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New Mexico ATV Safety Bill Passes Senate; Gets Timed Out in the House

ATV Industry Will Continue Push for Enactment in 2005; Commends Support for Comprehensive ATV Safety Initiative

IRVINE, Calif., Feb. 27, 2004 – A comprehensive all-terrain vehicle (ATV) safety bill sponsored by Sen. Dede Feldman, D-Albuquerque, cleared the New Mexico Senate and House Judiciary Committee last week but the legislature adjourned before it reached a full House vote. Representing the ATV industry, Specialty Vehicle Institute of America (SVIA) Vice President of Government Relations Kathy Van Kleeck expressed disappointment that the bill was not passed, but commended the efforts of many groups and individuals who supported the bill, and vowed that the ATV industry would continue to work toward the passage of a bill in 2005. SVIA retained a lobbyist in New Mexico to support this constructive ATV safety legislation and to be an on-site advocate for the industry's safety initiatives. SVIA's lobbyist worked with off-highway vehicle (OHV) dealers in the state who were also supportive of safety legislation.

Why State Legislation Is So Important

An analysis(1) of ATV fatalities in New Mexico from 1990 through 2002 showed that 91% involved one or more behaviors that are strongly and visibly "warned against" by the industry in dealerships, in product literature, in public awareness messages, through rider training, and on the vehicle itself. These risky behaviors include riding without a helmet, riding with a passenger, children riding adult-sized ATVs, riding on public roads, riding under the influence of alcohol or other drugs, and riding at excessive speed. To address these "warned against behaviors," the industry's Model State Legislation imposes age limits and other restrictions on ATV operation.

States with Comprehensive ATV Safety Legislation Have a Much Stronger Safety Record

SVIA worked with legislators in Texas to enact laws that were closely patterned after the industry's Model Legislation and the results document the effectiveness of such state legislation. The Texas law requires all ATV operators under age 14 to be accompanied by and under the direct supervision of a parent, guardian or adult authorized by the parent or guardian. In addition, in order to obtain the safety certificate necessary to operate an ATV on public property, a child under 14 must take a hands-on training course. In Texas, the percentage of fatalities sustained by riders under 14 declined from 41% prior to the legislation to 24% after it became effective in 1988(2).

Further concrete evidence that state legislation works is offered by examples in Kentucky and New Jersey(3), both of which have laws restricting the use of adult-size ATVs by children under age 16. Kentucky's law prohibits the operation of an ATV with an engine size greater than 90cc by a child under age 16 or greater than 70cc by a child under age 12. In that state, the percent of fatalities sustained by riders under 12 declined from 26%

prior to the legislation to 7% after the law was enacted in 1990. The percentage of fatalities for riders under 16 declined from 55% pre-law to 22% after the law. New Jersey also prohibits operation of an ATV over 90cc on public lands by a child under age 16 and further prohibits operation on public land by children under age 14. In New Jersey, fatalities involving riders under 14 declined from 18% to 0%. Fatalities involving riders under 16 went from 29% to 0%.

These numbers support the industry's belief that state legislation, along with education, training, and parental supervision, are the keys to influencing rider behavior.

ATV Safety Provisions in Senator Feldman's Proposed Bill for New Mexico

The industry's Model State Legislation has served as the basis for many existing state ATV safety laws, and many of its principles were incorporated into Senator Feldman's proposed ATV safety bill, including:

- Helmet & eye protection required for riders under age 18.
- Operators under age 10 must be supervised at all times by a parent, guardian, or certified safety training course instructor.
- Operators under age 18 must successfully complete a certified training course.
- Operators between age 10-18 must be supervised at all times by a parent, guardian or person over age 18 who has a valid driver's license, with certain exceptions (if the person is: over 15 and has a valid driver's license and off-highway motor vehicle safety permit; over 12 and has a valid motorcycle license and off-highway motor vehicle safety permit; or part of an organized tour under the guidance or direction of a guide certified by the board.)
- Prohibits carrying a passenger unless vehicle is specifically designed by the manufacturer to carry a passenger.
- Prohibits operation in a careless manner or while under the influence of drugs or alcohol.
- Requires lighted headlight and tail light when operating during hours of darkness.
- Requires OHV dealers to distribute information recommended by the board to purchasers on state laws, safety requirements, training programs, operating characteristics and potential risk of injury associated with OHVs.
- Establishes an off-highway motor vehicle safety board which shall by January 1, 2007, implement a state off-highway motor vehicle safety training and certification program.

