

# Limits sought for ATVs

## Bikes dangerous, victim says

By Jim Carney  
Beacon Journal staff writer

John McKinley worries about young people riding all-terrain vehicles — for good reason.

McKinley, 35, was paralyzed from the neck down in an accident nearly eight years ago in Portage County.

"They're dangerous. I don't see anything safe about them," McKinley said of the popular off-the-road, three-wheel vehicles with the big, soft tires.

McKinley, who won a \$2.5 million judgment against Honda, the manufacturer of the ATV he was riding when he was hurt in October 1979, is not alone in his worries.

There is a growing chorus of voices calling for limits — and even bans — on the bikes because of the number of deaths and injuries among riders.

At the same time, there is a new emphasis among ATV trade and industry groups on safety education for riders.

ATVs, also available in four-wheel models, can cost \$800 to more than \$3,000. When introduced several years ago, they were used primarily as utility vehicles on farms, but today only about one-third are used for work, according to industry officials.

The three-wheel ATVs are generally considered to be more unstable and therefore more dangerous, according to experts.

More than 644 people have died and more



Beacon Journal photo Ron Kunes

ATV accident victim, John McKinley

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than 272,000 have been injured in ATV accidents since 1982, according to the Consumer Product Safety Commission.

However, those numbers could be conservative. Many deaths and injuries involving ATVs are not reported to police since they occur on private property and are not considered highway accidents. In Ohio, there are no statistics on ATV deaths.

The American Academy of Pediatrics reports that 30 percent of ATV injuries involve children 5 to 14 years old, and more than 40 percent of the ATV deaths in the last five years involved youths 16 and younger.

The emergency room at Children's Hospital-Medical Center of Akron may treat two or three ATV injuries a week during the summer, according to Dr. Robert Felter, director of the division of emergency and trauma.

"ATVs are one of the most dangerous things invented," Felter said. "The worst part is the head and neck injuries."

Proposals to restrict ATVs include:

- A call by the Consumer Product Safety Commission for a voluntary ban on the manufacture and marketing of ATVs designed for children 12 and under.

- Legislation drafted by Columbus attorney Michael Garth Moore that would improve safety features on the bikes, require dealer-supplied training and mandate a warning label on ATVs that do not have a rollover bar and occupant-restraint system. The legislation has received no sponsors in the Ohio Legislature.

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- A call by the pediatrics group to recall all ATVs and ban production until the vehicles can be made safer. The group also believes children 14 and under should be prohibited from using them.

The *Annals of Emergency Medicine* reported recently that ATVs have "inherent stability problems and are ridden in dangerous areas by many people who have been drinking, and often by children under 16."

In the last decade, more than 2 million ATVs have been sold in the United States, according to Roy Janson, president of the American All-Terrain Vehicle Association.

In testimony before a congressional subcommittee last year, Janson said his group believes that people who buy ATVs should recognize the inherent dangers in motorized recreation and "that problems result primarily from how a vehicle is used rather than from its design."

If an adult buys an ATV for a child, Janson said, "that adult must assume the responsibility for the use or supervision of that use of that product."

"And this does not mean responsibility for some of the use,

part of the use or most of the use, but to all of the use," he said. "This responsibility is absolute."

The Specialty Vehicle Institute of America has begun a nationwide campaign to promote safety awareness and rider education. The group offers several free ATV safety booklets to people calling 1-800-447-4700.

One booklet, *Parents, Youngsters and ATVs*, gives tips on how to determine if a child is old enough to ride an ATV.

"ATVs have unique handling characteristics," the booklet says. "Serious personal injury can result from improper use of ATVs."

Alan R. Isley, president of the institute, said the federal government has not proved a design flaw in ATVs. "It's more the misuse by the vehicle owner," he said.

Dave Young, sales manager of Mark Smith Honda in Akron, said his sales force tries to steer ATV buyers to four-wheel models if the drivers are inexperienced.

"It's bad business when we sell a three-wheeler and they get hurt," he said.

Young said as many as 300 ATVs a month are sold at his dealership during the busiest

months of September through January. Currently, he said, about half of the ATVs sold are three-wheelers.

In Ohio, there is no safety education requirement for youngsters who drive ATVs.

Ohio law allows youngsters under 12 to ride ATVs on their parents' or guardian's property. Youngsters 12 to 16 years old can ride on other private property if accompanied by an adult with a valid driver's license and can ride on state-controlled land if accompanied by a parent or guardian, according to Bureau of Motor Vehicle spokesman Frank Ryan.

Attorney Moore said that allowing a young child to drive an ATV "is worse than putting a loaded gun into the hands of a kid."

It is essential "that no one under 16 should operate them," he said.

However, McKinley knows that children are not the only ones at risk.

McKinley said he was drinking beer the day of his accident and that he was responsible for the accident. He was traversing a hill when the bike started to tip. Instead of giving the bike more gas, he put on the brakes and "lipped over, landing on his neck."

His attorney, Tim Scanlon of Akron, was able to convince the court that the ATV is a dangerous machine and won \$2.5 million for his client from Honda.

McKinley, a divorced father of two, lives in a \$235,000 house in Suffield Township with wheelchair ramps and lifts to get him in and out of bed and in and out of a whirlpool in his bathroom.

Before his accident, he was a Coca-Cola truck driver and a laborer on construction jobs.

He spent several months in hospitals in Cleveland and Warren and 3½ years in a Tallmadge nursing home before moving into his house after his 1985 court settlement.

"I'm a statistic," McKinley said. "There are a lot of people out there like this. If I can stop one person from getting hurt or killed, that's what I want."