

1 SENATE JOINT MEMORIAL 56

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

4 Sue Wilson Beffort

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10 A JOINT MEMORIAL

11 REQUESTING THE DEPARTMENT OF GAME AND FISH TO CREATE A PROPOSAL  
12 FOR THE DESIGN AND IMPLEMENTATION OF A STATEWIDE YOUTH SAFETY  
13 TRAINING PROGRAM PURSUANT TO THE OFF-HIGHWAY MOTOR VEHICLE ACT.  
14

15 WHEREAS, the legislature enacted and the governor signed  
16 the Off-Highway Motor Vehicle Act and Senate Bill 379 of the  
17 first session of the forty-ninth legislature, which amended the  
18 Off-Highway Motor Vehicle Act, to encourage safe, responsible  
19 use of off-highway motor vehicles and, specifically, to reduce  
20 the incidence of accidents involving youth; and

21 WHEREAS, Senate Bill 379 requires youth operators of off-  
22 highway motor vehicles to be safety trained in a state-approved  
23 program and requires the youth operator to carry proof of the  
24 training in the form of a certificate; and

25 WHEREAS, the required training for all-terrain vehicles is

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1 currently not available in most areas of the state and may be  
2 prohibitively costly, and training for off-road motorcycles is  
3 not available at all; and

4 WHEREAS, Senate Bill 379 makes the lack of training  
5 certification a violation of the Motor Vehicle Code, which can  
6 result in a ticket and fine; and

7 WHEREAS, it is extremely difficult for citizens of New  
8 Mexico to comply with the current off-highway motor vehicle  
9 laws pertaining to youth operation of those vehicles; and

10 WHEREAS, the safety requirements of Senate Bill 379 cannot  
11 be fully enforced because citizens cannot be expected to comply  
12 with the youth certification requirements if training is not  
13 reasonably available; and

14 WHEREAS, Senate Bill 379 authorizes the department of game  
15 and fish to make distributions from the trail safety fund for  
16 education and training; and

17 WHEREAS, Senate Bill 379 was given emergency  
18 implementation status, stating "It is necessary for the public  
19 peace, health and safety that this act take effect  
20 immediately"; and

21 WHEREAS, the legislature wants implemented the legislation  
22 to improve the enforcement of off-highway motor vehicle  
23 regulations for youth safety training;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
25 STATE OF NEW MEXICO that the department of game and fish be

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1 requested to create a proposal for the design and  
2 implementation of a statewide youth safety training program  
3 pursuant to Senate Bill 379, including a timetable and budget;  
4 and

5 BE IT FURTHER RESOLVED that this proposal be provided to  
6 the appropriate interim legislative committee, appointed by the  
7 New Mexico legislative council, before December 15, 2010; and

8 BE IT FURTHER RESOLVED that a copy of this memorial be  
9 transmitted to the director of the department of game and fish.