. There was a car parked in our driveway. I panicked and pressed the accelerator instead of the brake. I hit the left rear bumper of the car and smashed my foot, my left foot, in between the car and the ATV. The ATV tipped once and was in the other side of the driveway when I woke up.

I would just like to say I think there is something
wrong with the handling on the ATCs, and I don't like the setup, how they have the accelerator, the brake and the clutch and everything all on the handlebars. So I think that should be changed. There is something about that.

Thank you.

MR. SCANLON: Thank you, Noah.

I believe our next witness is James Erickson.

MR. ERICKSON: First of all, I would like to say that I thank God that Meg and Noah are fine today.

Honorable Senator Kasten, distinguished members of the Consumer Product Safety Commission and its representatives, all panel members and anyone else represented in ATV safety, my name is Jim Erickson, and I'm representing literally hundreds and possibly -- I'm not sure exactly how many people here today for my son. Thank you for the opportunity to speak to you today.

I flew in from Minneapolis to speak five minutes for basically one reason. Since our 12-year-old son's Chris, accident, I have said many times that I would die for my son if he could be okay, but that's not possible. However, being here to advocate safety to reduce similar risk to others is possible, and again I thank you for that. I'm going to tell you what happened to Chris, why I think it happened, and what I think should be done to help prevent similar accidents from occurring in the future. Some of these have already been
Last Christmas Day my wife's brother took our 16-year-old son, Steve, for a ride and showed him how to operate his new four wheeler he got from his wife for Christmas. I distinctly remember when we arrived at his place that afternoon the machine was on his driveway; and I asked him, "Is this thing stable?" He replied, "That's why Pat bought it for me over the three wheeler."

Anyway, Gene let Steve drive it alone, and somehow Chris, our 12-year-old, got on the machine with Steve. Steve, apparently thinking it was safe, let Chris drive with him riding behind him, just as his uncle had done with him. Chris was with Steve just a few minutes -- I'm not sure exactly, probably not more than five -- when they went up a slight incline, and you have a picture of that incline, at an angle, and the machine stopped. Somehow I think Steve knew enough to jump off and get out of its way. But Chris, I suppose trying to protect his uncle's machine, held on. And from what I have learned, after a couple revolutions, the saw-foot peg landed on Chris' right temporal area, where it continued to rest until Steve righted the machine.

After a while Chris rested in the hospital and had a series of four to five major operations on his head and has been in a coma ever since. The last time I saw my son awake was when he was opening Christmas presents. I think Chris,
for all practical matters, died that day, but we haven't been
able to bury him

Dr Kryle, a neurologist at Gillette Children's
Hospital in St Paul, reportedly said that is the worst head
injury he has ever seen Another neurologist has said if
Chris comes out of the coma, the best we can expect for him
is to be at the level of a four- or five-year-old for life
And you've got some pictures of him in his current condition,
which they were taken last Thursday evening Many have asked
if it would have been better if he had died, and I'm not
convinced that it wouldn't have been better

Some people think that accidents such as this just
happen, but I don't believe that any more than I believe that
God wanted this for Chris or the rest of us I think Chris
was vulnerable And the main culprit was the machine itself
and the people who design, manufacture, market and distribute
such machines

Why do I think the accident happened? First, I
believe the four wheeler is inherently unsafe and never
should have been made Bonnie alluded to that An expert
engineer retained by our lawyer contends that it is unsafe
and is, in some respects, more dangerous than the three
wheeler It is not stable, as my brother-in-law said

Second, advertising projects a fine, safe image,
especially to children The ads, without warning, show kids
riding on them One four wheeler ad I recall seeing myself showed a Honda Fourtrax, the one that Chris was injured on, going straight up the wall at a farmhouse I don't know if you saw that or not I just wonder how many of these ads influenced my son

Third, when my sister-in-law purchased the machine, all she was given was the keys, a manual and instructions to read, a booklet She received absolutely no training on the machine I spoke with her the other night

Number four, neither my brother-in-law or our two sons received any training or were aware of the hazards of riding double

All of us were vulnerable that day, but I don't think we should have been Chris was probably most vulnerable But I can assure that you there are literally thousands of 12-year-olds out there just like Chris, not to mention all the others of other ages I think Chris is a victim of our society, and I think that we owe him and other victims quick action As Dr Tom Norowitz, a pediatrician at Gillette Children's Hospital in St Paul where my son was a patient for a time, has said, recalling all ATVs is the only way to totally solve the problem I was thinking, why do people listen to doctors except sometimes when it comes to safety? If this solution is not correct, what would I, as a father of a 12-year-old who has been critically injured on a
four wheeler, suggest to you to help protect others?

Number one, please study the machine and its defects and force manufacturers to make it more safe. Also, how about better warnings, such as labels on the machines that kids can see and understand, read and understand? I look back to the Mr. Yuk campaign for poisons and how that helped children. They can understand that.

Number two, regulate advertising of ATVs to show risk in addition to fun. The fact is, and I believe this, this is very dangerous.

Number three, dealers must adequately warn buyers about hazards and give adequate training skills to those who buy them. Maybe we should require them to wear helmets.

Number four, mandatory driver education of classroom and on-machine training is a must. We in Minnesota have training for cars, motorcycles, snowmobiles, plus courses for firearms and watercrafts, and probably some others that I haven't mentioned. Why not one in all states for ATVs? I was encouraged to hear what Senator Kasten said about what's happening in Wisconsin here.

Number five suggestion might be mandatory helmet legislation, restricted hours of driving, et cetera.

I'm just going to quickly finish. Last night my wife -- I was telling her about coming over here, and she wished me well. And I think she hasn't missed a day that she hasn't
cried and said a prayer for Chris. In fact, she said, "There isn't a day that I'm awake that I don't think about him." I said a prayer that this trip would be beneficial to somebody.

Today Chris would have been a seventh grader at junior high school, and I think he's going to be missed by a lot of people. Our son Steve starts high school as a junior, and I worry about him. Our daughter Tracy will be a sophomore at the University of Minnesota this fall, and I'm concerned also about her, as I am myself and my wife and all of our friends and other relatives. I want you to know that there are many families like us out there, and I hope we can do something for them.

Thank you.

MR. SCANLON: Commissioner Dawson?

MS. DAWSON: Thank you very much, Mr. Erickson, for your courage in coming here today and sharing those experiences with us.

One of the reasons that we are coming out to the states is to listen to people who had experiences such as yours. I have heard similar stories in both Mississippi and in Texas. And as the parent of a son the same age of yours, believe me, you have all my sympathy and my prayers for his recovery.

I was interested in what you said about the lack of any instruction or warnings on the machine on which your son
was injured. Were there no labels that you recall giving any
instructions, particularly about double riding? I think
that's one of the rules which the industry itself and the
associated trade association has been very, very firm about

MR ERICKSON As I recall that day, I looked at
the machine very briefly. But I haven't had a chance to ask
my brother, or my brother-in-law, too many questions because
there is a lawsuit pending. And I was happy that my
sister-in-law shared some of that information with me
However, one attorney told me that the warning is very
insufficient. It's small, and it's hidden underneath the --
apparently underneath the riding area. It's not supposed to
be a riding area, but a luggage rack. And according to a
spokesman, I believe it was for Honda, on 20/20, he said that
it wasn't what they had hoped it would be. And I think that
that's an admission that it is obviously insufficient

MS DAWSON Ms Sumner, in your case you were, I
think, correct in your feeling that there is a perception
among parents who have never seen these vehicles before that
they would not be a hazard. You made some interesting
comments in your statement about the need to educate parents,
particularly. Have you got any ideas which you can share
with us as to how this can be done on the federal level?

MS SUMNER The only thing I can think of is what
Mr Erickson just said about the Mr Yuk campaign. I know
that I personally have tried to get my story in any kind of media I can, whenever I can, and to make sure that everybody I know knows about this. But, of course, I'm just one person. If there could be some kind of -- I don't even know what to say because so much of it rests on the manufacturers. They are marketing these vehicles as toys. They are aiming them at young children, let's go out and have fun. They have to bear some of this blame. They have to bear some of this responsibility for killing young children. If adults want to go out and have fun and have recreation -- and the man who spoke first about the use for farmers, whatever, I'm not interested in that. I am talking about young children who are being killed and maimed and put in comas by these vehicles. And I am not willing to let the industry off the hook so easily.

I don't think it is only the Government that bears the responsibility of letting people know. If the vehicle were not so dangerous to begin with and were not marketed towards children to begin with, the Government wouldn't have to worry about it. I mean, I don't know what the answer is. There has to be education, but are we going to have 90-second spots on Saturday morning cartoons to warn children? That's fine with me. I don't know what to say. I'm not an engineer, I'm not a lawyer. I'm just a mother, and I am a consumer.

Ms. Dawson: Thank you for sharing those thoughts.
with us

Meg, what advice would you have to children who were, say, visiting someone, as Ms. Sumner's son was, with one of these vehicles?

MS PETULLO Well, I would say to have really—to talk to someone who has ridden it a lot and know how to ride, and know how fast to go and in special areas and to stay away from special places. And that's about it.

MS DAWSON What suggestions would you have to make, Noah?

MR DESMOND Well, I would suggest that someone experienced should only ride one. You have to be—you have to have some muscle to control an ATC. And they do tip easy. So I wouldn't let a girl at that size ride an ATC, go off alone.

MS DAWSON Do you have any friends that do ride ATVs?

MR DESMOND Yes. The one that I crashed on was my friend's ATC, and he is 14 years old. He's smaller than me. I wouldn't suggest getting an ATC. I have a motorbike right now, and it's a Honda 80. And a two-wheel cycle controls a lot easier than a three wheeler. I don't know why, but it does.

MS DAWSON Thank you.

MR SCANLON Thank you, Commissioner Dawson.
Dr DeFiore?

MR DeFiore? Thank you

Noah, since you were just speaking, maybe I will address some questions to you. What vehicle were you riding?

Do you know what the model was, the ATV?

MR Desmond 250 SX, I believe

MR DeFiore 250? Did you have any training at all in riding ATVs?

MR Desmond I drove that one around the night before, around my house quite a bit. That's about all I had. And I knew how to do the clutch and stuff. I knew how to drive it.

MR DeFiore It belonged to a friend of yours, you said?

MR Desmond Yes, it did.

MR DeFiore Did he have any training in --

MR Desmond I really don't know.

MR DeFiore How experienced was he in riding ATVs?

MR Desmond He had it for a couple months, so he was pretty experienced. And his parents are very cautious about things like this, so he knew how to drive it. You could tell he had control.

MR DeFiore Did you have any safety equipment on when you rode or --

MR Desmond Yes, I had a helmet.
MR DeFIORE You had a helmet? When you had your accident, did anything different -- did the vehicle do anything differently that time than at other times when you had ridden it?

MR DESMOND Yes, exactly. I can't really judge the steering of an ATC. Usually when I turn, it turns a little. But this time it turned a lot. And I couldn't move away from the car.

MR DeFIORE Was there anything that you could think of now, looking back on it, that you could have done that might have prevented the accident?

MR DESMOND Yes. Hit the brake, not the accelerator. But I panicked, so --

MR DeFIORE Meg, have you had training in riding an ATV?

MS PETULLO Yes. Well, sort of. Not really. My friend just showed me right before I started riding it how to do it, but just briefly.

MR DeFIORE Okay. Before you had your accident, did you know that riding two on a bike was unsafe?

MS PETULLO No, I didn't.

MR DeFIORE Did you know that riding on an asphalt surface was unsafe?

MS PETULLO No.

MR DeFIORE As you think back about that accident,
can you think of anything that happened then that you could
have done to prevent the accident?

MS PETULLO Probably put on the brakes, same
thing  But, yeah, I put the speed on instead of the brake,
as he did  I put the speed on

MR DeFIORE Ms Sumner, do you happen to remember
what model bike it was?

MS SUMNER I don't remember, but I have it
written down  It was a 2 -- Honda ATC 200 M

MR DeFIORE Thank you

MR SCANLON Thank you all for coming  We
appreciate it

We will proceed with Panel No 4, composed of coroners
and county representatives  Dr William Fuller, coroner of
Door County, Wisconsin, Sturgeon Bay, Wisconsin  David
Joswick, coroner, Marathon County, Wisconsin  Michael
Sohasky, County Forestry Extension Surface, Langlade County,
Wisconsin, Medford  Dr Stephen Hargarten, chairman of
Wisconsin Safety Helmet Coalition  He is affiliated with St
Luke's Hospital, Milwaukee  Jan Marsh, president, Milwaukee
Audubon Society, Milwaukee  And Richard Kieltyka  I hope
I'm pronouncing that correctly

Is that correct?

MR KIELTYKA Kieltyka

MR SCANLON Kieltyka, chief ATV and motorcycle
instructor, Northern Illinois University And William
Fletcher, agricultural safety engineer, National Safety
Council, Chicago

Welcome, gentlemen

MR JOSWICK Thank you My name is David Joswick
I am the coroner of Marathon County I would like to present
to you today Marathon County's experience with ATV fatalities

If it's indeed true that there have been 22 fatalities
reported in the state, then Marathon County has suffered
through more than its share In the past 13 months we have
recorded three fatalities involving the use of all-terrain
vehicles The ages of the people involved in these
fatalities varies widely But the fatalities bear some
common element which I think would serve us well if we
reviewed them very quickly I don't think we will find any
new information here But I think that these three instances
will serve to drive home some of the points which have been
made by previous speakers

In July of last year we had a seven-year-old child
killed while operating an all-terrain vehicle This
seven-year-old child was operating the vehicle on her
father's farm There was an even younger child, age 20
months, riding along as a passenger on the all-terrain
vehicle The seven-year-old lost control of the vehicle It
jumped over a road into a ditch, overturned and caused the
dead of the seven-year-old child

The second instance happened in November of '84 and
involved the death of a 33-year-old man who was a passenger
on an ATV driven by a 25-year-old. This vehicle was being
operated on a sidewalk as it crossed the bridge on a city
street. The vehicle scraped the railing of the sidewalk,
turned over, and it is uncertain whether death was caused by
the vehicle overturning on the passenger or whether he struck
the pavement in some way.

The third instance happened in June of this year in
which three or two 15-year-olds were operating an ATV. They
were operating the ATV on a country gravel road. They failed
to stop for a stop sign and drove out into the path of an
oncoming vehicle.

A comparison to these three fatalities reveals some
interesting things. In no cases was any protective head gear
worn, either by the passengers or the operators of the
vehicle. In two of the three cases, the operators were very
unfamiliar with the operation of the vehicle. In one
instance, the owner of the vehicle and the operator had had
the vehicle one day. The other instance was that of the
young child, who was clearly unable to operate the vehicle
properly. The third instance involves the 15-year-old, who
simply did not obey a common sense traffic control, even
though he was operating the vehicle illegally

I think that the incidence of these tragic deaths in
our county is of great concern to the medical community in
our area, as well as to the law enforcement community

With respect to the ages involved, I, as a parent,
cannot believe that any parent would knowingly place their
child in a situation of danger or potential harm. It seems
to me, therefore, that the problem which has been discussed
before of the perception of parents in particular of the
danger of these vehicles is a very real problem

We see a large number of advertisements which appear
very benign and do not address the dangers involved. I think
it is absolutely essential that we attempt some sort of
competency testing on the part of the operators of
all-terrain vehicles

As I said before, my concern is shared by members of
the medical community in our area, many of whom have
expressed to me their concern over this issue. Their feeling
is that all-terrain vehicles now represent one of the most
common, if not the most common, cause of serious illness in
children or injury in children, as seen in emergency rooms
and clinics in our area

Thank you

MR SCANLON Thank you, sir

Mr Sohasky?
MR SOHASKEY Thank you My name is Mike Sohasky My address is Langlade County Forestry Department, Post Office Box 460, Antigo, Wisconsin I believe on the handout it said Medford, but it should be Antigo

I'm here today to provide the Consumer Product Safety Commission with information regarding Langlade County's all-terrain vehicle program. This program is based on a local licensing requirement which establishes a registration system, new safety program, law enforcement, and provides for trail maintenance. As Senator Kasten mentioned, he mentioned a state-initiated action. This is a county-initiated action where we developed our own county system.

Before I discuss our new safety program, I would like to discuss briefly our ATV program. Langlade County, with 487 miles of state-funded snowmobile trails, ranks as the second largest county snowmobile trail network in Wisconsin. ATVs first appeared in Langlade County about 1978. At that time, the Langlade County Snowmobile Council and the Langlade County Board of Supervisors were considering a county snowmobile ordinance which would regulate off-road vehicles other than snowmobiles on snowmobile trails. The council and the Forestry and Parks Committee of the county board decided to allow ATVs on our snowmobile trails, with the stipulation that the machines be registered.

On January 9, 1979, the county board adopted the
snowmobile ordinance. This ordinance prohibited the use of
motorized vehicles on snowmobile trails other than
snowmobiles with one exception, the ATV. ATVs were permitted
on our countywide state-funded snowmobile trail system,
provided they were registered, and the fee charged was $6 per
winter.

The registration income provided funds for trail
maintenance, signs, and our ATV youth safety program, which
was developed at a later date. Applicants are provided with
a permit, and they get two decals to put on their machine.

We have registered ATVs now for six years, and the
following are numbers. First year was 17 only. 1979-'80 was
17. 1980 to '81, it jumped to 46. '81 to '82, 172. '82-'83,
250. '83-'84, 369. And '84-'85, this past year, was 434. I
think that shows the growth pattern for local county
all-terrain vehicles. That probably coincides with the
nationwide figures.

I would like to now discuss our youth safety program.
It was soon recognized that a potential safety problem
existed on our trails with the young ATV operators. These
young operators were on trails that are regulated — that
regulates young snowmobilers. So these machines are on
trails that have a snowmobile regulation for young operators.
State snowmobile laws restrict the operating of snowmobiles
by youthful operators. And as a result, we decided to
restrict youthful operators of ATVs on our trail system, to
be consistent with state laws

On October 12, 1982 the county board adopted a revised
snowmobile trail ordinance which restricted youthful
operators of ATVs on our trail system. The ordinance
followed the identical age restrictions as the state
snowmobile law. Thus, any individual between 12 and 16 may
operate an ATV on our trail system, our snowmobile trail
system, only after obtaining a valid snowmobile safety
certificate, which is issued by the Wisconsin Department of
Natural Resources, and an ATV safety certificate issued by
the Langlade County Snowmobile Council. This ATV course is
supplemental to the DNR course and lasts about four hours.
Thus, a person must be certified to operate a snowmobile
before being certified to operate an ATV on our trails. No
person under the age of 12 years may operate an ATV on an
approved trail in Langlade County unless he is accompanied by
either a parent or guardian or by a person over 18.

This past year, four classes were held, with a total
of 81 students certified to operate ATVs on snowmobile trails
in Langlade County. Our safety program, after three years of
operation, has certified 227 individuals on ATV safety
Drivers receive an arm patch, a certificate and a wallet
identification card.

We actually developed a safety patch that they can put
on their snowmobile suit, and they have a certificate they
can put on their wall if they like, saying that they are
certified in ATV safety. We thought it was a nice thing, so
it would give them some recognition for accomplishing a
safety program that has not been accomplished before.

Basic principles important to the safe and responsible
operation of ATVs are covered. We cover our ordinances and
laws, the history of our program, objectives, aspects of ATV
and snowmobile safety rules, winter driving operations,
safety checks, planning, clothing, first aid, parts
identification, laws and regulations. And I have extra
handbooks if you would like them. All materials are free and
provided by the registration fees.

In conclusion, Langlade County regulates ATVs by a
county ordinance. We register the machines, and we use the
money for our ATV program, for enforcing regulations,
promoting safety for youthful operators. And it provides the
ATV enthusiasts with the privilege of using our 487 miles of
snowmobile trails.

Education of the ATV enthusiasts is one area that
seems to be lacking in much of Wisconsin. Since our program
is now six years old, I am surprised personally by the
compliance we have received. The ATV enthusiast in our area,
because of registration, is more aware of the laws, the
registration requirements and where he can legally ride.
Hopefully our safety program has provided the youth in our area an opportunity to gain respect and practice safety.

Thank you, and I will answer questions later.

MR SCANLON Thank you, Mr Sohasky.

Dr Steve Hargarten?

DR HARGARTEN Thank you very much. And I thank the panel for allowing me to give testimony.

My name is Steve Hargarten. I'm a physician at St. Luke's Hospital Emergency Department here in Milwaukee, Wisconsin. Milwaukee as a county does not have a vast experience with all-terrain vehicles, as some other counties do here in the state of Wisconsin.

I would like to make one correction. I am the chairman of the Wisconsin Safety Belt Coalition. In some crowds I sometimes have to wear a helmet, since I am promoting seat belts and the mandatory use of those seat belts in cars. But it is a safety belt coalition.

My --

MR SCANLON I apologize for what was said.

DR HARGARTEN My experience with all-terrain vehicles is twofold. One, reading the grim statistics associated with them, and two, having had an experience about one month ago driving in Waukesha County on the hilly roads that are outside of Holy Hill and seeing two what appeared to be about 13- or 14-year-old kids riding an all-terrain...
vehicle on the road without any helmet gear and going against the flow of traffic

What I have to provide in terms of testimony is what I feel is the result of a combination of factors that bear out, from looking at the vital statistics, the experience of the state of Wisconsin regarding mortality. As was mentioned, there have been approximately 22 deaths. There has been a review of 17 deaths, those deaths that occurred in '83 and '84. And some interesting aspects of that data have come out, and I would just like to briefly mention those to you.

First of all, the age range of the people who have died associated with the usage of all-terrain vehicles has ranged from age 70 to age seven. So these are not just limited to children, though I think that children or adolescents provide some of the more common people who use these vehicles. But I thought that was of interest and should be mentioned.

Secondly, the most common cause of or immediate cause of death with these individuals is a head injury. 70 percent of these victims died due to a head injury.

I might make a correction, that the oldest individual who died on an all-terrain vehicle was 78, but he had a cardiac arrhythmia, and I feel that the cause of death was not due to the all-terrain vehicle but was due to his heart condition.
The second interesting statistic would be related to where these injuries have occurred. As was mentioned by the coroner, the road is one common location. And the farm presents the second common environment for these serious injuries. Between the two, farm and roads, they account for 80 percent of the injuries.

My suggestion -- prior to making the suggestion, there is no data available statewide that I am aware of regarding the morbidity due to these vehicles. And these are just simply the mortality figures.

My strong suggestion to the panel and to those involved in state legislation would be to call for a mandatory usage -- aside from the safety education, which I think is excellent, and aside from the usage or restriction of those vehicles to certain areas, would be to mandate the requirement of wearing a helmet when operating this vehicle. I think a usage, proper usage, of a helmet would greatly reduce the incidents of morbidity and mortality due to these vehicles.

Thanks very much.

MR SCANLON Thank you very much. When you're talking about morbidity, you're talking about injuries and deaths, or only injuries?

DR HARGARTEN Just injuries that do not result in death, but injuries that could range from a sprained ankle to
a head injury that renders the individual completely
dependent on medical personnel to survive

MR SCANLON I see. Thank you

Ms. Marsh, would you introduce your colleague, please?

MS MARSH This is Robert Kral, one of our board
of directors

MR SCANLON Thank you

MR KRAL Good morning, ladies and gentlemen. On
behalf of the Milwaukee Audubon Society, representing 3,500
members, I would like to thank you for the opportunity to

speak today.

It is evident, from a number of accidents involving
ATVs and the potential increase in the number of deaths, that
regulation of use and education of the results of use are in
order. I do not want to belittle the aspect of people
injured on these machines, but I am sure you have heard or
will hear a great deal about that aspect of operation.

Safety also means the well-being of people and other objects
affected by the machine. In that light, I would like to make
a few comments on the environmental aspects of the machines.

As stated in Product Safety and Liability Reporter
dated 10/26/85 by Alan R. Isley, president of Specialty
Vehicle Institute of America, a group that supports off-road
vehicles, the type of person who buys an ATV is usually hard
to instruct, buys it for freedom and adventure, and usually
resists training

Audubon is involved in the Moss-American site listed with Super Fund. On last inspection, 9/2/85, ATV tracks were found through areas of 50 percent creosote concentration. This area was clearly marked not to enter. These ATVs are spreading as poison around.

A serious situation in a similar -- a situation similar in nature to this existed on the Brule River in northwest Wisconsin. After posting No Cans or Bottles on the river, the people who tubed the river continued to litter and cause problems with other users of the river. The answer to the problem was to ban all tubing on the river.

If the people who use these machines will not heed signs, then no area of environmental sensitivity can be protected.

We must also be concerned with ATV-caused erosion. These machines have no differentials, which not only contributes to the machines' lack of stability, causing many accidents, but every time the vehicles turn, one tire scrubs the surface of the ground bare. When used on muddy ground, the damage is multiplied many times.

Since these machines are not regulated, unauthorized modifications are made which not only increase noise, which scares wildlife off nests, but increases air pollution, which the state is spending large amounts of money to clean up.
Again, since no permit is required to use ATVs, small children who do not have the reflexes, strength or even the ability to read are using these machines. The ATV industry states children as small as four years old can operate these machines. How can such young children tell between hiking trails and ATV trails, which will result in more people being hurt?

In summary, it is time for the Federal Government to take action which will not only protect the people who choose to use these machines, but to protect those of us who choose not to use ATVs or have them in our outdoor peace.

Thank you

MR SCANLON Thank you, sir

Mr Kieltyka?

MR KIELTYKA Good morning I must concur with Bonnie Sumner's comments earlier about the risk of the vehicles and the other commissioner's attitudes, also. Unquestionably, riding ATVs involves risk, just as riding a bicycle, smoking a cigarette or getting out of bed in the morning. The end we all pursue is finding a level of risk we can accept in our day-to-day living.

One of the problems I see with ATV riding is that people don't acknowledge the risk involved with riding a motor vehicle. ATV riding is not like riding a motorcycle in that it doesn't handle like a motorcycle. It is not like
riding an automobile because it doesn't operate like an automobile. Many first-time ATV riders are deceived by the fact that an ATV at rest balances itself.

Further, ATVs with four wheels have visual similarities to automobiles. These factors mask the risk involved with ATV operation, such that many riders never suspect any difficulty in operating the vehicle.

Further, parents caught in this deception allow children to operate the vehicles without training or supervision, likewise not recognizing that it is a motor vehicle. Just as you wouldn't allow a child to use a power saw unsupervised, they shouldn't be allowed to use ATVs unsupervised. Just as you wouldn't allow a child on a motorcycle or a moped without a helmet, they shouldn't be left on an ATV without proper protective gear.

I see operator education as the answer. It can take many forms, either active courses for the operators, actively hands-on trained in the course and educated not only in vehicle operation but responsible riding, or it can take passive forms, such as video tapes, reading material and different activities that parents and children can participate in together.

There are three lessons I see as very important in ATV education that can significantly reduce the accident problem. Number one, operating any motor vehicle involves risk. We
need to acknowledge that risk with ATVs

Number two, you must take a personal responsibility for your safety and for the safety of those around you. In operating an ATV, that means if I own it, I have control over who rides it. If you're not trained, you don't ride it. That's a big problem with show and tell, where somebody gets a new vehicle. I get excited about it, so I want to show you the vehicle. "Here, here's how to ride it, go." That's a big problem with this vehicle. You can't do that.

And number three, ATVs do not handle like any other vehicle. You must, therefore, take the time to learn and properly ride an ATV and practice it.

Another thing I think needs to be brought out is that it is not an ATV. It is an AATV, an almost-all-terrain vehicle. It does not handle on all terrains, as we are seeing on roadways and in changing surfaces when you go from one surface to another. For instance, on gravel, loose surfaces, the ATV operates differently than it does on paved or hard-packed surfaces.

In admitting the risk of a motor vehicle operation, the operator must survey the dangers inherent to the activity and determine the best means of reducing the dangers to an acceptable level of risk. For example, ATV riders must recognize that an ATV, like a motorcycle, provides no operator protection as an auto does. To minimize this risk.
to an acceptable level, the rider must dress in appropriate protective clothing. This testimony you have in written form I have handed that out earlier.

I would like to address a couple other things that have been brought up earlier this morning. The comments on rider error, for instance. My full-time job is dealing with motorcycle rider training. I know from that that, in auto driving and auto accidents, as well as in motorcycle accidents, only 2 percent of the accidents are from vehicle failure. Most of it is operator error, in particular with ATVs because they do not handle like other vehicles. They look like other vehicles. They look like big wheels or tricycles. They may look like an auto if they have four wheels. But they do not handle like other vehicles.

The idea of inducing instability that has been brought up is incorrect. In order to turn, there are two techniques. The technique you use depends on the speed you are traveling.

Large-scale training is available, and it will be very soon. The NIU motorcycle safety program covers a 13-county region and annually trains over 1,500 riders. In the next year, I will be creating a parallel ATV training program in this area.

And in conclusion, I would like to show some evidence that it is available. In the training at Strickland Downs, I trained instructors in a three-county area so far. Some of
those instructors are here. Some of their training that has trickled down into 4-H clubs has not only gone to the local 4-H, but also to 4-H state activity. So it is spreading, and it will spread significantly very soon.

Thank you for the opportunity.

MR. SCANLON Thank you, Mr. Kieltyka.

William Fletcher?

MR. FLETCHER Thank you, Chairman Scanlon. My name is William J. Fletcher. I'm an agricultural safety engineer employed by the National Safety Council in Chicago. I am accompanied today by Todd Turiff, our manager for public and youth safety.

The National Safety Council is concerned about reports of serious injuries being incurred by users of all-terrain vehicles, but it does not have data or statistics not already entered into the record at this and your previous hearings. We do wish to affirm our desire to assist in the mitigation of hazards arising out of the use of these vehicles, whether for recreation or for work, work being my main consideration.

I participated in the industry-sponsored ATV rider safety training course held August 26 in Illinois. The training was extremely helpful in understanding the operation of the vehicle and greatly extends my own awareness of the enthusiasm shown by ATV operators. But the ride is demanding. I might add that, being nearly 60 years of age, despite a
fairly good physical condition, the aftereffects lasted about four days of that training period.

At the current time the National Safety Council is planning two publications addressed to safe use of ATVs. The agricultural department is preparing a ruralized prevention bulletin tentatively titled Safe Use of ATVs in Agricultural Work. This bulletin will emphasize the importance of maintenance and pre-ride checks of the vehicle. Although basic riding skills will be discussed, participation in an organized rider training course will be urged. The remainder of the publication will be devoted to agricultural applications and how they may affect the safe operation of the vehicle and the implements being used.

The second production will be a booklet, again tentatively titled Safe Operation of All-terrain Vehicles. Although directed primarily at the recreational user, it will touch on the agricultural and industrial uses made of these machines. It also will urge participation in organized safety training. The text and illustrations will offer a review of riding practice techniques and maintenance check points. Use of protective gear is stressed. Preparation for the riding environment and advance planning is a high priority in this guide.

I might also mention that the agricultural division of the National Safety Council has formed a task force on ATV
safety  The first meeting will be in October, and we hope to
come forward with some national programs and campaigns to
increase awareness of the hazard and the mitigating
techniques that will continue to make these vehicles useful,
practical and of value to our citizens

    We thank you for the opportunity to present this
information

    MR SCANLON  Thank you, Mr Fletcher  We are
delighted to see the involvement now of the National Safety
Council with this safety problem  If we could cooperate in
any way in your safety ad campaign, which you said would
commence in October?  Is that correct?

    MR FLETCHER  We are meeting in October to make
plans for the approaches that can be made toward accident
prevention on ATVs

    MR SCANLON  If we can cooperate, co-sponsor or
anything with you, we would be more than delighted to do so

    MR FLETCHER  Thank you

    MR SCANLON  And our resources would be made
available to you

    Dr Hargarten, I had a number of questions concerning
your review of the 17 deaths  Did all those occur in
Wisconsin?

    DR HARGARTEN  Yes

    MR SCANLON  They did  Were helmets used in any
of those where there was a head injury?

DR HARGARTEN I do not have that information available. That's not required to be mentioned on the death certificate. So if there were individuals using the helmet, it may or may not have been recorded. There may be other individuals who may know the specific deaths that occurred due to head injury, and they know for sure that the person didn't wear a helmet. But I'm not sure.

MR SCANLON Would those medical records of the 17 be available to the Commission?

DR HARGARTEN Yes, I can give you the individual who would get you that information.

MR SCANLON Would you do that? Would you give that to Mr. Brott? We will request it.

DR HARGARTEN Yes.

MR SCANLON Is there any unpublished data available that would be useful to the Commission at this time on any of your investigations?

DR HARGARTEN Again, that information, I will be giving it to the Commission so that you can look at it in more detail. I didn't mention it, but 80 percent of the individuals were males. This is just epidemiological data.

MR SCANLON Okay. Would the usage of alcohol be mentioned in these reports?

DR HARGARTEN I could not answer that.
specifically In looking at the variety of individuals, I would not be able to tell you whether or not alcohol was a risk factor involved in these deaths.

MR SCANLON Okay Thank you

Mr Joswick, you mentioned one of your cases involved a seven-year-old child Do you think a seven-year-old has the coordination to operate an ATV with training?

MR JOSWICK I wonder whether that's true In the case, this particular accident occurred in a fashion in which it was unclear whether the throttle stuck or whether the younger child interfered with the throttle or whether the seven-year-old panicked and grabbed the throttle We can tell you that the throttle was found to be working, in working condition, when the vehicle was inspected after the accident.

I think that children at this age have, number one, a feeling of relative invincibility and at the same time lack of sheer physical size and strength which is necessary to adequately control a vehicle once it has gone out of control, for whatever reason.

MR SCANLON So you question the advisability of a seven-year-old under any circumstances using the ATV, is that correct?

MR JOSWICK I certainly would

MR SCANLON Let me ask you this Would helmets
have prevented any of the head injuries of these children?

MR JOSWICK I think in at least two cases, had
the individuals been wearing helmets, they would have stood
an excellent chance of survival

MR SCANLON Could you provide to us the medical
records on these cases?

MR JOSWICK I can provide you my coroner's
records, yes

MR SCANLON Okay That would be helpful Could
any of these accidents have been prevented?

MR JOSWICK I think clearly yes

MR SCANLON How?

MR JOSWICK I think, in my opinion, without
question the seven-year-old shouldn't have been on the ATV
without definite supervision The --

MR SCANLON Even with supervision, should a
seven-year-old be using an ATV?

MR JOSWICK Not alone Supervision could be
defined in many ways Supervision --

MR SCANLON Well, you really can't have two
people riding one So if the supervisor --

MR JOSWICK Is not on the vehicle --

MR SCANLON Is not on the vehicle --

MR JOSWICK No, it's my opinion they shouldn't

MR SCANLON Should not
MR JOSWICK They should not

MR SCANLON And they shouldn't be double riding, correct?

MR JOSWICK Correct

MR SCANLON So then your answer might be it's not advisable for a seven-year-old to use an ATV

MR JOSWICK My answer is definitely that it's not advisable. The other instance of a totally preventable accident was the instance where the ATV was operated on the road and went through a stop sign

MR SCANLON Okay. But you could provide that material to us

MR JOSWICK I certainly can

MR SCANLON Mr. Sohasky, let me ask you about -- you mentioned that you have been providing riding training for three years to 12- to 16-year-olds. Again, does a 12-year-old have the proper coordination to handle an ATV? An average 12-year-old?

MR SOHASKY I believe an average 12-year-old probably would. Like someone mentioned earlier this morning, even a 12- or 13-year-old can be uncoordinated or be -- the problem you find with 12-year-olds and 13-year-olds and older is the comprehension level. You still find people -- we give a test, a written test and a field test, as part of our program. And we have to actually go through the test.

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questions with some 14-year-olds, even to go over the
questions verbally with them, because they cannot even read
properly to comprehend a question. And the same thing, I
think, can happen physically. You know, it has to be such a
way that the person can understand. And I would say a
12-year-old should be able to handle the operation of a
machine like that, with proper training.

MR SCANLON: Okay. Thank you.

Commissioner Dawson?

MS DAWSON: Yes. I'm going to start with Mr.
Fletcher. I want to also compliment the National Safety
Council on becoming involved in this issue and hope that you
will be able to share your experiences and some of your
efforts with the Commission.

In your development of the training material, you
talked about some tips for riders, and also in some other
materials that were devoted specifically to agricultural
safety use. Have you been working in any way with industry
representatives on any of these materials?

MR FLETCHER: Most of our work to date has been
with safety specialists of the state universities and the
extension service. And much of the material that we have so
far gathered has been screened from existing safety materials.
We have not made any conscious effort to canvass the entire
industry as far as getting cooperation from manufacturers.
In one or two cases we have asked for specific information on products, and they have been very free with the information to us.

MS DAWSON: Does the National Safety Council plan any nationwide informational type effort for this kind of safety program?

MR FLETCHER: We expect this to be an outgrowth, but we want to complete our development process before we mount any major publicity or public service type program.

MS DAWSON: Mr. Joswick, you mentioned your suggestion or your strong recommendation that there needs to be competency testing. And I'm wondering if -- are you aware if the new state law in Wisconsin is going to require such testing?

MR JOSWICK: I am not aware of whether or not that will be required or not.

MS DAWSON: Let me ask Mr. Sohasky. I know that in your county program you mentioned that you do give that kind of testing. Have you been involved in any way with the development of the state law?

MR SOHASKY: Yes, I have. We worked with Larry Freidig, who was here earlier, on developing that program. And I imagine the administrative rules have not been written, the fine details. But I'm sure it will have something in there with field testing, somewhat similar to the snowmobile,
where the person has to get on the machine and take it out in a controlled environment to see if that person can physically pass that portion of the test in order to get certified to operate the ATV.

MS DAWSON  How do you deal with the problem of the agricultural or the farm use, which is then transferred to recreational use? How do you reach those types of riders?

MR SOHASKY  I don't understand the question.

MS DAWSON  Well, in other words, if a person has one of these vehicles on a farm, it is used for utilitarian purposes. Dr Hargarten has mentioned already that that is, in his data, shown to be one of the major areas where accidents are occurring. Is there any way, a specific way, to reach this type of an individual?

MR SOHASKY  I think if we reach it by state law, if the law is passed -- which it has been passed here in Wisconsin, hopefully other areas -- that once they leave their farm property, they must have proper registration and training for younger -- for their young children. That happens a lot in our area. There are a lot of farms. And people get off the farm, and the next minute they're out riding across the country, their children. And our county ordinance has controlled that in the wintertime, and hopefully state law will control that on a year-round basis. And that's a major problem, is young farm children.
MS DAWSON  But so long as they are on their own private farm property, there is no enforcement vehicle at this point

MR SOHASKY  In our ordinance, correct. Our ordinance does not consider them with their own farm property. The state law, I believe, does. I can't go into specifics, but the state law does have some controls on their own property.

MS DAWSON  The state law will

MR SOHASKY  Will, right, in '87

MS DAWSON  Dr. Hargarten, I want to get back to the data you developed from the 17 incidents that you investigated. You mentioned -- I thought it was especially interesting -- the data, first of all, that 70 percent were head injuries.

DR HARGARTEN  That's correct. Immediate cause of death on the death certificate was due to a head injury.

MS DAWSON  Do you have any further information as to how the accident occurred? Such as flipover, rollover, how the victim --

DR HARGARTEN  That information would probably be available from the police reports or from the coroner's reports that were made out at the time of the accident.

MS DAWSON  Can you share with the Commission staff the information that you mentioned about 80 percent of
the injuries being located either on roads or on the farm?

DR HARGARTEN That's correct Yes, that information will be provided I will give you the information

MS DAWSON Because I think that's very significant Of course, on-road use is illegal Farm use, there is a question as to how much even local government can regulate that type of use

DR HARGARTEN It's interesting, with the Safety Commission -- with the National Safety Council here, that of the eight deaths that occurred on the farm, half of those individuals were over 20 So whether or not they were recreationally going around the farm, or more likely that they were actually using the vehicle for some function on the farm, I think that's an indication that the Safety Council's long history of being involved in occupational-related injuries is proper here

MS DAWSON It may be a significant piece of information that you have come up with

Mr Kieltyka, could you give us a little more background about what your professional training is and what your -- you said that you were a full-time instructor in motorcycles and ATVs

MR KIELTYKA My full-time occupation is to organize and administer a motorcycle rider training program
in the northern 13 counties of Illinois outside of Cook County. It's a Department of Transportation grant. Annually we train about 1,500 riders at 11 different training sites. We have both on-road training for novice riders, off-road training for riders, and training for experienced riders. What we will be doing now is diversifying the program into other areas. The first thrust that I intended to look into is ATV training.

My training is through the Motorcycle Safety Foundation as an instructor and an instructor trainer, and through the Specialty Vehicles Institute of America as an instructor trainer.

MS DAWSON Is the Motorcycle Safety Foundation also involved in the ATV effort?

MR KIELTYKA The Motorcycle Industry Council, like -- or excuse me, the Motorcycle Industry Council. The Motorcycle Safety Foundation and the SVIA are all industry-sponsored groups. They are funded entirely by the industry.

MS DAWSON Now, your emphasis has been on rider training and education.

MR KIELTYKA Yes.

MS DAWSON Let me ask you about the vehicle itself. Do you -- in the ones that you have experience with, do you believe that the design and performance aspects are as safe as they can be?
MR KIELTYKA    I think they are as safe as they need to be, yes

MS DAWSON    Would you make a recommendation for any changes?

MR KIELTYKA    Yes    I would like to see keys on them so that unsupervised use could be monitored    So if I'm not riding it, I take the key

MS DAWSON    That is a significant one    Because most of them are either started by rope pull or switch

MR KIELTYKA    Right    Many of the new models are coming with that, as I am seeing    Other than that, I can't see anything that I would change on the vehicle    I would like to see the standardization of controls so that if I go from one vehicle to another, I know where the controls are without any question    And I think that, too, is coming, from the grapevine that I hear

MS DAWSON    We heard from an earlier panel about one death and another serious injury on a four-wheeler ATV In your experience, do you see any significant difference between the risks associated with the three and four wheeler?

MR KIELTYKA    I see the four wheeler as being riskier, the reason being it looks more like an automobile and, therefore, there is less acknowledgment of risk with the vehicle    People look at it and say, "Sit on it and go " That's not the case    It turns, it handles, identical to a
three wheeler

MS DAWSON  Identical?

MR KIELTYKA  In my opinion, yes

MS DAWSON  We have heard some other comments that there is some difference in handling characteristics of the four wheeler, as opposed to the three wheeler. In your experience, you feel they are very, very similar in the way that they --

MR KIELTYKA  Very similar, yes. Both have pros and cons, mostly based on the terrain you are going to be operating in. On very hilly terrain, I would prefer a four wheeler. On flat terrain or narrow trails, I prefer a three wheeler.

MS DAWSON  Do you think that the average purchaser of one of these machines is really aware of the differences in terrain that they need to consider in making their purchases? Or do they really believe that this vehicle is going to be operable? You mentioned, I think, that they were really AATVs.

MR KIELTYKA  Right. They are AATVs, right. I don't think the operators, the new buyers, now are aware, but I think they definitely can be made aware. I think that's where the Consumer Product Safety Commission can make a significant dent in the accident problem we are having, is in public awareness. The clamor that has come up because of the
CPSC hearings has been good for the industry. It makes people want training. I think that's the most significant thing that we can do.

