

LFC Requester:	Noah Montano
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/20/2025 *Check all that apply:*
Bill Number: HB 372 Original Correction
 Amendment Substitute

Sponsor: Rep. Rebecca Dow, Rep. Luis Terrazas, Rep. Raymundo Lara, Rep. Patricia A. Lundstrom, Rep. Johnathan A. Henry. **Agency Name and Code Number:** Dept. of Game and Fish – 516
Short Title: Off-Highway Motor Vehicle Act Changes **Person Writing:** Michael Sloane
Title: Off-Highway Motor Vehicle Act Changes **Phone:** 505/476-8000 **Email:** Michael.sloane@dgf.nm.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NA	NA	NA	NA
NA	NA	NA	NA

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
Unknown	Unknown	Unknown	Recurring	Trail Safety Fund 108400

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NA	NA	NA	NA	NA	NA

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB371, SB96, SB462, SB472
Duplicates/Relates to Appropriation in the General Appropriation Act None

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB372 amends 66-3-1001.1 NMSA 1978 and aims to correct and update a variety of items in the current OHV Act. There are four major elements to these amendments:

1. Update the language in the current New Mexico Off-Highway Vehicle Act to account for the new larger Recreational Off-Highway Vehicles (ROVs) on the market (weight and engine size).
2. Allow operators under 18 with a driver's license to have an adult supervisor over the age of 18 as a passenger on all-terrain vehicles (ATVs) and ROVs.
3. It eliminates the language about OHV registration reciprocity between New Mexico and other states and requires that all non-residents purchase a New Mexico non-resident OHV permit.
4. It broadens the impact studies the managing agency of the OHV Program (NM Dept of Game & Fish) is allowed to undertake using Trail Safety Fund monies to include economic and public safety impact studies.

FISCAL IMPLICATIONS

This bill could impact the New Mexico Department of Game and Fish Off-Highway Vehicle Program financially in several ways. By changing the weight and CC requirements, more ROVs will become eligible for registration, and the OHV program will see an increase in revenue from registration fees from those who were previously excluded.

By eliminating reciprocity, the OHV program will, based on the recent examples of neighboring States, receive an estimated fiscal increase of between \$200,000 and \$500,000 the first year and up to \$500,000 each year after the change has had time to take effect. An impactful benefit to ending reciprocity would be allowing the OHV program to reach and educate all non-resident OHV recreationists about New Mexico's OHV laws and rules. Currently, the Department is only able to reach a small portion via rack cards included in the current non-resident permit mailings (for those who purchase a New Mexico non-resident OHV permit) or available at ports of entry.

SIGNIFICANT ISSUES

The passenger language in the bill allowing a supervising passenger with riders under 18 is problematic. Not all machines are designed to carry passengers and improper weight distribution could lead to accidents. Passengers are detrimental to the safe operation of all OHVs except ROVs, which are equipped with passenger seating, safety belts, handholds, and vehicle rollover protection structures. Allowing passengers only on ROVs

operated by adults or fully licensed or supervised youth under 18 and excluding them from ATVs, motorcycles, and snowmobiles would address this concern.

PERFORMANCE IMPLICATIONS

Unknown.

ADMINISTRATIVE IMPLICATIONS

Unknown.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None at this time.

TECHNICAL ISSUES

None at this time.

OTHER SUBSTANTIVE ISSUES

None at this time.

ALTERNATIVES

None at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

See Fiscal Implications above.

AMENDMENTS

To reduce the risk on an ATV, motorcycle and snowmobile it is not recommended to have additional riders due to weight distribution outside of what the machines are designed.