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HOUSE BILL 135

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Zachary J. Cook

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING CERTAIN EQUIPPED AND REGISTERED OFF-HIGHWAY VEHICLES TO OPERATE ON STREETS AND HIGHWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-3-1001 NMSA 1978 (being Laws 1978, Chapter 35, Section 197, as amended) is amended to read:

"66-3-1001. SHORT TITLE.--Sections 66-3-1001 through ~~[66-3-1016]~~ 66-3-1021 NMSA 1978 may be cited as the "Off-Highway Motor Vehicle Act"."

SECTION 2. Section 66-3-1010 NMSA 1978 (being Laws 1978, Chapter 35, Section 206, as amended) is amended to read:

"66-3-1010. LICENSING.--Drivers of off-highway motor vehicles are not required to be licensed, unless the off-highway motor vehicle being driven has been registered as a

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1 motor vehicle pursuant to Subsection B of Section 66-3-1011
2 NMSA 1978."

3 SECTION 3. Section 66-3-1010.3 NMSA 1978 (being Laws
4 2005, Chapter 325, Section 11, as amended) is amended to read:

5 "66-3-1010.3. OPERATION AND EQUIPMENT--SAFETY
6 REQUIREMENTS.--

7 A. A person shall not operate an off-highway motor
8 vehicle:

9 (1) in a careless, reckless or negligent
10 manner so as to endanger the person or property of another;

11 (2) while under the influence of intoxicating
12 liquor or drugs as provided by Section 66-8-102 NMSA 1978;

13 (3) while in pursuit of and with intent to
14 hunt or take a species of animal or bird protected by law
15 unless otherwise authorized by the state game commission;

16 (4) in pursuit of or harassment of livestock
17 in any manner that negatively affects the livestock's
18 condition;

19 (5) on or within an earthen tank or other
20 structure meant to water livestock or wildlife, unless the
21 off-highway motor vehicle is on a route designated by the
22 landowner or land management agency as an off-highway motor
23 vehicle route;

24 (6) in a manner that has a direct negative
25 effect on or interferes with persons engaged in agricultural

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1 practices;

2 (7) in excess of ten miles per hour within two
3 hundred feet of a business, animal shelter, horseback rider,
4 bicyclist, pedestrian, livestock or occupied dwelling, except
5 for an off-highway motor vehicle that has been registered as a
6 motor vehicle pursuant to Subsection B of Section 66-3-1011
7 NMSA 1978, unless the person operates the vehicle on a closed
8 course or track;

9 (8) unless in possession of the person's
10 registration certificate or nonresident permit;

11 (9) unless the vehicle is equipped with a
12 spark arrester approved by the United States forest service;
13 provided that a snowmobile is exempt from this provision;

14 (10) when conditions such as darkness limit
15 visibility to five hundred feet or less, unless the vehicle is
16 equipped with:

17 (a) one or more headlights of sufficient
18 candlepower to light objects at a distance of one hundred fifty
19 feet; and

20 (b) at least one taillight of sufficient
21 intensity to exhibit a red or amber light at a distance of two
22 hundred feet under normal atmospheric conditions;

23 (11) that produces noise that exceeds
24 ninety-six decibels when measured using test procedures
25 established by the society of automotive engineers pursuant to

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1 standard J-1287; or

2 (12) where off-highway motor vehicle traffic
3 is prohibited under local, state or federal rules or
4 regulations.

5 B. A person under the age of eighteen shall not
6 operate an off-highway motor vehicle:

7 (1) or ride upon an off-highway motor vehicle
8 without wearing eye protection and a safety helmet that is
9 securely fastened in a normal manner as headgear and that meets
10 the standards established by the department;

11 (2) without an off-highway motor vehicle
12 safety permit; or

13 (3) while carrying a passenger.

14 C. A person under the age of eighteen but at least
15 ten years of age shall not operate an off-highway motor vehicle
16 unless the person is visually supervised at all times by a
17 parent, legal guardian or a person over the age of eighteen who
18 has a valid driver's license. This subsection shall not apply
19 to a person who is at least:

20 (1) thirteen years of age and has a valid
21 motorcycle license and off-highway motor vehicle safety permit;
22 or

23 (2) fifteen years of age and has a valid
24 driver's license, instructional permit or provisional license
25 and off-highway motor vehicle safety permit.

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1 D. A person under the age of ten shall not operate
2 an off-highway motor vehicle unless:

3 (1) the all-terrain vehicle or recreational
4 off-highway vehicle is an age-appropriate size-fit vehicle
5 established by rule of the department; and

6 (2) the person is visually supervised at all
7 times by a parent, legal guardian or instructor of a safety
8 training course certified by the department.

9 E. An off-highway motor vehicle shall not be sold
10 or offered for sale if the vehicle produces noise that exceeds
11 ninety-six decibels when measured using test procedures
12 established by the society of automotive engineers pursuant to
13 standard J-1287. This subsection shall not apply to an off-
14 highway motor vehicle that is sold or offered for sale only for
15 organized competition."

16 SECTION 4. Section 66-3-1011 NMSA 1978 (being Laws 1975,
17 Chapter 240, Section 11, as amended) is amended to read:

18 "66-3-1011. OPERATION ON STREETS OR HIGHWAYS--PROHIBITED
19 AREAS.--

20 A. A person shall not operate an off-highway motor
21 vehicle on any:

22 (1) limited access highway or freeway at any
23 time; or

24 (2) any paved street or highway, except as
25 provided in Subsection B or C of this section.

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1 B. Except for snowmobiles, when a person pays for
2 an off-highway motor vehicle registration pursuant to the Off-
3 Highway Motor Vehicle Act, the person may request a motor
4 vehicle registration pursuant to Section 66-3-1 NMSA 1978 if
5 the vehicle meets all equipment requirements to be operated on
6 a highway pursuant to Section 66-3-801 NMSA 1978. If a person
7 submits a signed affidavit to the department affirming that the
8 vehicle meets all of the equipment requirements for highway use
9 and that the vehicle will be operated primarily off of
10 highways, the department shall register the vehicle for highway
11 use and the vehicle owner shall not be required to pay the
12 registration fee prescribed in Article 6, Chapter 66 NMSA 1978.
13 This subsection does not apply to vehicles that, as produced by
14 the manufacturer, meet the equipment requirements to be
15 operated on a highway pursuant to Section 66-3-801 NMSA 1978.

16 ~~[B.]~~ C. Off-highway motor vehicles may cross
17 streets or highways, except limited access highways or
18 freeways, if the crossings are made after coming to a complete
19 stop prior to entering the roadway. Off-highway motor vehicles
20 shall yield the right of way to oncoming traffic and shall
21 begin a crossing only when it can be executed safely and then
22 cross in the most direct manner as close to a perpendicular
23 angle as possible.

24 ~~[C.]~~ D. A person shall not operate an off-highway
25 motor vehicle on state game commission-owned, -controlled or

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1 -administered land except as specifically allowed pursuant to
2 Chapter 17, Article 6 NMSA 1978.

3 ~~[D-]~~ E. A person shall not operate an off-highway
4 motor vehicle on land owned, controlled or administered by the
5 state parks division of the energy, minerals and natural
6 resources department, pursuant to Chapter 16, Article 2 NMSA
7 1978, except in areas designated by and permitted by rules
8 adopted by the secretary of energy, minerals and natural
9 resources.

10 ~~[E-]~~ F. Unless authorized, a person shall not:

11 (1) remove, deface or destroy any official
12 sign installed by a state, federal, local or private land
13 management agency; or

14 (2) install any off-highway motor vehicle-
15 related sign."