My job is to make training attractive, to make people want to take it and to make it available to them. That's happening very quickly. I have probably three or four referrals a day coming off a national toll-free number coming to me directly. Every instructor in the country is getting those referrals. The number is getting out, it's getting publicized, and people are getting very interested in training.

MS DAWSON: Is this number the one that is being circulated through the SVIA's materials?

MR KIELTYKA: Yes. It is interesting they are using the same phone number they are for motorcycle training. So the training number is becoming available.

MS DAWSON: What about the numbers of instructors?

MR KIELTYKA: Right now we are working on a pyramid. I am the chief instructor. That's an instructor trainer. I was trained in the first class of those. There has now been a second one, and a third and fourth are already planned. As that pyramid -- that's the top of the pyramid. As that grows, the trickle-down will happen. I have already trained over four classes of instructors in this area and in surrounding areas.
One of the most significant things that I see happening in that trickle-down is that, in two instances, the group that asked me to do training was a club, in one case the Logan County Sportsman's Club that has 18 miles of marked trails. It's their intention to train four of their people as instructors and ATV cops. They will license everyone that rides at their club. And if you goof up and break the rules, you don't ride at our club. The second group was the Lake Region ATV Club, Lake County, Illinois. They have trained four of their people to be ATV instructors because they see Lake County, Illinois as a good place for training.

MS DAWSON In recognition of the concerns that have been expressed by the representatives of the Audubon Society, what efforts are being made in these user clubs and by your instructors to caution users about the environmental damage that can be done?

MR KIELTYKA There are a couple of things. The training course that I deal with has a part in it about responsible riding. In particular, where to ride and how to ride. Soil compaction is a problem. Soil displacement is a problem. Doing -- frequently doing turns in the same place over and over will move the soil. The class I teach deals with that. It says put it back.

A number of the commissioners and CPSC representatives here have been through a course. Those that have been...
through the course that I taught were all taught at the same
place, weeks apart. They will see -- I showed them in the
morning, before we started, there were no trails. There were
no paths that you could see in the terrain. At the end of
the day there were. By the following week there were not
The terrain that I use to train on reclaims itself very
quickly. It's appropriate for that

I think there are appropriate places to ride, and
likewise there are inappropriate places to ride. I don't
think it's right, though, to penalize the group for the
errors of a few individuals.

MS DAWSON Thank you very much

MR SCANLON Thank you, Commissioner Dawson

Dr DeFiore?

MR DeFIORE Thank you

Mr Sohasky, you described some of the training
programs that you had for six years. Are you able to share
with us any specific effects of that training that you have
documented in any way that's made a difference in terms of
the accidents that would have happened absent the training,
absent the rest of the program?

MR SOHASKY Well, I would like to say today

actual documentation is pretty difficult to come by. We have
no reporting system. All I know is, I have taught two
individual classes, probably about 30 people, myself. And I
have not run into any of them on the trails or via court
systems or juvenile court systems. That's all I can say.
None of them have been injured so far in the county that have
been trained. But that's not to say it won't happen.
Accidents do happen. But hopefully they have not shown up
yet, any problem areas.

MR DeFIORE In response to another question about
the coordination of 12-year-olds, you indicated that you felt
that would be reasonably expected to be found. How about the
issue of judgment with that age group?

MR SOHASKY Well, it gets back to -- I believe
somebody mentioned earlier today about parents. I think the
parents, along with education, are the key to the whole
problem. And until the parents can understand also, you know,
and put in their children respect -- I think someone
mentioned from the Audubon Society about respect for nature
and things. It can happen out there if the parents have
enough guidance behind these children to provide that
12-year-olds -- there are people out there 22 years old that
do not have any respect. You know, on a motor vehicle, it
makes no difference at all. It gets down to basic
personalities and upbringing, I believe.

MR DeFIORE Mr Kieltyka, not to wear you out
with a whole lot of questions, but as an instructor, or chief
instructor, you have a lot of background we are interested in
Presumably you have ridden a number of the different vehicles over your time. Do you find significant differences among the vehicles in terms of their handling characteristics?

MR KIELTYKA Yes

MR DeFIORE Are there any things that have led you -- you know, certain kinds of configurations or certain kinds of characteristics of vehicles that may be either better suited to different age groups, better suited to different experience levels, where some are better suited for use generally?

MR KIELTYKA I think ATVs are becoming very similar to the motorcycles that I deal with daily. The motorcycle industry has begun specializing their products. You have very specialized units for touring, for street use, for commuting use and for a variety of different sport uses. I see ATVs doing the same thing. They are becoming more specialized. They are having more utilitarian type vehicles, where they are more implement oriented for towing, for pulling, things on that order. There are other vehicles that are more recreational oriented.

I am most familiar with those that are recreational oriented. When I buy, I look for the creature comforts. I like electric start, I like suspension, things like that.

As far as riding the different vehicles goes, I can't say that I prefer one over the other. I like the comfort of
the suspended vehicle, but having ridden the mountain trails in California on an unsuspended vehicle, it works fine. I can't say that a sprung vehicle works any better.

The one thing that I have found is a significant influence on the handling of the vehicles is proper maintenance. The tires are meant for two to six pounds. Inflating them beyond that -- I have seen it up to 24 pounds in a training class, where someone brought it in with tires pumped up like that because it goes faster. Yes, it does. That's one of the design features to make it go slow, is proper tire pressure.

The other problem that has gets back to the Audubon Society. More tire pressure means more soil impaction and more significant damage to the soil. If we keep the tires properly inflated, it's a safer vehicle, and it's better for the environment.

MR DeFIORE: Is your opinion, then, whether the vehicle has mechanical suspension or not is not a safety consideration, from a rider's point of view?

MR KIELTYKA: I can't answer -- I can't address that from an engineer's point of view. I can say I prefer a suspended vehicle. That's the best answer I can give you on that.

MR DeFIORE: You indicated you were having this segmentation of the market and different vehicles for
different types of people. We had a young man testify, Noah Desmond, that he was injured on a bike that belonged to a 14-year-old friend of his, and it was a 250 SX. Do you think that's a reasonable bike for someone to sell to a 14-year-old novice rider?

MR KIELTYKA We get back into the age problem. I don't think you can make a blanket statement on age.

MR DeFIORE A 14-year-old novice rider.

MR KIELTYKA A novice rider? I don't think -- I think a novice rider can handle a vehicle like that. I don't know that it's an appropriate vehicle for that person. I don't know the type of use that person is going to give it. If they are going to be riding on the track, a 200 SX is an appropriate vehicle. For recreational use, I don't think a vehicle with a clutch and five or six gears like that is an appropriate vehicle. That's a much more sport-oriented model.

MR DeFIORE We have heard all morning about tipovers and rollovers and flipovers. In your experience in training people, are there some common errors that people make that lead to that scenario?

MR KIELTYKA Can I pass that on to someone?

Vic, do you think you could handle a bike that started tipping over, after having taken training?

MR DeFIORE I can ask Vic later.

MR KIELTYKA Okay. The answer is yes, a trained
rider can recognize how to handle that. As a vehicle turns, it wants to roll. More weight to the inside compensates for that. You can turn the vehicle by keeping all the wheels on the ground, and that's the proper way to turn it.

MR DeFIORE You have indicated several times earlier that there were a number of specific handling characteristics that had to be learned in terms of three-wheeled vehicle support, ATV as opposed to other vehicles. Can you state what maybe two or three of the most important ones would be, in your mind, as an instructor?

MR KIELTYKA In particular, that they do not turn like any other vehicle. They do not turn like an automobile, unless they have a differential. If that's the case, yes. You turn the handle or the steering mechanism, and they turn with a solid rear axle, they do not. You need to lean into the turn to control the lift of that inside wheel, ideally keeping it on the ground, lightening it enough to scrub a little bit. That is, in particular, the most important.

The body English necessary for riding this vehicle is the single most important thing that that rider needs to know. Going up hills, you weight forward. Going downhill, you weight back. In a turn, you weight to one of the sides. That's an important thing that needs to be brought out to people.

MR DeFIORE So you would say it would be not
prudent for people to ride an ATV unless they have had some
type of training, how to master these specific skills

MR KIELTYKA Some kind of training I think is the
best way to put it. I think this training can be
appropriately handled either through educating parents or the
new buyers or through the dealership. And I see that
happening. The dealerships that I work with in the
motorcycle program -- as a matter of fact, all dealerships
have now been distributed a packet of information for their
ATV buyers through the SVIA. It has been distributed to
every ATV dealer in the country, as I understand it, with
tips booklets, practice guides, toll-free number, et cetera

MR DeFIORE Maybe one final question of Dr
Hargarten. As you obviously have dealt with death associated
with ATVs or with injuries, how would you compare the kinds
of injuries that people get in other similar off-road
recreational vehicles, with something like skiing, with those
that occur with ATVs?

DR HARGARTEN I think with snowmobiles, with
motorcycles and with ATVs, I think there is similarities in
the types of injuries that you see, with a predominance of
head injuries occurring. I think with vehicles such as this
that go off or can go to an environment that is not
controlled, such as the Langlade County trail system, I think
that increases the risks to the driver to hit an object, to
hit a rock on the hillside, to hit a tree or something and overturn. That would increase the risk of injury. So in terms of being unique, it is unique, I think, because the environment it goes into is unique.

In terms of looking at all the injuries together, I think you do see a similarity with motorcycles, and that is head injuries predominate. And along with educational programs, if you simply require the usage of a helmet, you decrease that mortality and morbidity promptly, as has been seen in a number of states that have done that with motorcycles. I am not aware of any that have done that with ATVs as yet.

MR DeFIORE Mr. Sohasky, in your training program, is equipment covered?

MR SOHASKY Definitely. Equipment is one of the main portions that is covered. We take the machine apart, and we go into winter driving and safety clothing, particularly helmets. We require them -- when they hop into that ATV to take the safety course, they have to have a helmet with them, or else we supply a helmet. And we encourage goggles use, too. A helmet is one thing that is stressed quite a bit.

MR SCANLON Thank you, Dr. DeFiore.

Thank you, all panelists. We will recess now until 1:30, and we will commence then with Panel No. 5. Thank you.
(Recess was taken from 12 30 p m to 1 35 p m )

MR SCANLON Let me ask the panelists for Panel No 5 to come to the table Dr Jeffrey Huston, associate professor, engineering sciences and mechanics, Iowa State University at Ames, Iowa Thomas Schultz, attorney from Green Bay John Hanitz, mechanical engineer from Green Bay Dr Kenneth Johnson, pediatrician with Milwaukee Medical Clinic, Glendale, Wisconsin

Is that pronounced Huston or Huston?

DR HUSTON Huston

MR SCANLON Huston Sorry

Do you want to start, Dr Huston?

DR HUSTON Okay I want to thank the Commission for allowing me to come here and give my views on --

MR SCANLON Do you want to speak into the mike? Let me just, if I may interrupt you, lay out the ground rules You are limited to five minutes We would ask, if you have a prepared text, if you would leave it with Lou Brott at the door And when you see the yellow light, that will indicate that your time is up Thank you

DR HUSTON All right I want to thank the Commission for allowing me to appear here and give my views on the all-terrain vehicle A little bit about my background, I am a professor of engineering science and mechanics I do research in the area of vehicle dynamics and biodynamics I
have looked at recreational vehicles with regard to vehicle
dynamics, and head and neck injuries with regard to
biodynamics. Dynamic modeling is my specialty.

I started to look at the ATV, ATC, three and a half
years ago. And my first impression, if you look at the thing
on the stage, is it looks safe. It has large track tires, it
is psychedelic in color, it looks like it has a very low
center of gravity. However, that's very deceptive.
These machines are extremely dangerous. And I characterize
these by two major problems. One is an overturning
instability. The other is a handling and maneuvering problem.

Let's first look at overturning instability. My
opinion is, this is the type of instability or accident which
causes the most injuries. It's a pitch-roll type of injury,
pitch-roll type of accident. If you consider an axis from
the front tire to one of the rear tires, I will call that a
pitch-roll axis. Normally, on four-wheel vehicles, you could
either pitch, which is the front-to-back motion, or roll,
which is the side-to-side motion. But on a three-wheel
vehicle, you can both pitch and roll at the same time. These
vehicles can overturn much, much faster, much, much quicker
than a regular four-wheel vehicle.

Part of the problem with this particular vehicle we
see on the stage, it is a three-wheel design. It is top
heavy. It has a high center of gravity. With the rider on
top of there, the center of gravity height is approximately
the seat height Some of the machines have inadequate
suspension All they have is the soft tires

Some of the remedies? One would be to add a fourth
wheel That still does not take care of the geometrical
problem with the vehicle -- that is, a high seat G height

Add suspension, front and rear independent Lower the
center of gravity height It means you've got to get that
seat lower You need to increase the wheel base, which means
get the distance between the front axle and the rear axle
further apart Increase the track width, spread the rear
tires

Still we're going to have overturning problems You
have to somehow eliminate or decrease the severity of injury
One thing you could do would be add some kind of a cage to
protect the rider Add rider restraints

You must also have mandatory rider protection Make
the riders wear helmets, shoulder pads, neck cushions
You've got to protect the head and the spinal column

You must have mandatory training Even experienced
riders, even with the safest of vehicles, even if you get
more of these things into the vehicle, there are still going
to be overturning accidents You must restrict the riders to
licensed riders only

With regard to handling, maneuverability, there are
severe handling problems You cannot do accident maneuvers on this vehicle It does not respond fast enough You've got steering problems You have to lean from one side to the other to make the vehicle turn

You must change the rolling radius of the tires Why is this? Because most of these vehicles have a rigid axle If you had a differential, that would solve some of the problems It would also create some You also do not have enough weight on the front tire, so that then the force needed to turn the vehicle is not there It overturns very quickly, and you have then steering problems

Again, some of the remedies Some of these vehicles do not have brakes in the front and the rear You must have brakes both in the front and the rear You must add a little more weight to the front wheel so you can effectively steer this vehicle You must add a differential, at least that option, so that people can steer the vehicle effectively And you must again have suspension, both front and rear

What else needs to be done? You must continue to do research and development in the area of recreational vehicles, particularly in these all-terrain vehicles You must improve the safety of the vehicle This is a responsibility of the industry and government and independent researchers This takes money You have to develop models, and you have to do a lot of tests
Second, you must increase the public awareness on these vehicles. These vehicles are dangerous. More dangerous than motorcycles, more dangerous than automobiles. The public has to develop a respect for this vehicle. You must develop advertisements so that the public is aware that this machine is dangerous and what the utilities are and what the risks are when you take it out in the field.

And there must be legislation. Again, licensed drivers only. No one under 16. You must provide mandatory instruction. You must develop a set of standards, limit the size of the engine, add brace, add suspension, add safety devices, require helmets, shoulder pads and neck braces.

Thank you.

MR SCANLON: Thank you, Dr. Huston.

Mr. Schultz?

MR SCHULTZ: Thank you, Mr. Chairman. I am an attorney practicing in Green Bay, Wisconsin. I represent three clients who have been injured on ATVs. One of my clients was a 15-year-old high school student who was unfortunately killed when she was riding one of these all-terrain vehicles in a hay field that was level. There were no obstructions in her path, there were no problems with the terrain, when all of a sudden the front wheels locked up, and she was flipped over the front end of the vehicle, and the machine flipped as well and came down on top of her.
landing on her head. She died from a skull fracture.

The second client of mine was a 12-year-old girl who was going very slow on level terrain in her farm yard, had a 5-year-old brother on the back as a passenger. Once again, there were no obstructions in front of her, and she was on a flat, level surface. She was flipped off of the all-terrain vehicle and the machine came down on top of her, causing two skull fractures and now nerve damage and a permanent hearing loss in one of her ears.

At the time that the two girls were injured, the one that is now dead was 95 pounds, and the 12-year-old was about 80 or 85 pounds.

I also represent a 15-year-old boy who was injured on an all-terrain vehicle when he was making a turn in a cul de sac. The cul de sac had some gravel, and it was level, also with no obstructions in front of him. Fortunately for him, he was a six-foot-plus farm boy who was well trained in football. When the ATV turned, he rolled as well, with his football training. And, fortunately, he only suffered injuries to his arm which are not permanent in nature, as the other two individuals that I have talked about.

We have not started suits yet, but I intend to do so shortly. And I can share with the Commission that, with respect to the death of the 15-year-old girl, our research has indicated that there is a design defect with the
all-terrain vehicle

All of these, by the way, were Yamahas

The defect in the front axle design was such that it allowed contaminants to enter into the front axle, and the front axle bearings seized, freezing, if you will, causing the vehicle to stop and flipping the rider off

In the situation with the 15-year-old boy, once again, this injury was directly a result of a defect in the front axle design, where one bearing seized. And I believe that is why that all-terrain vehicle rolled to the right rather than flipping, as in the first one

With respect to the 12-year-old girl, we believe that this accident occurred because of the maneuvering/steering problems that have previously been mentioned. To turn the vehicle, one has to lean out in the direction opposite of your turn. You have to shift your weight. Unfortunately, with an 80-pound girl, they do not have the power nor the control to adequately keep the vehicle under control and do what is necessary to make the things maneuver correctly.

With this girl, there was no instructions or training or any of the other items that were mentioned by the previous witnesses.

I, too, believe that, in this situation, there should be some requirements imposed by the Commission to make training mandatory, to curtail the advertising that is on TV.
that shows these vehicles virtually indestructible, being able to go over all types of terrains, all types of conditions and in every type of weather. These things are just not that infallible.

I think in all cases that there should be some safety devices worn by the riders and that there be an age limit. Because it appears, from my investigation into these matters, that the younger rider, specifically with the heavier vehicle, just doesn't have the chance to react properly in the event of a problem.

With all of the engineering principles that we discovered, there are inherent problems with centers of gravity and how these vehicles are controlled, or should be controlled.

I see my light is on, and I will conclude my comments right there.

MR SCANLON Thank you, Mr. Schultz.

Mr. Hanitz?

MR HANITZ I'm a registered professional engineer in the state of Wisconsin, and a good portion of my business is in forensic engineering. And in this particular case, working with Mr. Schultz and other law firms, and in a couple of other cases, we have formed a pretty steep opinion in a design defect, particularly in the Yamaha vehicle, where two particular situations occur. The shafting in its axle design
permits contaminants to enter into the bearing race. And the bearings, not being permanently sealed, create a problem, and it locks up inside, causing the vehicle to overturn. This is the area that we are working in presently.

We are also well aware of the instability that Dr. Huston talks about, and we fully concur in that area. And with that lack of stability, with this freezing of the race, it takes very little to flip the vehicle over.

That's about all I have at this time. I would like to thank the Commission for their help and assistance up in Green Bay.

MR. SCANLON: Thank you. We appreciate your coming.

DR. JOHNSON: Good afternoon. I am Dr. Kenneth Johnson, a practicing pediatrician in the Milwaukee area, and district chairman elect to oversee pediatricians in the public care in nine midwestern states for the American Academy of Pediatrics.

My interest and concern about all-terrain vehicles is in the rapidly increasing numbers of these machines being distributed in this country, along with the escalating numbers of injuries and the total lack of restriction for operator safety. There are no regulations as to the construction of these machines, nor are there any recommendations as to the age and the training requirements.
of the operators of most states, or by the federal government
These combined problems have led to many injuries and of all
age persons and must be addressed

We can learn from experience that other power machines
that have caused injuries needed both voluntary restrictions
plus safety features and/or mandated regulations. Examples
such as motorboats, snowmobiles, motorcycles, lawn mowers,
chain saws, et cetera, will verify that all need controls
governing manufacturers and be properly used to prevent
injury as much as possible

Two minors from our office who presented their
testimony earlier today and told you their stories of
injuries, one wearing a helmet on a neighbor's four-wheeled
ATV and the other an experienced rider on a neighbor's
three-wheeled ATV, vividly point out the need to do something
to prevent injury. Statistics are mounting and are published
elsewhere. Here in Wisconsin we rank in the nation second in
the number of deaths reported on ATVs. This is nothing to be
proud of

I would like to comment on previously unreported
statistics from the emergency room at St. Joseph's Hospital
in Marshfield, Wisconsin. In this one emergency room in
Marshfield, from January 1, 1985 to August 1, 1985, a mere
seven months, they have seen 30 patients injured on ATVs. 14
of these patients, almost 50 percent, have been under 16
years of age 20 percent of these injured required hospitalization from one to 30 days, and one patient still remains in the hospital in a coma on a respirator. Three of these accidents were on four-wheeled ATVs and the rest, or 90 percent, were on three-wheeled ATVs. 65 percent of these victims were not wearing helmets.

Reviewing information shows that the most serious injuries were in children too young to drive these motor vehicles. Many instances involved children with other children as passengers, using these machines on private property where they are designed to run.

The injuries continue to accumulate. How long must we wait before what has to be done -- what had to be done before with other powered machines referred to earlier, such as snowmobiles and boats, be done? What can be done? In Wisconsin there was an assembly bill, No. 105, to define ATVs, when and at what speed they may be operated, and age restrictions applied to the operators. The need for this legislation to protect our children where they are too immature to protect themself was so important that it passed as an attachment to the state budget bill in July of '85.

We certainly need either voluntary or mandated federal regulations on the manufacture of these machines for safety. A federal model bill, perhaps such as the one in Wisconsin, to help other states control usage would also be helpful.
Specifics of the regulations pertaining to these vehicles should be, ATVs should be built with better terrain handling and stability, since they were intended to be used on unproven, untested, unknown contoured terrains.

Number two, easily identified brake and throttle controls should be standardized as to their location on the machines and can be easily identified and responsive to urgent situations.

Number three, a shifting mechanism with gear control or speed governors needed to control speed and power when used on this uncertain terrain.

Number four, padding is needed for the occupant, as well as perhaps roll bars, windshields. Seat belts could be added to prevent injuries from unforeseen and unexpected impalements.

There also needs to be regulations on the minor operators as such. Number one, age restrictions. The statistics would suggest that operators not be allowed under 12 years of age, and that from 12 to 16 years of age either be accompanied by an adult or pass a certified training course, and at 16 may be used for individual use.

Number two, instruction courses on the operation of the machine, machine handling, and how to anticipate problems and the possible hazards are necessary.

Number three, suggested protection of the operator,
such as helmets, padding of the garments, gloves, goggles, boots, reflective clothing are all necessary

Number four, community awareness by the parents, physicians, dealers, et cetera of the potential hazards of these machines are important and that these machines are not toys Let us not maim more people before we start an extensive prevention program

Thank you

MR SCANLON Thank you, Doctor, very much

Mr Schultz, were the two girls and the boy that you described -- were they wearing helmets?

MR SCHULTZ None of the three were

MR SCANLON None were wearing helmets

MR SCHULTZ None were

MR SCANLON Had any of the three received any kind of formalized training?

MR SCHULTZ No one, other than operating the machines after they were picked up and learning as they went on Self-taught, in essence

MR SCANLON Both you and Mr Hanitz say that this particular manufacturer has a product defect Is this defect, in your opinion, applicable to the other three large manufacturers of ATVs?

MR HANITZ I haven't found it yet and have not been hired to do so
MR SCANLON So you have only looked at one manufacturer, and you have come up with this opinion.

MR HANITZ That's correct.

MR SCANLON Okay.

Dr Huston, you suggested the possibility of, I think you called it rider restraints as an optional improvement. Could you explain what these are?

DR HUSTON Well --

MR SCANLON Are these seat belts?

DR HUSTON They could be seat belts. One machine, the Honda Odyssey, I would classify as an all-terrain vehicle. Yet it is not in the same configuration as this machine on the stage. It is much wider in track width, longer in wheel base, it has a roll cage, and it does have a shoulder harness that comes around the operator. Now, to be able to come up with some kind of roll cage or seat restraint or rider restraints, the vehicle probably has to be significantly redesigned. And what it would take to actually hold this rider on the machine I'm not prepared to say at this time. But there should be some way to come up with some kind of restraint to hold that rider on the machine.

MR SCANLON In your opinion, does a suspension system improve the safety?

DR HUSTON Yes, it does. But still the underlying inherent instability of the machine is its...
geometrical makeup  Again, the high CG, the short wheel base, the short track width  And even though the suspension is needed, absolutely needed, it does not overcome that geometrical problem

Now, what the suspension allows you to do is keep the wheels on the ground so that the rider continues to have maneuverability  Without suspension, the vehicle can become airborne, and then you're at the mercy of the machine wherever it lands, that's what happens

MR SCANLON  You also suggested a rider cage for protection?

DR HUSTON  Yes, sir

MR SCANLON  Would that really be feasible?

DR HUSTON  Again, you have to talk of what are the consequences  Are you going to allow these people to get on the machine and have the overturning, or are you not?

MR SCANLON  Tell us how it would work

DR HUSTON  Well, again, you would have to somehow design that into the machine  It would probably mean a redesign of the machine  Like I said before, the Honda Odyssey has those kinds of features, and it is an all-terrain vehicle

MR SCANLON  It has a cage?

DR HUSTON  It has a cage  So that if you do roll over and you are strapped in, at least you are not going to
be falling on your head or your neck. On this machine, if you overturn, you are going to have an injury, and probably a very serious one.

MR SCANLON Okay. Thank you.

Commissioner Dawson?

MS DAWSON Following on the same line of questioning, Dr. Huston, the modifications that you mentioned that you would like to see in these vehicles, those extend to all the manufacturers that we know of?

DR HUSTON Yes, ma'am.

MS DAWSON And you mentioned suspension, you mentioned differential, I believe, and widening the wheel base and quite a few other things. Would any -- would these modifications really basically change the vehicle to the extent that it would affect its utility, or its recreational value even?

DR HUSTON To some extent. You have a compromising situation. The wider you make the track width, then the narrower your path is. It means you can't go on as wide a path as you did before. If you make the wheel base longer, then you may have a problem with scraping if you're going over very rugged terrain. Again, if you've got some cage on top, then you may be hitting stuff as you go through, say, the woods. But, again, probably you shouldn't be going through those types of situations anyway. You are in a very
dangerous situation when you are in those types of environments

MS DAWSON In your role as a professor, associate professor of mechanics -- is that what it is? Mechanics engineering?

DR HUSTON Yes

MS DAWSON Have you been experienced in using these vehicles?

DR HUSTON I have ridden some just in my investigation with the vehicles But I am not what I would call a recreational rider

MS DAWSON Have you been in touch with any of those people that are recreational riders? In other words, have you had any contact with the user groups and those that, for example, use them for competition?

DR HUSTON No, I have not I have been involved with some litigation for plaintiffs

MS DAWSON Mr Hanitz, do you concur with any of the design modifications that Dr Huston has recommended?

MR HANITZ Yes, I do I could add a little bit of information here Back in 1973 I designed and built my own three-wheel ATV for my personal family I wrote Mr Johnson a letter dated 12 March '85 In that letter I included a photograph which I have here Maybe you could take a look at it It's a low center gravity type with the
engine in the rear, your feet to assist the steering. It's a very stable vehicle, and it is very, very difficult to turn over. We used that vehicle for about three years, and it was excellent.

MS DAWSON This is one that you built yourself.

MR HANITZ Yes, it is.

MS DAWSON And are those design principles, you think, applicable to the kinds of uses that these vehicles are being used for?

MR HANITZ I do. I believe with a roll bar as such added to the vehicle that I had, it would be a fairly safe vehicle.

MS DAWSON Would you be willing to share that information with our engineering staff?

MR HANITZ Yes, I would.

MS DAWSON I don't have any more questions.

MR SCANLON Thank you, Commissioner Dawson.

Dr DeFiore?

MR DeFIORE Doctor, have you discovered in your research any differences among, let's say, three-wheeled vehicles in terms of the characteristics we are describing now, the instability or handling characteristics?

DR HUSTON There are some slight differences in the tires, depending on whether it's a Japanese-made tire, United States-made tire. The Japanese-made tires are more of
a natural rubber. They tend to be more viscoelastic, stretch more with age. They tend not to have a carcass inside. Their stiffness characteristics with regard to maneuverability and suspension are much less than the United States tires, which tend to have a carcass inside.

The geometrical aspect of the vehicles are all about the same. There might be an inch difference here or there. The weight might be a little different. Some of the later manufacturers that got into the field, such as Kawasaki, Yamaha, Suzuki, tend to make some slight modifications compared to what Honda had for many years. But yet the geometrical aspect ratio is about the same. One manufacturer does have an option of a differential. Different ones have different types of suspension on them. But they are still basically geometrically the same. They would behave about the same.

MR DeFIORE Dr Hanitz, do you have an opinion?

MR HANITZ Well, I concur. I haven't spent that much time in the overturn dynamics of the vehicle. I have spent most of my time in the research of the design defects, particularly in the front axle assembly. This is work I will be doing in the near future, now that we have had our metallurgical studies completed.

MR DeFIORE In terms of the number of accidents we have seen, if one could assign them either to the
characteristics of the vehicle or the characteristics of the rider, about what percentage would you guess would be the cause of accidents, either the ones you have observed or the ones you have read about? Dr Huston?

DR HUSTON I would say at least 75 percent of the vehicle because of its inherent instability, about 25 percent of the rider. The rider does contribute some things. But then I think that's foreseeable as well.

MR DeFIORE Dr Hanitz, do you have --

MR HANITZ I would concur with that, if not even the greater percentage in the dynamics of the machine rather than the person riding it.

MR DeFIORE Dr Huston, going back to some of your suggestions for modifying the vehicle, most of them seem to be in the direction of moving the ATV toward the Odyssey as sort of the -- and I suppose the question arises, wouldn't that change dramatically the character of the vehicle, and it would no longer be what it was designed to be used for? Well, let me stop there.

DR HUSTON I suppose you can argue that. One thing is, you are talking about safety here. You've got to move it in that direction to make the vehicle more safe.

People who ride this machine and who have not had an accident yet, or a serious accident, would contend that this vehicle is very safe, and they would argue vehemently against
changing the machine  Yet some of those same people, when
they have an accident and it is serious, would then say they
are never going to get back on that machine again  And as a
consequence, you cannot just leave that machine the way it is

People are going to have accidents, whether they are
novices or very experienced riders  And you have to try
It's a moral obligation to make that machine as safe as
possible  And if it limits the utility of the machine, so be
it

MR DeFIORE  Thank you

Dr Johnson, you mentioned records that are available
at St Joseph's Hospital about the cases  Are those
available for inspection?

DR JOHNSON  Yes  You can contact Dr Gerald
Porter at the Marshfield Clinic, and he would be able to
supply you with those, that information

MR DeFIORE  Okay  And then an unrelated question,
is it your recommendation that no one under 12 be allowed to
use ATVs, or do you have some other age limitation that you
recommend?

DR JOHNSON  No one under 12 be allowed to drive
them  I think they could certainly ride on them with an
adult, but I don't think they should drive it  And from 12
to 16 only if they have taken an approved training course and
received a certificate and know how to drive it or
accompanied by, again, an adult

MR DeFIORE Does riding -- more than one person riding is believed to be inherently dangerous So what you're saying is no one should be a rider -- an operator should not be 12 years or younger

DR JOHNSON Yes Unless it is designed for two passengers

MR SCANLON They are not designed for two passengers

DR JOHNSON I haven't checked them all I'm sorry

MR SCANLON I don't know of any that's designed for more than one passenger Okay

DR HUSTON Well, can I comment on that?

MR SCANLON Yes, Dr Huston

DR HUSTON If you look at the seat there on that particular machine, and most seats, they are, in essence, designed for two passengers because two people can fit on that machine If you want to say it's designed for one passenger, then you're going to have to limit how that seat is designed And until the manufacturers somehow physically make it impossible for a second or a third passenger to get on that machine, then they are inviting other people to get on that machine That's a foreseeable type of thing

Somebody else will get on that machine
MR SCANLON  I think we have -- the last panel is composed of dealers, and they're going to dispute what you're saying. But we will let them provide that testimony.

Thank you gentlemen very much.

I might say that if anybody has come late for any of the panels or failed to pre-register, that at the conclusion of the last panel we will allow anyone, then, to come up and speak for five minutes. That will be at the conclusion of the seventh panel.

I would ask the user groups, Panel No. 6, to come forward. Jerry Bergman from Pewaukee, Wisconsin. Larry Cook from Centerville, Minnesota. Larry Marowsky from Jefferson, Wisconsin. Bur Zeratsky from Green Lake, Wisconsin. Is there anybody else from this panel who is here?

Okay. We will begin with you, Mr. Bergman.

MR JERRY BERGMAN  My background is racing, and my son has been involved in racing for nine years. He got his first motorcycle at the age of five, which I bought all the safety equipment, helmets, boots, padding in the trousers, the shoulder pads, all the safety equipment. Full face helmets. He's been racing for nine years. He's been a Wisconsin state champion two times. He was fifth in the world in the Yamaha Race of Champions, and he just became about four weeks ago the three-wheeler national champion, pro motor cross. He races professionally.
In that period of time, I have seen him crash from speeds of five miles an hour to 77 miles an hour on whole shots, with nine motorcycles going over the top of him, getting tossed through fences, and he has cracked his knuckle in over 300 crashes. Yet I travel on the roads with the particular job that I have from 3:30 in the afternoon until about 9 in the evening seeing hundreds of kids throughout a year riding in fields with no helmets, no safety equipment, probably no training whatsoever. And I believe that this is where the bulk of the injuries is coming from, is lack of parental supervision.

Now, in the vehicles that we have ridden in the last year and a half, we have had three three-wheelers that we race through the fields and ride through the fields and off camber and bouncing all over the place, and he has never crashed and gotten hurt on them. We have never had a mechanical breakdown on our race bikes or anything that ever jammed on our bikes that caused him to crash. It was always rider error.

He's been riding three wheelers since he's been 12 years old. They can be ridden with no shifting of weight to steer and to handle adequately, as long as you ride within your capabilities. I don't believe they are any more dangerous than tricycles or a coaster wagon going down the hill, trying to steer the front of a coaster wagon.
maintain that there is no parental supervision, hardly any safety equipment on these children, not one bit of proper training.

And the last thing you would ever want on a motorcycle or on a three wheeler is some sort of a roll cage that is going to keep him on top, or a safety belt, if it does tip over and falls on top of him.

I believe that the parents are reluctant to absorb the responsibility and are quick to shift the blame. Recently in the Milwaukee Journal there was an article about a seven-year-old riding a three wheeler with a 20-year-old child (sic) in her arms. And I would like to see if that woman had sawdust in her head that would allow a child to do that. There are other cases where a child is going down the highway with a can of gas and going to get some gas or something or other that I read about and crashed. I wouldn't think of sending my son down the middle of a highway on a three wheeler with a loaded can of gas. I believe that the parents are shirking their responsibility when they purchase a machine like this and they say, "Junior, just take it out and ride it around in the field." We in the racing community who travel across the country with our children, who take the entire family, barbecue at the race tracks, locally and nationally, sit there and just wonder what in the world are these children
doing on these bikes, when I just came back from a national race with maybe 300 to 400 competitors, they are racing at tremendous speed over obstacles, through berms, crashing left and right, and the worst I heard was a fractured wrist.

That's all that I have to say.

MR SCANLON Michael, did you have any prepared comments?

MR MICHAEL BERGMAN No, I don't.

MR SCANLON Okay. Thank you, Mr. Bergman.

Larry Cook?

MR COOK My name is Larry Cook, and I'm from Centerville, Minnesota. And to give you a little background about myself, about eight years ago in the snowmobile community there was a real serious problem. So at that time, five friends of mine started a new snowmobile association in Minnesota which grew in six months to 4,000 people. The reason we did this, to promote safety and the right use of snowmobiles. That year in Minnesota I was picked snowmobiler of the year.

Four years ago I signed the incorporation papers to start the state association for three wheelers. I have been involved in two park boards, I'm assistant Scoutmaster, I am a little league coach, and have spent the entire early part of my life working with young people and sports. And I believe that when we talk about the safety of a piece of
equipment, we have to understand who is doing the purchasing, who is doing the training and who is doing the riding.

And I heard testimony of a 14-year-old boy that rode a 250 SX. I really wonder if that 14-year-old boy went and bought that machine. I will bet that his parents bought it for him, and I would probably think that his parents didn't even have him with. Now, they might have.

But sometimes what happens — and I have seen it throughout the snowmobile belt in Minnesota — where parents will put their children on three wheelers without any kind of training at all. I have an instance that happened this weekend where I was out at a farm, and I was talking to a farmer about his three wheeler. And I asked him, because I knew I was going to come here, about what kind of formal training did he give his son. He said, "I didn't give him any training. Because my 10-year-old son, he's already been driving a tractor for two years. He shouldn't have to have safety training to drive a three wheeler."

Well, I think that what happens is that people shrug the responsibility. They put the responsibility on the manufacturer, they put the responsibility on the law, they put the responsibility on a lot of places, when it really should be their responsibility. Parents, dealers, manufacturers all working together to make these safe vehicles.
I notice that, from listening to a lot of the people talk, a lot of the actions were without helmets. The parents should have been responsible for getting their kids to wear helmets, to wear safety leg equipment, boots. Sometimes shoulder pads if they feel the necessity for that. But most of the time when you see people buying them, when you go to the resort areas in northern Minnesota, when you go to the resort areas in northern Wisconsin, you will see people on three wheelers telling little Johnny and little Suzie to take off and go ride and have a great time. Well, you give any young person a piece of rock and a piece of twig and some rubber binders, he's going to make a slingshot and hit somebody or something. The same thing goes with three wheelers.

We have found in Minnesota that we are having an awful lot of good constructive use for three and four wheelers. I know of offhand four or five companies, roofing companies, are using the three and four wheelers to do work. There is a company called Schwing America, which makes concrete pumps, who right now has four three wheelers that they use on the job to shuffle men back and forth and have been using it for over a year and a half with no mechanical breakdowns, no accidents. And they said that the four wheelers and three wheelers have boosted the morale of their company from going from one plant to another. They used to use $43,000
forklifts because the guys wouldn't walk. Now they use three and four wheelers to do it.

I also have a letter with me from a very dear friend of mine who is a paraplegic, who was in a serious car accident and lost the use of her legs. And being a very, very active young girl at the age of 21, her activity dwindled to only watching television. She was introduced to a four-wheeled vehicle, and now she goes riding with her friends. She can go to the mailbox, where before she couldn't even with her wheelchair because she lives on such a gradual slope that the wheelchair was hard to control. She couldn't use her wheelchair off of the blacktop because the wheels would sink in. So now she uses her four wheeler and goes riding with her friends, and it makes her feel a lot better about herself. I talked with her mother about it, and her mother said that for a minute she thinks that she looks completely normal riding a three wheeler and doesn't realize she has the paralyzed legs.

Thank you.

MR SCANLON Thank you, Mr. Cook.

MR ZERATSKY Yes. My name is Bur Zeratsky. I'm from Green Lake, Wisconsin. And I've been riding a three wheeler for about five years now. I have a history that dates back through snowmobiling, motorcycling, boating,
et cetera, all of the recreational vehicles as such, dating back to probably 12 years of age

The three wheeler to me does not seem to have any particular faults, other than anything aside from any of these other vehicles I have spent countless hours on them I don't know how many I have owned a total of three different machines, two at a time My wife and I both have one And we use the thing every weekend and very often after work as a way to relax I have not had a serious accident in the past five years on either of the machines

Currently I own a 250 SX Honda and a 125, which represent basically extremes A small bike, very lightweight, easy to handle, and the larger bike, which has the suspension and shaft drive It's a little heavier, but it's a vehicle that has a little more power as well and is more suited to work, pulling a trailer, using it in the woods for cutting firewood, et cetera I use the vehicles in the woods quite often Hunting, I use them for gathering firewood, for patrolling property boundaries and so forth And it has provided me a degree of flexibility that I did not have before I could do the same thing on a motorcycle, there's no doubt about that It would not be any less safe or any more safe I think it's a question of how I choose to operate the vehicle

The features that are particularly nice about the
three wheelers are the fact that I don't have to find a
suitable location to put the kickstand down to hold the
vehicle upright. I can put a cargo rack on the back, carry
some tools with me, carry a chain saw, whatever I really
would care to do.

I have spent a lot of time on foot, and on horseback
as well, in the same kind of terrain, and I think that any
time you get into varying terrain, you don't always know what
is -- where a hidden rock is beneath the tall grass, where
there is a hole. A certain degree of caution is always
advisable. And that, I think, has probably been one of the
great faults with the three wheeler, the growth has been so
rapid. And several people point out there have been so many
children using the bikes, it's almost become a baby toy as
such. People go shove their kids on the bike. "Well, gee,
it's only a motorized tricycle, let them take off and have
fun."

The thing that I think is missing is some safety
information, letting people know a little bit about how to
ride the bike, about the importance of instruction, whether
it be parental or professional instruction at the dealer
level. I think that could be very well accomplished by a
separate piece of literature from Specialty Vehicle Institute,
from the manufacturers. I really don't think it matters
where it comes from.
The owner's manual covers a little bit of vehicle safety. It's buried in the back. And I think a lot of people, especially parents who are used to buying their new car, they don't pay any attention to the owner's manual unless they have something specifically to look for. I think a separate piece of paper or literature would go to a much better means of providing that information to the ultimate consumer.

The parent, as has been pointed out, generally buys the machine. Oftentimes the children end up using it. I'm not so sure that a lot of parents are aware that there really is any sort of danger involved. And I think they look at it as, "Gee, Johnny was riding a tricycle when he was three years old. He didn't have any problem. Now this thing has got a motor on it. It's not that much different. It's got big, fat tires, and it doesn't look -- it looks harmless, really." And I think that any motorized vehicle has the capability of hurting a person if it is used improperly.

And I think that would probably be the best thing we could do for everybody involved, would be to provide literature identifying some of the problems, some of the safety aspects of the machine, and telling people to spend some time getting to know it in an area in which they are familiar with the terrain before they go off on a trail ride, before they go trying to follow the guy down the street.
that's been riding for 10 years at breakneck speed. Get some
time on the thing, play with it, learn what it does. And I
think that there won't be any more problems than walking
across the street.

Thank you.

MR SCANLON Thank you, Mr. Zeratsky

Mr. Marowsky?

MR MAROWSKY Thank you, members of the Commission

I appreciate the opportunity to speak, and you are willing to
listen to us. After all, we are the consumers whom you are
trying to protect. And I appreciate the efforts you are
putting into this. I also appreciate the willingness that
you are showing, especially Commissioner Dawson, to acquaint
yourself with the handling of an ATV. I think there's no
substitute for throwing a foot over one and getting on one
yourself and finding out what it's all about.

I am speaking on my own behalf, as an owner and rider
of an ATV. Also the father of five children, three boys and
two girls, high school and college age. My profession, I'm a
teacher. Riding an ATV has been a positive benefit to me. I
know teaching is a job with a certain amount of stress,
probably almost as much stress as being a member of the CPSC.

MR SCANLON I doubt it.

MR MAROWSKY No? Maybe we should trade places.

I sometimes refer to my machine as my stress buster. Getting
out there after a hard week is certainly very relaxing, and
you come back feeling an entirely different person. I have
been riding for about a year. I haven't had any previous
riding experience on dirt bikes, motorcycles or anything
other than a bicycle when I was a kid, and that's more years
ago than I care to mention.

