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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/09/10

SPONSOR Griego, P. LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Enforce Off-Highway Motor Vehicle Act SJM 31

ANALYST Wilson

### APPROPRIATION (dollars in thousands)

| Appropriation |      | Recurring<br>or Non-Rec | Fund<br>Affected |
|---------------|------|-------------------------|------------------|
| FY10          | FY11 |                         |                  |
|               | NFI  |                         |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game & Fish (DGF)

### SUMMARY

#### Synopsis of Bill

The Senate Joint Memorial 31 requests DGF to enforce the Off-Highway Motor Vehicle Act, including creating a proposal for the design and implementation of a statewide youth safety training program pursuant to Senate Bill 379 and including a timetable and budget.

This proposal must be provided to the appropriate interim legislative committee, appointed by the New Mexico legislative council, before December 15, 2010.

Senate Bill 379, Off-Highway Vehicle Regulations was enacted in the 2009 Regular Session. The bill requires youth operators of off-highway motor vehicles to be safety trained in a state approved program and requires the youth operator to carry proof of the training in the form of a certificate.

### FISCAL IMPLICATIONS

The memorial will have no fiscal impact.

Online courses developed through the OHVA 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.

## **SIGNIFICANT ISSUES**

The legislature enacted and the governor signed the Off-Highway Motor Vehicle Act (OHVA) and Senate Bill 379 of the first session of the forty-ninth legislature, which amended the Off-Highway Motor Vehicle Act, to encourage safe, responsible use of off-highway motor vehicles and, specifically, to reduce the incidence of accidents involving youth.

The required training for all-terrain vehicles is currently not available in most areas of the state and may be prohibitively costly, and training for off-road motorcycles is not available at all.

Senate Bill 379 makes the lack of training certification a violation of the Motor Vehicle Code, which can result in a ticket and a fine.

It is extremely difficult for residents of New Mexico to comply with the current off-highway motor vehicle laws pertaining to youth operation of those vehicles.

The safety requirements of Senate Bill 379 cannot be fully enforced because residents cannot be expected to comply with the youth certification requirements if training is not reasonably available.

Senate Bill 379 authorizes the DGF to make distributions from the trail safety fund for education and training.

In accordance with the existing OHVA 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.

DGF is exploring the development of an online course that covers the material in all safety courses and also includes New Mexico-specific information required by statute.

The requests outlined in this memorial 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 can handle the provisions of this memorial with existing staff as part of ongoing responsibilities.

## **OTHER SUBSTANTIVE ISSUES**

The DGF was successful in getting the New Mexico Law Enforcement Academy Board to require a three hour biennial training in OHVA laws for all certified law enforcement officers in

**Senate Joint Memorial 31 – Page 3**

New Mexico (10.29.7.8.7 NMAC). These were done so that all officers statewide could be trained in OHVA enforcement and thereby enforce the law at a statewide level. This increased awareness and ability to enforce the law is consistent with the language in the memorial.

DW/mt