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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/29/10  
 LAST UPDATED 02/10/10 HJM 32/HTPWCS

SPONSOR HTPWC

SHORT TITLE Enforce Off-Highway Motor Vehicle Act SB \_\_\_\_\_

ANALYST Pava

### APPROPRIATION (dollars in thousands)\*

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE (dollars in thousands)\*

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY10	FY11	FY12		
	See Fiscal/ Administrative Implications			Trail Safety

(Parenthesis ( ) Indicate Revenue Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)\*

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		See Fiscal/ Administrative Implications				Trail Safety

(Parenthesis ( ) Indicate Expenditure Decreases)

\* Fiscal impact data provided by the Department of Game and Fish.

Original HJM 32 duplicates Senate Joint Memorial 31.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Game and Fish (DGF)

**SUMMARY**

Synopsis of Bill

The House Transportation and Public Works Committee (HTPWC) Substitute for House Joint Memorial 32 requests that the Department of Game and Fish prepare a timetable and budget for implementing the Off-Highway Vehicle Act and a statewide OHV youth safety training program. SJM 32/HTPWC also requests the DGF to provide a progress report to an interim legislative committee before December 15, 2010.

**FISCAL IMPLICATIONS**

See Administrative implications.

**SIGNIFICANT ISSUES**

The HTPWC substitute adds the requirement of a timetable and budget for implementing the Off-Highway Vehicle Act along with a progress report by the end of the year.

DGF indicates that by state law, off-highway motor vehicle riders under the age of 18 must have a certificate proving they have taken a safety training course. The DGF is currently preparing a management plan that includes a strategy for developing online OHV training course that covers the material in all safety courses and also includes New Mexico-specific information required by statute. In accordance with the existing OHV rule, New Mexico currently accepts safety training courses from other states and entities. Some of this training is available online, at little or no cost to students. These online courses are available to anyone in New Mexico with access to a computer.

**PERFORMANCE IMPLICATIONS**

The requests outlined in SJM 32/HTPWC are consistent with the DGF plans and are required by existing statute. The DGF has identified development of a New Mexico-specific training course that teaches awareness of the State's agricultural, cultural, archaeological, and historic values customs and lifestyles as one of the highest priorities for this program.

**ADMINISTRATIVE IMPLICATIONS**

DGF advises the following:

1. If New Mexico does not certify online training for OHV users, the alternative would be to only offer hand-on, in-person training, which would require development of a large contingent of instructors and the acquisition of a fleet of age-appropriate off-highway vehicles. Regular maintenance and safety checks will add to the expense of developing this fleet, as will the acquisition of helmets, eye protection, trailers, gas and oil; and
2. Online courses developed through the OHV program operating budget can be offered to New Mexico residents at no cost, or for a nominal fee to the person taking the training. Based on commercially available training, a hands-on training course cost averages \$50 for youth and \$150 for adults. Class size is limited to 8 for adults, 4 for children. The DGF is concerned that these factors could limit participation, hampering compliance with the law.

**DUPLICATION**

The original SJM 32 is a duplicate of Senate Joint Memorial 31.

**OTHER SUBSTANTIVE ISSUES**

As background, DGF advises that it was successful in getting the New Mexico Law Enforcement Academy Board to require a 3-hour biennial training in OHV laws for all certified law enforcement officers in New Mexico (10.29.7.8.7 NMAC). This was done so that all officers could be trained in OHV enforcement to gain the ability to enforce the law at a statewide level. This increased awareness and ability to enforce the law as is consistent with the language in the memorial.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

DGF states, “The Department will continue implementation of a safety training course and carrying out enforcement activities and other responsibilities articulated in the law.”

CP/mew