I think another positive aspect of it has been
establishing rapport with students of mine, especially those
at junior high level with whom I have to work and I have to
teach music to. And there is a challenge if you want one
And sharing riding experiences, I think, has been kind of a
point of departure in achieving a certain amount of success
with them.

Now, I, too, am concerned about the safety aspect. I
certainly don't enjoy self-mutilation any more than anyone
else does. And I hate to see something which is supposed to
be fun and recreation turn into a guts and glory scenario.

I do have some feelings on the matter of statistics
here, some points maybe to consider in viewing these. Number
one, sales of ATVs have literally exploded in recent years
A high percentage of the riders today are new and
inexperienced. Most of them have had little or no riding
instructions. As you know, you no doubt are aware there is a
certain amount of rider skill and input that must be learned,
and you develop it through practice. An ATV is ridden, not
However, this is one of the factors that does make ATV riding challenging and enjoyable.

Two, I think the public has generally been misled to believe that the machines themselves are faultily designed and inherently unsafe. I believe that the primary cause of accidents is the rider. I feel safer riding my Suzuki 185 than I do many times behind the wheel of my Chevy Malibu driving down the freeways and highways of our great state.

The third factor that I feel relates to some accidents is the lack of suitable riding trails in areas where beginners especially can practice and develop their riding skills safely. Our state has many fine trails for bicycles and snowmobiles, but the poor ATV rider often has little place to ride, except on or along roads and other unsuitable and illegal places. Overcrowding of riding areas has been occurring as ATV sales go up and riding areas sometimes are closed and are decreasing.

Fourth, another factor I feel that breeds trouble is the lack of proper rider attitude toward ATVs. Some think they are just cute little toys you can hop on, and away you go. Many riders don't seem to understand the need to wear the helmet, goggles, gloves, boots and protective gear. Others operate their vehicles under the influence of alcohol and drugs. I believe that's a minority. And still others carry passengers, in spite of warnings on the machines.
Many parents who themselves have no knowledge of ATV riding, since the machines have only been around about 15 years, buy them for their children and turn them loose without any instruction or supervision. Many do not respect the ATV as a serious vehicle.

Now, rather than ban and outlaw ATVs, I feel other measures can be taken to effectively curb the rising accident rate of the ATVs. One, greater efforts need to be made by the industry and/or state to educate people on the safe and proper ways to use ATVs.

Two, since there will always be times when the rider will find himself or herself in trouble, one of the best things that a person can do is to wear protective gear at all times when riding. Now, maybe we do need some government regulation requiring this, similar to seat belt laws in certain states. That's one deficiency, I think, in the present state legislation, although I am very happy to see what has been done, that that should be included for wearing helmets.

The state registration should be done, and that would be a further factor.

So let's not throw out the baby with the bath water.

Thank you.

MR SCANLON Thank you, sir.

Mr Cook, you say that you have been a founder of a
state association of three wheelers That is in Minnesota?

MR COOK Yes, sir

MR SCANLON Do you provide training to riders?

MR COOK Right now we are working on a complete training package. We are trying to make it or pattern it after the snowmobile safety program, where members from clubs become instructors. And then they, in turn, instruct other instructors. So that Boy Scout leaders, Cub Scout leaders, snowmobile club members, any of these can become certified instructors. I am a certified snowmobile instructor in Minnesota.

MR SCANLON How many people do you anticipate training on ATVs?

MR COOK We hope that we can train at least one member from each dealership in ATVs and at least one member from each club. So in a particular area, in a village where there is a youth group that wants to take the classes, that they can be trained. In the state of Minnesota we have a safety certificate that the kids wear on their snowmobile suits. And they also have a membership card they keep in their billfold in their pocket. And it's really important to the youth to have this. And we have a number of kids who come and take the safety test who do not own a snowmobile. And so the instructor at that time usually makes his available for them to use.
MR SCANLON: Will the people trained in turn train others?

MR COOK: A good share of the people that become trained will train maybe four or five, six classes of it. Then they will train another instructor that maybe wants to go to his town or to a neighboring village or in a different particular area. So we found it good. It's kind of a you tell two people and they'll tell two people and they will tell two people. And we found out that once the parents in a community are aware that there is a safety training program, that works similar to a driver education for cars. Only this is put on by individuals and not by the school.

MR SCANLON: Is SVIA the catalyst in this?

MR COOK: Yes, sir.

MR SCANLON: They are.

MR COOK: Yes, sir.

MR SCANLON: And have they or have you set goals for the number of people to be trained within a period of time?

MR COOK: At this time what we would like to find out is, right now we have instructors that are going to school now to be trained. In fact, they went, I think it was a month and a half ago. We hope that they can come back and train some of our people. I understand now that the training has to be done at a certain place. I think it was -- in fact,
I don't remember I think it was Brainerd, Minnesota was the -- we haven't had any training right in the metropolitan area of St Paul/Minneapolis

MR SCANLON Okay Thank you, Mr Cook Mr Bergman, you described crashes occurring at these various race tracks Can you describe these?

MR JERRY BERGMAN Okay I would say maybe --

MR SCANLON Can you talk into your microphone?

MR JERRY BERGMAN Okay Two bikes probably running into each other and careening, you know, different directions

MR SCANLON What was the cause of the accident? Rider misbehavior?

MR JERRY BERGMAN Yeah, it would be rider behavior, probably It wouldn't be anything to do with the bike

MR SCANLON At what speed are they racing?

MR JERRY BERGMAN Oh, they are racing into these corners anywhere -- like a whole shot would be about 75 miles an hour, 77 miles an hour going into the first corner And --

MR SCANLON Were these rollovers?

MR JERRY BERGMAN Pardon?

MR SCANLON What was the type of accident? A rollover, tipover?

MR JERRY BERGMAN Oh, you could get rollovers,
you could get the bike flipping, you could -- you know, it's an action where the bike is hit by another bike

MR SCANLON And the only serious injury sustained was a --

MR JERRY BERGMAN Was a fractured wrist

MR SCANLON Wrist?

MR JERRY BERGMAN Yes And in the, oh, I'd say 300 crashes minimum that my son has had since he has been, I'd say, racing, all he has gotten was in practice a cracked knuckle

MR SCANLON Okay

Mr Zeratsky, would you agree with Mr Bergman that ATVs are no more dangerous than a coaster wagon, I think was the term?

MR ZERATSKY Yeah, I think that's true I would say, to take that a little further, that the ATV is no more dangerous than the person operating that ATV

MR SCANLON Do you think there is a design characteristic problem with ATVs?

MR ZERATSKY I do not feel that that's the case

MR SCANLON Does anybody on the panel think there may be a design problem? Okay Thank you Commissioner Dawson?

MS DAWSON First, I want to just add a word of thanks to all of you for coming here today and for staying
This is the third public hearing I have been to on ATVs, and I think we are all learning a lot, speaking for myself.

One thing, though, that keeps recurring, that I keep hearing, is that you as an user group believe that the responsibility is the user, and other groups put the responsibility more on the manufacturer. And I think I will start with Mr. Cook.

You've got an association in your state. Where do you feel there can be some real progress made to reduce the deaths and injuries? We are all here to do that, to the extent -- do you think that federal involvement is necessary at this point? Do you think the state regulations are preferable? Or do you think the user groups and the manufacturers themselves can adequately address this problem?

MR. COOK: I would hope that the states -- one of the things we have seen, the reason that this is such -- it sounds like such an exploding problem is the fact that all of a sudden there is a bunch of ATVs out there, and no place for them to go. Now, everybody --

MS. DAWSON: Are you talking about trails? The need for trails?

MR. COOK: I would say 90 percent of the adults in Minnesota or Wisconsin probably know there are ATVs, but nobody really realizes where you can go and where you can't.
So what happens is that people buy them with the idea they think they can go almost anywhere. In Minnesota we just this year came up with a licensing for ATVs, but ATVs have been around here for 15 years.

So I think that if the state and federal government and dealers and consumer groups would all work together to as quick as we possibly can get an instruction -- get a, rather, very good training program similar to the driver's education program -- insurance companies believe that driver's education is so important they give you a reduction in your insurance rates if your kids go through these driver's training programs.

So I think that if we were to get places to ride, if we would be able to have the youth trained, once you train the youth, they will grow up being safer drivers. It isn't going to stop all accidents, but it's going to make them more aware of what can happen. And with that, and patrolling and working with the dealers, I think that it will change the whole outlook on this thing.

MS DAWSON Can you give us a little more information about the regulations in effect in Minnesota? You mentioned licensing. How is that -- how does that work?

MR COOK We buy a DNR registration. It is $12, and it lasts for three years, and it lets you drive the ATV on designated DNR property. It doesn't let you go on public
property  It doesn't let you go on other people's private
property  But what happens is, when you really start to ask
people where they can go, most people don't know  They buy
them to go to the lake, they buy them to ride around in their
property  Well, their boys and girls ride around their
property for about three or four days, and then they want to
go over to see Billy, the next-door neighbor kid, and that
And that's where a lot of times they get in trouble, riding
into barbed wire fences, driving into things  It's areas
where they are not supposed to be and they are because of a
lack of a place to be and a lack of proper instructions

We are having instructions now, but it hasn't really
started yet, so that the youth out there are still
uneducated  And I don't think that anyone here would give
their 16-year-old son or daughter the keys to their car
without making sure that they had good training

MS DAWSON  You mentioned the licensing
requirement  Is that a licensing of the rider? This is the
licensing of the vehicle?

MR COOK  Licensing the machine  It's a
registration with the DNR

MS DAWSON  So there is no competency test, or
anything like that

MR COOK  No, ma'am

MS DAWSON  So, basically, the only training that
exists would be the training that you provide

MR COOK  That the parents provide for the
children or that they learn from other children, which is not
the way to learn

MS DAWSON  Do the dealers in your area provide
guidance to the buyer as to the size of the vehicle? Or do
they give them any kind of instruction, other than just what
comes in the owner's manual?

MR COOK  Well, not being able to speak for other
dealers, I don't really know how much emphasis is put on the
right machine  One of the problems that you do see is that
the father brings his son in and wants a machine that his
10-year-old son can drive, but the real motive is that he can
drive it, too  So now his son looks at a 110, and the dad
says, "No, no, no, no  We want to get a 185  That's more
our size "  Well, the kid isn't going to disagree with him
So now they buy a 185, which probably is too big a machine
for that child

MS DAWSON  Would you recommend that the dealer
actually intervene at that point?

MR COOK  I would think a good dealer would want
to keep his customers around, so I'm sure he wouldn't

I think that by training the kids -- what happens with
the three wheelers, like motorcycles, like any other
motorized vehicle or anything that's in style, the youth know
more about it than the parents, the dealers or anybody else there. They know what does what, what the tubes are made of, what the engine is made of, how fast it will go. And it becomes a social thing with kids. The bigger powered the machine, the higher they regard it. And that's not only in just three wheelers. It's in motorcycles, in cars, in anything. So I think that it's the ultimate decision for the parent and for the dealer to help them with, plus a mandatory safety training for the youth. Mandatory.

MS DAWSON: Mr. Bergman, could you respond to that same sort of question, as to what role do you see for the various levels of government and for the manufacturers, the users and the local jurisdictions?

MR JERRY BERGMAN: I feel that a lot of pressure should be put on the manufacturers to put out literature on how to ride the vehicle. I think that the dealers should be involved with at least a two-hour training program, on site or at some locale, with a professional or an adequately trained rider to give them at least two hours of training.

MS DAWSON: Do you think that the cost of this training should be borne by the purchaser?

MR JERRY BERGMAN: I have no idea who should absorb the cost, but I feel that it should be absorbed probably by the manufacturer. They are producing the product.
MS DAWSON Let me ask you, Mr Marowsky, did you take a training course when you bought your vehicle?

MR MAROWSKY No, I did not

MS DAWSON Have you since?

MR MAROWSKY No

MS DAWSON So you are self-taught

MR MAROWSKY Yes What I went by was the owner's manual, which, of course, you know, had a few tips in it, a few pages devoted to that And magazines that are put out, such as Dirt Wheels, if you're familiar with that, do contain riding tips And simply going out and practicing and trying to develop your skills in that way

MS DAWSON And then you were able to impart that skill training to the children yourself? Or did they participate in some kind of group --

MR MAROWSKY Are you referring to my own?

MS DAWSON Yes

MR MAROWSKY Well, I just had the one son who rode on it And, well, I guess he learned probably about the same way that I did

MS DAWSON Would you --

MR MAROWSKY We would share information

MS DAWSON Would you be willing -- are you involved in any kind of organized club?

MR MAROWSKY Well, I have just recently joined
the Wisconsin ATV Association, if that's what you mean

MS DAWSON I see Could you respond to that question of where the responsibility lies for the solution of the death and injury rate?

MR MAROWSKY I think it has to be a cooperative effort among the various agencies here. Certainly parents have a great responsibility. I think in many cases parents may be guilty of child neglect when they simply put their children on these things, and yet it is probably one born of ignorance. Because how many parents ever had the experience of riding one of these when they were children? Because they simply were not around at that time. They need to familiarize themselves with the potential hazards that could exist and the right and wrong way to do things.

We also need, well, the dealers, too, I think, in informing. Somebody has to get this information out to them. And I think the manufacturers have a responsibility there, too. There is a lot of competition in the industry and trying to grab the lion's share of the sales. And as I have observed it over the years, the machines are getting bigger and more powerful. Last year they came out with a 350, now you hear of a 500. And who knows where this is all going to end.

And then also our governmental agencies there, I think, need to share a hand in this, too, such as our state now,
which has passed some regulations. And I think local units of government, the county, can do much, too, in enforcing the certain basic safety procedures and regulations.

I am a firm believer in wearing a helmet, and I insist those that I ride with do the same. I don't find too many people my own age to ride with so I've been riding with the younger ones, but I make that point to stress with them. And if it tends to be that the officer driving down the road hauls somebody over who is riding without a helmet and cites them for it, I certainly wouldn't be against that. I think a very high percentage of the injuries or fatalities, injuries, occur to the head.

MS DAWSON And while riding on roads.

MR MAROWSKY Well, yes, and illegal places, too. And that's where I think our state and county units of government can do something there to provide more safe riding places, especially for the beginners, where they can practice and develop these skills to become safer and better riders.

MS DAWSON Did you or most of the other ATV users that you know support the state legislation that was recently enacted?

MR MAROWSKY Yes. They do.

MS DAWSON They do support it?

MR MAROWSKY Yes.

MS DAWSON Mr. Zeratsky, one of the earlier
1 panels talked about the design of the seat on the ATV How
2 would you respond to the criticism that that seat is designed
3 to carry two people?
4
5 MR ZERATSKY I guess that it can be viewed that
6 way It certainly has room for two people on it I think if
7 you start to think about where the second person sits, what
8 they hold on to, where their feet go especially, it really is
9 not suitable for use by two people
10
11 And I have found many situations when I used the
12 entire length of the seat I don't own a Yamaha like that,
13 but the Honda also has a fairly long seat Going uphill,
14 ascending a hill, it's often necessary to go towards the
15 front of the seat, and descending a hill it's necessary to
16 sit towards the rear of the seat So I think it's a
17 necessary feature of the machine and that the manufacturers
18 really, by not providing an adequate place to place the feet
19 of a passenger or really for a passenger to hold on, have
20 really probably done as much as they can do to prevent that
21 from happening
22
23 MS DAWSON At some of the earlier hearings that
24 we have had, a number of user groups have mentioned the fact
25 that many, many riders or owners of ATVs were modifying the
26 vehicles Are you aware of that, or have you seen any of
27 that happening?
28
29 MR ZERATSKY I am aware that it's happening I
have only modified my vehicles to the extent that I have added a cargo rack or a trailer hitch or something like that to make it more practical for me. But if you read the publications which seem to be mostly racing oriented, there is page after page after page of modification devices, everything from engine upgrade kits to different tires, different suspensions, complete engine swaps. So, yeah, it's out there. And I think that happens in any form of motor sports. It just seems to be something about our nature that once you get the machine and you get it figured out, that a lot of people seem to want to make it go faster or think they can make it better. I don't know that that's the case, but it's happening out there.

MS DAWSON You also mentioned in your statement that you felt that what was really missing in this whole equation was a big information program. How do you see that being structured?

MR ZERATSKY Well, I don't -- in terms of big, I don't know what exactly that implies. But I feel that when I purchased all of the three machines I have that there was some information in the owner's manuals, and it was good information. But it's just -- the owner's manual is one of those things that probably doesn't get the attention that it should. And I think some brochures from the SVIA -- a separate piece of literature that you can put in your hand.
with a catchy title or a flashy cover or whatever is
something that at least deserves a second look, probably more
so than the owner's manual. I think that in itself would be
a tremendous benefit, if that was to basically be made
mandatory, whether it was published by the manufacturers or
something that the SVIA provided. I didn't get any real
safety information, other than what was included in the
owner's manual, with any of my machine purchases.

MS Dawson: Thank you very much.

Mr. Scanlon?

MR Scanlon: Thank you, Commissioner Dawson.

Dr. DeFiore?

MR DeFiore: Thank you.

Mr. Marowsky, let me begin by saying I spent a few
years myself in education. I may be more sympathetic to your
view of the stressfulness of teaching junior high than our
chairman.

MR Marowsky: Thank you.

MR DeFiore: You mentioned you ride a Suzuki 185.

If I'm correct, that has no mechanical suspension?

MR Marowsky: That is correct, yes. It's the only
thing I regret about it.

MR DeFiore: Have you ridden other machines with
mechanical suspension?

MR Marowsky: Just very briefly. I have never
owned one Just other people's

MR DeFIORE Other than, from your comments, the comfort difference, do you think it has any safety or handling characteristics that would come into play?

MR MAROWSKY I haven't ridden enough of them that I think I could really give a definite, conclusive answer on that

MR DeFIORE Michael, since you have been involved in racing for several years here, you are obviously an expert rider, do you have some thoughts about some of the suggestions that were made today? I'm not going to ask you any engineering questions, but those that pertain to the rider What are your thoughts about the training in terms of the safety aspect of it?

MR MICHAEL BERGMAN I think it would help out a lot for the younger riders to be taught when they get a machine

MR DeFIORE How about in terms of safety equipment? Are there some things for riders that you would see to be essential?

MR MICHAEL BERGMAN Helmet's a must But the boots are very important You should go with the full program Just everything that you feel, you know, is good for you

MR DeFIORE How about the size of the seat? That
question has come up Would you be happier with a smaller-sized seat than the one that is there, or do you feel this one is --

MR MICHAEL BERGMAN I think that seat is perfect for when you have to move around to maneuver the bike. It's the right size. And it says all over the manual and on the rear of the machine it's not for two riders. It is made for one rider to maneuver.

MR DeFIORE How about something like some kind of rider restraints, like seat belts or something of that nature? Do you think that would be helpful?

MR MICHAEL BERGMAN No, I don't think it would be.

MR DeFIORE Thank you.

Mr. Cook, you have mentioned that you have had a lot of experience with both snowmobiles and with ATVs. If you had to -- I know this would vary. Well, let's say Minnesota probably gets a little more snow that Washington, D.C. does. If you had to make a calculation about the level of use, comparing an ATV to a snowmobile, how many of your days per year or hours per year would you think the relation would be between the use of the ATV and the use of a snowmobile?

MR COOK Well, in Minnesota, like northern Wisconsin, we like to brag that we get a lot more winter than we really do. I think that you really have about three months to drive a snowmobile, when you can drive an ATV.
months of the year  I don't know a time that you can't drive
an ATV  So I think you get a lot more use out of an ATV

MR DeFIORE  So would you say -- suppose someone
owned both an ATV and a snowmobile  What would be the
percentage of time or the difference they would be using one
over the other? Would it be 2 to 1?  5 to 1?  10 to 1?

MR COOK  10 to 1

MR DeFIORE  About 10 to 1  So an ATV would be
used roughly 10 times more frequently than a snowmobile, even
in Minnesota

MR COOK  Yes

MR DeFIORE  Where you get more snow, presumably,
more than other parts of the country  How do you arrive at 10 to
1? What makes you pick that number?

MR COOK  Well, I think that you are really
limited to the amount of time you can use the snowmobile
You have to make sure that the ground is suitably covered
with snow, that it's cold enough to where you are not
breaking through the snow  And in most cases, you have to
make sure that there has already been enough ice on the lakes
In the area that we live in, we almost have to drive on lakes
to get anywhere  So with the ATV, you can drive it any day
I would think that for two months out of the year you can
really use your snowmobile  For 12 months you can use the
ATV
MR DeFIORE  Okay  Thank you

Mr Zeratsky, you mentioned you also have driven snowmobiles, is that right?

MR ZERATSKY  Yes, I have

MR DeFIORE  What is your opinion about the item that Mr Cook just responded to?

MR ZERATSKY  I would have to come pretty close to agreeing with the 10 to 1. I don’t have any scientific basis, but the same kind of thing holds true. It’s a question of suitability of conditions, environmental conditions, for the use of the machine. And last winter there was two weeks in which I couldn’t use my ATV because the snow was too deep around my house, and I couldn’t get through the snow just to get to the lake. Or I happen to own some -- my family has some private land which is very nice to ride on. That’s not a problem that I face. But I just couldn’t get there. Aside from that, I had 11 months and two weeks, basically, when I could use it. And having ridden both machines, I enjoy the riding of the all-terrain vehicle more than I enjoy the snowmobile. So I think if the conditions were suitable for either, that I would still favor that machine.

MR DeFIORE  You mentioned you own two sort of really different vehicles, the SX and the 125. Do you have any opinion about the relative handling characteristics.
between those two?

MR ZERATSKY The 125, I think, is probably easier to handle. It's much lighter. A full-sized person's body weight certainly makes it much easier to muscle the machine, to maneuver the machine.

The 250, for me, I have spent quite a bit of time and got a -- you know, I weigh 180 pounds, which is more than adequate to maneuver that machine. The extra power is nice when I'm using it to pull a trailer with some logs on it or something like that.

I wouldn't and I haven't put beginners on it. I do occasionally take friends riding that haven't been before and take some time going over the features of the machine and make sure we stay on gentle terrain. And I will not put them on the 250 right off. I think that they should spend some time on the smaller machine that is easier to handle for them. And I guess that's just because I don't -- that's not to say that they couldn't handle the larger machine. Certainly some of them, especially the ones that have had some motor sports background, are capable of that. But I just feel safer, more comfortable, at least, to let them see what this sport is all about on a small machine and let them progress from there.

MR DeFIORE Thank you.

MR SCANLON Thank you. Thank you, gentlemen, for coming to Milwaukee and sharing your experiences with us. It
is appreciated  Thanks again

Okay  We will proceed with the seventh panel,

composed of dealers and ATV associations  Dan Bishop, Bishop
Cycle Center, Lapur, Michigan  Randy Harden, Sheboygan
Yamaha, Sheboygan, Wisconsin  James Baxter, executive
director, Wisconsin ATV Association, Dane, Wisconsin  Don
Schommer, trailmaster for No Runner LTD Snowmobile Club,
Belgium, Wisconsin  Bill Wildt, president, Motorsport
Advancement Crusade in Chicago  And I believe that is it
Is there anybody else signed up for this panel?

Okay  We will begin with Dan Bishop  Mr Bishop?

MR BISHOP  Thank you  My name is Dan Bishop  I
am the owner of a motorcycle and ATV dealership

MR SCANLON  Can you talk a little louder, sir,
into the mike?

MR BISHOP  My name is Dan Bishop  I am the owner
of a motorcycle and ATV dealership in Michigan  I have been
personally riding ATVs for 13 years, both recreationally and
racing

Many people feel ATVs are unsafe  I feel ATVs are as
safe as any other form of recreational vehicle when ridden
properly and safely  So many times accidents are caused by
lack of rider knowledge, carelessness or recklessness  Many
times there are two people riding the machine  Almost all
the units are labeled with No Passengers, Rider Only, as well
as being stated in the owner's manual

The children riding are usually the ones that are doing riding double. This is where parent supervision comes in. Many times parents let their kids ride unsupervised, which I feel is the big reason for so many accidents. Supervision does not mean two on the machine.

Most machines have a throttle limitor. With the use of this, a parent can allow a child to progress with his or her competence. The vehicle can be slowed down to walk pace if desired, or allow them to progress as they learn. This allows the rider to learn how to turn, stop and maneuver the machine.

My advice would be to help organize rider education, safety awareness, as well as probably uniformity of controls on ATVs.

Thank you for letting me speak.

MR SCANLON Thank you, Mr Bishop.

Mr Harden?

MR HARDEN Thank you. I would like to start by giving a small background on myself so it will lend some bearing on this a little later. Married, have two kids, am employed by a motorcycle/snowmobile/ATV dealership. I have a racing background in motorcycles, both professionally and amateur, and now on three wheelers.

It seems there are three focal points that seem to be
coming out The ATVer, in general, seems 18 or 20 years of age and older, the smaller children, and the manufacturers and/or dealerships. The first part of an ATVer is older people as myself, you know, over 18 years of age. The earlier models that I have been accustomed to were -- there were some problems. They did turn harder than the ones nowadays. They didn't have suspension. Nowadays they do. They have come a long way. But just as the automobile was not as safe as it is today, the same here. You know, it had to be altered.

I think the industry has had to answer some questions, and they have made some progress on the safety of these vehicles. I feel that the majority of the problem is rider error, not in the machine itself, as it has come a long way and hopefully will continue to. Suspension is definitely a safety factor.

As a whole, I think the number one problem has been addressed, and that is rider training, rider awareness of what is going on. Because the sport has grown.

The second point of view is being a parent of an ATVer. I did not mention the age of my children before. One is two, and one is five. We are talking about 11- and 12-year-olds and people having a problem thinking they can ride them. I have a four-year-old who is five now, who started when he was four.
I don't know if the Commission is familiar -- I haven't seen any three wheelers, ATVs or four wheelers addressed to the small children as purchasing for them, as Mr Bishop said. They make small ATVs with throttle limitors that regulate how fast they go. The parent -- myself, and my own son -- and I love my son. I'm not going to let him get hurt on something, although I feel that I spent too much time with him on all-terrain vehicles and not on bicycles. He's gotten more hurt on bicycles than he has on all-terrain vehicles, which he's never been hurt on.

But getting back to the point, it lets you regulate how fast it goes. It has what is called a tether switch, which you can follow behind when they are learning, to shut the vehicle off if you feel they get in trouble. And you let them learn at their own level, but you do have to instruct them, just as you do with anything else.

So I think, again, training, and the small children should never be by themselves. The parents have got to be the determining factor in supervision and not letting them ride by themself.

The third aspect, I am a salesman for all-terrain vehicles. There are, like I said, things that had to be changed that have been changed. And I'm sure more things are going to be changed, and it's probably a good thing that these kinds of hearings do come up because the manufacturers
listen Recently we've got a film out that one of the manufacturers sent all their dealers in the state of Wisconsin -- I don't know about the other states -- about a 15-minute film to show potential buyers the safety hazards of a three wheeler and what to do, how to start out safely and instruct them And I think the manufacturer has really taken heed to the problem and is trying to address the problem And I think the SVIA training program is the best thing that could happen at this time, and hopefully will continue to happen

Really, that's about all I have to say

MR SCANLON Thank you, Mr Harden

Mr Schommer?

MR SCHOMMER Yes, sir My name is Don Schommer I've been past president of the Snow Runner Snowmobile Club twice At the present time, I am trail coordinator, what we call trailmaster, of the Snow Runner Snowmobile Club We have trails in southern Sheboygan County and northern Ozaukee County I take care of approximately 84 miles of snowmobile trails About 60 miles of that trail is funded through the state, and the rest is private club trail

But what I would like to point out is, I got involved in snowmobiling in 1964 And I got involved in the ATVs back in 1969, when we formed our own club We used that ATC 90 -- that's way back -- for putting in our trails and for taking
out our trails That's putting up the signs and stuff like
that before the snow gets here Well, I've been involved in
this program, and I have watched ATVs progress through the
years And it's like everybody else said here It's not the
machine, it's the rider

And I have been after the DNR for years from Wisconsin
here to get a program going for these people to get this
machine a safety course, just like we have for the
snowmobilers I've got a lot of clubs that are against me
for sticking up for the ATVs, but I use this machine, and
it's a good machine And I have used all kinds Yamaha,
Honda, and now we have Polaris coming out with it We had a
Kawasaki last year We've got some excellent dealers in my
area They let me use these machines We have owned our own

But I have been on them for years, and I go to these
safety meetings, I go to association meetings, and I preach
and I preach And the DNR has done nothing with this thing,
just washed their hands We have got a problem out there
because they have no place to ride legally The DNR says
they cannot ride on our snowmobile trails on a funded trail

MR SCANLON DNR stands for Department of Natural
Resources?

MR SCHOMMER Natural Resources And they have
been bickering for years, and I don't know when it's going to
end But we could solve this whole problem if we just had a
safety program set up, just like snowmobiles. Register them just like a sled. And I myself, I let them ride our snowmobile trails, our club trails. I cannot legally tell them to ride the funded trails because you can't. But we have let them ride our club trails, and we have had problems at first. But I live out in the area, and my little town is 800 people. And out of that little town, I bet you we've got approximately 20, 25 ATVs in the area. And it got to the point where the farmers -- you know, in the spring of the year and the summer, you can't have these machines running all over their fields.

So I went to the local landowners around there the last couple years, and I have established some trails around town. Went and talked to the parents. And I know most of the people around there. We established some trails for the kids to ride on. And I talk to them. I have a meeting once a year. Just before the fall of the year I explain to them what I want, what has to be done. And that's what it's all about. You have to talk to these kids. And it's not only kids anymore today, it's adults. And I said if we could get a program together with these ATVs, with all the money that we collect in registration on snowmobiles, we could set up a trail program and give them someplace to ride. Now I've got a foot in the door in Ozaukee County, and that's the way it works. You have to know your landowner, you have to know the
people who are riding, you have to let them know where to go
and when to go

Our trail system is set up from November 15 till April
1. That's when we have land easements with the farmers to
run our trail system. And I tell these kids on these three
wheelers, and the adults, you cannot ride on these trails
until the ground is froze, until there is sufficient snowfall.

We do groom our trails out there. When the snow gets
about a foot deep, you can't ride an ATV anyway right? It
just won't go. But on our groomed trails in the wintertime,
they have no problem.

But my main concern is that I just can't understand
why we haven't got the DNR together with the ATVs to set up a
program, a safety program to teach these people how to ride
this thing. I have had no problems with the ones I have had.
I've got two daughters in my family. They ride snowmobiles.
One is 14, one is 18 now. I have never had one bit of
problem with accidents or anything. But you've got to tell
them how to ride this machine. And that's what it's all
about, sir. You have to have a safety program to train these
kids how to ride this thing.

And I don't know what the age limit should be, but
like this gentleman said, if he's got a five-year-old riding
it and he trained him how to run it, fine. But I do know
that my experience with snowmobiles -- and we have had a lot
of problems many, many years ago, it took us about 10 years to get it straightened out -- that the age limits between 12 and 16 are crucial. They've got to know what they're doing. I thank you for your time, and I hope to God we get a program going to get these machines riding legally.

MR SCANLON: Thank you, Mr. Schommer.

MR WILDFT: Mr. Chairman.

MR SCANLON: Welcome.

MR WILDFT: Thank you.

Ladies and gentlemen, my name is Bill Wildt. I'm president of an organization called the Motorsport Advancement Crusade. This organization was founded to preserve and enhance motor sports through public education. As such, we are vitally concerned about the possible loss of an entire type of vehicle from motor sport.

The hypothetical proposal that the Government has presented publicly through its agent, the CPSC, to ban and recall the popular three-wheel devices commonly known as ATVs is an ominous indication of just how much work our organization has to do.

Embodied in the promulgation of such a proposal is a lack of understanding of the activity of motor sport and the motor sport community. This sort of proposal would have never occurred to anyone or any group if they had a clear and
intimate understanding of our community, what we're about, and our contribution to society

Herein lies the basis of our problem, what we call the motor sport dilemma. For example, the lack of public consciousness, understanding and appreciation of our activities. It is difficult, indeed, to explain in motor sport language to a non-motor sport audience. Someone attempting to explain a proposition, no matter how reasonable or simple, will be hard-pressed to make himself understood if he does it in German to an English-speaking assemblage.

So, here I stand before this committee today, to ask you to understand the consequences of the actions that you might take to eliminate ATVs from the landscape of American life.

To you, ATVs are a product. To us, they are part of a sort of vehicle evolutionary chain. A vehicular concept, if you will, that offers both advantages and disadvantages, as all vehicles do, as compared to other concepts in the vehicle marketplace.

I suppose it would be easy for the uninformed that view the motor sport community from the outside to presume that ATVs or dirt bikes or snowmobiles or six-wheel ATVs, et cetera, exist solely for the purpose of recreation. And, of course, they do serve in that capacity. But they're a whole lot more.
Explaining the "whole lot more" part brings me, once again, to pondering how I might explain what that means to those that are not part of the motor sport community. What language can I use to relate to non-motor sport people the value to the technically-minded person of experiencing a wide range of vehicle concepts in a recreational way?

Perhaps if I used some comparisons that you are probably more familiar with. As an example, I ask you to think about little league baseball or Pop Warner football. Clearly those are recreational activities, but few would argue that they don't also provide those youngsters with a notion of the benefits of teamwork, the need for good sportsmanship, an opportunity for self-esteem enhancement, and a motivation for physical fitness.

For those Americans that participate in these activities, these ideas are well understood. In fact, the image of a father taking his son to a major league baseball game to share the enjoyment of athletics and find a common language for communication has become something of an American symbol. Few would argue that the only purpose of little league sport is recreation.

What we in the motor sport community ask you to understand is that we, too, have activities that families share for more than just recreation. To us, a father and son going off riding on their ATVs is as American as a father
taking his son out in the backyard to throw the ball around a little. It's not just about riding ATVs, as throwing the ball around is not just about throwing the ball around. It's about communicating with a common language that transcends age.

To those of us that are technically inclined, that enjoy machinery and man's mastery of it, watching our children learn to successfully take on challenges with their ATVs, challenges that are increasingly more difficult, is no more different -- no different than a non-technically-minded family watching their children become proficient at sliding into base or hitting a fast ball. Watching our youngsters ride casually and noticing that among them are those that display a special gift and then involving those that have this gift in a more organized part of the sport is no different in the motor sport community than the non-motor sport public's little league baseball and Pop Warner football.

One cannot leave this part of the discussion without addressing the issue of possible injury. Sadly, injury does occur in every activity in the human experience. Every parent that has ever signed his kid up in little league or Pop Warner has done so with some anxiety. Being hit by a baseball or injuring one's knee while being blocked for the sole purpose of recreation is tough to justify. There is no question that calisthenics provide the same healthful
recreation without the high risk of injury. But as I just got through saying, these activities are not just about recreation. They are about growth in a variety of ways.

Beyond trying to explain the role of the ATV in the family of those of us in the motor sport community, it is important that you try to relate to the need for these vehicles at an adult level.

The motor sport community is primarily responsible for new ideas and solutions to our society's need for vehicular transportation. Now, I know that that will be something of a foreign concept for you to grasp, and the fact that the thought is foreign to you is a major reason the Motorsport Advancement Crusade was formed. For example, to educate or to explain who the motor sport community is, what we do, why we do it, and why it's important.

A surprising number of people in this country think that vehicle concept creativity takes place in the auto industry. Apparently, it hasn't occurred to anyone that the auto industry would be the last place conceptual change is likely to come from. Like most industry, the auto companies take the creations of the technically-minded innovators in our society and develop businesses around them. The larger the business becomes, the more it has at stake in maintaining the status quo.

No, vehicle concept creativity comes from the motor
sport community  Snowmobiles, aircraft, indeed the 
automobile itself, were all created by gifted individuals 
using all of the knowledge gathered during their life 
experiences, seeking new ways to create mechanical devices to 
make man the master of his territory. These devices did not 
come from established companies.

It should be obvious to you how important it is to all 
of us in the motor sport community to experience freely all 
known vehicle concepts if one of us is ever to create the 
100-mile-per-gallon vehicle that doesn't ruin the environment.

No one can predict what personal transportation will 
look like 20 years from now. We do know the first automobile 
invented by Karl Benz in 1885 had three wheels, and it's 
probably a good thing that no one immediately banned 
four-wheel vehicles.

The vehicle of the future could very well be a three 
wheel, based on some youngster's experience with the 
advantages of an ATV when he was young. The same could be 
said of six-wheelers or two-wheelers, for that matter. The 
fact is, we just don't know. What we do know is that 
political manipulation in this area — for example, the 
banning of a particular concept — will very likely have long-
term evolutionary effects. One can't artificially tamper 
with technical inquiry without affecting the future, no more 
than one can ban specific types of books without affecting
the future

We in the motor sport community use our experiences with all types of vehicles as a base for our new ideas. None of us can predict the future, but if it does turn out that the advantages of lightness and simplicity of three-wheeled vehicles brings our country the fuel efficiency and low cost that we need, I want the vehicles available to us to be American. That is, developed by Americans, built by Americans, and sold by Americans.

Frankly, I think a great deal is riding on this battle that has pitted the Government against the motor sport community, with the survival of a vehicle concept at stake. It seems to me that the ATV is a victim of its own popularity. The motor sport community has had three-wheeled devices for decades, and while their numbers were few, they had their share of devotees. Suddenly, the non-motor sport public discovered them, and their popularity soared. Now we have an entirely different breed of folks riding them. Instead of people that cut their teeth on Whizzer motorbikes and Cushman scooters, we have people riding them whose closest thing to riding any kind of sport recreational vehicle is riding lessons at their local stable.

We welcome these people with open arms. We want to show them the joy of motor sport. Unfortunately, the motor sport community is denied access to television, and most
Americans get most of their information from television. We would very much like to tell the new generation entering motor sports the do's and don'ts of participating. It would seem to us that a more legitimate function of government than banning a vehicle concept would be insuring that all elements of society have access to the public airwaves, thus insuring that the kind of information necessary to properly and safely enjoy motor sport is widely disseminated. In a word, education is the answer.

Finally, as a private citizen, I challenge the idea of the Government entering the sport vehicle marketplace and outlawing one of the competitors in this field because people might hurt themselves. This is not, in my mind, a legitimate function of government, and if successful, one can only wonder what's next. Motorcycles, to be sure. Ultralight aircraft, probably. Powerboats, yeah. And, oh, yes, of course, handguns. This notion of government control of types of products in the marketplace ought to be repugnant to Americans that value their freedoms so highly.

As a minority, the motor sport community has much in common with other minorities that the majority has inflicted its will upon. To say to us that ATVs will no longer be legal is like telling the general public that baseball is out, too many people getting hurt. Don't do this to us because you think you can get away with it. It's the wrong thing to
do in a free society

I must challenge even the possibility of government
publicly studying an issue of this nature. First, I don't
believe this is a legitimate function of government. And
second, to do so does serious economic damage without due
process to, for example, "ma and pa" dealers whose economic --
ma and pa dealers whose ability to stay in business might
depend on selling seven ATVs instead of five. Few people
will spend 2 or $3,000 on something they get the idea the

government is going to ban

Another effect of this kind of activity on the part of
the government is to provoke an unfortunately litigious
society to file lawsuits in the hope of striking it rich
After all, it looks like a sure winner if the Government
itself says these things are unsafe and should be banned

As a private citizen, I would ask you to consider what
you have done and end this McCarthy-like witch hunt. As the
president of the Motorsport Advancement Crusade, I ask you to
think about the serious damage you might do by restricting
vehicle concept experience and eliminating a family-oriented
activity important to the motor sport community

Thank you

MR SCANLON Mr. Wildt, let me just make one
correction on your statement

MR WILDT I said it wrong, or I wrote it wrong?
Mr. Scanlon: You said it and you wrote it. The Consumer Product Safety Commission is a five-member regional body. Presently we have one vacancy. So there are four of us on the Commission, one coming down very soon. Only one of five commissioners has ever used the term "ban" or "recall." So you must keep that in mind.

Mr. Wildt: If I may --

Mr. Scanlon: So you're not talking about this generic government. You're talking about one individual.

Mr. Wildt: If I may, Commissioner, I don't want to retreat from that position. The fact of the matter is, the public views you folks, even one of you, as the Government. I promise you that's how it is perceived. And because that's the way it is perceived, that's the way we have to deal with it. That's where our fight lies.

Mr. Scanlon: Okay.

Mr. Wildt: But I do understand what you're saying.

Mr. Scanlon: Good. Thanks.

Mr. Harden, I wanted to ask about your five-year-old or four-year-old son. Four?

Mr. Harden: Five now.

Mr. Scanlon: Five now, using an ATV. Is this -- what's the model number? 50? 60?

Mr. Harden: It's a 60.

Mr. Scanlon: It's a 60. And how many miles an
hour will that go?

MR HARDEN Top speed, I really don't know I'm guessing about seven to ten It's not that fast right now I started out with just creeping In fact, it was tedious on the parent's part Any time there was something in front of the wheel, I had to go push him to learn But like I said, that's part of being a parent

MR SCANLON And you say he has no problem with control?

MR HARDEN Not at all He did to start with, but the machine wouldn't go fast enough to do anything, which is part of why I'm saying the manufacturers have addressed the problem in that respect And I certainly wouldn't put him on something I felt he would get hurt on

MR SCANLON Thank you

Commissioner Dawson?

MS DAWSON I'll start with you, Mr Harden We have talked about a great many measures that can be taken, during the period of this hearing today, to reduce the numbers of deaths and injuries And, basically, that is what we are mandated to do for consumers How do you feel about standards? We are talking here now, I think, mainly about voluntary standards, because the industry has been involved in that effort Do you feel that there are measures that the industry can take that will produce a safer vehicle?
MR HARDEN I feel there can be and there already has been In the model that you see with suspension, with the numbers for the smaller kids, the better -- I just got a new update on a new model There's more suspension

MS DAWSON On a small model?

MR HARDEN On the bigger model

MS DAWSON On the bigger model

MR HARDEN Right Everything I have seen in the bloodbath media goes against -- toward the kids I see them on vehicles like this and not on vehicles made for them And, again, it's the fault of the person putting them on there I would in no way put my son on a machine that big like I have, just like it probably wouldn't be safe for me to be on his

MS DAWSON What about the issue, though, of standardized controls, that sort of thing?

MR HARDEN That's legitimate, I think Basically, all the models I have seen are pretty much the same now They weren't at first, but they pretty much are now

MS DAWSON You think as new models come out, the positioning of the controls and the gears and that sort of thing is going to be more and more similar?

MR HARDEN You can see that now An earlier person said he wished they had keys All our new models, except for the racing model, they are coming that way And I do think that's a good measure
MS DAWSON  Do you think the customers will appreciate the value of having the keys and put keys away so that --

MR HARDEN  Very much so  I hear that, being a salesman of the product, as one of the major concerns  If people talk about, you know -- the main factor is you're not going to sell anything if you don't listen to what the people that want to buy them want  That's the good part of what's coming from this  But as the gentleman said, banning them is not the answer  Even though one person said it is, it has drastically affected my sales, being a salesman  Because what one person said, even though it didn't bear on what you folks said, it drastically altered our sales of ATVs

MS DAWSON  Do you feel, though, that the attention that has been focused on this problem has had any benefits, in the sense that some of the potential buyers are maybe a little more aware of some of the safety considerations that they wouldn't have been aware of?

