

HOUSE JOINT MEMORIAL 32

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

INTRODUCED BY

Don L. Tripp

A JOINT MEMORIAL

REQUESTING THE DEPARTMENT OF GAME AND FISH 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 THE OFF-HIGHWAY MOTOR VEHICLE ACT.

WHEREAS, the legislature enacted and the governor signed the Off-Highway Motor Vehicle Act 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; and

WHEREAS, Senate Bill 379 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; and

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

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

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

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

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

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

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

25 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE

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1 STATE OF NEW MEXICO that the department of game and fish be
2 requested to enforce the Off-Highway Motor Vehicle Act,
3 including creating a proposal for the design and implementation
4 of a statewide youth safety training program pursuant to Senate
5 Bill 379 and including a timetable and budget; and

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

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