



**U.S. CONSUMER PRODUCT SAFETY COMMISSION**  
4330 EAST WEST HIGHWAY  
BETHESDA, MD 20814

March 12, 2015

The Honorable Cathrynn N. Brown  
Chairperson  
House Transportation and Public Works Committee  
State Capitol  
Room 314C  
Santa Fe, New Mexico 87501

Dear Chairperson Brown:

As a U.S. Consumer Product Safety Commissioner and former New Mexico state representative, I am writing to state my opposition to the provisions of HB 502 which allows for exceptions to the Off-Highway Motor Vehicle Act to provide for operation of off-highway vehicles on paved streets or highways under specified conditions.

The Consumer Product Safety Commission is currently considering a mandatory rulemaking for Recreational Off-Road Vehicles (ROVs) and is studying the hazards associated with All Terrain Vehicles (ATVs). While there is disagreement on what regulatory actions CPSC should take, there is widespread agreement among manufacturers, user groups, and consumer groups on a key point: ATVs and ROVs are designed, manufactured, and sold for off-road use only.

In the New Mexico Legislative Finance Committee's Fiscal Impact Report analysis of HB 502, both the New Mexico Department of Health and Department of Transportation note that off-road vehicles and ATVs can be dangerous when used on paved roads.

The latest study from the Insurance Institute for Highway Safety review of the U.S. Department of Transportation's Fatality Analysis Reporting System data (FARS) shows that deaths involving on-road use of ATVs have increased dramatically in recent years. Nationwide, on-road ATV deaths have increased 900% from 35 in 1982 – when FARS began distinguishing on- versus off-road incidents – to 319 in 2013.

As a former New Mexico state legislator, I fully understand state and local governments' desire to be free of mandates from the federal government. I take states' rights seriously as I make

decisions as a CPSC Commissioner. I voted against the pending mandatory federal rulemaking for ROVs. But as state and local governments consider allowing on-road use of products designed and manufactured for off-road use, I feel compelled to share my views.

Thank you for the time and courtesy of being able to communicate with you on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph P. Mohorovic', written in a cursive style. The signature is positioned above the printed name and title.

Joseph P. Mohorovic  
U.S. Consumer Product Safety Commission

cc: Governor Susana Martinez  
New Mexico State Representative Zachary J. Cook