MR HARDEN  I think so, and I certainly hope so By listening to all the conversation, I think you folks can see that what's happening to the industry is too much all of once  And, yeah, there were people getting hurt  But all of a sudden now the manufacturers have changed the things  I think some good will come of this if what -- the person I worry about is the ma and pa dealers that have been
drastically affected by this

MS DAWSON Do you see any other ways in which the vehicle itself can be changed to improve its stability or its handling?

MR HARDEN By adding more money to it, anything can be improved, I guess But the industry itself has to evolve to be monetarily affordable for a lot of the community And it has Like I said, the first models I have seen, I didn't even like myself because I couldn't turn them and race them And nowadays they are so much easier to turn and handle Because they weren't selling, they had to change

MS DAWSON In your part of Wisconsin, are the users of those vehicles organized into groups?

MR HARDEN Just seems to be happening We just formed a group at my dealership with avid enthusiasts And it did come to almost a standing halt after the press media on the ATVs But it is -- it has to come to that, just like snowmobiles It's very much related to the snowmobiles, with the fact of the agricultural aspect

MS DAWSON You say that the effort to organize the group came to a halt because of the media attention?

MR HARDEN Sales If you don't have members through selling it -- like I say, it drastically came to a stop after that It is starting to go on I'm hoping that, you know, good publicity can come from it to bring the
MS DAWSON As a dealer, what do you recommend to your fellow members of the dealers community to address the injuries?

MR HARDEN To the other dealers or to the customers?

MS DAWSON Well, to other dealers. How would you recommend that they approach the injury issue?

MR HARDEN Well, the main thing is selling the proper unit to the proper person. As a member from the other panel said, if a father comes in with some 10-year-old kid, 12-year-old kid, and is going to buy a 200 SX or 250 SX, no dealer, I guess, should sell him that. But I don't know who could sell it to a smaller kid anyway? You've got to sell it to an adult.

MS DAWSON And do you support the state legislation that was recently enacted?

MR HARDEN Which one are you referring to?

MS DAWSON In Wisconsin, to regulate or to require licensing of the ATV.

MR HARDEN I recognize it as an alternative. I think the training by the SVIA or the similar products will be just as good.

MS DAWSON Mr. Wildt, I appreciated your testimony very much. Can you give us a little bit more about
your own background? What is your involvement with this particular vehicle, and how much organized activity are you involved with?

MR WILDT Well, I'm the -- I'm 42 years old, first of all A lifelong motor sport participant and enthusiast involved in every aspect of it I have raced stock cars, professional motorcycle racer for half a dozen years, flying airplanes, snowmobiles, power boating My enthusiasm for motor sport is boundless

I have also been organized with the sport I was one of the originators of motorcycle ice racing in Illinois And I also participated as an official in those things So I have a broad range of interest and enthusiasm for motor sport Beyond that, of course, I have a fabricating shop I do -- I make parts and pieces for people that race all manner of things, from ultralight aircraft to snowmobiles, motorcycles, stock cars, midgets, sprint cars, you name it So I build these things, obviously, I enjoy them I think they are important

It's a story we would like to get out very much The ATVs are a very special kind of vehicle, and something really long needed in the motor sport community We needed a way to bring youngsters -- and I'm not saying that -- I don't want to make it sound like I'm saying you should get it for youngsters That's clearly not so But one of their
features is you don't have to have -- you don't have to be able to ride a motorcycle. For example, a five-year-old or six-year-old can go with his father, and the two of them -- with the father closely watching him, can teach him how to operate a vehicle, and the two of them can go off and communicate. It doesn't take -- you don't have to learn baby talk, and the child doesn't have to have the intellectual capability of the father to understand that there's a little stream, how you get across it successfully.

And taking him by the hand and showing him that sort of thing, it establishes a bonding process in the motor sport communities families that's very important, which up until now has waited until the youngsters are 10, 11, 12 years old. Although I've got to say there are some very successful youngsters at six or seven years old, and I don't know if the Commission is aware of it or not, that race motorcycles very successfully. And I mean they are very good. They are excellent. But that's more of an exception.

This seems to be able to bring this thing to a more average person that only has average skills. I believe the ATV is a significant enhancement for the motor sport family, for the family that is within the -- that would call themselves part of the sphere of the motor sport community. I think it's a significant enhancement to that family, and I think it provides a whole lot more than just recreation.
There is so much more to it

You know, it's a tough thing to sit here in front of you folks -- not that you're not nice people, I'm sure you are. But you're from a different world. And those of us in the motor sport community just sit here and struggle for our survival. And to explain ourselves to you is very difficult, just as sometimes I have a tough time understanding those people that go through the baseball, football, hockey thing. It is sort of tough for me to relate to them.

So we will do the best we can, and I hope we can explain ourselves to you a little bit. Did that answer it at all?

MS DAWSON: Yes. I have one other question for you, then I will move on. You made pretty clear your feeling about federal involvement in this area, but what about state involvement? Does your state have any requirements for these vehicles at this point?

MR WILDT: To my knowledge at this point, at this point we don't.

MS DAWSON: Would you support that?

MR WILDT: Probably not, but I don't want to say anything without getting an opportunity to review it first.

Probably not.

My feeling is -- and, you know, this is a real problem.

I understand that you guys are a regulatory commission, and I
understand that But I have had exchanges with the
Government before in these things The one thing that ought
to come up in every one of these discussions -- because it is
real, real important, even more important than injuries and
all these other things that we can parade people in and out --
is this is a free country And, boy, that's important It's
not just free for those that want to be lawyers and doctors
It's free for all of us And we are something -- the motor
sport community is something of a subculture within this
community

But that's kind of what America is for It's kind of
for all of us to have a place to prosper and nourish and grow
And I think that ought to come up in every -- you know, you
guys are not in the suggestion-passing business That's an
important point When -- I have noticed the different
witnesses have gone through, you have asked them if this
would be a good idea, if that would be a good idea Sure, I
can sit here and chat with you all day long about good ideas
I really can You guys don't do suggestions because they're
good ideas You do laws, and they are enforced at gunpoint
That's a big difference, and it really is

You know, we went through this years ago with the
motorcycle helmet laws I came from Chicago today I just
happened to think up there of the incidents we have gone
through When Illinois got rid of their mandatory helmet
laws, they went through all that, but they got rid of them, and Wisconsin still had it. Any number of times motorcyclists not wearing a helmet from Illinois unknowingly crossed the state line coming up here in Wisconsin. Get a couple miles over here, stopped by the state police. I cannot tell you the number of horror stories of people being forced to walk heavy motorcycles two and three miles back to the state line, with the police patrol car behind them idling along with the guns in there.

I'm serious when I say this stuff is enforced at gunpoint. Make no mistake about it. Any time you pass a law, you give an opportunity to abuse, and it happens. It happens in the real world.

So when you talk about the standardized controls, sure I can chat with you and say, sure, that's a great idea, with the possible exception that I want to make room for technology. Those of us that develop these things, we look at these all the time. And maybe we can come up with some kind of a drive system that doesn't even require a throttle control or something like that. And all of a sudden we are locked into a law that requires a twist strap that goes this way to turn it on, and we can't apply new technology. That's one of the problems.

And secondly is, I think it's a great idea — if we want to talk about suggestions, I think it would be a great
suggestion  But we are talking about laws here  That's a major difference, and I do have a great concern about that. And, again, I wish -- every time one of these regulations is passed, I just have to trust that you guys do this, that you sit there amongst each other and say, "Now, let's talk about one more thing here. This is a free society. Free for everyone. Is this absolutely necessary?"

Thank you

MS DAWSON  Thank you

Mr Schommer, you are very active in both snowmobiles and ATV organizations, and you are from Wisconsin.

MR SCHOMMER  Yes

MS DAWSON  Do you support the state legislation?

MR SCHOMMER  Well, I firmly believe that's the only way it's going to work here in Wisconsin. And that's the only way that we have got our snowmobile program going, is through the DNR, the Department of Natural Resources. You have to have that because we run on all private land. We don't have a lot of federal land down on this end of the state. The southern half of Wisconsin is almost all owned by private -- by somebody. And you have to have permission. You have to have land easements. And to me, that's the only governing body that's going to regulate this thing.

I agree that there's a lot of people that don't want the government involved. And when I was involved in
snowmobiling, I didn't like it, either Because I knew I was
going to lose control of my trail system that I set up I am
no longer the head boss of that I am, but I'm not I still
have to listen to the DNR

And I have been after these people for a long time
We've got to work together And it's tough because
snowmobiling has been around here a long, long time You've
got a lot of people that do not want these machines on their
snow trails And I don't know how we are going to get a
marriage, but I'm trying Because we've got so many of them,
and they have got to ride somewhere

And I ride them, and I ride snowmobiles And like the
man said before at the last meeting, it's about 10 to 1
Because we get about two and a half, three months of
snowmobiling here in Wisconsin, at the maximum And like the
man said, you can ride these things year round, providing you
have permission from the landowner

MS DAWSON But what about the effort to reduce
deaths and injuries? You do see that as an important factor
in --

MR SCHOMMER Yes, I do And I think with a
safety program you can eliminate some of these You're not
going to eliminate them all Even with snowmobiling, you've
got them down to the minimum now I think, compared to what
it used to be 10 or 15 years ago, God, it's changed through
this program

MS DAWSON So you feel that the same kind of effort could succeed with ATVs?

MR SCHOMMER It can, but it's going to take time. You know, last year I got ATVs involved in our snowmobile club. I said, "You have to come to these meetings to find out what is going on in the trail system, where you can ride, where you can't ride. Come and get educated." I invited them all to come and join our snowmobile club, and we did. We had some of them come and join.

But, like I said, I cannot tell my people that have three wheelers and four wheelers to ride on our funded trail system. I can put them on our private club system, but not on the funded system. Because the DNR rules the roost.

MS DAWSON Mr Bishop, you're a dealer?

MR BISHOP Yes.

MS DAWSON Do you feel that the safety precautions that are now being provided by the manufacturers are improved over what you had?

MR BISHOP Yes. Over the past six months, you know, from when this panel has come about, there has been a lot of changes from the manufacturers, from brochures that we hand out as a dealer on down the line, from the setup of the SVIA.

MS DAWSON How do you view your own...
responsibility as a dealer when a customer comes in to buy?''

MR BISHOP That's a good point. We do quite a bit with a person trying to get them to, you know, acknowledge that safety is a big factor. And it is a problem when the father comes in, wants to buy a machine to fit the whole family. Because they will try to buy something that is suitable for the whole family, when really one machine can't do the young kids as well as the adult. But you try to steer them in the best way possible and then make them understand all the safety precautions that are necessary as far as wearing a helmet. We go through a complete checklist when they leave as to all the things that are involved in the safety.

MS DAWSON You sell the safety equipment yourself, too?

MR BISHOP Oh, yes.

MS DAWSON Is that helmets?

MR BISHOP Helmets, goggles, gloves, boots, riding pants that are padded, that type of thing.

MS DAWSON It is not mandatory, of course, that the customer buy those?

MR BISHOP Oh, no, no.

MS DAWSON But you try to persuade them?

MR BISHOP Especially -- of course, a lot of people don't buy a helmet at the time. They have one around.
the house, and that type of thing. And then they don't get worn.

MS Dawson: How about repeat customers? Do you find you are getting customers coming back and buying different models, or perhaps more for younger members of the family?

Mr. Bishop: Very much so. Because that's what is unique about ATVs, is that they are very family oriented. It's different than motorcycling. A family can ride together and have fun at 10 miles an hour, and have the same fun, where a motorcycle father has to wait back for the rest of the family, that type of thing. So it's just a lot of good family fun. And that's what starts with one machine and on to two machines and so forth.

MS Dawson: Are there clubs in your area?

Mr. Bishop: Some, but not too many. There's a little bit of growth around, but not too much.

MS Dawson: Thank you very much.

Mr. Scanlon: Thank you, Commissioner Dawson. Dr. DeFiore?

Mr. DeFiore: Mr. Harden, I think you indicated your dealership handles several different types of off-road vehicles, is that correct?

Mr. Harden: Correct. Snowmobile, all-terrain vehicles, motorcycle.
MR DeFIORE You have heard today several people mention that they thought the usage ratio between ATVs and snowmobiles is roughly 10 to 1. Would that square with your impression of --

MR HARDEN Off the cuff, that would be about correct.

MR DeFIORE How about dirt bikes? Do you have any feel?

MR HARDEN Dirt bikes compared to ATVs?

MR DeFIORE Yes, or either.

MR HARDEN As far as use year round? Well, the ATV is much more versatile in how long in the season and how early in the season you can start. I feel the potential, because of the family background, is much more so on ATVs, where you can't -- I would be afraid to put a four- or five-year-old, or even some of the 10- and 12-year-olds on a dirt bike, where on a three wheeler it's much safer.

MR DeFIORE You indicated earlier that sales were being affected. Can you give us some figures as to what the magnitude of that effect has been?

MR HARDEN The biggest figure is my commission on my paycheck. I can't give you statistics, just that people are aware. They do watch the media, namely TV, as Mr. Wildt stated, much more than anything else. And the TV program where it brought to light the safety factor with the kids,
you know, every customer that came in, does come in -- how
many don't come in is more than that do come in -- and
comment on it. It brought the problem to light, if it didn't
go overboard.

MR DeFIORE: Well, as opposed to this time last
year, are your sales up or down?

MR HARDEN: Down.

MR DeFIORE: Do you have a percentage that you
could guess? 10 percent? 50 percent?

MR HARDEN: I would guess 50 percent.

MR DeFIORE: So your sales for, like, say August
of 1985 are half of what they were in August of '84? Is that
ture?

MR HARDEN: I would say at this point, although
August is a bad month to begin with. But as a whole, last
winter and fall was much more, and it hasn't come into the
season yet. But you can tell through the sales of the people
that do buy them. We have to go through the routine of "Hey,
are these things unsafe? Have they been recalled? I don't
want to buy them if they're going to recall them." They go
through that just about every day. Then it gets into a
discussion. If it saves a person's life, well, then it's
okay, you know, in that respect. But there's a lot of --

nobody has heard the other side, which seems to affect the
sales, you know.
MR DeFIORE  Mr Bishop, how about your sales?

MR BISHOP  Down, definitely

MR DeFIORE  Do you have a percentage that you could identify?

MR BISHOP  If you're saying like a year ago now to a year ago then, I would probably say definitely in the 40 percent range, particularly three wheel

MR DeFIORE  Mr Harden, you mentioned you believe there's a significant relationship between suspension, mechanical suspension, and safety. Can you say more about that?

MR HARDEN  Well, if you're going over a -- hit a bump at 10 miles an hour on a vehicle that has no suspension, if you go over the same bump on a vehicle with eight inches of suspension, you know, it's common -- I'm not an engineer, but I've been on one enough to know it's going to be -- you're not going to feel the bump nearly as much on the one with suspension as the one without

MR DeFIORE  You also alluded to the fact that some changes were made to make turning easy. Can you describe some of those, please?

MR HARDEN  Earlier models of the product that I sell, it was hard to turn. When you turned, you had to put a lot of body language, as you would say, on it. The models now, such as this one up here -- you can get the statistics
on it But you can just ride it by the seat of your pants and tell, as much as you turn, they have made some engineering changes

MR DeFIORE Do you have any idea what those changes were?

MR HARDEN Steering geometry, I imagine, where the fork sits is one way that they did it And the suspension, a lot of them do not have to take up -- you know, throw the geometry in the middle And some of them turn, and some of them have some suspension Again, I'm not an engineer, but I know they work a lot better than they did

MR DeFIORE Mr Schommer, you have mentioned that you have been involved with these since 1969 Have you seen the evolution in the design of these that have had or has had an impact on the safety and handling of them?

MR SCHOMMER Oh, yes I think these machines, we have gone from a Model T to a Cadillac in a matter of a few years The first machine I had was an old Honda, like I say, ATC 90 That goes back to 1970 No suspension But I used it mostly for work, and the kids rode it around But from then until now it's like day and night Excellent machine It's just like the snowmobiles 15 years ago they were just like a lumber wagon Now they have improved the suspension, front-rear, just like on the ATVs And it's all a part of safety It's good for the machine
MR DeFIORE So that you anticipate that these improvements, technical improvements, in addition to, let's say, training and information, should lead to a decline in the injury rate that we are seeing?

MR SCHOMMER Definitely If you have a training program and a safety program for everybody, it will eliminate a lot of it. Like I say, you won't eliminate all of it because you always have that 5 percent or so that don't listen anyway. But you will improve that.

MR DeFIORE Thank you.

Mr Wildt, I will just respond to your question about does anybody think of the issue of safety -- I mean of freedom as these issues are discussed. I can assure you that members of the committee and the staff seriously consider that issue in all the projects that we undertake. We recognize the responsibility of good government to balance the multiple concerns in any society, but that freedom is one that has to rank at the top of any list of concerns. So while the Commission in its ultimate decision may not conform completely with what you would wish, at least you can rest assured that that ingredient is being considered in the decision-making process by committee members and the people working with us.

MR WILDT Well, if you don't mind, I would just like to restate that again, Mr DeFlores. It is very
important. I don't want to just -- I don't want this to be a free country being one of the elements to consider. Boy, it's the overriding blanket element. The fact of the matter is that any of these regulations, any laws must be, in this kind of society, in my judgment anyway, minimal. Absolutely minimal. And it must be absolutely mandatory that there is no question on anyone's part that they have to be. We should all be in agreement with that. There should be no question about it.

You know, what you're about talking here, you're talking about the steering improvements and things like that. A lot of that has to do with engineering characteristics. I presume -- and I'm just guessing, I don't know most of those folks. But I would presume most of you guys are attorneys, if Washington, D.C. runs true to form 90 percent are attorneys. It's really tough to explain to you guys characteristics. Am I wrong?

MR SCANLON None of the three of us are attorneys. We escaped that.

MR WILDT Okay. We don't have that burden to deal with.

I just want to give you a point. You know, as a person that takes and makes things for a living, I manufacture -- I don't want to say manufacture. I'm a one-man shop. But I will take and design and create frames...
and chassis and things like that. I want to use a motorcycle as an example because they're not -- some of the motorcycles things are like this, as some of the cars things are

When you talk -- when you take a look at the steering business, when I develop, design and make a frame for a guy that's going to use a motorcycle for flatjack racing -- that's an oval track on horserace tracks -- that's going to be a short track Quarter mile, banked Quarter mile I will give it a very steep steering head rate. What we're talking about there is the angle that the steering head is from the ground. The steering head I'm not talking about forks or anything. The steering head, where the stem goes through the steering head. And I will give it a very steep angle. And I do that for a couple reasons.

Number one, you want real quick steering under those conditions. It's only a quarter-mile track. Maximum speed on the track is 65, 70 miles an hour, something like that. And what's most important is getting very quick steering and getting a lot of weight on that front wheel so that the front wheel doesn't slide out while they are doing the maneuvers necessary in that. And the machine is absolutely perfect for those conditions.

Take that same machine and run it at 100 or 110 miles an hour on a larger track, and you will be in serious trouble because the machine does not want to go in a straight line at
that speed. But it's great when you pitch into the corners. So on that kind of a machine, I will take and give it a less severe steering head angle. I give it less steering head rate.

The point that I'm getting at is that that's the nature of engineering. You give up something. There's no free lunches. There are no -- just like when you do laws, there are no free lunches. When you take and give up something, you get something for it. And hopefully what you're getting is what you need for that application.

I just wanted to make that point about this so we don't think that there's some kind of magic wand. I think these things are well made, well designed. I think each manufacturer had a couple different ideas. I think they are meritorious. I think, for specific applications, some are better than others. But I don't want to -- we seem to have the impression here that there is some kind of a defect. And maybe we're talking about a matter of wants rather than a defect.

Okay. I have a feeling you are winding down here, so that's all I will say.

MR SCANLON: Okay.

Thank you, gentlemen, for coming to Milwaukee and sharing your views with us.

This will be the last panel. It will be composed of
persons representing various disciplines and viewpoints. It will be those people who either came late today or signed up after the closing time we had set. I have five names. If there is anybody else who fits into this category, just come to the table and introduce yourself.

Joe Steier from Oconto, Wisconsin, Gene Schulz from Cedarburg, Steve Sanders from Springfield, Tennessee, Brad Peterson from Racine, James Baxter from Wisconsin ATV Association.

Is there anybody else? Did you sign up, sir?

MR NORDELL No

MR SCANLON Well, come on up. We need your name and the place you are from.

MR NORDELL Paul Nordell from the Minnesota Department of Natural Resources.

MR SCANLON I'm sorry. What is the name?

MR NORDELL Paul Nordell N-o-r-d-e-1-1

MR SCANLON And where are you from?

MR NORDELL Minnesota Department of Natural Resources

MR SCANLON St. Paul?

MR NORDELL St. Paul

MR SCANLON Okay.

Mr. Steier, we will begin with you. Am I pronouncing it correctly?
MR STEIER    Yes   The reason I'm here is, I bought an ATV --

MR SCANLON  Can you speak into your mike?

MR STEIER   Yeah   I bought an ATC over a snowmobile a year ago, last year And the reason I did is because you get more use out of an ATC  But one thing that really decided me was their advertising  And I believe they have an awful lot of false advertising on TV, saying that machines can go through mud and water, et cetera  And they just don't seem to do that without having problems with them That's all I have

MR SCANLON  Okay

Mr Schulz?

MR SCHULZ    My name is Gene Schulz   I'm the owner of Country Roads Honda in Cedarburg, Wisconsin, and we are retail sales of motorcycles and the Honda ATVs  I didn't come here with a prepared speech, but I did note some things through the day that I might want to bring to your attention I notice that most of the accidents that they are relating to with injuries were involving people hitting trees, in their backyards, on sidewalks, country gravel roads, in a cul de sac, an ATV hitting a 20-inch ditch  And I think there is one thing that is probably in common with most of these, is it seems like none of them were really in a designated riding area, either a trail or an area that's
developed for this type of riding

I think that one of the things that has to be addressed very seriously, along with the ATV safety course, is that these machines have to have a designated area that they can use them. There is many people that are buying them every day that really don't know where they are going to use them. And a lot of accidents can be caused by people in terrain that just maybe is not suited for what they're doing with it.

Very common, of course, is the fact that they aren't wearing the proper gear, and many are associated with head injuries. But I think that the sooner that the state and local and county can develop riding areas, you know, the faster that you can improve the safety statistics that you have.

One of the things also, of course, is the fellow from Antigo brought up the fact that his registrations went from 17 units, I believe, in about 1981 up to about 430 units in 1985. That's been a progressive increase in units registered on their snowmobile trails that they have allowed ATVs to be used on. I think my hat is off to those people up there that have recognized the fact that there has to be an area to allow these people to ride the machines.

When I am hearing a lot of statistics of accidents, I am wondering if they are relating the number of accidents in
1981 or 1982 versus the number in '85 or if they are relating it to the number of units that are physically out there. Because you have had a tremendous amount of increase in the number of units. Generally speaking, I would think that there is going to be somewhat of an increase in the accidents proportional to the units. You know, there is bound to be some injuries.

It's no different than the Saturday news, when some young four-year-old girl was sitting in her front porch and a car came off the street and hit the porch and injured the girl. Any time you have this number of units out, you're bound to have some sort of statistics.

The safety programs are definitely needed as far as trying to control these, which I think the manufacturers are well aware of. And they are striving very positively with the dealers to try to develop training courses and so on.

As far as a mandatory age that somebody can drive a machine or when they should start learning, I can't imagine that they should not -- you know, to say 12 years or 14 years old, that's a very hard number to come up with. You've got children nowadays in the early grade school that are learning to use computers. They are being taught foreign languages they can master. They've got tremendously intelligent minds. I don't see that -- why, the sooner that you can get to them and start developing the proper way of operating these units,
the less problems you're going to have later on

If they are getting into -- the snowmobile clubs have set some very fine examples, I think, of controlling the accident rates by having the mandatory requirements that they have to pass a specific test before they can ride on their trails. But at the moment we do not have an organized trail network that people can ride on, so it's pretty hard to control who can ride where and what requirements it's going to be to ride the ATVs. This has to be developed. I don't think so much by the manufacturer end of it, but I think it has to be with the state and local clubs to develop the riding areas. And it's the only way it's going to be brought forth.

MR SCANLON Can you summarize, Mr. Schulz? Your time is up.

MR SCHULZ Okay, I think, I guess, to sum it up, one of the very serious things, I think, is that the trail network has to be developed for the ATVs, the riding area, and it has to be done on a year-round basis. The sooner this, along with legislation, gets in progress, the faster the accident rate is going to go down.

MR SCANLON Thank you.

Mr. Sanders?

MR SANDERS Thank you, Chairman Scanlon.

MR SCANLON Welcome to the Midwest.
MR SANDERS: Well, I've been all over the country following you all. And I don't think the lady is going to --

MR SCANLON: I know.

MR SANDERS: I don't think the lady will have any problems catching onto my speech because I'm kind of slow to talk, being from the South.

Since our last meeting, or your last meeting that I attended was in Dallas, Texas, I came back home, and I am now an ATV safety instructor, certified by the SVIA. I also have three other employees at my dealership that are certified. So I think, as you know, we are dedicated to ATV safety.

There are some problems involved in this safety course, though. It's an excellent course. It takes three and a half to four days for a person to become certified. It's the hardest four days I have spent probably in the last 10 years. I didn't know if I was going to make it or not. But I did make it, and I learned a lot from it.

The reason it's a hard process is -- our dealership is very lucky. We sit out in the open country in a little agricultural community north of Nashville. I've got land, an excess of land. We are in the process of buying some more land to set up strictly an ATV safety training course. That's all it will be used for. A lot of dealerships and a lot of people are having problems getting places to put these training courses on. So I think that's one of the reasons...
that this -- as you related to the 16 to 1 ratio, that 16 bought to one person trained, those numbers are going to get closer and closer together

This is our first year I am very proud to say that I was one of the first seven ATV instructors in our state. We're going to see a lot more But until we do, it's going to be hard to train these large numbers of people that you want trained or that we want trained without losing a lot of the quality of that education. I could go out tomorrow and train a thousand people, but none of them could ride an ATV. I could go out tomorrow and train those six, like we have been taught to do, and every single one of them could ride that ATV at the end of that six-hour course. And I think that's a big key to the whole safety training program, is not the numbers but the quality. The quality that we provide for these people.

I do think that each dealership should be required to have an ATV instructor, either employed or on retainer. However, I don't think this training should be mandatory at the point of sale. Being a business person, I am regulated by all types of governments, and I get tired of it, like everybody else. But in an agricultural community, the poor farmer has been kicked and beaten already. You're not going to make him take a safety course before he buys this vehicle. He'll just get his buddy to go out who has taken that safety
course, buy the vehicle, he'll take it home, and they will never be trained

We've got to make these people realize that there is a need for this training, not tell them that they have got to do it. If you tell me I've got to do something, most of the time I don't want to do it. If you can make me realize that I need to do that, then I will probably be a lot more receptive.

And, as usual, every time I've been to these meetings I hear some testimony that gets my blood to boiling. And they all seem to be the engineers. We always have paid witnesses to come up here and give you testimony and expect you to take it as the truth. But Dr. Huston doesn't have a real good track record. He has taken his testimony to court on at least three occasions that I know of, and a jury of his peers has found that they didn't believe it. I didn't believe it. And I wanted you to know that a lot of the stuff he is saying, it may be true to his computer, but in real life it does not work.

One other thing and I'll be gone. The parents I have a problem with the parents. We were very fortunate at our dealership. We had a lost life, a child that lost her life. And I will never forget it because her parents would not buy a helmet. Their little girl didn't need a helmet. A $25 helmet could have saved that girl's life. They didn't
come back blaming me. There have been no lawsuits because they know that they were wrong and I was right.

And I think it's time for a lot of these parents to accept the responsibility that they are causing the accidents to their children. Not the dealers, not the manufacturers, not the place that they are riding. It's because the parents have too many other things to do to go out and watch that child, make sure that child knows how to ride or has a helmet or doesn't go borrow little Johnny's three wheeler. You know, I have to accept my responsibility to take care of my own wife and my little boy, and I expect every other American to do the same thing.

Thank you.

MR SCANLON Thank you, Mr. Sanders.

Mr. Peterson?

MR PETERSON My name is Brad Peterson, and I'm from Racine, Wisconsin. I came up here initially just to sit in and listen, and then thought towards the end I felt like I should speak a little bit.

I've been riding ATVs, involved with them, for about six or seven years now. And for the last four years I have been a dealer, selling two of the major brands of ATVs and their related cycle products.

I have been riding with my nephew now for about a year or so. We started him just after his fourth birthday, and
he's about two months short of his sixth birthday now And
he has rode without incident during that time period

I have also, in the time period I have been riding, not experienced any of these major difficulties that we're hearing about myself

From a dealer level, our sales rose dramatically over the past four to five years, our sales of three- and four-wheeled ATVs. We have had, I guess, relative luck or success, whatever, in our customers who ride them. They have had very few accidents, and no serious injury accidents at all amongst our customers

The thing that has struck me that really seems to be necessary here is we need a concerted effort towards safety in ATVs. I don't think legislation on the machine or changing the machine or anything in there is going to be a major help at this point. I think that, as people have testified already and I think that we have seen to be true in all areas of product development, the products have gotten better. ATVs have improved over the years. Suspension has now has been added over the last several years. The brakes are much better over the last several years. The handling characteristics are better. So we see that the machines are improving, and I believe will continue to improve

I think that the dealers are more aware. I certainly know that one of the lines we sell is Honda, and they have
made quite an effort, particularly over the last year or two, at giving safety materials to the dealers. They have given us hang tags over the last year with large and clear, easy-to-read warnings concerning ATC usage and safety and suggestions on riding. I also know that in the owner's manuals they do have large sections. They have provided us with audio video tapes, VHS and Beta tapes concerning ATV safety for use in our dealerships.

Also, as part of the normal setup of an ATV with Honda, you must fill out a set of pre-delivery checklists. Now, there are just a couple items on there where you have to review the machine, but it's a perfect opening into safety. And we have used that at our dealership as an opener to talk about safety.

I think that it would probably be a real beneficial thing to do to have a tape such as Honda had on safety and have it a little bit more pointed than the one that they have. They could show the different uses of them, different potentials that the machine has, different handling characteristics, things that are unique to both three and four wheelers, and have it be just a little more pointed for the customer, a little more direct, a little more education concerning the use of the ATVs. There are certain things that perhaps they shouldn't be used for, and I think that they could go into that a little bit also during the video.
Also, again, safety equipment has been alluded to several times. The customers just aren't buying the safety equipment as much as they should. And perhaps if there is a regulation that needs to be imposed, perhaps one of the first areas that would be the least stressful to everybody would be in the area of helmets perhaps being a mandatory item in riding ATVs. They have come and gone in cycles over the years. They have had the laws and repealed the laws. But I don't think that the public would squawk at all on ATVs. I think it's fairly clear, if you're riding around, that some brush and some rocks occasionally will fly up. And to have that protection in the mouth area and around the head I think is something that, again, the customers wouldn't balk at.

Again, riding areas have been mentioned before. Everyone, I think, pretty much agrees that there is a need for a regulated riding area. I think Wisconsin just the last month has passed an ATV legislation, a comprehensive legislation that they hope to have really working in about a year from now. But it has been mentioned before also riding areas. People riding where they shouldn't ride, in areas that aren't large enough and in very difficult terrain. And with the more unified and well-laid-out trail area, I think that we would, again, see more safety coming about and fewer accidents.

In general, I guess I would just say we need a
concerted effort. You know, not just shooting at one item or
another, but more of a concerted or comprehensive meeting of
the minds of manufacturers, the regulatory bodies and the
dealers, point of sale, in making ATVs safe and enjoyable for
the people who choose to use them.

MR SCANLON Thank you, Mr. Peterson.

Mr. Baxter?

MR BAXTER Yes, I will apologize for any
redundancy now, because I imagine you have heard quite a bit
of this. But I will continue, and hopefully it won't take
too much time.

My name is James J. Baxter, and I'm here today
representing the Wisconsin All-Terrain Vehicle Association.
The WATVA has a diverse membership with three categories,
individual, family, and dealer. And we represent roughly
2,000 users and owners of all-terrain vehicles here in the
state of Wisconsin.

A short historical perspective on ATV use here in the
state, from about 1970 till 1979, ATVs were not commonplace in
Wisconsin. There were a few thousand units rattling around
in the fields and on the frozen lakes, but by and large you
did not see a large number of ATVs in this state.

Due to a succession of snowless winters and also the
evolution of the machines, we saw dramatic increases in the
sales of ATVs, many of which were sold to snowmobilers or
other trail users who tried to use or wanted to use ATVs
during those winters where we did not have much snow

With the rapid growth came problems, as you are
already alluding to, safety being one of them. Along with
those were some problems related to conflicts with other user
groups, primarily the snowmobilers, environmental concerns,
roadway utilization, vehicle identification and theft
prevention, and accommodating the special needs of commercial
and agricultural users

The obvious choice for us was ATV legislation
Started in 1982, our ATV legislation had substantial
opposition and also a certain amount of benign support from
the state agencies. Hence, it was a three-year effort for us
to pass this particular bill. We did resolve the conflicts
with the other user groups, and the state has taken a more
active interest in ATV legislation and ATV issues

Those issues or those portions of the bill that relate
to safety would include the age restrictions, which are all
persons under 12 must be under the supervision of an adult,
all persons between 12 and 16 must be accompanied by an adult
unless they have passed the certified safety instruction
course. It establishes a safety instruction course and
authorizes and provides funding for that course

It deals with some of the road use concerns. It
contains a general prohibition on road use, but permits
exceptions for trail purposes, special events, and routes that connect users with areas and trails open to ATV use. It eliminates road crossing prohibitions that were largely ignored and a source of confusion in the state.

It has user regulations. It prohibits operation of ATVs when persons are under the influence of intoxicants or drugs. It regulates speed in the areas populated by residences or other recreation interests.

It provides authorization, penalties and funding for enforcement purposes. It embodies an accident reporting system that sets up a uniform system of accident reporting, thereby providing information on accident trends and identifying possible corrective measures.

It establishes standards, funding and regulations for public trails. This puts users in a safer recreation environment than that which is currently existing.

The law is based on the premise that reasonable regulations and honest accommodation will result in willing compliance on the part of those people most directly impacted, the ATV owner and user.

You will note that our law does not intrude beyond basic lighting, braking and muffling requirements in the area of design characteristics. This was intentional and reflects our belief that an ATV is a human concern and not an inherent design problem.
In reviewing the admittedly sketchy accident information for ATV-related accidents in Wisconsin, I see nothing to contradict our original belief. There is ample evidence of poor judgment, inadequate supervision and gross carelessness, but little to indicate mechanical or design flaws. Falling through thin ice, hitting trees, farm equipment or cables or permitting seven-year-old children to transport 20-month-old babies are weak cases for attacking ATVs' dynamic stability or other design features.

We do agree on the need for standardization of control location and operation. It is our understanding that the industry is taking steps in this direction.

In summary, the WATVA as an organization is convinced that, following the implementation of Wisconsin's comprehensive ATV law, we will have a vast and safer environment for ATV utilization. It will be based on user consensus and compliance with reasonable regulations. We feel, as other states develop similar approaches, we will see the ATV crisis diminish in intensity.

MR SCANLON Thank you

Mr. Nordell?

MR NORDELL My name is Paul Nordell from the Minnesota Department of Natural Resources, the trails and waterways unit. I'm in the trail planning section.

The Minnesota Department of Natural Resources has a
safety program and a limited use program for ATVs in Minnesota. We currently have almost 14,000 registrations, and that's since the program began. Registrations began last December. So up to the end of August, just under 14,000. And our estimates indicate that we've got about 75,000 recreational users in the state, and perhaps as many as 90,000 as of December last year for all use for ATVs. And the registration is $18 for three years.

Up until July 1 of this year, it was possible to make your ATV street legal in Minnesota. It was through the efforts of manufacturers and a number of safety officials that that law was reversed so that it is no longer possible to renew an ATV for street legal status. That was simply a loophole in the law previously.

The current program allows for people to use DNR-designated lands, primarily state forest lands and frozen lake surfaces. These are the primary use areas within DNR jurisdiction in Minnesota.

Our age restrictions are ages 13 and under, there is no permissible operation on the DNR lands. And if you are age 12 and above, you can operate with your safety training certificate. And that training program is just beginning now.

We do have -- we have gotten our manuals out, and this is handled through the Division of Enforcement. Like I say, it's just beginning. It's not as comprehensive, perhaps, as
some programs, but it is designed to be correspondence with parental supervision, followed by an on-hands testing.

We do have some information on safety statistics in Minnesota. The only real source of the statistics comes from our Department of Public Safety. And I have a brief breakdown of some of those statistics for just the first six months of 1985. We had zero fatalities, 36 total accidents. And of those 36, there were 11 incidents where alcohol was reported to be involved with the driver. And the type of accident was primarily those in which the driver was thrown from the vehicle. The total number of injuries among those 36 accidents was 46. Obviously, we've got some multiple ridership.

In terms of degree of severity, out of the 46 we had 30 that were in the severe category. And of those severe, 21 were wearing no helmet, five were using a helmet, and four unknown helmet usage. Predominantly male usage. And of all those 46 accidents, 31 were without helmets. So it just about coincides with the severe injuries.

The age category is predominantly age 20 and below, approximately half the cases.

I do have these statistics available. I gave them to your person.

In terms of seasonality, we seem to have -- from another survey we have determined that the use is primarily
spring and summer

The question was raised earlier about a difference between ATVs and snowmobiles. It is quite clear that ATV use, in terms of number of days per year, is quite a bit higher than a snowmobile. For example, a survey we did back in December would indicate the average Minnesota ATV user would have 11 days of winter use, 12 days of spring use, 18 days of summer and 14 days of fall. So that gives you a little bit of an indication of where the ridership is occurring in Minnesota.

Our survey also indicated that about 4.2 percent of all Minnesota households have an ATV. So per capita there is quite a bit of it in Minnesota.

Thank you.

MR SCANLON Thank you, Mr. Nordell.

Mr. Schulz, do you provide any type of training at the time of purchase at your dealership?

MR SCHULZ When a customer purchases a machine from us, we have a -- it's about a 15-minute VHS video presentation that is supplied by Honda, which we try to show every customer. In addition to that, we have the set-up delivery which the other fellow here was relating to. We do the same thing, along with a verbal presentation that each salesman goes through the machine and all the features with the customer. We strong --
MR SCANLON   Do you go out and do any actual riding on the vehicle?

MR SCHULZ   Well, at the location that we're at now we can, yes Some customers You know, we try to encourage the use of the helmets and the safety gear I think we try to stress that extremely heavy And we do also stress the fact that the owner's manual -- that they use it Of course, each individual is different Some have reluctance after a while to, I think, follow through But we definitely do that at the dealership level

MR SCANLON   Definitely do what at the dealership level?

MR SCHULZ   Run through the features of the machine and --

MR SCANLON   Oh But you don't put the buyer on the vehicle himself and show him how to use it and go out with him?

MR SCHULZ   Not every one

MR SCANLON   Do you do it with any of them?

MR SCHULZ   Some, sure

MR SCANLON   Some Okay

Mr Baxter, does the Wisconsin ATV Association provide any type of training to its members?

MR BAXTER   No, not at this time And I doubt that we will, other than through charter clubs in the state
Once we have the ATV legislation implemented, which is in July of 1986, then we will have a mechanism by which we can offer some form of training. But right now we would need certified instructors in the association, which I know we only have perhaps one or two because of, again, the earliness of the program, or I should say the recent development of this program.

Last year, prior to much of the discussion taking place over Consumer Product Safety Commission's concern, we were involved in working out a pilot study of a safety program in which our members were involved, the idea being to test the SVIA approach to training new ATV operators.

MR SCANLON: Who is providing the SVIA training in the state? Anyone?

MR BAXTER: Currently no one is. We do not have a mechanism in this state for setting up that kind of a program yet. It's one of the reasons we passed the legislation.

MR SCANLON: The legislation would train teenagers.

MR BAXTER: No, the legislation would train anybody. But the natural incentive is for teenagers to take the course. It would allow them, if they had that certificate, to ride unaccompanied by an adult. Anybody could take the course.

MR SCANLON: I'll just offer my own personal assessment. With the number of injuries and deaths that you
have in this state, not to have a formalized training program at this juncture is foolhardy. Somebody has got to get in here and provide training.

MR BAXTER: Well, I think that the industry, to its credit, has been making an effort to get people trained and brought into the state. And we have had individuals who are attempting to secure property or places at which they can put on such a program. But there's a host of little problems, one of which is liability insurance. Another one is finding a sponsoring organization or agency that can cover the programs. It's not something that somebody is going to put on in their backyard. And I would not necessarily recommend even to some of the dealers to get intensively involved with a training program until they were quite sure that their insurance would cover them in the likelihood of an accident.

MR SCANLON: Couldn't your state association, Wisconsin All-Terrain Vehicle Association, act as the conduit for this type of insurance?

MR BAXTER: We are trying to act as a conduit. The state association is the group that passed this legislation. And the reason for it was, or part of the reason was, to get the safety certification program off the ground. And we are trying to do the same thing that has been done with hunter safety, boating safety and snowmobile safety programs in this state, which is set up a grassroots system.
for training where people can get this type of training in their own communities, where they do not have to go to some centralized facility a long way from their homes.

MR SCANLON  But are you saying the training is not in place in any area of the state?

MR BAXTER I am not aware of any formal programs at this time going on in the state of Wisconsin, with the exception of those that are being sponsored by Langlade County, Marathon County, and some other small groups of people who are actually just offering training for members of their clubs or neighboring groups.

MR SCANLON I personally will contact SVIA tomorrow when I'm in Washington and see what can be done to speed up their program in this state I didn't know it was so far behind I had no idea it was this bad.

MR BAXTER Well, certain things are beyond SVIA's control, one of which is, as I mentioned, sponsoring organizations, property and insurance. They're trying to put the instructor --

MR SCANLON You are going to come here a year from now and tell me the same thing, and during that year you will have a lot of injuries and deaths. So that wouldn't do any good.

MR BAXTER We've got two deaths this year in the state of Wisconsin, which is definitely unfortunate.
MR SCANLON  You have 22 deaths in three years

MR BAXTER  Right  But if we are looking at
trends, we had two this year  We had 10 last year  Now,
clearly something has happened out there that people are
being more conscientious in the use of these vehicles and
trying to better equip people to use them before they
actually go out on their own and ride  So there are more
ATVs in Wisconsin at least by 15,000 this year than there
were last year, and yet we only have two fatalities in the
state this year  So something is happening out there  I
grant you it's not a formal program, but people are making an
attempt to deal with the safety issue

MR SCANLON  In three counties

MR BAXTER  No, across the state  You've got
individual dealers who are trying to set up little
instruction programs on their own  You've got -- we have
four clubs that are trying to do something on their own
Again, on an informal basis  They are not formalized
programs  They are not the kind of thing that they can
charge fees for  And they may not be offering the SVIA
training program, but they are equipping people with the
basic skills to learn how to ride an ATV safely

MR SCANLON  Are the four manufacturers assisting
in this effort?

MR BAXTER  The four manufacturers are providing
training materials through the dealer networks that these dealers can use with their customers.