"We were also pleased that the bill included the creation of a trail safety fund," Ms. Van Kleeck noted. "Providing appropriate areas for off-highway vehicle recreation not only prevents use on lands on which OHV use is neither authorized nor wanted, but also provides opportunities for many thousands of OHV riders in the state to recreate safely."

The safe and responsible use of ATVs remains the top priority of the ATV industry, and the industry will continue to enhance its multi-tiered efforts aimed at further reducing the number of accidents and injuries caused by improper use of ATVs. Over the past two decades, the ATV industry has made unprecedented efforts aimed at promoting safe and responsible ATV use and deterring parents from allowing their children to use adult-sized ATVs.

The major ATV manufacturers and distributors – through the ATV Safety Institute (ASI)

or their own dealers – offer free training to all purchasers of new ATVs and their eligible family members. In fact, most manufacturers offer a \$100 cash incentive to first-time purchasers who take training. Consumers can visit ASI's website, www.atvsafety.org or call **1-800-887-2887** for information on training at nearly 1,000 sites in the United States. Since 1988, more than 510,000 riders have taken the half-day, hands-on ASI RiderCourse. In any given week, 200-300 training classes are conducted nationwide by one of 1,500 licensed ASI Instructors.

As defined by the American National Standards Institute, Inc. (ANSI), an all-terrain vehicle is “Any motorized off-highway vehicle designed to travel on four low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and no passenger.”

The ATV industry offers these recommendations for the safe and responsible use of ATVs:

ATV Golden Rules

- Take an approved training course. Call toll-free **(800) 887-2887**
- Ride an ATV that's right for your age. The guidelines are:
 - Ø Age 6 and older – under 70cc
 - Ø Age 12 and older – 70cc to 90cc
 - Ø Age 16 and older – Over 90cc
- Supervise riders younger than 16 years of age.
- Always wear the right safety gear, especially a helmet.
- Never carry a passenger.
- Always avoid paved surfaces. Never ride on public roads.
- Ride only on designated trails and ride responsibly.

(1) *Analysis of Warned-Against Behaviors in National and Southwestern U.S. ATV Fatalities*, by Dr. Edward J. Heiden, October 31, 2003, based on all 32 in-depth investigations (IDIs) by the United States Consumer Product Safety Commission.

(2) *Analysis of Texas ATV Laws*, by Dr. Edward J. Heiden, November 3, 2003, based on data from the CPSC for the time period 1982 (the first year ATV fatality data were publicly available) through 1987 for pre-law analysis, and 1988 through 2001 as the post-analysis period.

(3) *Statement for CPSC West Virginia Public Field Hearing, July 3, 2003*, Dr. Edward J. Heiden,. The comparison for Kentucky is for the time period 1982 through 1990 for pre-law analysis, and 1991 through 2001 for the post-law analysis period. In New Jersey, it is for the time period 1982 through 1992 for pre-law analysis, and 1993 (when the state law became effective) through 2001 for the post-law analysis period.

SVIA

Since 1983, the Specialty Vehicle Institute of America® (SVIA) has promoted the safe and responsible use of All-Terrain Vehicles (ATVs) through rider training programs, public awareness campaigns, and state legislation. SVIA also serves as a resource for ATV research, statistics, and vehicle standards. SVIA, based in Irvine, California, is a not-for-profit trade

association sponsored by AlphaSports, Arctic Cat, Bombardier, Honda, John Deere, Kawasaki, Suzuki and Yamaha. For membership information, call (949) 727-3727; for safety information or to enroll in an *ATV RiderCourse*SM, call (800) 887-2887 or visit www.atvsafety.org.

ASI

The All-Terrain Vehicle Safety Institute[®] (ASI), a not-for-profit division of the Specialty Vehicle Institute of America[®] (SVIA), was formed in 1988 to implement an expanded national program of all-terrain vehicle (ATV) safety education and awareness. ASI's primary goal is to promote the safe and responsible use of ATVs, thereby reducing accidents and injuries that may result from improper ATV operation by the rider. For safety information or to enroll in an *ATV RiderCourse*SM, call (800) 887-2887 or visit www.atvsafety.org.

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