

1 SENATE JOINT MEMORIAL 31

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

3 INTRODUCED BY

4 Phil A. Griego

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10 A JOINT MEMORIAL

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

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

22 WHEREAS, Senate Bill 379 requires youth operators of off-
23 highway motor vehicles to be safety trained in a state-approved
24 program and requires the youth operator to carry proof of the
25 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 residents 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 residents cannot be expected to
13 comply with the youth certification requirements if training is
14 not 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 the legislation implemented
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.

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