MR SCANLON: This is the same stuff that's been available for years, is it not?

MR BAXTER: No, it's not. It's stuff that has been available since approximately the middle of last winter.

MR SCANLON: Okay.

Commissioner Dawson?

MS DAWSON: Well, I just want to commend you, Mr. Baxter, for the work of your organization. Obviously, you did work to get this state legislation passed, and hopefully it will solve some of the problems that we have.

I think we have pretty well covered the training issue. I do hope that next year you will have more certified instructors. I know that's one of the important things. It's very difficult to reach. Given not just the new customers, but all those people that are out there that have had ATVs for quite some time, they could also benefit from some formal training.

MR BAXTER: We have found that, in our association, for instance, we have quite a few people who would be a long way from being considered teenagers who definitely need training and would take some training if there were some solid programs available close to their homes.

MS DAWSON: I agree.
Mr Nordell, I wanted to recognize the fact that your state, although it also has a high number of deaths associated with ATVs -- what was the impetus in the regulations that you have adopted thus far?

MR NORDELL Okay The regulations we do have so far were the result of lobby efforts, local clubs supporting legislators, with DNR review of proposals to see that they were compatible with our agency goals That process was introduced a few years ago, in 1984 effectively The laws became effective January 1 of this year, most of them That was the result of two years of legislative effort

MS DAWSON The laws became effective January 1 of '85?

MR NORDELL Correct

MS DAWSON What do they require?

MR NORDELL Registration, primarily

MS DAWSON Registration? Is there a helmet law also?

MR NORDELL There is no helmet law It's part of the training program With the safety training program that was reviewed by SVIA, there were recommendations having to do with helmet usage

MS DAWSON Who actually has the responsibility for the safety program?

MR NORDELL Division of Enforcement, Department
of Natural Resources

MS DAWSON Division of Enforcement under the
Department of Natural Resources?

MR NORDELL Yes, yes

MS DAWSON So in their safety program, what's
included?

MR NORDELL It included -- the way I understand
it, you make application for the manual, and there is a $5
charge there

MS DAWSON Now, who produces the manual? Is that
a state function?

MR NORDELL The state, yes The Division of
Enforcement has produced that And it is now available And
between parent and juvenile that -- it's a workbook approach
And when that is completed, it's my understanding that a
hands-on demonstration of the skill is necessary for
certification That certification is necessary for use on
the designated state lands if you are age 13 and above, I
believe

MS DAWSON So this certification comes actually
from the State Department of Natural Resources

MR NORDELL That's correct

MS DAWSON But it is required for anyone who
wants to operate an ATV on public land?

MR NORDELL It is patterned very closely with
snowmobile legislation. And that generally includes those prior to the time they have any kind of a vehicle, driver's license, which also has a training program associated with it. That fills in the void between ages 12 to 16, approximately.

MS DAWSON I see. Are you involved in sort of a cooperative effort with any federal agencies in your state, such as the extension service or any other forestry service, for example?

MR NORDELL We have talking arrangements, exchange of information, with members of the National Safety Council, the farm organization. And the statistics I quoted are from the Department of Public Safety, which monitors anything to do with road-related --

MS DAWSON Were you here earlier when the gentleman from the National Safety Council made a statement?

MR NORDELL Yes, yes.

MS DAWSON That was the first I had heard of their involvement in this. And it sounds pretty encouraging in that they are particularly involved with the agricultural end of use of ATVs.

MR NORDELL Yes. There has been a very great difficulty, even within the agricultural sector, and it has been pointed out earlier today, simply to get information on accidents. I was encouraged to hear that the Wisconsin law calls for an accident report. The proposals for amendments
to existing ATV law in Minnesota also, at least one House version, calls for an accident report

MS DAWSON At this point, you do not have accident reporting --

MR NORDELL For ATVs

MS DAWSON -- provisions?

MR NORDELL Right We have it for snowmobiles, but we do not have it for ATVs

There was quite a body of proposed law change in the past session of legislature The legislature was unable to take action on that legislation So it's the anticipation the lobbyists will probably introduce that legislation in a very similar form in February And that would probably give Minnesota a full-blown ATV program, which would allow our agency to develop better regulations Right now there is very little regulation But the intent would be to have it very similar to snowmobile legislation

MS DAWSON Is there a Minnesota ATV association similar to the one in Wisconsin, Mr Baxter's --

MR NORDELL Minnesota Three Wheeler Association is the name

MS DAWSON I see And you have a working relationship with that agency?

MR NORDELL Yes, they have been quite active in the lobbying effort And our agency's role is simply to
review proposals, make suggestions. It is primarily their advocacy position in terms of developing legislation.

MS DAWSON Have you -- well, I guess I already asked you about the extension service. Do 4-H clubs show any interest in the training aspect or safety programs?

MR NORDELL That really would be part of the National Safety Council, to my understanding, its use on private land. And our agency is really limited to what can be done on land under our jurisdiction.

And one of the big areas is this roadside use. That is -- there is no provision for that in law, and much ATV use occurs in Minnesota in that particular area. And there is sentiment for having some sort of accommodations similar to that of snowmobile use in ditches, which was worked out over a 15- or 20-year period.

That's one of the points of need. Now I have the machine, where can I ride them? Our forest land is in the northern third of the state, and the population is one big center in the east central part of the state. So there is a difficulty there. And that raises a great variety of dilemmas.

MS DAWSON What, if any, involvement do you see is appropriate for this Commission to take in terms of ATV safety?

MR NORDELL I don't know. I suppose encouraging
these programs, safety programs, wherever possible,
encouraging that helmet provision Much of what has been
addressed today in terms of safety That was the number one
issue in Minnesota, safety And then after that, where do I
operate these vehicles?

MS DAWSON Which is, obviously, a local or state
concern, something in which we have no federal involvement

Let me ask Mr Peterson and Mr Schulz and Mr Sanders
that question Where do they see this Commission becoming
involved in the overall effort to provide instruction and
information?

Mr Sanders?

MR SANDERS Well, I think one of the key issues
is that the CPSC has brought this problem out in the light
I don't agree with one of the commissioner's way of doing it
He has definitely hurt businesses in this country But in
the end, if the end result is that people are -- fewer people
are getting hurt and killed, you know, that's definitely, I
think, all of our goal The only way to do that is through
the training

The design of these vehicles has changed and changed,
and other products have changed But if we don't train
people how to ride them -- and I think Mr Scanlon was right
I think the SVIA is doing a tremendous job, but they are
having a lot of problems in certain parts of the country
getting people to want to become instructors. There has to be an incentive for people other than dealers, you know. We can't train everybody. We can't -- you know, we just can't do it all. But the SVIA does have the capacity to go into some areas of the country.

I know one of the courses that I took, we took in Springfield, Tennessee. And we had a boy from some northern part of Alaska that came down and took the course with us. He had some problems in the 90 degree heat, but he is now a certified instructor. He is going to become a chief instructor.

But I assure you, the problem of accidents does not happen overnight, and this thing is not going to be solved overnight. We have to maintain the quality of the instruction, and it's going to take time. You know, I hate to say that because, you know, we are very lucky with the few instances we maintain a good safety record. But we have a place at our dealership that we can show people how to ride, even prior to the safety films.

You know, any information that the CPSC can get out to the public without a negative connotation I think is needed. But we definitely don't need, you know -- Mr. Statler, of course, is who I'm talking about. We don't need his approach toward this problem. He has devastated a lot of dealers in this country.
MS DAWSON  Mr Peterson, do you have anything to
add to that?

MR PETERSON  No  I think that the position of
the CPSC, if perhaps they could continue some sort of
monitoring of the various states -- because I think that the
real action will happen on the state level and local levels
But we need to probably have some sort of prodding, perhaps,
from the CPSC or another federal agency concerning minimum
standards

I think strong, strong recommendations and perhaps
some type of legislation on safety equipment, particularly
the helmet, and also the opening of trail systems and, again,
education, riding education, I think those three particular
things will help more in regards to safety perhaps than
anything else we can do

We just need to get going  It has taken a long time
in Wisconsin  There has been a fight  The WATVA and Jim
Baxter's group has worked real hard for years to bring about
the recent legislation  And now we just have to build on it,
continue to build on that

MS DAWSON  I agree that it is a shared concern,
and this will not happen overnight

Mr Schulz, do you want to comment?

MR SCHULZ  Yeah  I just go along with the other
fellows  The CPSC has probably speeded up the process here,
as far as maybe putting more pressure on manufacturers, on local and state. Possibly the legislation that we have that has finally passed, which Mr. Baxter has been working on, I know, for many years here now.

And I think that the CPSC has made their point. There is a public awareness. I think now it is time for just allowing this to happen. I think it's going to happen quite readily as far as the safety aspect and trying to get training programs.

As far as doing it at a dealership level, I do not think that we are in a position really to have a training program right at our specific level. A lot of dealerships are in the city, in the metropolitan areas. They do not have an area to train a person. And you are talking -- of course, they are talking about four hours to four days of training. And I don't think that a dealer would be in a position, or should be, to put on that type of program just on every delivery. If we sell a motorcycle, there is a certain requirement of licensing that the person has to have prior to coming in. It could be the same thing with an ATV. They should have passed a certified course.

MS DAWSON You're saying before they even go to purchase their own?

MR SCHULZ Well, possibly. There's just -- at a dealership level, there would be no way that we could spend
the time with each customer to, you know, run through
everything that possibly -- we do have a safety tape and so
on, but there is a limit to what we can do at a dealership
level Where if they can go to an organized training program
-- we are working with, in the motorcycle safety, the
manufacturer that I sell for They supply motorcycles to --
we do it through law enforcement officers who are certified
instructors That's their business, and they know what
they're doing And they are getting across to people the way
it should be And I think that's the same approach that
should be done with certified instructors on ATV safety
courses

MS DAWSON Thank you, Mr Schulz
And I want to thank everybody on the panel for their
input this afternoon

MR SCANLON Thank you, Commissioner Dawson

Dr DeFiore?'

MR DeFiore Mr Steier, your comments earlier on,
you indicated that you thought that false advertising was
involved in the promotion of ATVs Can you be more specific,
give us some examples of what you meant by that?

MR STEIER Well, I have seen them advertised on
TV And they go through creeks, hills that are full of rocks
and whatnot And they seem to advertise them as they won't
tip over or become damaged Like the machine I had, well,
the bearing was damaged and froze and caused an accident
And that's where I think they are coming across wrong, by
showing that

MR DeFIORE You think they are being advertised
that they can do more than they actually do in practice?

MR STEIER Yes

MR DeFIORE Mr Peterson, you indicated in your
testimony that they are being used for some things they
shouldn't be used for Can you give me some examples, what
you had in mind when you mentioned that?

MR PETERSON Well, I think you go back to the
seat issue The primary thing that I think is causing some
problems that I have seen happening to people using them is
the multiple passengers The brands that we sell are all
marked Operator Only, No Passengers And yet when they come
into the dealership in a family, I'll be talking with a
parent, and all of a sudden we hear, "Mommy, Daddy, look,"
and there is four kids lined up on the seat

Well, they are not intended to be used that way It
says don't use them that way, and we reiterate that to the
customers And yet people will go ahead and load them down
And we will have adults asking questions, you know, "Can I
put Mom and the kids on here?" Things like that

And so I think that people perhaps don't heed the
warnings Perhaps they are not forceful enough on the
machine, just being written on it. But I think it is mainly through multiple passengers on a vehicle that is obviously designed for just one.

I think sometimes they try and use them to pull things perhaps that they shouldn't. They are real willing to work and do a pretty good job, but I think they can overload them and perhaps run into safety problems in that area also.

MR DeFIORE Thank you.
I have no further questions, Mr Chairman.

MR SCANLON Thank you, Dr DeFlore.

I want to thank this panel, each of you, for coming to Milwaukee. You have a very excellent presentation.

This will conclude this fourth public hearing conducted by the Consumer Product Safety Commission. I would like to, on behalf of the entire Commission, thank all of the witnesses who have come here today.

I wanted to thank our Midwestern Regional Office in Chicago, Vic Petralia and John Vece, and especially Sandy Glazier from our Milwaukee field office staff.

We would like to thank the staff of the Performing Arts Center for this very excellent facility, the City of Milwaukee for its hospitality, and a very special thanks to Senator Kasten for his very excellent testimony this morning.

Thank you.

(Hearing adjourned at 4:47 p.m.)
STATE OF WISCONSIN )

) SS

MILWAUKEE COUNTY )

I, Andrea Pieterick, a court reporter associated with Richard E Peppey Reporting Company, with offices at 611 East Wisconsin Avenue, Milwaukee, Wisconsin, do hereby certify that I reported the foregoing proceedings at the time and place specified in the title page of said transcript, and that the foregoing is a full, true and correct transcript of my stenographic notes thereof.

Signed at Milwaukee, Wisconsin, this 3rd day of September, 1985.

[Signature]

Court Reporter
August 27, 1985

John Vece
230 South Dearborne Street
Room 2944
Chicago, Illinois 60604

Dear Mr. Vece

We will meet with you in spirit in Milwaukee on September 3, 1985. The reality of budget limitations constrains us to testify in this manner instead of appearing in person. I have enclosed two bar graphs along with this letter detailing what we have observed since March 24, 1985 in North Dakota in relation to injuries associated with all terrain vehicles (ATV). As indicated on the title of each graph, this information covers the period from March 24, through August 22, 1985. The vast majority of the injuries occurred on Saturday and Sunday. We observed three distinct peaks in injury occurrence. The first peak occurred about mid-April during spring vacation, at which time there was unseasonably warm weather which no doubt proved conducive to ATV use. The second peak occurred during Memorial Day week and the third distinct peak was noted the week of July 4th. Fifty-four of the 106 injuries reported occurred in those aged 14 and younger. We noted two deaths, they occurred in the 5-9 age group and these victims were ages 6 and 7. The former was male, the latter a female riding a four-wheeler. In both cases the vehicles overturned and death was due to chest and head injuries. Of the 106 injuries reported, 89 occurred to males and 17 occurred to females. Those injured have lost over 800 days from effectively participating in their usual occupation or activity and those hospitalized spent an average of three days, ranging from one day to ten days, each in the hospital. The economics associated with such time losses are impressive.

The Specialty Vehicle Institute of America has estimated that we have approximately 13,600 ATVs in operation in North Dakota at the present time. Figuring conservatively, we estimate there to be 30,000 riders in North Dakota, our state population is estimated this year to be 680,000. Using these figures, our calculated attack rates are as follows: 106 injuries divided by 13,600 vehicles times 1,000 equals 7.8 injuries per 1,000 vehicles in operation, 106 injuries divided by 30,000 riders times 100,000 population equals 353 injuries per 100,000 population.

With the encouragement and urging of our State Health Officer, Dr. Robert Wentz, we convened an ATV Task Force to discuss what we knew at present and to plan together to intervene and prevent these injuries from continuing to occur. Representatives from the Division of Maternal and Child Health, the Division of Disease Control, the North Dakota Department of Parks and Recreation, the North Dakota Highway Department, the North Dakota Safety Council, North Dakota Highway Patrol, North Dakota Academy of Pediatricians, North Dakota Academy of Health Practitioners, and the Division of Research,
Mr. John Vece
Chicago, Illinois

Information and Support of the North Dakota State Health Department all were present at this first meeting. Topics discussed at this first meeting included:
1) the ATV related injury problem,
2) the North Dakota Statute governing ATV operation, registration, etc, and discussion of its effectiveness and problems regarding its implementation,
3) the need for cooperation in prevention efforts on the part of health officials, the public and the ATV dealers,
4) and the training course that is being developed to properly train those wishing to use ATV's. The assembled task force unanimously agreed to author a press release addressing, and in particular affirming, helmet use and discouraging use by operators younger than age 12.

On August 1, 1985 a subgroup of this task force met to discuss procedures for developing audio visuals (public service announcements, brochures, and videos) for use in promoting ATV safety and discouraging abuse of these machines.

Our third and most recent meeting took place on 8-19-85. In addition to the original members present were representatives from the North Dakota Motorcycle Dealers Association, who, in North Dakota, are the ones primarily responsible for dealing and selling ATV's to the public. They pledged their full cooperation in promoting safety and striving to prevent ATV related injuries from occurring. We discussed using brochures and videos published by ATV manufacturers and by the Specialty Vehicle Institute of America. We are now in the process of examining these materials to ensure their suitability in presenting the points we think are most important. Also discussed at this meeting was the impact of insurance policies covering ATV's and the potential impact this concern could have on ATV use. It was suggested that we work with the elementary and secondary schools to target the under 14 age group in terms of stressing safety and prevention in the use of ATV's. We adjourned this meeting pledging continued cooperation and dialogue and reiterating the belief that prevention is possible.

In an effort to conserve resources and to use to the best advantage the limited dollars we have available for public health, we are committing ourselves to work together within the Department of Health and other governmental agencies and with the ATV dealers in North Dakota to promote safe usage, to prevent ATV abuse and to emphasize positively what can be done to prevent ATV associated injuries. Our recommendation from the State Department of Health is that children under 12 should not be encouraged to ride, as operator or passenger, on ATV's. Helmet use should be encouraged or required, moderate speeds should be employed, per ability and terrain, and appropriate safety courses should be endorsed and required for all operators. Because these vehicles are very useful in agriculture, whether it be farming or ranching, we do not believe that a mandatory recall of all vehicles is at this point advisable. Rather, the theme of safe usage should be reiterated and improvements in vehicle design should be made where possible.
Mr. John Vece  
Chicago, Illinois  

Please forward the results of your commission hearings to our office for review of the various points presented. Thanks for this opportunity to contribute.

Sincerely,

Mark R. Kinde  
Epidemiologist  
Injury Program Manager

MRK cz  
Enclosures
INJURIES ASSOCIATED WITH ATV'S IN 1985, IN NORTH DAKOTA
BY DAY OF WEEK INJURY OCCURRED
AUGUST 22, 1985

NUMBER OF INJURIES

SUNDAY 35

SATURDAY 20

FRIDAY 15

THURSDAY 10

WEDNESDAY 5

TUESDAY 2

MONDAY 1
Dear Sir,

Concerning Product Safety of ATC's,

I have from first hand experience worked on and ridden the ATC's for more than 10 years and have found them to be as safe as the operator or rider.

I am a strong believer in ATC rider education and most importantly against mixing ATC's, Alcohol and Drugs.

Respectfully Yours

David S. Francisco
Wauconda, Ill

60084
I’ve owned a few horses
3 weeks in the past 4 years.
I and my friends have had
A great amount of fun and
Enjoyment Riding them.

With minimal instruction, and
A little Care, no one has been
Hurt.

Any thing can be dangerous
if not used properly.

Steve Kostelnik
122 Woodside Dr.
Venice Hills, IC 60661
I own two Hondo three wheelers and have been riding them for years. And have raced them in the past. And I think that they are very safe. But like any thing else they are as dangerous as you make them. Buy being careless.

Clayton May Mundelen Ili 60 60
August 19, 1985

Mr. Sheldon Bretts
Assistant Secretary
Consumer Product Safety Commission
Office of the Secretary
Washington, D C  20207

Dear Mr. Bretts

I appreciate very much the personal call we received from Mr. Vece of your Chicago Office inviting us to participate in the upcoming public hearings relating to ATV safety.

We would appreciate you entering this letter as our testimony at one of your upcoming meetings.

As you probably are aware, Polaris has recently entered the ATV market (May, 1985).

Polaris did attend the CPSC meeting relating to ATV safety last October, at which we learned of the many concerns expressed both by the CPSC and the four Japanese manufacturers of ATV's. Because of limited exposure to the market as yet, we really can not provide any new data. Our opinion is that these vehicles are very safe as a rule, although certain of the users ignore the risks and still others encourage unskilled or inexperienced usage. The remaining dilemma is difficult. While it is unconscionable to encourage products that injure unsuspecting users, how does one support a wholesome recreational or utility usage?

We think better education could help, as the industry has suggested, as well as increasing the stability and controlability of ATV’s used by children. We believe adults are mature enough to accept the responsibility of their actions and we, the manufacturers, must accept the responsibility of providing the means for an adult to learn to avoid potential risks associated with the use of our products. Of course, our products must be reasonably designed so as not to induce accidents easily.
We would like to assure you that we are most willing to cooperate with the CPSC to better solve the safety dilemma in any way we can. Please let us know how we can help.

Sincerely,

POLARIS INDUSTRIES, INC

[Signature]

Charles A. Baxter
Vice President of Engineering

/p
ATV ROAD-RELATED ACCIDENTS

Source: Minnesota Department of Public Safety (MN/DPS)
August 14, 1985
Reporting Period: January through mid-June, 1985

1 FATALITIES = 0

2 TOTAL ACCIDENTS = 36
   a Reported with drinking or intoxicated drivers = 11
      (24 percent total)
   b Type of accident = primarily as a result of being ejected from vehicle

3 TOTAL INJURIES = 46
   a Degree: 30 severe (21 = no helmet, 5 = using helmet, 4 = unknown)
      15 moderate (10 = no helmet, 3 = using helmet, 2 = unknown)
      1 minor (1 = unknown)
      46 total
   b Gender: 7 female
      39 male
      46 total
   c Helmet Status: 8 using helmets
      31 no helmets
      7 unknown
      46 total
   d Age Category: 0 - 4 = 1
      5 - 9 = 2
      10 - 14 = 12
      15 - 19 = 11
      20 - 24 = 10
      25 - 29 = 5
      30 - 34 = 1
      35 - 39 = 0
      40 - 44 = 2
      45 - 49 = 2
      46 total
   e Seasonality: January = 4
      February = 3
      March = 9
      April = 5
      May = 17
      June = 8 (so far reported)
      46 total

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</table>
INTRODUCTION

PURPOSE

The purpose of this study is to determine the level of gasoline consumption by three-wheeled, off-road vehicles in the State of Minnesota. The study results will be used by the Departments of Natural Resources, Revenue and Transportation to determine the level of gasoline tax revenues attributable to the use of these vehicles for recreation and business.

Both a telephone and a mailed survey were used to determine the level of use of these vehicles for this study. An important objective of this study was to distinguish between the total gallons of gasoline consumed by these vehicles in the state and that proportion directly attributable to recreational use.

PERSPECTIVE

The definition of a three-wheeled, off-road vehicle is clearly established by Laws of Minnesota, 1984:

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

These vehicles are designed to carry a single rider/driver without provision for passengers.

Specific objectives of the study include:

1. The number of Minnesota households owning one or more vehicle
2. The average and median number of vehicles owned by households with one or more vehicle
3. The total number of vehicles in Minnesota
4. The total number of days that each vehicle is used for any purpose
5. The proportion of these days that are primarily recreational in nature
6. The amount of gasoline consumed by vehicles in the course of recreational outings
7. The total annual consumption of gasoline for recreational purposes
8. Forecast future Minnesota ownership and recreational use of these vehicles

In order to accomplish these objectives, two surveys were conducted. The first was a general population telephone survey of Minnesota households to determine the number of households with these vehicles. The second was a mailed survey to individuals who had purchased a vehicle within the last eighteen months. The specific methodology and results of these surveys are presented in the remainder of this brief report.
METHODOLOGY

SAMPLING METHODS

Telephone Survey

A general population telephone survey provided the basis for estimating the total number of Minnesota households owning three-wheeled off-road vehicles. The experimental design included a random sample with replacement. That is, a sample of 500 was drawn from all households served by telephones in the state.

The 500 sample size was based on a statistical distribution with a median and mode of one and a mean less than one. Data from industry sources indicated that approximately five percent of all Minnesota households own such a vehicle. Further, industry statistics indicated that the median number of vehicles per household was one. Using these data and assumptions, a sample size of 500 provides an acceptable standard error of the estimate.

Each of the 93 telephone companies operating in the State were contacted to obtain:

- number of operating telephone exchanges,
- assigned 3-digit prefixes to each exchange,
- number of Minnesota residential stations assigned within each exchange, and
- area code.

Business and non-Minnesota households were excluded from this compilation. This method documented 1,409,492 working residential stations in November, 1984 in Minnesota. Known prefixes assigned exclusively to business and governmental listings were excluded from the compilation.

To draw the sample, the working exchanges were listed in a table which included the total number of residences in each exchange and the cumulative total of all exchanges. Using a random start and an equal interval, the exchanges to receive calls were selected. The operating prefix and the last four digits of the telephone number were selected from computer generated random numbers tables.

Working telephone numbers identified by the above method were called at least three times at different hours of the day. Numbers without an answering party were replaced after the third attempt. Business, government offices and non-working numbers were likewise replaced.

This methodology gave each household in Minnesota with telephone service an equal opportunity of being selected. Since exchanges have specific geographical boundaries, the resulting sample was distributed over the State in approximate proportion to the population.

A copy of the questionnaire for the telephone survey is contained in the end pocket.
In order to determine the use patterns of the three-wheeled vehicles, a survey was mailed to 1000 individuals who recently purchased a vehicle. The mailed survey permitted detailed questions concerning the number of days that the vehicles were used, the proportion of those days that were for recreational purposes, and the amount of gasoline consumed in the last 12 months.

The sample was drawn from a list of owners in the State that is maintained by the Specialty Vehicle Institute of America (SVIA) in Costa Mesa, California. Their list comes from the warrantee registrations of the four largest manufacturers. Those four account for approximately 96 percent of all three-wheeled vehicles marketed in the United States. The sample was drawn by the SVIA using the specifications of the Minnesota DNR and the contractor.

Unfortunately, the SVIA list included all vehicles defined by the major manufacturers as off-road. Therefore, the list included the three- and four-wheeled vehicle of interest to this study, as well as two-wheeled vehicles (motorcycles) that cannot be licensed for street use. The staff of the SVIA estimated that approximately 20 percent of the list included owners of these two-wheeled vehicles.

Further, the list includes only those individuals who purchased the vehicle within the last 18 months and is arranged in Zip Code order. Accordingly, the initial selection of approximately 1550 names and addresses was made using a random start and an equal interval. In order to reduce the 1550 names to 1000, a further sample was drawn by the contractor, again using a random start and an equal interval.

Each individual selected received a cover letter, questionnaire, and stamped return envelope. Each letter was individually typed on bond paper and individually signed. The questionnaires were sequentially numbered to assure that respondents were not sent a follow-up letter. Response management was conducted on a computer-based mailing system. Two weeks after the original survey package was mailed, a follow-up letter was sent to individuals who had not yet returned their questionnaire.

Replacements were made for two conditions. The first was for undeliverable survey packages resulting from the individual moving or an inaccurate address. We also replaced surveys which were returned indicating that the household did not own a three-wheeled vehicle. These replacements were made one week and two weeks after the initial survey mailing. The new names were drawn from the remaining addresses nearest to that being replaced by alternating left or right on the list. The reason for using this method was to assure, insofar as possible, that the replacement was also located within the same zip code.

A copy of the questionnaire for the mailed survey is contained in the end pocket.
COMPUTER ANALYSIS

The completed surveys were edited, then coded onto a microcomputer. Those data files were then edited and transmitted to a main-frame computer. The results were analyzed using SPSS as maintained by the University of Minnesota computer Center.

RESPONSE RATES

A total of 500 telephone surveys were completed. In the process of administering the survey, 103 individuals refused to participate. The methodology included calling numbers at random. During administration of the survey, it became apparent that a majority of the refusals were actually businesses that were called. Of the 500 households interviewed, 22 indicated that they owned a three-wheeled vehicle. Four of the 22 owners indicated that they did not use their vehicle for recreation.

The final results of the mailed survey were that 16 surveys were ultimately undeliverable and not replaced, while 49 individuals did not own a three-wheeled vehicle. Additionally, 567 individuals returned a completed questionnaire. Therefore, the effective response rate was 60.6 percent. Four individuals refused to complete the questionnaire.

Figure 1 presents the response rate by day.

In our professional judgement, the effective response rate of 60.6 percent provides a valid estimate of the parameters measured by the survey. Had there been time for a third follow-up, we believe that the response rate would exceed 67 percent.
<table>
<thead>
<tr>
<th>PERCENT</th>
<th>Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>331</td>
</tr>
<tr>
<td>1</td>
<td>332</td>
</tr>
<tr>
<td>2</td>
<td>333</td>
</tr>
<tr>
<td>3</td>
<td>334</td>
</tr>
<tr>
<td>4</td>
<td>335</td>
</tr>
<tr>
<td>5</td>
<td>338</td>
</tr>
<tr>
<td>6</td>
<td>339</td>
</tr>
<tr>
<td>7</td>
<td>340</td>
</tr>
<tr>
<td>8</td>
<td>341</td>
</tr>
<tr>
<td>9</td>
<td>342</td>
</tr>
</tbody>
</table>

**Figure 1** Cumulative Response Rate by Day
RESULTS

QUALIFICATION OF VEHICLES

Throughout both the mailed and the telephone surveys care was extended to assure that respondents were addressing three-wheeled off-road vehicles as defined in the legislation. The respondent was asked to list the number of wheels, engine size, weight, and the volume of the gasoline tank. Before coding responses, each vehicle listed was reviewed to assure conformance to the legal definition. Those cases where large vehicles were listed were eliminated from consideration. We are confident that the results of this study do indeed include only qualified vehicles.

VEHICLE OWNERSHIP

The telephone survey provides the estimate of the number of households in Minnesota that own three-wheeled off-road vehicles. As indicated previously, 22 of 500 households contacted owned one of these vehicles. The State Demographers office provided estimates of the number of households in Minnesota for 1983 and 1985. The 1985 estimates included a low and a high estimate.

The telephone survey indicated that 4.2 percent of the households in Minnesota own a three-wheeled off-road vehicle. In 1983 there were an estimated 1,508,382 households in Minnesota. The 1985 projected number of households is 1,595,800 (low) and 1,634,400 (high). By interpolating for 1984, the estimated number of households with these vehicles is 68,292 (low) and 69,141 (high). The standard error is 0.0092.

AVERAGE AND MEDIAN OWNERSHIP

The estimate of the average and median ownership in Minnesota is available from the results of the mailed survey. Table 1 presents the number of vehicles owned for each household.

<table>
<thead>
<tr>
<th>Number</th>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>417</td>
<td>73.5%</td>
<td>73.5%</td>
</tr>
<tr>
<td>2</td>
<td>119</td>
<td>21.0%</td>
<td>94.5%</td>
</tr>
<tr>
<td>3</td>
<td>23</td>
<td>4.1%</td>
<td>98.6%</td>
</tr>
<tr>
<td>4</td>
<td>7</td>
<td>1.2%</td>
<td>99.8%</td>
</tr>
<tr>
<td>6</td>
<td>1</td>
<td>0.2%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>567</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Table 1 indicates that the average number of vehicles owned by household with one or more vehicles is 1.34 and the median number is one. The standard error is 0.027.

TOTAL NUMBER OF VEHICLES IN MINNESOTA

The number of households with one or more vehicles and the average number of vehicles per household have already been calculated. By combining these estimates, the total number of vehicles in Minnesota can be derived. For these calculations, we will use both the low and high estimate of households in Minnesota as interpolated from the State Demographer's projections.

The low estimate of households with one or more vehicle is 68,292. With 1.34 vehicles per household and a standard error of 0.027, there is an estimated 91,511 plus or minus 2,470 vehicles in the state. The high estimate of households provides an estimated 92,649 plus or minus 2,501 vehicles.

The difference between the high and low estimates of households as provided by the State Demographer is 1,138 vehicles. For simplicity of further computations, we believe it is logical to take a middle point between these two values. Therefore, our estimate of the number of vehicles in the state is equal to 92,000 plus or minus 2,484 (89,516 to 94,484).

NUMBER OF DAYS USED

The mailed survey also permits us to estimate total use of these vehicles. The questionnaire (Appendix A) contained two sets of questions on the number of days used. The first question asked the respondent the number of days that the vehicle was used in the last 12 months. The second question asked the respondent to break that use down by quarters. As expected, some respondents provided estimates that were not consistent.

Table 2 presents the number of days that the vehicles are used as derived from the two different questions. The table also separates those individuals who have owned the vehicle for less than one year from those that have owned their vehicle for more than one year. As expected, new owners have a higher mean number of days that the vehicle is used.

It is clear that keeping first-year owners separated is necessary to derive the most accurate estimate of use and gasoline consumption.

Note that the estimated total use of the vehicles is lower for the seasonal question. The requirement of using a twelve-month recall period is an inherent difficulty in this survey. The alternative, using a weekly or monthly recall period, requires conducting the survey over a one year period. That was not possible. Further, some respondents refused to provide the seasonal estimate. The seasonal use for 44 of the vehicles was not provided. This compares with 29 that provided not estimate for the annual question.
TABLE 2
Annual and Seasonal Estimates of Total Use (Days)

<table>
<thead>
<tr>
<th>Estimate Source</th>
<th>Mean</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual question</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>119.58</td>
<td>12.96</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>86.91</td>
<td>4.58</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>99.36</td>
<td>7.77</td>
</tr>
<tr>
<td>Seasonal question</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>106.47</td>
<td>11.55</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>79.86</td>
<td>4.49</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>90.00</td>
<td>7.18</td>
</tr>
</tbody>
</table>

For further computations, we believe it is reasonable to use both of these weighted means, rounded to the nearest whole number (99 and 90 days). It is imperative to recall that this estimate applies only to vehicles that are used wholly or partially for recreation. Those vehicles that are used only for business or farm purposes are not included in these computations.

NUMBER OF DAYS USED FOR RECREATION

After providing the estimate of the total number of days that each vehicle was used, the respondent was asked to estimate the number of those days that were primarily recreational in nature. Again, it is important to recall that the following estimates apply only to those vehicles that are used at least partially for recreation.

Two estimates of the number of days used for recreation are available from the survey, annual and seasonal use were separately listed. Table 3 shows the annual and seasonal estimates of recreational use, as well as the proportion of total use that is primarily recreational in nature.

GASOLINE CONSUMPTION

The survey instrument also asked respondents to estimate both annual and seasonal use of gasoline for each vehicle. Again, the estimates of use vary, but not as much as the total days and recreation days of use. Table 4 presents both the total gallons used per vehicle and the average of the total used per vehicle.
### TABLE 3
Annual and Seasonal Estimates of Recreational Use (Days)

<table>
<thead>
<tr>
<th>Estimate Source</th>
<th>Mean</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>91.91</td>
<td>10.22</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>65.10</td>
<td>3.73</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>75.32</td>
<td>6.20</td>
</tr>
<tr>
<td><strong>Seasonal question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>79.64</td>
<td>9.31</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>62.38</td>
<td>3.79</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>68.96</td>
<td>5.89</td>
</tr>
<tr>
<td><strong>Proportion</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Annual question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>93.24</td>
<td>13.87</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>81.92</td>
<td>1.86</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>86.23</td>
<td>6.44</td>
</tr>
<tr>
<td><strong>Seasonal question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>79.54</td>
<td>2.22</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>80.67</td>
<td>1.62</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>80.24</td>
<td>1.85</td>
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</table>

### TABLE 4
Annual and Seasonal Estimates of Gasoline Consumption (Gallons)

<table>
<thead>
<tr>
<th>Estimate Source</th>
<th>Mean</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Consumption</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Annual question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>60.53</td>
<td>9.45</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>30.10</td>
<td>2.23</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>41.70</td>
<td>4.98</td>
</tr>
<tr>
<td><strong>Seasonal question</strong></td>
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<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>53.49</td>
<td>7.17</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>29.15</td>
<td>2.28</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>38.43</td>
<td>4.14</td>
</tr>
<tr>
<td><strong>Average Consumption Per Day</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Annual question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>0.67</td>
<td>0.07</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>0.50</td>
<td>0.03</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>0.56</td>
<td>0.04</td>
</tr>
<tr>
<td><strong>Seasonal question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>0.73</td>
<td>0.08</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>0.49</td>
<td>0.03</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>0.58</td>
<td>0.05</td>
</tr>
</tbody>
</table>
Note that the average total consumption is equal to the total consumption divided by the total days used. These computations were performed by the computer for each separate case.

The next step is to derive the proportion of these gasoline consumption estimates that are for recreational use only. This is done by multiplying each estimate of gasoline consumption by the proportion of recreational use. The results are shown in Table 5.

The table shows that there is a difference of 6 gallons per year per vehicle for the two different estimates. As a result, we feel that these two sets of questions provide reasonable, albeit different, estimates of gasoline consumption. When these values are interpreted within the overall context of the limitations imposed by the timing of the study, in our professional judgment, they do provide an acceptable degree of accuracy.

### Table 5

<table>
<thead>
<tr>
<th>Estimate Source</th>
<th>Mean</th>
<th>Standard Error</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Annual question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>56.44</td>
<td>23.27</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>24.66</td>
<td>4.09</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>36.77</td>
<td>11.40</td>
</tr>
<tr>
<td><strong>Seasonal question</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>42.54</td>
<td>9.39</td>
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<tr>
<td>Owned &gt;12 months</td>
<td>23.51</td>
<td>3.89</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>30.76</td>
<td>5.99</td>
</tr>
</tbody>
</table>

**TOTAL GASOLINE CONSUMPTION FOR RECREATION**

Total gasoline consumption for recreation is derived in a two-step process. First, the number of vehicles in the state are multiplied by the percent that are used at least partially for recreation. Second, the number of vehicles used for recreation are multiplied by the average annual consumption of gasoline for recreational purposes.

The mailed survey indicated that 17.8 percent of all vehicle owners use it for business or farm use only. Accordingly, of the 92,000 households that own a three-wheeled off-road vehicle, only 75,624 are used for recreational purposes.

Given previous calculations that indicated gasoline consumption for all purposes was between 31 and 37 gallons/vehicle/year, the total gasoline consum-
tion for recreational purpose are shown in Table 6. Note that the computations of gasoline consumption are based only on those vehicles that are used at least partially for recreation.

Accordingly, in our professional judgement, the total number of gallons of gasoline that is consumed for recreational purposes by three-wheeled off-road vehicles is equal to 2,553,500 gallons annually.

TABLE 6
Gasoline Consumption for Recreational Use
(Gallons)

<table>
<thead>
<tr>
<th>Estimate Source</th>
<th>Average Gasoline Consumption</th>
<th>Number of Vehicles</th>
<th>Recreation Consumption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual question</td>
<td>36.77</td>
<td>75,624</td>
<td>2,780,695</td>
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<tr>
<td>Seasonal question</td>
<td>30.76</td>
<td>75,624</td>
<td>2,326,194</td>
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</table>

SEASONAL USE

Finally, the survey documented that there is a marked seasonal pattern to recreational use of three-wheeled vehicles. Table 7 presents the seasonal pattern. Summer and fall are the most heavily used seasons.

TABLE 7
Seasonal Use of Three-Wheeled Vehicles
(Days)

<table>
<thead>
<tr>
<th>Season</th>
<th>Owned &lt;12 months</th>
<th>Owned &gt;12 months</th>
<th>Weighted Average</th>
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<tbody>
<tr>
<td>Total Use</td>
<td></td>
<td></td>
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<tr>
<td>Winter</td>
<td>7 71</td>
<td>15 59</td>
<td>12 59</td>
</tr>
<tr>
<td>Spring</td>
<td>12 79</td>
<td>18 32</td>
<td>16 21</td>
</tr>
<tr>
<td>Summer</td>
<td>19 72</td>
<td>24 41</td>
<td>22 62</td>
</tr>
<tr>
<td>Fall</td>
<td>15 16</td>
<td>19 27</td>
<td>17 70</td>
</tr>
<tr>
<td>Recreational Use</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winter</td>
<td>6 24</td>
<td>13 39</td>
<td>10 66</td>
</tr>
<tr>
<td>Spring</td>
<td>9 03</td>
<td>14 39</td>
<td>11 73</td>
</tr>
<tr>
<td>Summer</td>
<td>15 50</td>
<td>19 48</td>
<td>17 96</td>
</tr>
<tr>
<td>Fall</td>
<td>11 42</td>
<td>15 12</td>
<td>13 71</td>
</tr>
</tbody>
</table>
FORECASTED MINNESOTA OWNERSHIP AND RECREATIONAL USE

During the course of this study, we searched the literature and contacted knowledgeable researchers concerning trends in the ownership of three-wheeled off-road vehicles. We were unable to find a significant amount of literature beyond that already researched by the DNR and contained in their report "Off-Road Vehicle Use in Minnesota." Accordingly, there is very little information on which projections can be based.

The most useful data available came from the SVIA, which provided historical trends of sales in Minnesota. The percent growth (or decrease) in sales is shown in Table 7.

TABLE 7
Rate of Increase in the Wholesale Shipments To Dealers in Minnesota

<table>
<thead>
<tr>
<th>Period</th>
<th>Percent Growth</th>
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<tr>
<td>1980 - 1981</td>
<td>+84.5</td>
</tr>
<tr>
<td>1981 - 1982</td>
<td>+19.6</td>
</tr>
<tr>
<td>1982 - 1983</td>
<td>+36.2</td>
</tr>
<tr>
<td>1983 - 1984</td>
<td>-13.0</td>
</tr>
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</table>

The table indicates that sales are falling off. The SVIA attributes this to the normal product sales growth curve. That is, as the market becomes saturated, sales decline. The decrease of 13 percent, as shown in Table 7, is attributed to the market nearing its saturation point. The SVIA stated that Minnesota experienced a more rapid increase in sales than most other states in the United States. Accordingly, national sales trends would not provide as accurate an estimate as Minnesota trends.

Consequently, we are left with little more than the 13 percent decline for 1984 and qualitative judgements based on the results of the survey, review of previous studies and the previously cited DNR study. It seems reasonable, then to use the 13 percent decline in shipments and population growth as the basis for projecting recreational use of vehicles through 1987.

Consequently, assuming that shipments will continue to decline by 13 percent per year, there will be a projected 129,200 vehicles in the state by the end of 1987. When this is adjusted for the projected change in population, as supplied by the State Demographer's office, the projected number of vehicles increase to 130,200 by 1987. It is reasonable to take population growth into account since the increase represents additional market potential. When this is reduced to account for exclusive business and farm use, the total number of vehicles used for recreation in 1987 is projected to be 107,000.
Of the 107,000 vehicles projected to be used in 1987, only 8.2 percent of them will be held by new owners (12 months or less). Approximately 91.8 (98,100 vehicles) will have been owned for more than one year. Table 9 presents the effect that the shifting ownership pattern will have on the weighted mean of gasoline consumption. Note that the table is similar to Table 5, but with a different percentage of new and old owners.

**TABLE 9**
Annual and Seasonal Estimates of Gasoline Consumption
For Recreational Use in 1987
(Gallons)

<table>
<thead>
<tr>
<th>Source</th>
<th>Mean</th>
<th>Percent</th>
<th>Standard Error</th>
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<td><strong>Annual question</strong></td>
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<tr>
<td>Owned &lt;12 months</td>
<td>56.44</td>
<td>8.2</td>
<td>23.27</td>
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<tr>
<td>Owned &gt;12 months</td>
<td>24.66</td>
<td>91.8</td>
<td>4.09</td>
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<tr>
<td>Weighted mean</td>
<td>27.28</td>
<td></td>
<td>11.40</td>
</tr>
<tr>
<td><strong>Seasonal question</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Owned &lt;12 months</td>
<td>42.54</td>
<td>8.2</td>
<td>9.39</td>
</tr>
<tr>
<td>Owned &gt;12 months</td>
<td>23.51</td>
<td>91.8</td>
<td>3.89</td>
</tr>
<tr>
<td>Weighted mean</td>
<td>25.08</td>
<td></td>
<td>5.99</td>
</tr>
</tbody>
</table>

The result is that the weighted average gasoline consumption decreases when a larger percent of the vehicles have been owned for more than one year. The pattern of recreational, business and farm use can logically be held constant over the next three years. Thus, the 25.1 and 27.3 gallons consumed per vehicle for recreation yields a total estimated recreational use consumption for 1987 of between 2.7 and 2.9 million gallons. In our professional judgement, the most probable gasoline consumption for 1987 will be 2.8 million gallons.

We believe that this estimate is realistic given the rapid expansion of the market for these vehicles within the last five years. It is apparent from industry records that there still is substantial market potential in the state, even though shipments and sales are slowing.
The issue of off-road vehicle recreation has become one of increasing importance in the past few years. Clear, concise information has not been available. It is for this purpose the Department of Natural Resources (DNR) has collected the information in this memorandum.

For the purposes of this discussion, an off-road vehicle, or "ORV" means any motorized vehicle, including trail bikes or related vehicles, hovercraft, or other motor vehicles which have been licensed for highway operation and are being used for off-road purposes. "ORV" generally does not include snowmobiles in Minnesota.

One form of ORV is the all-terrain vehicle (ATV). This vehicle is the same as defined in Minnesota Statutes 84.92, Subdivision 8, where it is called "three-wheel off-road vehicle." This vehicle is defined as "a motorized flotation-tired vehicle of not less than three low-pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds."

OFF-ROAD VEHICLES

Public Road Use: ORVs (WITH THE EXCEPTION OF ATVS) can be driven on public roads only as registered, licensed vehicles. Since ORVs (with stock equipment) generally do not conform to federal motor vehicle safety standards, operation on public streets and highways is not recommended. Under 1985 Laws of Minnesota, Chapter 291, Section 2, ATVs cannot be registered as street-legal vehicles after July 1, 1985. In addition, the Attorney General does not consider the ATV to legally fit within the guidelines for slow-moving agricultural implements. Such exempt vehicles have no form of registration and must also have an orange triangular warning plate. Snowmobiles remain as the only non-agricultural vehicles permitted in public roadside ditches.

Public Forest Lands and Waters: Certain forest lands permit ORV use. Some forests allow ORV use only on designated routes, while other forests may be either completely closed or closed only in areas where posted. Because of the uncertainty of which regulations apply, you can avoid expensive fines if you CHECK WITH LOCAL LAND OFFICIALS FIRST. Some of the phone numbers you may need are contained in this memorandum. Frozen lakes are generally open to ORVs. The exceptions would be those lakes restricted by local ordinances or by state law, such as lakes contained within the boundaries of state parks.
Prohibited Areas  All ORVs are PROHIBITED from use in STATE PARKS, SCIENTIFIC AND NATURAL AREAS, WILDLIFE MANAGEMENT AREAS and STATE TRAILS. SNOWMOBILE TRAILS are OFF LIMITS to motor vehicles other than snowmobiles.

Equipment Requirements  ORVs, other than ATVs, can be registered as motor vehicles for street-legal use. For inquiries about street-legal registration standards, contact:

MN/Department of Public Safety (DPS)-State Patrol Division
Transportation Building
John Ireland Boulevard
Saint Paul, Minnesota 55155-1679
(612)/297-3938

License Requirements  Any ORV which at any time operates on public roadways must be licensed unless it has been specifically exempted. Inquiries about license requirements can be directed to the:

MN/DPS-Driver & Vehicle Services Division
Transportation Building
John Ireland Boulevard
Saint Paul, Minnesota 55155-1679
(612)/296-6911

Other ORV Questions  All forms of designated public trail recreation are coordinated and in many instances funded through DNR trail programs. For general information on DNR regulations concerning ORVs, please contact:

Paul Nordell, Recreation Research Specialist
Trail Planning Section
MN/DNR-Trails & Waterways Unit
Box 52 - 500 Lafayette Road
Saint Paul, Minnesota 55146
(612)/296-6485

ALL-TERRAIN VEHICLES

Registration  Minnesota has specific statewide laws for ATVs. ATVs must be registered to operate on allowable public lands and waters after January 1, 1985 (see Minnesota Statutes 84 922). The primary exemption from this ATV registration is for use on private land. An ATV which is used at any time on allowable public lands and public waters (ice surfaces) requires a DNR registration.

This registration costs $18.00 for a three-year period. Certain information is required for registering your ATV for off-road use on public lands. The following is needed:
- Name and address of all owners of the machine
- Make and serial number of vehicle
Off-road registration of ATVs after January 1, 1985 is very similar to that of snowmobile registration, which is through deputy registrars where you normally buy vehicle license plates. ATV registration is also available at the DNR license bureau.

MN/DNR-Bureau of Licenses
Box 26 - 500 Lafayette Road
Saint Paul, Minnesota 55146
(612)297-3274

The DNR registration decal for ATVs should be placed directly below and behind the driver's seat. The decal is to be mounted upon a plate which has been bracketed to the vehicle and is clearly visible.

Age Limitations. Persons aged 13 and under can not operate an ATV on DNR administered lands and waters UNLESS ACCOMPANIED BY AN ADULT ON ANOTHER MACHINE. Industry and safety officials emphasize that ONLY ONE PERSON AT A TIME SHOULD BE PERMITTED ON ATVS. Persons aged 12 and above, however, CAN OPERATE ATVS WITH A VALID SAFETY CERTIFICATE.

Safety Training. For information about the safety education courses for ATVers, or for questions concerning the use of ATVs in hunting, contact

Safety Training Coordinator
MN/DNR-Division of Enforcement
Box 47 - 500 Lafayette Road
Saint Paul, Minnesota 55146
(612)296-0655

Legal Crossing of Roads. The only circumstance in which an ATV may enter a public thoroughfare (other than a state forest road) is to make a direct crossing. Such a crossing may be made only as follows:

- The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing,
- The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway,
- The driver yields the right of way to all oncoming traffic that constitutes an immediate hazard,
- In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway, and
- If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, only if both front and rear lights are on.

OFF-ROAD VEHICLE AND ALL-TERRAIN VEHICLE USE AREAS

Registry of Trails. A statewide listing of off-road trails does not exist. Present policy allows these vehicles on state forest roads and forest trails during the non-snow months of the year, unless these roads or trails are specifically posted to prohibit such use. However, roads (state, county or township) through these areas are illegal for roadside
travel by ATVs and other non-street-legal vehicles. Because forest road
and trail conditions may change frequently as a result of wet conditions
or fire dangers, ORV operators should contact Area Foresters for more
specific information before leaving home.

Using the State Forestry Contact List To most easily use the enclosed DNR
forestry contacts, you may want to locate on a map the state forests you
are most interested in. You may then determine the appropriate forestry
district on the enclosed map and then find the necessary forestry office
on the statewide listing of forestry contacts.

Forestry Area Offices can be reached by phone anytime between 8:00 A.M.
and 4:30 P.M., Monday through Friday. Forestry District Offices are open
from 8:00 A.M. to 4:30 P.M., but the best time to phone these offices is
8:00-8:30 A.M. and 4:00-4:30 P.M., Monday through Friday.

General ORV/ATV Information in State and National Forests For further
information on DNR policy concerning the use of ORVs on Division of
Forestry administered lands, please contact:

John hellquist, Forest Recreation Specialist
MN/DNR-Division of Forestry
Box 44 - 500 Lafayette Road
Saint Paul, Minnesota 55146
(612) 297-3508

For further information on the use of ORVs on designated national forest
roads and trails, please contact:

Chippewa National Forest Superior National Forest
Supervisor's Office Supervisor's Office
Cass Lake, Minnesota 56633 236 Federal Building
(218)335-2226 Duluth, Minnesota 55801
(218)727-6692

Enclosure

07/19/85
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<th>PHONE</th>
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<td><strong>BEMIDJI REGION #1</strong></td>
<td>2115 Birchmont Beach Road Northeast Bemidji, Minnesota 56601</td>
<td>(218) 755-2891</td>
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<tr>
<td>Bemidji Area #11</td>
<td>2220 Bemidji Avenue Bemidji, Minnesota 56601</td>
<td>(218) 755-2890</td>
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<td>Cass Lake District #112</td>
<td>P O Box 825, Bemidji, Minnesota 56601</td>
<td>(218) 755-2890</td>
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<td>Guthrie District #113</td>
<td>Case Lake, Minnesota 56633</td>
<td>(218) 335-6647</td>
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<td>Itasca District #114</td>
<td>Guthrie, Minnesota 56451</td>
<td>(218) 224-2424</td>
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<td>Roy Lake District #115</td>
<td>Lake Itasca, Minnesota 56460</td>
<td>(218) 266-3661</td>
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<td>Roy Lake Station</td>
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<td>(218) 935-5951</td>
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<td>Bagley, Minnesota 56621</td>
<td>(218) 694-2146</td>
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<td><strong>Warroad Area #12</strong></td>
<td>Warroad, Minnesota 56763</td>
<td>(218) 369-1304</td>
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<td>Wannaska, Minnesota 56761</td>
<td>(218) 425-7666</td>
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<td>Grygla District #124</td>
<td>Grygla, Minnesota 56727</td>
<td>(218) 294-6115</td>
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<td>Greenbush District #125</td>
<td>Greenbush, Minnesota 56726</td>
<td>(218) 782-2205</td>
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<td><strong>Baudette Area #13</strong></td>
<td>Route 1 - Box 1001 Baudette, Minnesota 56623</td>
<td>(218) 634-2172</td>
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<td>Baudette District #131</td>
<td>Route 1 - Box 1001 Baudette, Minnesota 56623</td>
<td>(218) 634-2351</td>
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<td>Birchdale District #132</td>
<td>Birchdale Ranger Station Route 3 - Box 201 Birchdale, Minnesota 56629</td>
<td>(218) 634-2838</td>
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<tr>
<td>Williams District #133</td>
<td>Williams Ranger Station Rural Route, Williams, Minnesota 56686</td>
<td>(218) 783-6935</td>
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<td><strong>Blackduck Area #15</strong></td>
<td>Blackduck, Minnesota 56630</td>
<td>(218) 835-6684</td>
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<td>Northome District #154</td>
<td>Northome, Minnesota 56661</td>
<td>(218) 839-5254</td>
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<td><strong>Park Rapids Area #16</strong></td>
<td>Box 113 - 607 West First Street Park Rapids, Minnesota 56470</td>
<td>(218) 732-3309</td>
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<td>Park Rapids District #161</td>
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<td>(218) 732-3309</td>
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<tr>
<td>Alexandria District #162</td>
<td>110 Aga Drive Alexandria, Minnesota 56308</td>
<td>(218) 762-2131</td>
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<tr>
<td>Perham District #163</td>
<td>222 Second Avenue Southeast Perham, Minnesota 56573</td>
<td>(218) 346-4035</td>
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<tr>
<td>Smokey Hills District #164</td>
<td>Box 113 - 607 West First Street Park Rapids, Minnesota 56470</td>
<td>(218) 732-3309</td>
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<tr>
<td>Elbow Lake District #165</td>
<td>Elbow Lake Ranger Station Waubun, Minnesota 56589</td>
<td>(218) 734-2271</td>
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<td>Cloquet Area #21</td>
<td>1201 East Highway 2</td>
<td>(218) 327-1719</td>
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<td>Grand Rapids, Minnesota 55744</td>
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<tr>
<td>Cromwell District #212</td>
<td>Box 220, Cloquet, Minnesota 55720</td>
<td>(218) 879-4544</td>
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<tr>
<td>Floodwood District #213</td>
<td>Box 220, Cloquet, Minnesota 55720</td>
<td>(218) 879-4544</td>
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<tr>
<td>Cotton District #214</td>
<td>Cromwell, Minnesota 55726</td>
<td>(218) 644-3664</td>
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<td>Floodwood, Minnesota 55736</td>
<td>(218) 476-2349</td>
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<td>Cotton, Minnesota 55724</td>
<td>(218) 482-3219</td>
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<td>Deer River Area #22</td>
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<tr>
<td>Bowstring District #221</td>
<td>Box 157, Deer River, Minnesota 56636</td>
<td>(218) 246-8343</td>
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<td>Effie District #222</td>
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<td>Thistledew District #223</td>
<td>Box 95, Effie, Minnesota 56639</td>
<td>(218) 653-2691</td>
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<td>Grand Rapids District #224</td>
<td>Togo, Minnesota 55788</td>
<td>(218) 376-4564</td>
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<td>Hibbing Area #23</td>
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<tr>
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<td>1208 East Howard Street - Box 705</td>
<td>(218) 262-6761</td>
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<tr>
<td></td>
<td>Hibbing, Minnesota 55746</td>
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<td>Virginia District #234</td>
<td>Route 2 - Bigfork, Minnesota 56628</td>
<td>(218) 743-3226</td>
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<td>Highway 135, Virginia, Minnesota 55792</td>
<td>(218) 749-1955</td>
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<td>(218) 666-5385</td>
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<tr>
<td>Cloquet Valley District #252</td>
<td>6163 Rice Lake Road</td>
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<tr>
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<td>P O Box 495, Finland, Minnesota 55603</td>
<td>(218) 353-7379</td>
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<td>Grand Marais, Minnesota 55604</td>
<td>(218) 387-1075</td>
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<tr>
<td>Littlefork District #261</td>
<td>Littlefork, Minnesota 56653</td>
<td>(218) 278-6651</td>
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<td>International Falls District #262</td>
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<td>(218) 278-6651</td>
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<tr>
<td>Big Falls District #263</td>
<td>Box 8 - Route 8</td>
<td>(218) 286-3334</td>
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<td>Pine Island District #264</td>
<td>International Falls, Minnesota 56649</td>
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<tr>
<td>Loman District #265</td>
<td>Big Falls, Minnesota 56627</td>
<td>(218) 276-2401</td>
</tr>
<tr>
<td></td>
<td>Big Falls, Minnesota 56627</td>
<td>(218) 276-2401</td>
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<td></td>
<td>Loman, Minnesota 56654</td>
<td>(218) 279-3313</td>
</tr>
<tr>
<td>REGION/AREA/DISTRICT</td>
<td>ADDRESS</td>
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</tr>
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<tr>
<td><strong>BRAINERD REGION #3</strong></td>
<td></td>
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</tr>
</tbody>
</table>
| Brainerd Area #31 | 424 Front Street - Box 648  
Brainerd, Minnesota 56401 | (218) 828-2616 |
| Brainerd District #311 | 203 West Washington Street  
Brainerd, Minnesota 56401 | (218) 828-2565 |
| Little Falls District #312 | 203 West Washington Street  
Brainerd, Minnesota 56401 | (218) 828-2565 |
| Pillager District #313 | Route 4, Little Falls, Minnesota 56345  
Brainerd, Minnesota 56401 | (218) 632-2321 |
| Crosby District #318 | 2 First Street Northeast  
Crosby, Minnesota 56441 | (218) 546-5725 |
| Long Prairie District #319 | 720 Commerce Road  
Long Prairie, Minnesota 56347 | (218) 732-6996 |
| **Backus Area #32** | | |
| Backus District #321 | Box 6, Backus, Minnesota 56435 | (218) 947-3232 |
| Washburn Lake District #322 | Box 6, Backus, Minnesota 56435 | (218) 947-3232 |
| Pequot Lakes District #323 | HCR - Box 370, Outing, Minnesota 56662 | (218) 792-5383 |
| Nimrod District #324 | Box 27, Pequot Lakes, Minnesota 56472 | (218) 568-4566 |
| **Hill City Area #33** | | |
| Hill City District #331 | Route 2 - Box 49, Sebeka, Minnesota 56477 | (218) 472-3262 |
| Jacobson District #332 | | |
| Sandy Lake District #333 | | |
| Aitkin District #334 | | |
| McGrath District #335 | | |
| **Moose Lake Area #34** | | |
| Moose Lake District #341 | | |
| Nickerson District #342 | | |
| Eaglehead District #343 | | |
| Hinckley District #344 | | |
| Mora District #345 | | |
| **Cambridge Area #35** | | |
| Cambridge District #351 | 915 South Highway 65  
Cambridge, Minnesota 55008 | (612) 689-2832 |
| | 915 South Highway 65  
Cambridge, Minnesota 55008 | (612) 689-2832 |
| Zimmerman District #352 | Route 2 - Box 13  
Zimmerman, Minnesota 55398 | (612) 856-4826 |
| St Cloud District #353 | 3725 - 12th Street North - Box 370  
St Cloud, Minnesota 56302 | (612) 255-4277 |
<p>| Onamia District #354 | Box 82, Onamia, Minnesota 56359 | (612) 532-3137 |</p>
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<th>REGION/AREA/DISTRICT</th>
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<tr>
<td>ROCHESTER REGION #5</td>
<td>DNP-P 0 Box 6247&lt;br&gt;Rochester, Minnesota 55903</td>
<td>(507) 285-7428</td>
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<tr>
<td>Lewiston Area #53</td>
<td>Box 278, Lewiston, Minnesota 55952</td>
<td>(507) 523-2183</td>
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<tr>
<td>Lewiston District #531</td>
<td>Box 278, Lewiston, Minnesota 55952</td>
<td>(507) 523-2183</td>
</tr>
<tr>
<td>Caldeonia District #532</td>
<td>Agricultural Service Center - Suite 2&lt;br&gt;603 North Sprague Street&lt;br&gt;Caledonia, Minnesota 55921</td>
<td>(507) 724-5261</td>
</tr>
<tr>
<td>Preston District #533</td>
<td>Box 212, Preston, Minnesota 55965</td>
<td>(507) 765-3892</td>
</tr>
<tr>
<td>Lake City Office #534 &amp; #535</td>
<td>Box 69, Lake City, Minnesota 55041</td>
<td>(507) 345-3216</td>
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<tr>
<td>Rochester Area #54</td>
<td>2300 Silver Creek Road Northeast&lt;br&gt;Rochester, Minnesota 55904</td>
<td>(507) 285-7429</td>
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<tr>
<td>Mankato District #542</td>
<td>Box 4033, Mankato, Minnesota 56001</td>
<td>(507) 389-6713</td>
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<tr>
<td>New Ulm District #543</td>
<td>Box 756 - Highway 15 South&lt;br&gt;New Ulm, Minnesota 56073</td>
<td>(507) 354-2196</td>
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<tr>
<td>Willmar District #544</td>
<td>905 West Litchfield&lt;br&gt;Willmar, Minnesota 56201</td>
<td>(507) 231-5164</td>
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<tr>
<td>Faribault District #545</td>
<td>1400 Cannon Circle&lt;br&gt;Faribault, Minnesota 55021</td>
<td>(507) 332-3267</td>
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<tr>
<td>Metro Area #55</td>
<td>18310 Zodiac&lt;br&gt;Forest Lake, Minnesota 55025</td>
<td>(612) 464-2810</td>
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<tr>
<td>Carlos Avery District #551</td>
<td>18310 Zodiac&lt;br&gt;Forest Lake, Minnesota 55025</td>
<td>(612) 464-2810</td>
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<tr>
<td>Hastings District #552</td>
<td>Box 383, Hastings, Minnesota 55033</td>
<td>(612) 437-8532</td>
</tr>
<tr>
<td>Waconia District #553</td>
<td>219 East Frontage Road&lt;br&gt;Waconia, Minnesota 55387</td>
<td>(612) 442-2317</td>
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## MINNESOTA ALL-TERRAIN VEHICLE REGISTRATION

<table>
<thead>
<tr>
<th>Ending Last Day of</th>
<th>Monthly Volume</th>
<th>Total Registrations</th>
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<tr>
<td>December 1984</td>
<td>316</td>
<td>316</td>
</tr>
<tr>
<td>January 1985</td>
<td>6,121</td>
<td>6,437</td>
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<tr>
<td>February 1985</td>
<td>1,067</td>
<td>7,504</td>
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<td>March 1985</td>
<td>2,722</td>
<td>10,226</td>
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<tr>
<td>May 1985</td>
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<td>June 1985</td>
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<td>13,102</td>
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<tr>
<td>July 1985</td>
<td>477</td>
<td>13,579</td>
</tr>
<tr>
<td>August 1985</td>
<td>284</td>
<td>13,863</td>
</tr>
</tbody>
</table>

Source: Steve Seefeldt, MN/DNR Bureau of Licenses, applications received and processed
on state owned land or on any recreational trail which is funded in whole or in part by state grant in aid funds.

Subd 5. No person shall enter or leave the lands of another with a recreational motor vehicle or pass from one portion of such lands to another portion through a closed gate without returning the gate to its original position. No person shall enter or leave the lands of another with a recreational motor vehicle by cutting any wire or tearing down or destroying any fence.

Subd 6. Nothing in this section shall limit or otherwise qualify the power of municipalities, counties, school districts or other political subdivisions of the state or any agency of the state to impose additional restrictions or prohibitions on the operation of recreational motor vehicles on property not owned by the operator in accordance with law.

Subd 7. A person violating the provisions of this section is guilty of a misdemeanor.

History 1974 c 468 s 1 1981 c 215 s 1

THREE WHEEL OFF ROAD VEHICLES

84.92 DEFINITIONS

Subdivision 1. The definitions in this section apply to Laws 1984 chapter 647 sections 1 to 9.

Subd 2. Commissioner means the commissioner of natural resources.

Subd 3. Dealer means a person engaged in the business of selling three wheel off road vehicles at wholesale or retail.

Subd 4. Manufacturer means a person engaged in the business of manufacturing three wheel off road vehicles.

Subd 5. Owner means a person other than a person with a security interest having a property interest in or title to a three wheel off road vehicle and entitled to the use and possession of the vehicle.

Subd 6. Person means an individual or an organization as defined in section 336.1201, paragraph (30).

Subd 7. Register means the act of assigning a registration number to a three wheel off road vehicle.

Subd 8. Three wheel off road vehicle or vehicle means a motorized flotation tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

History 1984 c 647 s 1.

84.922 REGISTRATION

Subdivision 1. General requirements. Unless exempted in subdivision 3, after January 1, 1985 a person may not operate a three wheel off road vehicle within the state unless the vehicle has been registered. After January 1, 1985 a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Subd 2. Application, issuance reports. Application for registration or continued registration shall be made to the commissioner of natural resources or the commissioner of public safety or an authorized deputy registrar of motor vehicles on a form prescribed by the commissioner. The form must state the name and address of the owner of the vehicle and be signed by at least one owner. Upon receipt of the application and the appropriate fee the commissioner shall register the vehicle and assign a registration number prescribed by the commissioner to motor vehicles acting in the Commissioner of public safety may prescribe efficient handling of the registration system to prevent theft of vehicles.

Subd 3. Registration card. A registration card that provides for the remaining number of safety features shall be retained in addition to other cards registered by a deputy registrar where the official.

Subd 4. Report. The registration card shall be retained by the person acting for the registration card replacement registration account.

Subd 5. Fees for registration. The registration card shall be retained by the person acting for the registration card replacement registration account.

Subd 6. Renewal. A registration card shall be renewed in a manner prescribed in subdivision 5.

Subd 7. Vehicles operated by the state or a political subdivision. The registration number must be issued by the state or a political subdivision.

Subd 8. Exempt vehicles. (1) Vehicles being tested.

History 1984 c 647 s 1.
and assign a registration number that must be affixed to the vehicle in a manner prescribed by the commissioner. The commissioner shall use the snowmobile registration system to register vehicles under this section. Each deputy registrar of motor vehicles acting under section 168.33 is also a deputy registrar of vehicles. The commissioner of natural resources in agreement with the commissioner of public safety may prescribe the accounting and procedural requirements necessary to assure efficient handling of registrations and registration fees. Deputy registrars shall strictly comply with the accounting and procedural requirements. A fee of 50 cents in addition to other fees prescribed by law shall be charged for each vehicle registered by a deputy registrar and shall be deposited in the treasury of the jurisdiction where the deputy is appointed or retained if the deputy is not a public official.

Subd 3 Registration card. The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address, and additional information the commissioner may require. Information concerning each registration shall be retained by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed, the commissioner shall issue a replacement registration card upon payment of a fee of $4. The fees collected from replacement registration cards shall be deposited in the three-wheel off-road vehicle account.

Subd 4 Report of transfers. A person who sells or transfers ownership of a vehicle registered under this section shall report the sale or transfer to the commissioner within 15 days of the date of transfer. An application for transfer must be executed by the registered owner and the purchaser on a form prescribed by the commissioner with the owner's registration certificate, a bill of sale, and a $4 fee.

Subd 5 Fees for registration. The fee for registration of each vehicle under this section shall be $15 for three calendar years. The commissioner or commissioner of public safety shall charge an additional $3 per registration granted. The fees collected under this subdivision shall be credited to the three-wheel off-road vehicle account.

Subd 6 Renewal. Every owner of a three-wheel vehicle must renew registration in a manner prescribed by the commissioner upon payment of the registration fees in subdivision 5.

Subd 7 Vehicles owned by state or political subdivision. A registration number must be issued without the payment of a fee for three-wheel vehicles owned by the state or a political subdivision upon application.

Subd 8 Exemptions. A registration is not required for the following:

1. vehicles being used for work on agricultural lands
2. vehicles owned and used by the United States, another state or a political subdivision
3. vehicles covered by a valid license of another state or county that have not been within this state for more than 30 consecutive days
4. vehicles used exclusively in organized track racing events
5. vehicles being used on private land with the permission of the landowner.

History 1984 c 647 s 2

84.923 REQUIREMENTS OF MAKERS OF THREE WHEEL OFF ROAD VEHICLES

Subdivision 1 Identification number. All vehicles made after January 1, 1985 and sold in the state must have manufacturer's permanent identification
number stamped in letters and numbers on the vehicle in the form and at a location prescribed by the commissioner.

Subd. 2 Registration number All vehicles made after January 1, 1985 and sold in the state must be designed and made to provide in area to affix the registration number. This area shall be at a location and of dimensions prescribed by the commissioner.

History 1984 c 647 s 3

84 925 EDUCATION AND TRAINING PROGRAM

Subdivision 1 Program established The commissioner shall establish a comprehensive three wheel off road vehicle environmental and safety education and training program including the preparation and dissemination of vehicle information and safety advice to the public, the training of three wheel off road vehicle operators and the issuance of three wheel off road vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the three wheel off road vehicle environmental and safety education and training course. For the purpose of administering the program and to defray a portion of the expenses of training and certifying vehicle operators the commissioner shall collect a fee of not to exceed $2 from each person who receives the training and shall deposit the fee in the three wheel off road vehicle account. The commissioner shall cooperate with private organizations and associations, private and public corporations and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators.

Subd. 2 Youthful operators (a) A person under the age of 14 years may not operate a three wheel off road vehicle on any public land or water under the jurisdiction of the commissioner unless accompanied by an adult on the vehicle or on an accompanying three wheel off road vehicle or on a device towed by the same or an accompanying three wheel off road vehicle. However, a person 12 years of age or older may operate a three wheel off road vehicle on public lands and waters under the jurisdiction of the commissioner if he has in his immediate possession a valid three wheel off road vehicle safety certificate issued by the commissioner.

(b) It is unlawful for the owner of a three wheel off road vehicle to allow the vehicle to be operated contrary to the provisions of this section.

History 1984 c 647 s 4

84 926 VEHICLE USE ALLOWED ON PUBLIC LANDS BY THE COMMISSIONER

On a case by case basis after notice and public hearing the commissioner may allow vehicles on public trails under his jurisdiction during specified times.

History 1984 c 647 s 3

84 927 REGISTRATION FEES, UNREFUNDED GASOLINE TAX ALLOCATION

Subdivision 1 Registration revenue Fees from the registration of three wheel off road vehicles and the unrefunded gasoline tax attributable to vehicles under section 296.16 shall be deposited in the state treasury and credited to the three wheel off road vehicle account.

Subd. 2 Purposes Subject to appropriation by the legislature money in the three wheel off road vehicle account may only be spent for the following purposes:

1. (1) the education
   (2) administration
   (3) acquisition and
   (4) maintenance

History 1984 c 647 s 5

84 928 OPERATION

Except as provided in section 296.16, a vehicle may not be driven on a crossing of a street or on the main traveled way of the highway:

a) The crossing is a safe crossing.

b) The vehicle is not accompanied by an adult.

c) The driver yields the right of way.

d) The vehicle is not driven on the main traveled way of the highway.

(e) If the crossing one half hour before sunset and rear lights are on.

History 1984 c 647 s 6

84 929 PENALTIES

Any person who violates a provision of this section is guilty of a petty misdemeanor.

History 1984 c 647 s 7

84 94 AGGREGATE FUND

Subdivision 1 Purposes with the cooperation and energy plan of the department of natural resources to promote the burden of development and local comprehensive plan.

Subd. 2 Definition of aggregate funds

Subd. 3 Identification of sources with the coordination and identification of their classification and classification of their impact on the potential development of potentially valuable resources or may be in.

Lands shall be classified:

1. (1) identified resources
   (2) potential resources
   (3) current further evaluation

History 1984 c 647 s 8
(1) the education and training program under section 84.925
(2) administration and implementation of Laws 1984 chapter 647 sections 1 to 10 and
(3) acquisition and development of vehicle use areas

History 1984 c 647 s 6

84.928 OPERATION ON STREETS AND HIGHWAYS

Except as provided in chapter 168 or in this section a three wheel off road vehicle may not be driven or operated on a highway. A vehicle may make a direct crossing of a street or highway provided

(1) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing
(2) The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway
(3) The driver yields the right of way to all oncoming traffic that constitutes an immediate hazard
(4) In crossing a divided highway the crossing is made only at an intersection of the highway with another public street or highway and
(5) If the crossing is made between the hours of one half hour after sunset to one half hour before sunrise or in conditions of reduced visibility only if both front and rear lights are on

History 1984 c 647 s 7

84.929 PENALTIES

Any person who violates any provision of sections 84.922 84.923 and 84.925 is guilty of a petty misdemeanor

History 1984 c 647 s 8

84.94 AGGREGATE PLANNING AND PROTECTION

Subdivision 1 Purpose. It is the purpose of this act to protect aggregate resources to promote orderly and environmentally sound development to spread the burden of development and to introduce aggregate resource protection into local comprehensive planning and land use controls

Subd 2 Definition. For the purpose of this act municipality means a home rule charter or statutory city or a town

Subd 3 Identification and classification. The department of natural resources with the cooperation of the state geological survey departments of transportation and energy planning and development outside of the metropolitan area as defined in section 473.121 shall conduct a program of identification and classification of potentially valuable publicly or privately owned aggregate lands located outside of urban or developed areas where aggregate mining is restricted without consideration of their present land use. The program shall give priority to identification and classification in areas of the state where urbanization or other factors are or may be resulting in a loss of aggregate resources to development. Lands shall be classified as

(1) identified resources being those containing significant aggregate deposits
(2) potential resources being those containing potentially significant deposits and merits further evaluation or
MAJOR PROVISIONS OF S F 1065 (ATV)

SS/065P, after action from Committee on Agriculture and Natural Resources
April 19, 1985

Section 1 [DEFINITIONS ]
- Change "three-wheel off-road" to "all-terrain" vehicles

Section 4 [REGISTRATION ]
- $18 00/three years, $4 00 duplicate or transfer, dealer $50 00/year, manufacturer $150 00/year

Section 7 [EXEMPTIONS ]
- Vehicles being used for work on agricultural land

Section 8 [LICENSING BY POLITICAL SUBDIVISIONS ]
- No licensing or registration by local government units

Section 9 [REGISTRATION BY MINORS PROHIBITED ]
- No person under 18 may register an ATV

Section 10 Subdivision 1 [RULEMAKING ]
- Commissioner of Natural Resources may adopt rules and regulations under Chapter 14 for
  - Registration and display of number
  - Use insofar as game and fish are affected
  - Use on lands and waters under commissioner
  - Uniform signage by all government units
  - Muffler specifications

Section 10 Subdivision 2 [COMMISSIONER OF PUBLIC SAFETY ]
- Commissioner may adopt rules under 84 92S for streets and highways

Section 11 Subdivision 2 [YOUTHFUL OPERATORS ]
- A person 12 years or older can operate on land and water under the Commissioner without accompanying adult if the person possesses certificate

Section 12 [SIGNAL FROM PEACE OFFICER ] -- as defined in M S 626 84, subd 1, paragraph (c)
- Unlawful to flee after receiving signal

Section 13 [YOUTHFUL OPERATORS, PROHIBITIONS ]
- If under 12, no crossing nor operation on roads permitted
- If 12 to 13 may cross roads only if accompanied by person 18 years or older AND safety certificate
- If 14 to 15, may cross roads if in possession of certificate or drivers license
- If under 12, or under 14 without certificate, on public land or water, rider must be accompanied by parent guard an other person 18 or older
- If 14 or less rider must wear helmet when on public lands
Section 14 [REGISTRATION FEES, UNREFUNDED GAS TAX, ALLOCATION]
- ATV Account used for acquisition, maintenance and development of vehicle trails and use areas
- Grants to Area (GIA) to local units for trails and use areas
- Fund distribution guided by SCORP

Section 15 [OPERATION REQUIREMENTS, LOCAL REGULATION]
- Car rot be driven or operated on highway (except as provided in Chapter 168 or this section)
- Unlawful to operate
  - Carelessly, recklessly negligently
  - Without stop light
  - Under the influence of alcohol and controlled substances or combination
  - On an airport
- Organized contests allowed along highways, lands and waters by official or local
- County, city, town may regulate lands/waters and property under their jurisdiction if consistent with act or rules

Section 16 Minnesota Statutes 85 018, subd 1 amended
- "Commissioner" means the commissioner of the GIA agency

Section 17 Minnesota Statutes 85 018, subd 2 amended
- Local unit with concurrence of commissioner, landowner or lessee may
  - Designate the trail at various times of year for non-motorized, motorized or ATV use
  - With concurrence of commissioner and landowner/lessee, and after notice and public hearing may designate trails for joint use of snowmobile and ATV

Section 18 Minnesota Statutes 85 018 subd 3 amended
- Permits for non-designated use may be issued

Section 19 Minnesota Statutes 85 018, subd 4 amended
- No motorized use on designated non-motorized trails

Section 20 Minnesota Statutes 85 108, subd 5 amended
- December 1 to April 1 no motorized use except snowmobile on designated snowmobile trails, unless authorized by permit
- December 1 to April 1 no motorized use except ATV on designated ATV trails unless by permit

Section 21 Section 100 273, subd 6 amended
- Trespass makes ATV registration null and void

Section 22 Minnesota Statutes 290 16 amended
- 0.15 of one percent of all gasoline except for aviation purposes is identified as being used by ATVs

Section 23 [APPROPRIATION]
- $830,000 CC is appropriated from the ATV account through June 30, 1987
  to administer Section 1 to 19 Two complement positions
A bill for an act

relating to recreational vehicles regulating
all-terrain vehicles, providing penalties,
appropriating money, amending Minnesota Statutes 1984
sections 84 92, 84 922, subdivisions 1, 3, 5 6 7 8,
and by adding subdivisions, 84 925, 84 927, 84 928
85 018 subdivisions 1, 2, 3, 4, and 5, 100 273,
subdivision 9, and 296 16, subdivision 1 proposing
coding for new law in Minnesota Statutes, chapter 84

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA

Section 1  Minnesota Statutes 1984 section 84 92 is
amended to read

84 92 [DEFINITIONS ]
Subdivision 1  [SCOPE ] The definitions in this section
apply to laws--1984--chapter-647; sections 1 84 92 to 9

84 929

Subd la  [ALL-TERRAIN VEHICLE ] All-terrain vehicle or
vehicle' means a motorized flotation-tired vehicle of not less
than three low pressure tires, but not more than six tires that
is limited in engine displacement of less than 800 cubic
centimeters and total dry weight less than 600 pounds

Subd 2  [COMMISSIONER ] "Commissioner means the
commissioner of natural resources

Subd 3  [DEALER ] Dealer' means a person engaged in the
business of selling three-wheel off-road all-terrain vehicles at
wholesale or retail

Subd 5 [OWNER] Owner means a person other than a person with a security interest, having a property interest in or title to a three-wheel-off-road all-terrain vehicle and entitled to the use and possession of the vehicle.

Subd 6 [PERSON] Person means an individual or an organization as defined in section 336 1-201, paragraph (30).

Subd 7 [REGISTER] Register means the act of assigning a registration number to a three-wheel-off-road all-terrain vehicle.

Subd--8--"Three-wheel-off-road-vehicle"-or-"vehicle"-means a motorized-flotation-tired-vehicle-of-not-less-than-three-low pressure-tires; but not more than six tires; that is limited-in engine-displacement-of-less-than-800-cubic-centimeters-and-total dry-weight-less-than-600-pounds.

Sec 2 Minnesota Statutes 1984, section 84 922, subdivision 1 is amended to read

Subdivision 1 [GENERAL REQUIREMENTS] Unless exempted in subdivision 8, after January 1, 1985, a person may not operate a three-wheel-off-road all-terrain vehicle within the state unless the vehicle has been registered. After January 1, 1985, a person may not sell a vehicle without furnishing the buyer a bill of sale on a form prescribed by the commissioner.

Sec 3 Minnesota Statutes 1984, section 84 922, subdivision 3, is amended to read

Subd 3 [REGISTRATION CARD] The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address, and additional information the commissioner may require.

Information concerning each registration shall be retained by the commissioner. Upon a satisfactory showing that the registration card has been lost or destroyed the commissioner shall issue a replacement registration card upon payment of a
fee of $4. The fees collected from replacement registration
cards shall be deposited in the three-wheel-off-road all-terrain
vehicle account.

Sec 4 Minnesota Statutes 1984, section 84.922, subdivision 5, is amended to read

Subd 5 [FEES FOR REGISTRATION ] (a) The fee for
registration of each vehicle under this section shall be $15 for
three-calendar-years. The commissioner or commissioner of
public safety shall charge an additional $3 per registration
granted other than those registered by a dealer or manufacturer
under paragraph (b) or (c) is $18 for three years and $4 for a
duplicate or transfer.

(b) The total registration fee for all-terrain vehicles
owned by a dealer and operated for demonstration or testing
purposes is $50 per year. Dealer registrations are not
transferable.

(c) The total registration fee for all-terrain vehicles
owned by a manufacturer and operated for research, testing,
experimentation, or demonstration purposes is $150 per year.
Manufacturer registrations are not transferable.

(d) The fees collected under this subdivision shall be
credited to the three-wheel-off-road all-terrain vehicle account.

Sec 5 Minnesota Statutes 1984, section 84.922, subdivision 6, is amended to read

Subd 6 [RENEWAL ] Every owner of a three-wheel all-terrain
vehicle must renew registration in a manner
prescribed by the commissioner upon payment of the registration
fees in subdivision 5.

Sec 6 Minnesota Statutes 1984, section 84.922, subdivision 7, is amended to read

Subd 7 [VEHICLES OWNED BY STATE OR POLITICAL
SUBDIVISION ] A registration number must be issued without the
payment of a fee for three-wheel all-terrain vehicles owned by
the state or a political subdivision upon application.

Sec 7 Minnesota Statutes 1984, section 84.922, subdivision 8, is amended to read
Subd 8 [EXEMPTIONS] A registration is not required for the following:

1. vehicles being used for work on agricultural lands
2. vehicles owned and used by the United States, another state or a political subdivision,
3. vehicles covered by a valid license of another state or country that have not been within this state for more than 30 consecutive days,
4. vehicles being used exclusively in organized track racing events, and
5. vehicles being used on private land with the permission of the landowner.

Sec 8 Minnesota Statutes 1984, section 84 922, is amended by adding a subdivision to read:

Subd 9 [LICENSING BY POLITICAL SUBDIVISIONS] A political subdivision may not require licensing or registration of all-terrain vehicles covered by sections 84 92 to 84 929.

Sec 9 Minnesota Statutes 1984, section 84 922, is amended by adding a subdivision to read:

Subd 10 [REGISTRATION BY MINORS PROHIBITED] A person under age 18 may not register an all-terrain vehicle.

Sec 10 [84 924] [RULEMAKING, ACCIDENT REPORT] Subdivision 1. [COMMISSIONER OF NATURAL RESOURCES] The commissioner may adopt rules relating to all-terrain vehicles, including:

1. registration of all-terrain vehicles and display of registration numbers,
2. uses of all-terrain vehicles that affect game and fish resources,
3. use of all-terrain vehicles on public lands and waters under the jurisdiction of the commissioner,
4. uniform signs to be used by the state counties, towns and statutory and home rule charter cities to control, direct, or regulate the operation and use of all-terrain vehicles and
5. specifications relating to all-terrain vehicle mufflers.

Subd 2 [COMMISSIONER OF PUBLIC SAFETY] The commissioner
of public safety may adopt rules regulating the use of
all-terrain vehicles on streets and highways under section
84 928
Sec 11 Minnesota Statutes 1984 section 84 925 is
amended to read
84 925 [EDUCATION AND TRAINING PROGRAM ]
Subdivision 1 [PROGRAM ESTABLISHED ] The commissioner
shall establish a comprehensive three-wheel-off-road all-terrain
vehicle environmental and safety education and training program,
including the preparation and dissemination of vehicle
information and safety advice to the public the training of
three-wheel-off-road all-terrain vehicle operators, and the
issuance of three-wheel-off-road all-terrain vehicle safety
certificates to vehicle operators over the age of 12 years who
successfully complete the three-wheel-off-road all-terrain
vehicle environmental and safety education and training course
For the purpose of administering the program and to defray a
portion of the expenses of training and certifying vehicle
operators, the commissioner shall collect a fee of not to exceed
$5 from each person who receives the training and shall deposit
the fee in the three-wheel-off-road all-terrain vehicle
account The commissioner shall cooperate with private
organizations and associations, private and public corporations,
and local governmental units in furtherance of the program
established under this section The commissioner shall consult
with the commissioner of public safety in regard to training
program subject matter and performance testing that leads to the
certification of vehicle operators
Subd 2 [YOUTHFUL OPERATORS ] (a) A person under the age
of 14 years may not operate a three-wheel-off-road an
all-terrain vehicle on any public land or water under the
jurisdiction of the commissioner unless accompanied by an adult
on the vehicle or on an accompanying three-wheel-off-road
vehicle or on a device towed by the same or an
accompanying three-wheel-off-road vehicle However, A
person age 12 years-of-age or older may operate a three-wheel
off-road vehicle on public lands and waters under the jurisdiction of the commissioner without an accompanying adult if he has in his immediate possession the person is carrying a valid three-wheel-off-road all-terrain vehicle safety certificate issued by the commissioner.

(b) It is unlawful for the owner of a three-wheel-off-road all-terrain vehicle to allow the vehicle to be operated contrary to the provisions of this section.

Sec 12 [84 9254] [SIGNAL FROM OFFICER TO STOP]
An all-terrain vehicle operator after receiving a visual or audible signal to stop from a peace officer as defined in section 626 84, subdivision 1, paragraph (c), may not

1. operate an all-terrain vehicle in willful or wanton disregard of the signal to stop,
2. interfere with or endanger the peace officer or any other person or vehicle,
3. increase speed or attempt to flee from the officer.

Sec 13 [84 9256] [YOUTHFUL OPERATORS, PROHIBITIONS]
Subdivision 1 [PROHIBITIONS ON YOUTHFUL OPERATORS]
(a) Notwithstanding section 84 928, a person under age 12 may not cross a trunk, county state-aid or county highway as the operator of an all-terrain vehicle, or operate the vehicle upon a street or highway within a municipality.
(b) A person at least age 12 but under age 14 may cross a trunk, county state-aid, or county highway only if the person possesses a valid all-terrain vehicle safety certificate and is accompanied by a person over age 18. A person at least age 14, but under age 16 may cross a trunk, county state-aid or county highway only if the person possesses an all-terrain vehicle safety certificate or a motor vehicle operator's license.
(c) A person under age 12, or a person under age 14 who does not possess an all-terrain vehicle safety certificate may not operate an all-terrain vehicle on public land or water under the jurisdiction of the commissioner, unless the person's parent or legal guardian or a person age 18 or older accompanies the person on the same vehicle if the vehicle is designed for more
than one person or on another all-terrain vehicle.

Subd. 2 [HELMET REQUIRED] A person under age 14 may not operate an all-terrain vehicle on public land unless the person wears a safety helmet approved by the commissioner of public safety.

Subd. 3 [PROHIBITIONS ON OWNER] An owner of an all-terrain vehicle may not allow the vehicle to be operated contrary to this section.

Sec. 14 Minnesota Statutes 1984 section 84.927 is amended to read 84.927 [REGISTRATION FEES, UNREFUNDED GASOLINE TAX ALLOCATION]

Subdivision 1 [REGISTRATION REVENUE] Fees from the registration of three-wheel-off-road all-terrain vehicles and the unrefunded gasoline tax attributable to all-terrain vehicle use under section 296.16 shall be deposited in the state treasury and credited to the three-wheel-off-road all-terrain vehicle account.

Subd. 2 [PURPOSES] Subject-to-appropriation-by-the-legislature (a) Money in the three-wheel-off-road all-terrain vehicle account may only be spent for the following purposes:

1. the education and training program under section 84.925;
2. administration and implementation of Laws 1984, chapter 647, sections 84.92 to 84.97, and 84.929;
3. acquisition, maintenance, and development of vehicle trails and use areas;
4. grant programs to counties and municipalities to construct and maintain all-terrain vehicle trails and use areas, and
5. grants to local all-terrain vehicle safety programs.

(b) The distribution of money made available through grant programs must be determined by the statewide comprehensive outdoor recreation plan.

Sec. 15 Minnesota Statutes 1984 section 84.928, is amended to read 84.928 [OPERATION ON STREETS AND HIGHWAYS LOCAL]
Subdivision 1  [OPERATION ON STREETS AND HIGHWAYS ] Except
as provided in chapter 168 or in this section a-three-wheel
off-road an all-terrain vehicle may not be driven or operated on
a highway

A An all-terrain vehicle may make-a-direct-crossover of
cross a street or highway provided
(1) the crossing is made at an angle of approximately 90
degrees to the direction of the highway and at a place where no
obstruction prevents a quick and safe crossing,
(2) the vehicle is brought to a complete stop before
crossing the shoulder or main traveled way of the highway
(3) the driver yields the right of way to all oncoming
traffic that constitutes an immediate hazard,
(4) in crossing a divided highway, the crossing is made
only at an intersection of the highway with another public
street or highway, and
(5) if the crossing is made between the hours of one-half
hour after sunset to one-half hour before sunrise or in
conditions of reduced visibility, only if both front and rear
lights are on

Subd 2  [OPERATION GENERALLY ] A person may not operate
an all-terrain vehicle
(1) in a careless reckless, or negligent manner so as to
endanger or to cause injury or damage to the person or property
of another, or
(2) without a functioning stoplight

Subd 3  [OPERATING UNDER INFLUENCE OF ALCOHOL OR
CONTROLLED SUBSTANCE ] (a) A person may not operate or be in
physical control of an all-terrain vehicle in this state when
the person is
(1) under the influence of alcohol
(2) under the influence of a controlled substance, or
(3) under the influence of a combination of any two or more
of the elements in clauses (1) and (2)
(b) A person who violates this subdivision is guilty of a
misdemeanor.

Subd. 4 [OPERATION PROHIBITED ON AIRPORTS] A person may not operate an all-terrain vehicle on an airport as defined in section 360.013 subdivision 5.

Subd. 5 [ORGANIZED CONTESTS, USE OF HIGHWAYS AND PUBLIC LANDS AND WATERS] (a) Notwithstanding this section or chapter 169, all-terrain vehicles may be operated within the right-of-way of a state trunk or county state-aid highway or on public lands or waters under the jurisdiction of the commissioner of natural resources in an organized contest subject to the consent of the official or board having jurisdiction over the highway or public lands or waters. The official or board may prescribe restrictions or conditions for the contest.

(b) A county, statutory or home rule charter city, or a town, may regulate the operation of all-terrain vehicles within its boundaries, in a manner consistent with sections 84.92 to 84.929. A statutory or home rule charter city or town may not adopt an ordinance that

(1) imposes a fee for the use of state land or

(2) requires an all-terrain vehicle operator to possess a motor vehicle driver's license while operating an all-terrain vehicle.

Sec 16 Minnesota Statutes 1984, section 85.018, subdivision 1 is amended to read:

Subdivision 1 [DEFINITIONS] For the purposes of this section:

(a) "Trail" means a recreational trail, which is funded in whole or in part by state grants-in-aid to a local unit of government.

(b) "Commissioner" means the commissioner of the state agency that makes grants-in-aid for a trail.

Sec 17 Minnesota Statutes 1984, section 85.018, subdivision 2, is amended to read:

Subd. 2 [AUTHORITY OF LOCAL GOVERNMENT] (a) A local government unit that receives state grants-in-aid for any trail,
with the concurrence of the commissioner and the landowner or
land lessee may
(a) (1) designate the trail for use by snowmobiles or for
nonmotorized use from December 1 to April 1 of any year and
(b) (2) issue any permit required allowed under
subdivisions 3 to 5
(b) A local government unit that receives state
grants-in-aid under section 84.927, subdivision 2 for any
trail with the concurrence of the commissioner and landowner
or land lessee may
(1) designate the trail at different times of the year for
nonmotorized use or use by all-terrain vehicles and
(2) issue any permit allowed under subdivisions 3 to 5
(c) A local unit of government that receives state
grants-in-aid for any trail with the concurrence of the
commissioner and landowner or land lessee and after notice and
public hearing, may designate certain trails for joint use by
snowmobiles and all-terrain vehicles.
Sec 18 Minnesota Statutes 1984 section 85.018
subdivision 3, is amended to read
Subd 3 [MOTORIZED TRAIL USE, PERMITS ] Motorized-use-of
trails If a trail has been designated for one use other uses of
the trail shall be allowed only by permit between-April-1-and
November-30-of-any-year Permits shall require that permit
holders return the trail and any associated facility to their
original condition if any damage is done by the permittee
Limited permits for special events such as races may be issued
and shall require the removal of any trail markers banners and
other material used in connection with the special event
Sec 19 Minnesota Statutes 1984, section 85.018
subdivision 4 is amended to read
Subd 4 [NONMOTORIZED USE TRAILS; WINTER ] From-December
1-to-April-1-of-any-year-no A motorized vehicle shall may not be
operated on a trail designated for nonmotorized use such-as-ski-
touring-or-snowshoe-use
Sec 20 Minnesota Statutes 1984, section 85.018
10
subdivision 5 is amended to read

Subd 5 [SNOWMOBILE AND ALL-TERRAIN VEHICLE TRAILS RESTRICTED] (a) From December 1 to April 1 in any year no use of a motorized vehicle other than a snowmobile unless authorized by permit, lease or easement shall be permitted on a trail designated for use by snowmobiles.

(b) From December 1 to April 1 a motorized vehicle other than an all-terrain vehicle may not be operated on a trail designated for use by all-terrain vehicles unless authorized by permit.

Sec 21 Minnesota Statutes 1984, subdivision 9 is amended to read

Subd 9 Violation of any provision of this section is a misdemeanor. Upon a person's conviction for violating any provision of this section, any license issued to him pursuant to chapter 98, or any registration pursuant to section 84.82 or 84.922, under which he was exercising or attempting to exercise a privilege while violating this section shall immediately become null and void.

Sec 22 Minnesota Statutes 1984, subdivision 1 is amended to read

Subdivision 1 [INTENT] All gasoline received in this state and all gasoline produced in or brought into this state except aviation gasoline and marine gasoline shall be determined to be intended for use in motor vehicles in this state. Approximately three-fourths of one percent of all gasoline received in this state and three-fourths of one percent of all gasoline produced or brought into this state, except gasoline used for aviation purposes, is being used as fuel for the operation of motor boats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax for uses other than in motor boats, three-fourths of one percent of such revenues is the amount of tax on fuel used in motor boats operated on the waters of this state. Approximately three-fourths of one percent of all gasoline received in and produced or brought into this state except
gasoline used for aviation purposes is being used as fuel for
the operation of snowmobiles in this state, and of the total
revenue derived from the imposition of the gasoline fuel tax for
uses other than in snowmobiles, three-fourths of one percent of
such revenues is the amount of tax on fuel used in snowmobiles
operated in this state.

Approximately 0.15 of one percent of all gasoline received
in or produced or brought into this state, except gasoline used
for aviation purposes, is being used for the operation of
all-terrain vehicles in this state, and of the total revenue
derived from the imposition of the gasoline fuel tax, 0.15 of
one percent is the amount of tax on fuel used in all-terrain
vehicles operated in this state.

Sec 23 [APPROPRIATION]
$830,000 is appropriated from the all-terrain vehicle
account to the commissioner of natural resources to administer
sections 1 to 19.
$435,000 is available for the fiscal year ending June 30,
1986, and $395,000 is available for the fiscal year ending June
30, 1987. The approved complement of the department of natural
resources is increased by two positions.
MAJOR PROVISIONS OF H F 1015 (ATV)
(Senate File 1236)

April 15, 1985 [REVISIONS C]
H F 1015-1E, after action from Appropriations Committee May 10, 1985

Section 1  [DEFINITIONS]
- Change "three-wheel off-road" to "all-terrain" vehicles
- "Agricultural Zone" area south and west of trunk highway 10, 23 and 95

Section 4  [REGISTRATIONS]
- $18 00/three years, $4 00 duplicate or transfer, dealer $50 00/year, manufacturer $150 00/year

Section 7  [EXEMPTIONS]
- Vehicles being used for work exclusively on agricultural land

Section 8  [LICENSING BY POLITICAL SUBDIVISIONS]
- No licensing or registration by local government units

Section 9  [REGISTRATION BY MINORS PROHIBITED]
- No person under 18 may register an ATV

Section 10  Subdivision 1  [RULEMAKING]
- Commissioner of Natural Resources shall adopt rules and regulations under Chapter 14 for
  - Registration and display of number
  - Use insofar as game and fish are affected
  - Use on lands and waters under commissioner
  - Uniform signing by all government units
  - Muffler specifications

Section 10  Subdivision 2  [COMMISSIONER OF PUBLIC SAFETY]
- Commissioner may adopt rules under Chapter 14 for streets and highways

Section 10  Subdivision 3  [ACCIDENT REPORT]
- Report accident for cases of death, medical attention or damages over $100 00

Section 12  [SIGNAL FROM OFFICER]
- Unlawful to flee after receiving signal

Section 13  [YOUTHFUL OPERATORS, PROHIBITIONS]
- If under 12, no crossing nor operation on roads
- If 12 to 13, may cross roads only if accompanied by person 18 years or older
  AND safety certificate
- If under 14 on public land or water, must be accompanied by parent, guardian or other person 18 or older
- However, if 12 years or older, rider may operate on land and water under commissioner if certificate is possessed
- If 14 to 15, may cross roads having certificate or driver's license
- If 16 or under, must wear helmet when on public lands
- Provides for revocation of safety certificate and driver's license (if under 18)
Section 14 [REGISTRATION FEES, UNREFUNDED GAS TAX, ALLOCATION]
- ATV Account used for acquisition, maintenance and development of vehicle trails and use areas
- Grants-In-Aid (GIA) to local units for trails and use areas
- Fund distribution guided by SCORP

Section 15 [OPERATION REQUIREMENTS, LOCAL REGULATION]
- Can not operate on roadway, shoulder, inside bank or slope of trunk, county state aid, or county highway (except by local board resolution)
- No operation within trunk, county state aid, or county right-of-way from April 1 to August 1 in agricultural zone. Except when vehicle is used exclusively as transportation to and from work or agricultural lands or by local board resolution.
- No operation within right-of-way between half-hour after sunset to half-hour before sunset, but never within interstate or freeway right-of-way and only with the flow of traffic.
- Allows the use of bridges when no other means are available.
- When used on public streets or highways must have headlight, taillight, or brakes, 16 inch square reflectorized materials on each side forward of handlebars.
- Permits unrestricted use when auto travel conditions are impractical.
- Chapter 169 applies to ATVs when appropriate on streets and highways.
- Towed devices must be reflectorized.
- Unlawful to operate
  - Faster than reasonable
  - Carelessly, recklessly, negligently
  - Without headlight (taillight lighted at all times)
  - Without stop light
  - In tree nursery and plantation
  - Under the influence of alcohol and controlled substances
  - On an airport.
- Organized off-road tests allowed along highways, lands and waters by official or board.
- County city, town may regulate lands/waters and property under their jurisdiction if consistent with act or rule.
- Road authority and personnel exempted from liability arising from ATV's on road right-of-way or trail. Liability not affected for party or organization having responsibility for maintenance of ATV corridor.

Section 16 Minnesota Statutes 85 018 amended
- "Commissioner" means the commissioner of the GIA agency.
- Local unit, with concurrence of commissioner, landowner or lessee may
  - Designated the trail at various times of year for non-motorized motorized or multiple use, but no motorized or non-motorized at same time.
- With concurrence of commissioner and landowner/lessee, may designate trails for joint use of snowmobile and ATV
- Permits for non-designated motorized use may be issued.
- December 1 to April 1 no motorized except snowmobiles on designated snowmobile trails unless authorized by permit.
- December 1 to April 1 no motorized except ATV on designated ATV trails unless authorized by permit.
Section 18  Minnesota Statutes 240 16 amended
- 0 1% of one percent of all gasoline except for aviation purposes is identified as being used by ATVs

Section 19  [APPROPRIATION]
- $675,000 is appropriated from the ATV account through June 30, 1987 to administer Section 1 to 18. For the development and administration of trails under this act, the complement of the commissioner of natural resources is increased by two positions.

Section 20  [EFFECTIVE DATE]
- This Act shall take effect July 1, 1985
A bill for an act
relating to recreational vehicles regulating
all-terrain vehicles providing penalties
appropriating money amending Minnesota Statutes 1984
sections 84 92 84 922 subdivisions 1 3 5 6 7 8
and by adding subdivisions 84 925 84 927 84 928
85 018 100 273 subdivision 9 and 296 16
subdivision 1 proposing coding for new law in
Minnesota Statutes chapter 84

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA
Section 1 Minnesota Statutes 1984 section 84 92 is
amended to read
84 92 [DEFINITIONS ]
Subdivision 1 [SCOPE ] The definitions in this section
apply to sections 84 92 to 84 929 and Laws 1984 chapter 647
____________
sections 1 to section 9
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Subd 1a [AGRICULTURAL ZONE ] "Agricultural zone" means
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the areas in Minnesota lying south and west of a line starting
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at the Minnesota-North Dakota border and formed by
lights-of-way
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or trunk highway no 10 thence easterly along trunk highway no
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10 to trunk highway no 23 thence easterly along trunk highway
--------------
23 to trunk highway no 95 thence easterly along trunk
--------------
highway no 95 to its termination at the Minnesota-Wisconsin
border
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Subd 2 [COMMISSIONER ] "Commissioner" means the
commissioner of natural resources
Subd 3 | **Dealer** | "Dealer" means a person engaged in the business of selling three-wheel off-road all-terrain vehicles at wholesale or retail.

Subd 4 | **Manufacturer** | "Manufacturer" means a person engaged in the business of manufacturing three-wheel off-road all-terrain vehicles.

Subd 5 | **Owner** | "Owner" means a person other than a person with a security interest having a property interest in or title to a three-wheel off-road all-terrain vehicle and entitled to the use and possession of the vehicle.

Subd 6 | **Person** | "Person" means an individual or an organization as defined in section 335 1-201 paragraph (30).

Subd 7 | **Register** | "Register" means the act of assigning a registration number to a three-wheel off-road all-terrain vehicle.

Subd 8 | **All-Terrain Vehicle** | "Three-wheel off-road All-terrain vehicle" or "vehicle" means a motorized flotation-tired vehicle of not less than three low pressure tires but not more than six tires that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 600 pounds.

Sec 2 | Minnesota Statutes 1984 section 84 922 subdivision 1 is amended to read

Subdivision 1 | **GENERAL REQUIREMENTS** | Unless exempted in subdivision 8 after January 1 1985 a person may not operate a three-wheel off-road all-terrain vehicle within the state unless the vehicle has been registered after January 1 1985 a person may not sell a vehicle without furnishing the buyer a bill of sale in a form prescribed by the commissioner.

Sec 3 | Minnesota Statutes 1984 section 84 922 subdivision 1 is amended to read

Subd 3 | **Registration Card** | The commissioner shall provide to the registrant a registration card that includes the registration number, the date of registration, the make and serial number of the vehicle, the owner's name and address and additional information the commissioner may require.
Institution concerning each registration shall be retained by
the commissioner. Upon a satisfactory showing that the
registration card has been lost or destroyed the commissioner
shall issue a replacement registration card upon payment of a
fee of $4. The fees collected from replacement registration
cards shall be deposited in the three-wheel off-road all-terrain
vehicle account.

Sec 4 Minnesota Statutes 1984 section 84.922
subdivision 5 is amended to read

Subd 5 [FEES FOR REGISTRATION ] (a) The fee for
registration of each vehicle under this section shall be $15 for
each calendar year. The commissioner or commissioner of
public safety shall charge an additional $3 per registration
granted other than those registered by a dealer or manufacturer
under paragraph (b) or (c) is $18 for three years and $4 for a
duplicate or transfer
(b) The total registration fee for all-terrain vehicles
owned by a dealer and operated for demonstration or testing
purposes is $50 per year. Dealer registrations are not
transferable
(c) The total registration fee for all-terrain vehicles
owned by a manufacturer and operated for research, testing,
experimentation or demonstration purposes is $150 per year
Manufacturer registrations are not transferable
(d) The fees collected under this subdivision shall be credited to the
three-wheel off-road all-terrain vehicle account.

Sec 5 Minnesota Statutes 1984 section 84.922
subdivision 6 is amended to read

Subd 7 [RENEWAL | Every owner of an all-terrain vehicle
must renew registration in the manner prescribed by the commissioner upon payment of the registration
fees in subdivision 5

Sec 6 Minnesota Statutes 1984 section 84.922
subdivision 7 is amended to read

Subd 7 [OWNED BY ST-TF OR POLITICAL
SUBDIVISION | A registration number must be issued without the
payment of a fee for three-wheel all-terrain vehicles owned by
the state or a political subdivision upon application
Sec 7 Minnesota Statutes 1984 section 84 922 subdivision 8 is amended to read
Subd 8 [EXEMPTIONS] A registration is not required for the following
(1) vehicles being used for work exclusively on agricultural lands
(2) vehicles owned and used by the United States another state or a political subdivision
(3) vehicles covered by a valid license of another state or county that have not been within this state for more than 30 consecutive days and
(4) vehicles used exclusively in organized track racing events and
(5) vehicles being used on private land with the permission of the landowner
Sec 8 Minnesota Statutes 1984 section 84 922 is amended by adding a subdivision to read
Subd 9 [LICENSING BY POLITICAL SUBDIVISIONS] No political subdivision of this state shall require licensing or registration of all-terrain vehicles covered by sections 84 92 to 84 929
Sec 9 Minnesota Statutes 1984 section 84 922 is amended by adding a subdivision to read
Subd 10 [REGISTRATION BY MINORS PROHIBITED] No person under the age of 18 may register an all-terrain vehicle
Sec 10 [84 921] [RULEMAKING ACCIDENT REPORT]
Subdivision 1 [COMMISSIONER OF NATURAL RESOURCES] With a view of achieving proper use of all-terrain vehicles consistent with protection of the environment the commissioner of natural resources shall adopt rules under chapter 14 relating to
(1) registration of all-terrain vehicles and display of registration numbers
(2) use of all-terrain vehicles insotra as game and fish resources are affected
Subd 1 [CONTROL OF USE] Of all-terrain vehicles on public lands and waters under the jurisdiction of the commissioner of natural resources.

Subd 2 (COMMISSIONER OF PUBLIC SAFETY) The commissioner of public safety may adopt rules under chapter 14 regulating the use of all-terrain vehicles on streets and highways.

Subd 3 [ACCIDENT REPORT REQUIREMENT AND FORM] The operator of an all-terrain vehicle involved in an accident resulting in injury requiring medical attention or hospitalization to or death of a person or total damage to an extent of $100 or more shall promptly forward a written report or the accident to the commissioner of natural resources on a form prescribed by the commissioner.

Sec 11 Minnesota Statutes 1984 section 84 925 is amended to read

84 925 [EDUCATION AND TRAINING PROGRAM] Subdivision 1 [PROGRAM ESTABLISHED] The commissioner shall establish a comprehensive three-wheeled off-road all-terrain vehicle environmental and safety education and training program including the preparation and dissemination of vehicle information and safety advice to the public, the training of three-wheeled off-road all-terrain vehicle operators, and the issuance of three-wheeled off-road all-terrain vehicle safety certificates to vehicle operators over the age of 12 years who successfully complete the three-wheeled off-road all-terrain vehicle environmental and safety education and training course.

For the purpose of administering the program and defray a portion of the expenses of training and certifying vehicle operators, the commissioner shall collect a fee of not to exceed $5 from each person who receives the training and shall deposit the fee in the three-wheeled off-road all-terrain vehicle account. The commissioner shall cooperate with private organizations and associations, private and public corporations...
and local governmental units in furtherance of the program established under this section. The commissioner shall consult with the commissioner of public safety in regard to training program subject matter and performance testing that leads to the certification of vehicle operators.

Subd. 2 [YOUTHFUL OPERATORS] (a) A person under the age of 14 years may not operate a three-wheel off-road all-terrain vehicle on any public land or water under the jurisdiction of the commissioner unless accompanied by an adult on the vehicle or on an accompanying three-wheel off-road all-terrain vehicle.

(b) A person 12 years of age or older may operate a three-wheel off-road all-terrain vehicle on public lands and waters under the jurisdiction of the commissioner if he has in his immediate possession a valid three-wheel off-road all-terrain vehicle safety certificate issued by the commissioner.

(b) It is unlawful for the owner of a three-wheel off-road all-terrain vehicle to allow the vehicle to be operated contrary to the provisions of this section.

Sec. 12 [84 9254] [SIGNAL FROM OFFICER TO STOP]

It is unlawful for an all-terrain vehicle operator after having received a visual or audible signal from a law enforcement officer to come to a stop to (1) operate an all-terrain vehicle in willful or wanton disregard of the signal to stop (2) interfere with or endanger the law enforcement officer or any other person or vehicle or (3) increase speed or attempt to flee or elude the officer.

Sec. 13 [84 9256] [YOUTHFUL OPERATORS PROHIBITION]

Subdivision 1 [PROHIBITIONS ON YOUTHFUL OPERATORS] (a) Despite section 84 928 to the contrary a person under 12 years of age shall not make a direct crossing of a trunk county, state-aid, or county highway as the operator of an all-terrain vehicle or operate the vehicle upon a street or highway within a municipality.

(b) A person 12 years of age but less than 14 years may
make a direct crossing of a trunk county state-aid or county highway only if that person possesses a valid all-terrain vehicle safety certificate and is accompanied by a person over 18 years of age. A person under the age of 14 years shall not operate an all-terrain vehicle on public land or water under the jurisdiction of the commissioner unless accompanied by one of the following listed persons on the same vehicle if designed for more than one person or an accompanying all-terrain vehicle: the person's parent, legal guardian, or other person 18 years of age or older.

However, a person 12 years of age or older may operate an all-terrain vehicle on public lands and waters under the jurisdiction of the commissioner if that person possesses a valid all-terrain vehicle safety certificate issued by the commissioner or a valid motor vehicle operator's license.

Subd. 2 (HELMET REQUIRED) A person less than 16 years of age shall not operate an all-terrain vehicle on public land unless wearing a safety helmet approved by the commissioner of public safety.

Subd. 3 (PROHIBITIONS ON OWNER) It is unlawful to the owner of an all-terrain vehicle to permit it to be operated contrary to this section.

Subd. 4 (SUSPENSION) When the judge of a juvenile court or its duly authorized agent determines that a person less than 18 years of age has violated sections 92 to 92.99 or other state or local law or ordinance regulating the operation of an all-terrain vehicle, the judge or duly authorized agent shall immediately report the determination to the commissioner and (1) may recommend the suspension of the person's all-terrain vehicle safety certificate or (2) may recommend to the commissioner of public safety the suspension
of the person's driver's license. The commissioner may suspend
the certificate without a hearing.

Sec. 14 Minnesota Statutes 1984 section 84.927 is
amended to read

84.927 [REGISTRATION FEES UNREFUNDED GASOLINE TAX

ALLOCATION]

Subdivision 1 [REGISTRATION REVENUE] Fees from the
registration of three-wheel off-road all-terrain vehicles and
the unrefunded gasoline tax attributable to vehicle use under
section 296.16 shall be deposited in the state treasury and
credited to the three-wheel off-road all-terrain vehicle account.

Subd. 2 [PURPOSES] Subject to appropriation by the
legislature money in the three-wheel off-road all-terrain
vehicle account may only be spent for the following purposes:

(1) the education and training program under section 84.925
(2) administration and implementation of sections 84.92 to
84.929 and Laws 1984 chapter 647 sections 1 to 10 and
(4) acquisition, maintenance and development of vehicle
trails and use areas
(4) grant-in-aid programs to counties and municipalities to
construct and maintain all-terrain vehicle trails and use areas
and
(5) grants in-aid to local safety programs

The distribution of funds made available through
grant-in-aid programs must be guided by the statewide
comprehensive outdoor recreation plan.

Sec. 15 Minnesota Statutes 1984 section 84.928 is
amended to read

84.928 [RELATION TO STREETS AND HIGHWAYS] Except

LOCAL REGULATION]

Subdivision 1 [RELATION TO STREETS AND HIGHWAYS] Except
as provided in chapter 168 or in this section, a three-wheel
off-road vehicle may not be driven or operated on a three-wheel
off-road vehicle may not be driven or operated on a three-wheel
roadway shoulder or inside bank or slope of a trunk county
state-aid or county highway in this state and in the case of a
A person shall not operate an all-terrain vehicle within the right-of-way of a trunk county highway from April 1 to August 1 in the agricultural zone unless the vehicle is being used exclusively as transportation to and from work on agricultural lands. A person shall not operate an all-terrain vehicle within the right-of-way of a trunk county highway between the hours of one-half hour after sunset to one-half hour before sunrise except on the right-hand side of the right-of-way and in the same direction as the highway traffic on the nearest lane of the adjacent roadway. A person shall not operate an all-terrain vehicle at any time within the right-of-way of an interstate highway or freeway within this state.

An all-terrain vehicle may make a direct crossing of a street or highway provided:

1. The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
2. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway.
3. The driver yields the right of way to all oncoming traffic that constitutes an immediate hazard.
4. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public thoroughfare, and
5. If the crossing is made between the hours of one-half hour before sunset and one-half hour before sunrise, there is a one-half hour before sunrise,
6. The crossing is made only if the lights are on,
7. An all-terrain vehicle may be operated on a bridge other than a bridge that is part of the main traveled lanes of an interstate highway when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible provided the all-terrain vehicle is operated in the
1 extreme high and lane the entrance to the rc is made
2 within 100 feet of the bridge and the crossing is made without
3 undue delay

(d) A person shall not operate an all-terrain vehicle upon
5 a public street or highway unless the vehicle is equipped with
6 at least one headlight and one taillight each of minimum
7 candlepower as prescribed by rules of the commissioner
8 reflector material of a minimum area of 16 square inches mounted
9 on each side forward of the handlebars and with brakes
10 conforming to standards prescribed by rule of the commissioner
11 and all of which are subject to the approval of the commissioner
12 of public safety

(e) An all-terrain vehicle may be operated upon a public
14 street or highway other than as provided by paragraph (b) in an
15 emergency during the period of time when and at locations where
16 the condition of the roadway renders travel by automobile
17 impractical

(f) Chapter 169 applies to the operation of all-terrain
19 vehicles upon streets and highways except for those provisions
20 relating to required equipment and except those provisions which
21 by their nature have no application

(g) A sled trailer or other device being towed by an
23 all-terrain vehicle must be equipped with reflective materials
24 as required by rule of the commissioner

Subd 2 (OPERATION GENERALLY) It is unlawful for a
26 person to drive or operate an all-terrain vehicle

(1) at a rate of speed greater than reasonable or proper
28 under the surrounding circumstances

(2) in a reckless, reckless or negligent manner so as to
30 endanger or cause harm or damage to the person or property

of another

(3) without headlight and taillight lighted at all times

(4) without a functioning stoplight or

(5) in a manner which damages

Subd 3 (OPERATION UNDER INFLUENCE)
CONTROLLED SUBSTANCE | A person may not operate or be in control

of an all-terrain vehicle while under the influence or alcohol

as provided in section 169 121 subdivision 2 of a controlled

substance defined in section 152 01 subdivision 4. A person

violating this subdivision is guilty of a crime and is

punishable in accordance with the provisions of section 169 121

subdivisions 3 and 4.

Subd 4 [OPERATION PROHIBITED ON AIRPORTS | It is

unlawful for a person to drive or operate an all-terrain vehicle

on an airport defined in section 360 013 subdivision 5.

Subd 5 [ORGANIZED CONTESTS USE OF HIGHWAYS AND PUBLIC

LANDS AND WATERS ] Nothing in this section or chapter 169

prohibits the use of all-terrain vehicles within the right of

way of a state trunk or county state-aid highway or upon public

lands or waters under the jurisdiction of the commissioner of

natural resources in an organized contest subject to the

consent of the official or board having jurisdiction over the

highway or public lands or waters.

In permitting the contest the official or board having

jurisdiction may prescribe restrictions or conditions as they

may deem advisable.

Subd 6 [REGULATIONS BY POLITICAL SUBDIVISIONS ] Despite

any provision in this section to the contrary a county board

by resolution may permit the operation of all-terrain vehicles

upon the roadway, shoulder, or inside bank or slope of a county

highway or county state-aid highway if the roadway is in the

agricultural zone or if safe operation in the ditch or outside

bank or slope of the highway is impossible or if the

county board shall provide appropriate

regulate the operation of all-terrain vehicles within its

waters and property under its jurisdiction and on streets and

highways within its boundaries by resolution or ordinance of

the governing body and by giving appropriate notice provided

the regulations are consistent with sections 84 92 to 84 929 and

rules adopted under section 10. However the local governmental
unit may not at an ordinance which (1) impose fee for the
use of public land or water under the jurisdiction of either the
department of natural resources or other agency of the state or
for the use of an access to it owned by the state or a county or
city or (2) requires an all-terrain vehicle operator to possess
a motor vehicle driver's license while operating an all-terrain
vehicle.

Subd 7 LIABILITY TO ROAD OR TRAIL AUTHORITY When a
road trail or highway right-of-way is used as provided by
sections 84 92 to 84 928, 85 018, 100 273 subdivision 9 and
29b 16, the authority having jurisdiction and the officers and
employees of the authority are exempt from liability for any
claim by any person arising from that use. This section shall
have no effect on the liability of any party or organization
having responsibility for the maintenance of a trail or roadway
for all-terrain vehicles.

Sec 16 Minnesota Statutes 1984 section 85 018 is
amended to read

85 018 TRAIL USE VEHICLES REGULATED RESTRICTED
Subdivision 1 DEFINITIONS For the purposes of this
section—
(a) "Trail" means a recreational trail which is funded in
whole or in part by state grants-in-aid to a local unit of
government
(b) "Commissioner" means the commissioner of the state
agency from which the grants-in-aid are received
Subd 2 AUTHORITY OF LOCAL GOVERNMENT (a) A local
government unit that receives state grants-in-aid for any trail
with the concurrence of the commissioner and the landowner or
land lease may
(a) (1) designate the trail for use by snowmobiles or for
nonmotorized use from December 1 to April 1 of any year and
(b) (2) issue any permit required under subdivisions 3 to 5

(b) A local government unit that receives state
grants-in-aid under section 84 927 subdivision 2 for any
trail with the concurrence of the commi...
or land lessee may

(1) designate the trail specifically for use at various
times of the year by all-terrain vehicles for nonmotorized use
such as ski touring, snowshoeing, and hiking and for multiple
use but not for motorized and nonmotorized use at the same
time and

(2) issue any permit required under subdivisions 3 to 5

(c) A local unit of government that receives state
giants-in-aid for any trail with the concurrence of the
commissioner and landowner or land lessee may designate certain
tails for joint use by snowmobiles and all-terrain vehicles

Subd 3 [MOTORIZED USE PERMITS RESTRICTIONS] 

Use of trails shall be allowed only by permit between

and November 30 of any year. Permits may be issued for motorized
vehicles other than those designated to use a trail designated
for use by snowmobiles or all-terrain vehicles. Notice of the
permit must be conspicuously posted at the expense of the
permit holder at no less than one-half mile intervals along the
trail for the duration of the permit. Permits shall require
that permit holders return the trail and any associated facility
to their original condition if any damage is done by the
permittee. Limited permits for special events such as races may
be issued and shall require the removal of any trail markers
banners and other material used in connection with the special

Subd 1 [NONMOTORIZED USE TRAILS - WINTER] 

From December 1 to April 1 of any year no motorized vehicle shall be operated
on a trail designated for nonmotorized use such as ski touring
or snowshoe use

Subd 5 [SNOWMOBILE AND ALL-TERRAIN VEHICLE TRAILS]

RESTRICTED (a) From December 1 to April 1 in any year no use
of a motorized vehicle other than a snowmobile unless
authorized by permit, lease, or easement shall be permitted on a
trail designated for use by snowmobiles

(b) From December 1 to April 1 in any year no use of a
motorized vehicle other than an all-terrain vehicle unless
authorized imit shall be permitted on a t l designated
for use by all-terrain vehicles
Subd 6 [EXCEPTIONS] The following motor vehicles are
exempt from the provisions of subdivisions 3 to 5:
(a) military, fire, emergency, or law enforcement vehicles
used for official or emergency purposes
(b) vehicles registered to the county, state, or federal
government
(c) vehicles authorized by permit, lease, or contract
(d) vehicles owned by private persons engaged in the upkeep
and maintenance of the trail systems under the direction of the
local unit of government that manages the trail and
(e) vehicles registered to or operated with the permission
of a landowner on whose lands the trail system has been
constructed but only with respect to operation on the land of
that owner.
Subd 7 [STREETS AND HIGHWAYS] This section does not
apply to any portion of a trail located on any street or highway
as defined in section 169.01.
Subd 8 [ENFORCEMENT] The provisions of this section may
be enforced by officers of the department of natural resources
as provided in section 97.50.
Sec 17 Minnesota Statutes 1984 section 100.273
subdivision 9 is amended to read:
Subd 9 Violation of any provision of this section is a
misdemeanor. Upon a person's conviction for violating any
provision of this section, any license issued to him pursuant to
chapter 98 or any registration pursuant to section 84.82 or
84.922 under which he was exercising or attempting to exercise
a privilege while violating this section shall immediately
become null and void.
Sec 18 Minnesota Statutes 1984 section 296.16
subdivision 1 is amended to read:
Subdivision 1 [INVENT] All gasoline received in this
state and all gasoline produced in or brought into the state
except aviation gasoline and marine gasol

to be intended for use in motor vehicles in this state

Approximately three-fourths of one percent of all gasoline received in this state and three-fourths of one percent of all gasoline produced or brought into this state except gasoline used for aviation purposes is being used as fuel for the operation of motor boats on the waters of this state and of the total revenue derived from the imposition of the gasoline fuel tax or uses other than in motor boats three-fourths or one percent of such revenues is the amount of tax on fuel used in motor boats operated on the waters of this state

Approximately three-fourths of one percent of all gasoline received in or produced or brought into this state except gasoline used for aviation purposes is being used as fuel for the operation of snowmobiles in this state and of the total revenue derived from the imposition of the gasoline fuel tax or uses other than in snowmobiles three-fourths or one percent of such revenues is the amount of tax on fuel used in snowmobiles operated in this state

Approximately 0.15 of one percent of all gasoline received in or produced or brought into this state except gasoline used for aviation purposes is being used for the operation of all-terrain vehicles, also known as 4-wheel off-road vehicles, in this state and of the total revenue derived from the imposition of the gasoline fuel tax 0.15 of one percent of such revenues is the amount of tax on fuel used in all-terrain vehicles operated in this state

Sec 1 APPROPRIATION

$17,000 appropriated from the all terrain vehicle special fund to the commissioner of natural resources to be in addition to the commissioner's current appropriation.

Sec 20 EFFECTIVE DATE

This act is effective July 1, 1985
My name is William J. Fletcher, I am an agricultural safety engineer employed by the National Safety Council, 444 North Michigan Avenue, Chicago, Illinois 60611.

The National Safety Council is concerned about reports of serious injuries being incurred by users of all-terrain vehicles but does not have data or statistics not already entered into the record of this and previous hearings. We do wish to affirm our desire to assist in the mitigation of hazards arising out of the use of these vehicles whether for recreation or work.

I participated in the ATV Rider Course held near Sycamore, Illinois on August 22, 1985. The training was extremely helpful in understanding the operation of the vehicle and greatly extends my awareness of the enthusiasm shown by ATV operators. The ride is demanding.

At the current time the National Safety Council is planning two publications addressing the safe use of ATVs. The Agricultural Department is preparing a Rural Accident Prevention Bulletin - SAFE USE OF ATVs IN AGRICULTURAL WORK. This bulletin will emphasize the importance of maintenance and pre-ride checks of the vehicle. Although basic riding skills will be discussed, participation in an organized rider training course will be urged. The remainder of the publication will be devoted to agricultural applications and how they may affect safe operation of the vehicle and the implements being used.

The second production will be a booklet - SAFE OPERATION OF ALL-TERRAIN VEHICLES-ATVs (tentative title). Although directed primarily at the recreational user, it will touch on the agricultural and industrial uses made of the machines. It also will urge participation in organized safety training. The text and illustrations will offer a re-view of riding practice techniques and maintenance check-points. Use of protective gear is stressed. Preparation for the riding environment and advanced planning is a high priority in this guide.

The National Safety Council hopes that these publications in the hands of both potential and current ATV operators will contribute to rider safety awareness.
**ORIGINAL CERTIFICATE OF DEATH**

**STATE OF WISCONSIN**

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

**STATE DEATH NO.**

**DATE RECEIVED BY REGISTRAR.**

---

**DECEDENT NAME:** John Reitzell

**SEX:** Male

**DATE OF DEATH:** October 24, 1983

**COUNTY OF DEATH:** Rock

**FATHER NAME:** Chuck Reitzell

**MOTHER MAIDEN NAME:** Katie Williams

**HOSPITAL OR OTHER INSTITUTION:** Beloit Memorial hospital

**STATE OF BIRTH:** USA

**RESIDENCE STATE:** Wisconsin

**DATE OF BIRTH:** August 25, 1971

**COUNTY OF RESIDENCE:** Rock

**CITY VILLAGE OR TOWNSHIP:** Beloit

**RESIDENCE STREET AND NUMBER:** 1801 Vista

**SCHOOL:** Elementary School

**USUAL OCCUPATION:** Student

**MEDICAL EXAMINER OR CORONER:** Richard L. McCollum

**NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER:** Daley Murphy

---

**DATE AND PLACE OF INJURY:** October 24, 1983

**PLACE OF INJURY:** Beloit

**HAZARD:** Motorcyclist

**INJURY:** Multiple Traumatic Injuries

**LOCATION:** On Grand Avenue

**HAZARD AT WORK:** No

**DATE OF INJURY:** October 24, 1983

**INJURY AT WORK:** No

---

**PART OTHER SIGNIFICANT CONDITIONS:**

**DATE RECEIVED BY REGISTRAR:** Oct 28, 1983

**DUE TO OR AS A CONSEQUENCE OF:**

---

**DESCRIPTION OF INJURY OCCURRED:**

---

**DATE SIGNED:** October 25, 1983

**HOUR OF DEATH:** 5:30 P.M.

**PRONOUNCED DEAD:** October 24, 1983

**HOUR OF INJURY:** 5:30 P.M.
**STATE OF WISCONSIN**
**DEPARTMENT OF HEALTH AND SOCIAL SERVICES**

**ORIGINAL CERTIFICATE OF DEATH**

<table>
<thead>
<tr>
<th>LOCAL FILE NUMBER</th>
<th>DECEDENT NAME</th>
<th>SEX</th>
<th>DATE OF DEATH</th>
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<tbody>
<tr>
<td></td>
<td>Donald Charles Lautenbach</td>
<td>M</td>
<td>Sept. 4, 1983</td>
</tr>
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<thead>
<tr>
<th>AGE</th>
<th>UNDER 1 YEAR</th>
<th>UNDER 1 DAY</th>
<th>DATE OF BIRTH</th>
<th>COUNTY OF DEATH</th>
<th>INSIDE CITY OR VILLAGE LIMITS</th>
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<td>13</td>
<td></td>
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<td>July 18, 1970</td>
<td>Door</td>
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<table>
<thead>
<tr>
<th>STATE OF BIRTH</th>
<th>CITIZEN OF WHAT COUNTRY</th>
<th>SOCIAL SECURITY NUMBER</th>
<th>RESIDENCE STATE COUNTY STREET AND NUMBER</th>
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<tbody>
<tr>
<td>Wisconsin</td>
<td>U.S.A.</td>
<td>None</td>
<td>RFD N Cty Vilg 20 Route 1, Egg Harbor, Wisconsin 54209</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>FATHER NAME</th>
<th>MOTHER MAIDEN NAME</th>
<th>INFORMANT NAME</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel</td>
<td>Janet Dagneau</td>
<td>Daniel Lautenbach</td>
<td>Route 1, Egg Harbor, Wisconsin 54209</td>
</tr>
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<table>
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<tr>
<th>CEMETERY OR CREMATORY NAME</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. John the Baptist Cem</td>
<td>Egg Harbor, Wisconsin</td>
</tr>
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<table>
<thead>
<tr>
<th>NAME OF FACILITY</th>
<th>ADDRESS OF FACILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Davis Mortuary</td>
<td>1414 Michigan St., Sturgeon Bay, Wisconsin 54235</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME OF CORONER</th>
<th>Mailing Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Faller, M.D.</td>
<td>330 S 16th Pl, Sturgeon Bay, WI 54235</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IMMEDIATE CAUSE</th>
<th>DATE RECEIVED BY REGISTRAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intracerebral hemorrhage, severe</td>
<td>Sept 7, 1983</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATE OF INJURY</th>
<th>HOUR OF INJURY</th>
<th>PLACE OF INJURY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept 4, 1983</td>
<td>2:30 P.M.</td>
<td>County highway</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DATE SIGNED</th>
<th>HOUR OF DEATH</th>
<th>NAME OF ATTENDING PHYSICIAN</th>
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<td>2:30 P.M.</td>
<td>William Faller, M.D.</td>
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<table>
<thead>
<tr>
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<th>HOUR OF DEATH</th>
<th>PRONOUNCED DEAD</th>
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<tbody>
<tr>
<td>Sept 4, 1983</td>
<td>4:00 P.M.</td>
<td>4:00 P.M.</td>
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<table>
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<tr>
<th>WAS MEDICAL EXAMINER OR CORONER NOTIFIED?</th>
<th>PLACE OF INJURY</th>
</tr>
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<tbody>
<tr>
<td>Y</td>
<td>County highway</td>
</tr>
</tbody>
</table>

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</table>

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<tr>
<th>DESCRIPTION OF INJURY OCCURRED</th>
<th>DATE SIGNED</th>
<th>HOUR OF DEATH</th>
<th>PHASE OF INJURY</th>
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<tr>
<td>Subject lost control of three wheel vehicle</td>
<td>Sept 7, 1983</td>
<td>2:30 P.M.</td>
<td>19th</td>
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<table>
<thead>
<tr>
<th>PART</th>
<th>OTHER SIGNIFICANT CONDITIONS</th>
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</thead>
<tbody>
<tr>
<td>I</td>
<td>Due to or as a consequence of</td>
</tr>
<tr>
<td>Ia</td>
<td>Intracerebral hemorrhage, severe</td>
</tr>
<tr>
<td>Iba</td>
<td>Multiple skull fractures</td>
</tr>
<tr>
<td>Ibc</td>
<td>seconds</td>
</tr>
<tr>
<td>Ibd</td>
<td>seconds</td>
</tr>
</tbody>
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<td>330 S 16th Pl, Sturgeon Bay, WI 54235</td>
</tr>
</tbody>
</table>

| NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) |
|-----------------------------|-----------------|
| William Faller, M.D.        | 330 S 16th Pl, Sturgeon Bay, WI 54235 |
## Original Certificate of Death

**State of Wisconsin**  
**Department of Health and Social Services**

### Local File Number: 63

<table>
<thead>
<tr>
<th>Decedent Name</th>
<th>F:1</th>
<th>Med</th>
<th>L:1</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Donna</td>
<td>Kay</td>
<td>GEBERT</td>
</tr>
</tbody>
</table>

- **Race:** White
- **Under 1 Year:** 14
- **Date of Birth:** October 31, 1968
- **County of Death:** Taylor
- **State of Birth:** Wisconsin
- **Citizen of What Country:** USA
- **Social Security Number:** None
- **Residence State:** Wisconsin
- **County:** Taylor
- **City of Residence:** City of Medford
- **Street and Number:** 960 S Gibson St
- **Father Name:** Melvin
- **Mother Maiden Name:** Patricia Habermayer

### Burial
- **Name of Facility:** Memorial Hospital of Taylor County
- **Address of Facility:** 555 W Cedar St, Medford, WI 54451

### Certification
- **Date Signed:** August 14, 1983
- **Name and Address of Certifier:** Donna Holman
- **Place of Injury:** Gravel Pit (Melvin)
- **Date of Injury:** Aug 14, 1983
- **Cause:** Massive Head Injury
  - Due to or as a consequence of:
    - Multiple skull fractures
  - Date and time of accident:
    - Time of death: 4:40 PM
    - Pronounced dead: 4:45 PM
- **Certified Physician:** Milan Kanca
- **Date Signed:** Aug 16, 1983

### Autopsy
- **Was Medical Examiner or Coroner Notified?** Yes

### Date Received by Registrar
- **Date:** Aug 16, 1983
- **Location:** Little Black, Wisconsin

### Immediate Cause
- **Massive Head Injury**
  - Due to or as a consequence of:
    - Multiple skull fractures
  - Date and time of accident:
    - Time of death: 4:40 PM
    - Pronounced dead: 4:45 PM

### Place of Injury
- **At work:** No
- **At home:** Yes
- **Injury at work:** No
- **Injury at home:** Yes

### Address of Injured Person
- **St to RFD No:** 960 S Gibson St
- **City:** Medford
- **State:** WI
- **Zip Code:** 54451

### Injured Person's Occupation
- **Usual Occupation:** Student
- **Kind of Business or Industry:** Junior High School

### Other Information
- **Significant Conditions:**
  - Injurious at work: No
  - Injury at home: Yes
  - Injured person fell on head

---

**Note:** All information is provided as per the certificate of death.
STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ORIGINAL CERTIFICATE OF DEATH

DECEDED NAME: Ernest Wayne PETERSEN
SEX: Male
DATE OF DEATH: January 5, 1983

CITY, VILLAGE OR TOWNSHIP OF DEATH: Township of Royalton
COUNTY OF DEATH: Waupaca

AGE UNDER 1 YEAR: 44
DATE OF BIRTH: February 20, 1938

CITY, VILLAGE OR TOWNSHIP OF RESIDENCE: Township of Iola
COUNTY: Waupaca

RACE: White
HISPANIC ORIGIN: Not applicable

STATE OF BIRTH: Wisconsin
COUNTRY: USA

NATIONALITY: USA

INSURED SOCIAL SECURITY NUMBER: 391-36-1739

RESIDENCE STATE: Wisconsin
COUNTY: Waupaca
CITY: Township of Iola
STREET AND NUMBER: R2, Box 294

DATE OF INJURY: January 5, 1983
HOUR OF INJURY: 7:02 p.m.
PLACE OF INJURY: White Lake

INJURY AT WORK: No
INJURY AT HOME: Yes

IMMEDIATE CAUSE: Accidental Drowning

OTHER SIGNIFICANT CONDITIONS: None

APPROVAL FOR AUTOPSY: No
WAS MEDICAL EXAMINER OR CORONER NOTIFIED: Yes

DATE OF DEATH: January 5, 1983
HOUR OF DEATH: 7:02 p.m.
PRONOUNCED DEAD: Yes
PRONOUNCED DEAD BY: 8:00 p.m.

REGISTRAR: Lloyd P. Maasch, M.D., Coroner, 206 South Mill St., Weyauwega, Wis. 54983
DATE RECEIVED BY REGISTRAR: January 10, 1983
DOH 5040
Form No. DS 12
Chap 69 Wis. Stats

J
Type or Print in Permanent Black Ink

STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND SOCIAL SERVICES

ORIGINAL CERTIFICATE OF DEATH

LOCAL FILE NUMBER

DECEDENT NAME

MICHAEL HECKNER

SEX

M / F

DATE OF DEATH

July 30, 1983

DATE OF BIRTH

December 2, 1958

COUNTY OF DEATH

Waupaca

STATE OF BIRTH

Wisconsin

US./V o., y/ 1

CITIZEN OF WHAT COUNTRY

USA

SOCIAL SECURITY NUMBER

394 - 74 - 3545

FATHER NAME

Charles Heckner

MOTHER MAIDEN NAME

Lois Madsen

DECEDENT'S AGE AT DEATH

55 Mo. 1 Day

CITY VILLAGE OR TOWNSHIP OF DEATH

Waupaca

HOSPITAL OR OTHER INSTITUTION

Riverside Community Memorial Hosp.

RESIDENCE STATE

Wisconsin

RESIDENCE COUNTY

Winnebago

CITY VILLAGE OR TOWNSHIP OF RESIDENCE

Town of Menasha

INSIDE CITY OR STREET AND NUMBER

957 Paradise Lane

INSIDE CITY OR STREET AND NUMBER

957 Paradise Lane

COUNTY OF DEATH

Waupaca

MARITAL STATUS

M A L J A N

RESIDENCE STATE

Wisconsin

RESIDENCE COUNTY

Winnebago

CITY VILLAGE OR TOWNSHIP OF RESIDENCE

Town of Menasha

INSIDE CITY OR STREET AND NUMBER

957 Paradise Lane

CITY VILLAGE OR TOWNSHIP OF RESIDENCE

Menasha

INSIDE CITY OR STREET AND NUMBER

957 Paradise Lane

CITY VILLAGE OR TOWNSHIP OF RESIDENCE

Menasha

INSIDE CITY OR STREET AND NUMBER

957 Paradise Lane

NAME OF ATTENDING PHYSICIAN (IF OTHER THAN CERTIFIER (Typ o P )

NAME OF FACILITY

NAME OF PERSON IN AUTHORITY

ADDRESS OF FACILITY

Route 2, Woyauwega, Wis. 54983

FATHER NAME

Charles Heckner

MOTHER MAIDEN NAME

Lois Madsen

INFORMANT NAME (Typ P I

Susan Heckner

Mailing Address

957 Paradise Lane

Menasha

Wisconsin

54952

Cemetery or Crematory Name

St Mary's Cemetery

LOCATION

Town of Menasha

Wisconsin

DATE OF DEATH

July 30, 1983

HOUR OF DEATH

Approx. 9:00 p.m.

DATE SIGNED

Aug. 4, 1983

DATE RECEIVED BY REGISTRAR

Aug. 9, 1983

REGISTRAR

Lloyd P. Maasch, M.D., Coroner, 206 South Mill St., Woyauwega, Wis. 54983

NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, MEDICAL EXAMINER OR CORONER) (Typ o P)

PART I

Massive Internal Injuries

DATE OF INJURY

July 30, 1983

HOUR OF INJURY

Approx. 9:00 p.m.

LOCATION

Place of Injury

Farm - Town of Lind

Route 2, Woyauwega, Wis. 54983

CAUSE

INJURY AT WORK

Yes

DATE OF INJURY

July 30, 1983

HOUR OF INJURY

Approx. 9:00 p.m.

LOCATION

Route 2, Woyauwega, Wis. 54983

PART II

OTHER SIGNIFICANT CONDITIONS (Typ o P)

NAME

None

PART III

IMMEDIATE CAUSE

Massive Internal Injuries

ENTER ONLY ONE CAUSE PER LINE FOR I (i) AND III

PART IV

DATE OF INJURY

July 30, 1983

HOUR OF INJURY

Approx. 9:00 p.m.

LOCATION

Route 2, Woyauwega, Wis. 54983
<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
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</thead>
<tbody>
<tr>
<td>Local File Number</td>
<td></td>
</tr>
<tr>
<td>Name</td>
<td>Robert Allen HEINS</td>
</tr>
<tr>
<td>Sex</td>
<td>M</td>
</tr>
<tr>
<td>Race</td>
<td>White</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>July 4, 1947</td>
</tr>
<tr>
<td>County of Death</td>
<td>Brown</td>
</tr>
<tr>
<td>City of Residence</td>
<td>Green Bay</td>
</tr>
<tr>
<td>State of Birth</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>Father Name</td>
<td>Delores Heins</td>
</tr>
<tr>
<td>Date of Death</td>
<td>October 4, 1983</td>
</tr>
<tr>
<td>Place and date of Injury</td>
<td>Highland Memorial Park, 926 Meadow Lane</td>
</tr>
<tr>
<td>Name of Attending Physician</td>
<td>James H Curl, MD</td>
</tr>
<tr>
<td>Immediate Cause</td>
<td>Closed head injury</td>
</tr>
<tr>
<td>Cause of Death</td>
<td>Lost control, hit tree, ran into ditch</td>
</tr>
</tbody>
</table>

State of Wisconsin
Department of Health and Social Services
Original Certificate of Death

Statutory Authority:

Section 357.10 Wisconsin Statutes

Registration Number:

Date Filed: October 30, 1983

Date Received by Registrar: October 8, 1983

Register:

Name and Address of Certifier (Physician or Medical Examiner):

James H Curl, MD
704 South Webster Street
Green Bay, Wisconsin 54301

Date: October 1, 1983

Hour: 10:50 AM

Name of Attending Physician: James H Curl, MD

Place of Injury: Highland Memorial Park, 926 Meadow Lane

City of Residence: Green Bay, Wisconsin

County: Brown

Date of Injury: October 4, 1983

Hour of Injury: Appx 5:30 PM

Describe How Injury Occurred: Hit tree, ran into ditch

Location: Highland Memorial Park, 926 Meadow Lane

Date of Death: October 4, 1983

Hour of Death: 10:50 AM

Pronounced Dead: Yes

Autopsy: Yes

Medical Examiner or Coroner Notified: Yes

Place of Death: Highland Memorial Park, 926 Meadow Lane

City of Death: Green Bay

County of Death: Brown

State of Birth: USA

Social Security Number: 399-48-5021

Citizen of What Country: US

Address: 926 Meadow Lane

Street: Meadow Lane

Number: 926

City: Kaukauna

State: Wisconsin

Zip Code: 54130

Immediate Cause: Closed head injury

Due To or As a Consequence Of: Trauma

Other Significant Conditions: 1-2 days

County: Brown

State: Wisconsin

Date of Death: October 4, 1983

Date of Injury: October 4, 1983

Type or Print in Permanent Black Ink
<table>
<thead>
<tr>
<th>Local File Number</th>
<th>Original Certificate of Death</th>
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<tbody>
<tr>
<td>Decedent Name</td>
<td>Pierre Wittlin</td>
</tr>
<tr>
<td>Race</td>
<td>White</td>
</tr>
<tr>
<td>Age</td>
<td>24</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>April 18, 1959</td>
</tr>
<tr>
<td>Resident City</td>
<td>Appleton</td>
</tr>
<tr>
<td>State of Birth</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>Social Security Number</td>
<td>392 70 8536</td>
</tr>
<tr>
<td>Father Name</td>
<td>Gerald Wittlin</td>
</tr>
<tr>
<td>Residence City</td>
<td>Outagamie</td>
</tr>
<tr>
<td>Father's Address</td>
<td>R R #1 Black Creek Wis</td>
</tr>
<tr>
<td>Informant Name</td>
<td>Gerald Wittlin</td>
</tr>
<tr>
<td>Cemetery or Crematory Name</td>
<td>St Patricks Parish Cem</td>
</tr>
<tr>
<td>Borchard &amp; Modern Inc</td>
<td></td>
</tr>
<tr>
<td>Name of Attending Physician</td>
<td>Bernard H Kemps, 1412 W Franklin St, Appleton, Wis 54914</td>
</tr>
<tr>
<td>Immediate Cause</td>
<td>Severe Brain Injury</td>
</tr>
<tr>
<td>Description</td>
<td>Lost control of bike</td>
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<tr>
<td>Location</td>
<td>Black Creek, Wis</td>
</tr>
<tr>
<td>Place of Injury</td>
<td>Thomas Fischer Farm</td>
</tr>
<tr>
<td>Place of Death</td>
<td>Black Creek, Wis</td>
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<tr>
<td>Place of Burial</td>
<td>Black Creek, Wis</td>
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<td>Date of Death</td>
<td>Nov 4, 1983</td>
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<tr>
<td>Cause</td>
<td>All-Purpose Terrain Bike</td>
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<tr>
<td>Description</td>
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<td>Place of Burial</td>
<td>Black Creek, Wis</td>
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<tr>
<td>Date of Burial</td>
<td>Nov 4, 1983</td>
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</tbody>
</table>

**State Filing Date:** Nov 4, 1983

**State Death No.:** 15 03 02 60 00

**State of Wisconsin Department of Health and Social Services**
<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
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<tbody>
<tr>
<td>Decedent Name</td>
<td>Kristopher Keenan KREGEL</td>
</tr>
<tr>
<td>Date of Birth</td>
<td>March 25, 1981</td>
</tr>
<tr>
<td>County of Death</td>
<td>Marinette</td>
</tr>
<tr>
<td>Residence State</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>Father Name</td>
<td>James R. Kregel</td>
</tr>
<tr>
<td>Mother Maiden Name</td>
<td>Dianne Fischer</td>
</tr>
<tr>
<td>Name of Facility</td>
<td>Thiele Funeral Home</td>
</tr>
<tr>
<td>Location</td>
<td>103 Newberry Ave., Marinette, Wi. 54143</td>
</tr>
<tr>
<td>Address of Facility</td>
<td>Rt. 2 Box 81 A, Marinette, Wisconsin 54143</td>
</tr>
<tr>
<td>Date signed by funeral service license</td>
<td>March 25, 1985</td>
</tr>
<tr>
<td>Immediate Cause</td>
<td>Drowning</td>
</tr>
<tr>
<td>Condition which gave rise to</td>
<td>Time of injury: 3:26, March 25, 1985</td>
</tr>
<tr>
<td>Time of death</td>
<td>12:30 PM, March 25, 1985</td>
</tr>
<tr>
<td>Cause</td>
<td>Passenger on 3-wheeler---Broke thru ice</td>
</tr>
<tr>
<td>Other significant conditions</td>
<td>None</td>
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<tr>
<td>Autopsy</td>
<td>Yes</td>
</tr>
<tr>
<td>Medical examiner or coroner notified</td>
<td>No</td>
</tr>
<tr>
<td>Location of injury</td>
<td>Off Pond Road, Town of Peshtigo, Wisconsin 54143</td>
</tr>
<tr>
<td>Time of injury</td>
<td>3:26, March 25, 1985</td>
</tr>
<tr>
<td>Time of death</td>
<td>12:30 PM, March 25, 1985</td>
</tr>
</tbody>
</table>

This certificate details the circumstances and cause of death for Kristopher Keenan KREGEL, including the time and location of the injury, immediate cause of death, and relevant medical and legal information.
### Original Certificate of Death

**State of Wisconsin**

**Department of Health and Social Services**

**Original Certificate of Death**

**Personal Information**

- **Decedent Name:** James Roy KKFQPL
- **Race:** White
- **Age at Death:** 36
- **Date of Birth:** May 1, 1948
- **Place of Death:** Twon. of Peshtigo

**Medical Information**

- **Hospital or Other Institution:** Rural Peshtigo
- **Surrounding Spouse:** Lianne Fischer
- **Usual Occupation:** Railroad Industry

**Residence State and City**

- **State:** Wisconsin
- **County:** Marinette
- **City:** Twon. of Peshtigo

**Cause of Death**

- **Immediate Cause:** Asphyxiation
- **Contributing Conditions:**
  - Drowning
  - Respiratory Failure
  - Injuries

**Location and Time of Death**

- **Date of Death:** March 5, 1985
- **Time of Death:** 10:05 A.M.

**Medical Certification**

- **Name and Address of Certifier:** Kenneth R. Mattison, 2015 Hall Ave, Marinette, Wisconsin 54143
- **Date Signed:** March 6, 1985

**Autopsy Information**

- **Autopsy:** Yes
- **Was Medical Examiner or Coroner Notified:** Yes

**Funeral Service**

- **Funeral Home:** Thelen Funeral Home, 1403 Newberry Ave, Marinette, Wis.

**Location of Burial**

- **Cemetery or Crematory Name:** Forest Home Cemetery, Marinette, Wis.

**Additional Information**

- **Residence State and City:** Wisconsin, Twon. of Peshtigo
- **Place of Injury:** 1 mile from end of Pond rd, Peshtigo, Wis.
- **Date of Injury:** March 1, 1985

---

**State Filing Date:** March 1, 1985

**State Death No.:** 13-85-05740

---

**Date Received by Registrar:** March 5, 1985

**Reg. of Deeds:** Platteville, Wis.
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<thead>
<tr>
<th>Local File Number: 02 02</th>
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<tbody>
<tr>
<td>State of Wisconsin</td>
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<tr>
<td>Department of Health and Social Services</td>
</tr>
<tr>
<td>Original Certificate of Death</td>
</tr>
<tr>
<td>STATE OF WISCONSIN DEPARTMENT OF HEALTH AND SOCIAL SERVICES</td>
</tr>
<tr>
<td>ORIGINAL CERTIFICATE OF DEATH</td>
</tr>
<tr>
<td>STATE FILING DATE: JUL 23 85 016 717</td>
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<tr>
<td>DECEASED</td>
</tr>
<tr>
<td>DECEDENT NAME: Jari Adam Tanninen</td>
</tr>
<tr>
<td>SEX: M</td>
</tr>
<tr>
<td>DATE OF DEATH: JUL 13, 1985</td>
</tr>
<tr>
<td>RACE: White</td>
</tr>
<tr>
<td>AGE Last Birthday: 5a Years 1 7</td>
</tr>
<tr>
<td>CITY: Ashland</td>
</tr>
<tr>
<td>DATE OF BIRTH: MAY 16, 1968</td>
</tr>
<tr>
<td>HOSPITAL OR OTHER INSTITUTION: MEMORIAL MEDICAL CENTER</td>
</tr>
<tr>
<td>STATE OF BIRTH: Ontario</td>
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<tr>
<td>MARITAL STATUS: Single</td>
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<tr>
<td>SOCIAL SECURITY NUMBER: None</td>
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<tr>
<td>RESIDENCE STATE: Ontario</td>
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<tr>
<td>AGE UNDER 1 YEAR: 5b Mos [ Days</td>
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<tr>
<td>CITY VILLAGE OR TOWNSHIP OF DEATH: Ashland</td>
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<tr>
<td>AGE UNDER 1 DAY: 5c Hours I Mins</td>
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<tr>
<td>STATE OF RESIDENCE: Ontario</td>
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<tr>
<td>RESIDENCE CITY: Sault Ste Marie</td>
</tr>
<tr>
<td>JUN 15, 1985</td>
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<tr>
<td>CITY VILLAGE OR TOWNSHIP OF RESIDENCE: Sault Ste Marie</td>
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<tr>
<td>STREET AND NUMBER: Goulais Ave</td>
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<tr>
<td>CITY VILLAGE OR TOWNSHIP OF RESIDENCE: Sault Ste Marie</td>
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<td>STREET AND NUMBER: Goulais Ave</td>
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<tr>
<td>NAME OF FACILITY: FROST HOME FOR FUNERALS</td>
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<tr>
<td>ADDRESS OF FACILITY: 610 P ILS AVE ASHLAND, WISCONSIN 54806</td>
</tr>
<tr>
<td>DATE SIGNED: JUL 13, 1985</td>
</tr>
<tr>
<td>SIGNATURE: Gordon S. Whelan</td>
</tr>
<tr>
<td>NAME OF ATTENDING PHYSICIAN: Dr. Ivan Teoh</td>
</tr>
<tr>
<td>ADDRESS: 2101 BEASER AVE ASHLAND, WISCONSIN 54806</td>
</tr>
<tr>
<td>NAME AND ADDRESS OF CERTIFIER: PHYSICIAN, MEDICAL EXAMINER OR CORONER: Dr. Ivan Teoh</td>
</tr>
<tr>
<td>DATE OF INJURY: JUL 13, 1985</td>
</tr>
<tr>
<td>DATE RECEIVED BY REGISTRAR: JUL 16, 1985</td>
</tr>
<tr>
<td>NAME AND ADDRESS OF INJURIAL FACTOR: Jolma Farm</td>
</tr>
<tr>
<td>DATE OF INJURY: JUL 13, 1985</td>
</tr>
<tr>
<td>HOUR OF INJURY: 9 45 A.M.</td>
</tr>
<tr>
<td>DATE OF INJURY: JUL 13, 1985</td>
</tr>
<tr>
<td>HOUR OF INJURY: 9 45 A.M.</td>
</tr>
<tr>
<td>BREAKDOWN OF INJURY: DRIVER THROWN FROM 3 WHEEL VEHICLE (ATV) HIT FENCE &amp; GROUND</td>
</tr>
<tr>
<td>NAME OF ATTENDING PHYSICIAN: Sudden</td>
</tr>
<tr>
<td>Interval between onset and death: 2 hours</td>
</tr>
<tr>
<td>PART II OTHER SIGNIFICANT CONDITIONS: Conditions contributing to death but not related to cause given in PART I (a)</td>
</tr>
<tr>
<td>DATE OF INJURY: JUL 13, 1985</td>
</tr>
<tr>
<td>HOUR OF INJURY: 9 45 A.M.</td>
</tr>
<tr>
<td>DATE OF INJURY: JUL 13, 1985</td>
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<tr>
<td>HOUR OF INJURY: 9 45 A.M.</td>
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<tr>
<td>BREAKDOWN OF INJURY: DRIVER THROWN FROM 3 WHEEL VEHICLE (ATV) HIT FENCE &amp; GROUND</td>
</tr>
<tr>
<td>NAME OF ATTENDING PHYSICIAN: Sudden</td>
</tr>
<tr>
<td>Interval between onset and death: 2 hours</td>
</tr>
</tbody>
</table>

---

**Accident U C D D**: 2212

**National Safety Council Codes**: 13 3 22

**Injury**: 28

**Signature**: Wendell A. Erickson
HOWARD MOMMAERTS

CITY: Green Bay
HOSPITAL: Bellin Hospital

RACE: White
AGE: 70
DATE OF BIRTH: September 11, 1914
COUNTY OF DEATH: Brown

SEX: Male
DATE OF DEATH: October 2, 1984

DECEASED AT: Green Bay
HOSPITAL OR OTHER INSTITUTION: Bellin Hospital

STATE OF BIRTH: Wisconsin
US A.

SOCIAL SECURITY NUMBER: 396-03-5879

RESIDENCE STATE: Wisconsin
RESIDENCE COUNTY: Brown
RESIDENCE CITY: Green Bay
RESIDENCE ADDRESS: 3575 Judy Lane, G. B., Wis

FATHER NAME: PaulMommaerts
MOTHER MAIDEN NAME: Amelia Dashner

INFORMANT NAME: BETHLE Momaer ts
INFORMANT ADDRESS: 3575 Judy Lane, Green Bay, Wis 54301

CERTIFIED BY: Clem H. Dozer, Coroner, 352 Quincy St., Oconto, Wis 54153

IMMEDIATE CAUSE: Perforation of the Ascending Colon with generalized peritonitis

RESULT OF ACCIDENT ON 3 WHEEL A.T.V.: 10 days

DATE OF INJURY: Sept 22, '84
HOUR OF INJURY: 1:25 P.M
PLACE OF INJURY: Intersection of old 64 and Old 64 and Shady Lake Rd., Oconto County

DATE RECEIVED BY REGISTRAR: Oct 3, 1984
DATE OF INJURY: Sept 22, '84
HOUR OF INJURY: 1:25 P.M
PLACE OF INJURY: Intersection of old 64 and Old 64 and Shady Lake Rd., Oconto County

DATE OF FILING: Oct 15 84
DATE OF DEATH: Oct 2, 1984
DATE OF BIRTH: Sep 11, 1914

INJURY AT WORK: Yes

PRONOUNCED DEAD: Yes

PERIOD OF INJURY: 10 days

LOCATION: Green Bay
CITY: Green Bay
STATE: Wisconsin
ZIP: 54301

IMPACT: Yes

CAUSE OF DEATH: Perforation of the Ascending Colon with generalized peritonitis

RESULT OF ACCIDENT ON 3 WHEEL A.T.V.: 10 days

DATE RECEIVED BY REGISTRAR: Oct 3, 1984
DATE OF INJURY: Sept 22, '84
HOUR OF INJURY: 1:25 P.M
PLACE OF INJURY: Intersection of old 64 and Old 64 and Shady Lake Rd., Oconto County

DATE OF FILING: Oct 15 84
DATE OF DEATH: Oct 2, 1984
DATE OF BIRTH: Sep 11, 1914

INJURY AT WORK: Yes

PRONOUNCED DEAD: Yes

PERIOD OF INJURY: 10 days

LOCATION: Green Bay
CITY: Green Bay
STATE: Wisconsin
ZIP: 54301

IMPACT: Yes

CAUSE OF DEATH: Perforation of the Ascending Colon with generalized peritonitis

RESULT OF ACCIDENT ON 3 WHEEL A.T.V.: 10 days

DATE RECEIVED BY REGISTRAR: Oct 3, 1984
DATE OF INJURY: Sept 22, '84
HOUR OF INJURY: 1:25 P.M
PLACE OF INJURY: Intersection of old 64 and Old 64 and Shady Lake Rd., Oconto County
### Original Certificate of Death

**State of Wisconsin**

**Department of Health and Social Services**

**Original Certificate of Death**

**Local File Number**

**Decedent Name:** Raymond M. BABB

**Race:** White

**Age:** 78

**Under 1 Year:** No

**Under 1 Day:** No

**Date of Birth:** March 9, 1906

**Date of Death:** April 10, 1984

**County of Death:** Richland

**City Village or Township of Death:** Richland Center

**State of Birth:** USA

**Citizen of What Country:** USA

**Social Security Number:** 387-18-9109

**Residence State:** Wisconsin

**Farming:** Own dairy farm

**Father Name:** John Hansel Babb

**Mother Maiden Name:** Jessie May Danner

**INFORMANT NAME:** Eva Babb

**INFORMANT ADDRESS:** Route #1, Box 272 - Richland Center, WI 53581

**NAME AND ADDRESS OF CERTIFIER:**

- **Physician:** Roy C. Glise, MD - 1313 W Seminary St - Richland Center, WI 53581

**INJURY AT WORK:** No

**Date of Injury:** April 5, 1984

**Time of Injury:** Unknown

**Place of Injury:** At Home

**Cause of Death:**

- Acute failure due to trauma

**Autopsy:** No

**Method of Death:** Fell from three-wheeled motor tricycle

**Registrar:**

**Date Received by Registrar:** April 13, 1984
<table>
<thead>
<tr>
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<th>Information</th>
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<tbody>
<tr>
<td>Decedent Name</td>
<td>Nathan Allen Wienke</td>
</tr>
<tr>
<td>Date of Death</td>
<td>June 25, 1984</td>
</tr>
<tr>
<td>Race</td>
<td>White</td>
</tr>
<tr>
<td>Age</td>
<td>20</td>
</tr>
<tr>
<td>Place of Death</td>
<td>Town of Forest, Emerald</td>
</tr>
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<td>City Village or Township of Death</td>
<td>Town of Forest, Emerald</td>
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<tr>
<td>State of Birth</td>
<td>USA</td>
</tr>
<tr>
<td>Social Security Number</td>
<td>399-60-4155</td>
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<tr>
<td>Residence State</td>
<td>Wisconsin</td>
</tr>
<tr>
<td>Residence County</td>
<td>St. Croix</td>
</tr>
<tr>
<td>Residence City Village or Township of Residence</td>
<td>Town of Forest</td>
</tr>
<tr>
<td>Residence Address</td>
<td>20607 1st St., Glenwood City, WI</td>
</tr>
<tr>
<td>Immediate Cause</td>
<td>Fractures Left Forearm</td>
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<tr>
<td>Cause of Death</td>
<td>Skull Fracture</td>
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<td>Date of Injury</td>
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<tr>
<td>Place of Injury</td>
<td>On Farm</td>
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<tr>
<td>Location</td>
<td>Clear Lake Cemetery, Emerald</td>
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<tr>
<td>Date Signed</td>
<td>June 25, 1984</td>
</tr>
<tr>
<td>Date Pronounced Dead</td>
<td>June 25, 1984</td>
</tr>
<tr>
<td>Physician Name</td>
<td>Jerome G Koosmann, Coroner</td>
</tr>
<tr>
<td>Informant Name</td>
<td>Allen Wienke</td>
</tr>
<tr>
<td>Mailing Address</td>
<td>Box 60, Emerald, Wisconsin, WI</td>
</tr>
<tr>
<td>Name and Address of Certifier</td>
<td>Jerome G Koosmann, Coroner</td>
</tr>
<tr>
<td>Address of Facility</td>
<td>Clear Lake Cemetery, Emerald</td>
</tr>
<tr>
<td>Address of Facility</td>
<td>607 1st St., Glenwood City, WI</td>
</tr>
<tr>
<td>Father Name</td>
<td>Allen Wienke</td>
</tr>
<tr>
<td>Mother Maiden Name</td>
<td>Karen Fox</td>
</tr>
<tr>
<td>Birthplace</td>
<td>Minnesota</td>
</tr>
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<td>Usual Occupation</td>
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<td>Marital Status</td>
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<tr>
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<td>Date of Injury</td>
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<td>Cause of Death</td>
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<tr>
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<tr>
<td>Place of Injury</td>
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<tr>
<td>Description of Injury</td>
<td>Three Wheeler Hit Tree, No Helmet</td>
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<tr>
<td>Date of Injury</td>
<td>June 25, 1984</td>
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<td>Hour of Injury</td>
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<td>Date of Death</td>
<td>June 25, 1984</td>
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<td>Pronounced Dead</td>
<td>1:53 PM</td>
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<td>Name and Address of Certifier</td>
<td>Jerome G Koosmann, Coroner</td>
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<tr>
<td>Location</td>
<td>Clear Lake Cemetery, Emerald</td>
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<tr>
<td>Name of Facility</td>
<td>Everts Funeral Home, Inc</td>
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<tr>
<td>Address of Facility</td>
<td>607 1st St., Glenwood City, WI</td>
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<tr>
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<tr>
<th>Field</th>
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<tr>
<td>Decedent Name</td>
<td>John H STUETTGEN</td>
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<tr>
<td>Date of Birth</td>
<td>August 13, 1937</td>
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<tr>
<td>Place of Death</td>
<td>1612 Fire Lane Road, Town of Stephenson, Wisconsin</td>
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<tr>
<td>Social Security Number</td>
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<tr>
<td>Race</td>
<td>White</td>
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<td>Age</td>
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<td>Date of Death</td>
<td>July 14, 1984</td>
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<td>State Death No</td>
<td>Ju. 30 Sd 0 I 6 7 9 6</td>
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<td>Decedent's Occupation</td>
<td>Mason Contractor</td>
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<td>Surviving Spouse</td>
<td>Sandra A Mills</td>
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<td>George STUETTGEN</td>
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<td>Mother Maiden Name</td>
<td>Lillian Fassbender</td>
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<td>Richfield, Wisconsin</td>
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<td>Town of Stephenson</td>
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<td>Hospital or Other Institution</td>
<td>(accident site) 1612 Fire Lane Road</td>
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<td>1585 Mayfield Road, Richfield, Wisconsin</td>
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<td>Massive Head Injuries</td>
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<td>Place of Injury</td>
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<td>Description of Injury</td>
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<td>Cause Code</td>
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<td>Part 1</td>
<td>A C (Traffic accident)</td>
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<td>Due to or as a consequence of Head Injuries</td>
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<td>County of Death</td>
<td>Marinette</td>
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<td>Wisconsin</td>
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<td>Jul 30 84 016796</td>
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<td>Local File Number</td>
<td>DOH 5040</td>
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The certificate is a formal document certifying the death of John H Stuettgen, including details such as his date of birth, place of death, occupation, and the cause of death. It also includes information about his surviving family members and the attending physician. The document is from the State of Wisconsin, Department of Health and Social Services, and is an original certificate of death.
# Original Certificate of Death

## Personal Information
- **Decedent Name:** Myron Frazza
- **Race:** White
- **Age:** 33
- **Date of Birth:** Jan 16, 1951
- **Marital Status:** Single
- **Occupation:** Maintenance Man
- **Residence State:** Wisconsin
- **Place of Death:** Wausau
- **Hospital:** Wausau Hospital Center
- **Date of Death:** Nov 26, 1984

## Medical Information
- **Place of Injuries:** Wausau
- **Place of Death:** Wausau Hospital Center
- **Causes of Death:**
  - Part I: Irreversible brain stem injury
  - Part II: Closed head injury

## Location
- **Location:** 819 Broadway, Wausau, WI 54401

## Signatures
- **Registrar:**
- **Informant:** Mrs. Lois Frazza
- **Certificate:**
- **Funeral Service:** Pine Grove Cemetery
- **Burial:** 819 Broadway

## Notes
- **Dates:**
  - Date of Birth: Jan 16, 1951
  - Date of Death: Nov 26, 1984
**Decedent Name:** Sherry Lee Steier  
**Race:** White  
**Age:** 15  
**Date of Birth:** January 23, 1969  
**City of Birth:** Oconto Falls, Wisconsin  
**State of Birth:** Wisconsin  
**Social Security Number:** 390-76-6449  
**Marital Status:** Single  
**Usual Occupation:** Student  
**Business or Industry:** High School  
**Place of Residence:** Oconto Falls, Wisconsin  
**Date of Death:** March 18, 1984  
**County of Death:** Oconto  
**Place of Death:** Community Memorial Hospital  
**Immediate Cause:** Skull Fracture  
**Due to or as a consequence of:** Accident on 3-wheeler (ATV)  
**Location of Injury:** 315 Pecor Street, Oconto, Wisconsin 54153  
**Time of Injury:** 6:15 PM  
**Date of Injury:** March 18, 1984  
**Injury at Work:** No  
**Place of Injury:** Community Memorial Hospital  
**Location of Death:** Community Memorial Hospital  
**Time of Death:** March 18, 1984, 7:50 PM  
**Reason for Death:** Skull Fracture  
**Cause of Death:** Accident on 3-wheeler (ATV)
Jeffrey Richard Sonntag

Race: White

Age: 13

City: City of Madison

State of Wisconsin

Date of Birth: March 6, 1971

County of Death: Dane

Insured City or Village Limits: Yes

State of Birth: Minnesota

Country of Citizenship: USA

Social Security Number: 469 70 0564

Residence State: Wisconsin

County: Dane

City: Fitchburg

Village or Township of Residence: Sun Prairie

Street and Number: 2896 Osmundsen Road

Father Name: Robert W. Sonntag

Mother Maiden Name: Roberta J. Bacon

Informant Name: Robert W. Sonntag

Address of Facility: 3610 Speedway Rd., Madison WI 53705

Cemetery or Crematory Name: Cress Crematory

Name of Facility: Cress Funeral Service

Date Signed: April 18, 1984

Hour of Death: 2:25 a.m.

Date Pronounced Dead: April 12, 1984

Hour Pronounced Dead: 2:25 a.m.

Name and Address of Certifier (Physician, Medical Examiner, or Coroner): Clyde F. Chamberlain, Dane County Coroner, GR-4, City-County Building, Madison, Wisconsin 53709

Immediate Cause: Massive Internal Hemorrhage

Due to or as a consequence of Liver Damage

Due to or as a consequence of All Terrain Vehicle Accident

WAS MEDICAL EXAMINER OR CORONER NOTIFIED? Yes

Date of Injury: April 11, 1984

Hour of Injury: 4:05 p.m.

Place of Injury: Farm

Location: 6903 Midtown Road, Town of Verona, Wisconsin
# Original Certificate of Death

**State of Wisconsin**
**Department of Health and Social Services**

**Original Certificate of Death**

**Local File Number:**

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
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<tbody>
<tr>
<td>Decedent Name</td>
<td>Dustin John BRUGGINK</td>
</tr>
<tr>
<td>Race</td>
<td>White</td>
</tr>
<tr>
<td>Age</td>
<td>12</td>
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<tr>
<td>City Village or Township of Death</td>
<td>Town of Sherman</td>
</tr>
<tr>
<td>State of Birth</td>
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<tr>
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<td>USA</td>
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<tr>
<td>Social Security Number</td>
<td>394-76-7825</td>
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<tr>
<td>Residence State</td>
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<td>Father Name</td>
<td>Wayne L Bruggink</td>
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<tr>
<td>Mother Maiden Name</td>
<td>Carol M Ostrander</td>
</tr>
<tr>
<td>Informant Name</td>
<td>Wayne L Bruggink</td>
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<tr>
<td>Mailing Address</td>
<td>Rt #1 Adell Wis 53001</td>
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<td>Cemetery or Crematory Name</td>
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<tr>
<td>Name of Facility</td>
<td>Grostag-Huehns Funeral Home 915 Center St Oostburg Wis 53070</td>
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<td>Name of Attending Physician</td>
<td>Roberta Sertic, Deputy Coroner 206 Buffalo, Sheboygan, Wis 53085</td>
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<tr>
<td>Date Signed</td>
<td>July 7, 1984</td>
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<tr>
<td>Hour of Death</td>
<td>11:00 AM</td>
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<td>Pronounced Dead</td>
<td>July 6, 1984</td>
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<tr>
<td>Place of Injury</td>
<td>Farm Field</td>
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</tbody>
</table>

**Accident Information:**

- Date of Injury: July 6, 1984
- Hour of Injury: 1:50 PM
- Location: Farm Field

**Description of How Injury Occurred:**

Passenger in a small plane behind an insecticide truck

**Immediat Cause:**

Fracture of Skull due to or as a consequence of traumatic head injury.

**Other Significant Conditions:**

- 1935
- 1940
- 1955
- 1960

**Autopsy:**

No

**Was Medical Examiner or Coroner Notified?**

Yes

**State of Wisconsin Department of Health and Social Services**

**State Filing Date:**

JUL 12 84 01 5345

**State Death Number:**

JUL 12 84 01 5345
STATE OF WISCONSIN
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
ORIGINAL CERTIFICATE OF DEATH

DECEDENT NAME: Dawn Marie HEEG

SEX: F
DATE OF DEATH: July 27, 1984

RACE: White

CITY OR TOWNSHIP OF DEATH: Marshfield

RESIDENCE: Wisconsn

AGE: 7

DATE OF BIRTH: May 17, 1977

CITY OR TOWNSHIP OF RESIDENCE: Town of Brighton

COUNTY: Marathon

COUNTY OF DEATH: Wood

DATE OF INJURY: July 27, 1984

PLACE OF INJURY: Town Road

AUSEOLOGY: Severe Head injury

IMMEDIATE CAUSE: All Terrain Vehicle accident

Other Significant Conditions: Losing control of vehicle

Name of Attending Physician: Duwayne Kundinger

Date of Injury: July 27, 1984

HOUR OF INJURY: 12:55 P.M.

Place of Injury: Route #1 Box 144, Unity

Cemetery or Crematory Name: St Mary's Cemetery

Name of Facility: Rembs/Kundinger PH

Address of Facility: 300 South Oak Ave, Marshfield

Name and Address of Certifier: Marvin G. Nelles, Marathon County Deputy Coroner

Date Received by Registrar: Jul 31, 1984

Registrar:(Print)

HOUR OF DEATH: 1:20 P.M.

Date of Death: July 27, 1984

Address of Death: Route #1 Box 144, Unity, Wisconsin

Date Signed: July 30, 1984

Deputy Coroner: (Print)

Date of Injury: July 27, 1984

HOUR OF INJURY: 12:55 P.M.

Place of Injury: Route #1 Box 144, Unity

Cemetery or Crematory Name: St Mary's Cemetery

Name of Facility: Rembs/Kundinger PH

Address of Facility: 300 South Oak Ave, Marshfield

Name and Address of Certifier: Marvin G. Nelles, Marathon County Deputy Coroner

Date Received by Registrar: Jul 31, 1984

Registrar: (Print)

HOUR OF DEATH: 1:20 P.M.

Date of Death: July 27, 1984

Address of Death: Route #1 Box 144, Unity, Wisconsin

Date Signed: July 30, 1984

Deputy Coroner: (Print)

Date of Injury: July 27, 1984

HOUR OF INJURY: 12:55 P.M.

Place of Injury: Route #1 Box 144, Unity

Cemetery or Crematory Name: St Mary's Cemetery

Name of Facility: Rembs/Kundinger PH

Address of Facility: 300 South Oak Ave, Marshfield

Name and Address of Certifier: Marvin G. Nelles, Marathon County Deputy Coroner

Date Received by Registrar: Jul 31, 1984

Registrar: (Print)

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