

1 SENATE BILL 462

2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY

4 Gabriel Ramos and Rebecca Dow

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9  
10 AN ACT

11 RELATING TO MOTOR VEHICLES; AMENDING THE OFF-HIGHWAY MOTOR  
12 VEHICLE ACT TO REFLECT CHANGES IN THE OFF-HIGHWAY MOTOR VEHICLE  
13 INDUSTRY AND TO IMPROVE REGISTRATION ENFORCEMENT AND  
14 RESPONSIVENESS TO THE NEEDS OF OFF-HIGHWAY MOTOR VEHICLE USERS.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 66-3-1001.1 NMSA 1978 (being Laws  
18 2005, Chapter 325, Section 1, as amended) is amended to read:

19 "66-3-1001.1. DEFINITIONS.--As used in the Off-Highway  
20 Motor Vehicle Act:

21 A. "board" means the off-highway motor vehicle  
22 advisory board;

23 B. "department" means the department of game and  
24 fish;

25 C. "division" means the motor vehicle division of

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1 the taxation and revenue department;

2 D. "fund" means the trail safety fund;

3 E. "off-highway motor vehicle" means a motor  
4 vehicle designed by the manufacturer for operation exclusively  
5 off the highway or road and includes:

6 (1) "all-terrain vehicle", which means a motor  
7 vehicle fifty inches or less in width, having an unladen dry  
8 weight of one thousand pounds or less, traveling on three or  
9 more low-pressure tires and having a seat designed to be  
10 straddled by the operator and handlebar-type steering control;

11 (2) "off-highway motorcycle", which means a  
12 motor vehicle traveling on not more than two tires and having a  
13 seat designed to be straddled by the operator and that has  
14 handlebar-type steering control;

15 (3) "snowmobile", which means a motor vehicle  
16 designed for travel on snow or ice and steered and supported in  
17 whole or in part by skis, belts, cleats, runners or low-  
18 pressure tires;

19 (4) "recreational off-highway vehicle", which  
20 means a motor vehicle designed for travel on four or more  
21 non-highway tires, for recreational use by one or more persons,  
22 and having:

23 (a) a steering wheel for steering  
24 control;

25 (b) non-straddle seating;

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1 (c) maximum speed capability greater  
2 than thirty-five miles per hour;

3 (d) [~~gross vehicle~~] unladen dry weight  
4 [~~rating no greater than one thousand seven hundred fifty~~] under  
5 three thousand five hundred pounds;

6 (e) less than eighty inches in overall  
7 width, exclusive of accessories; and

8 [~~(f) engine displacement of less than~~  
9 ~~one thousand cubic centimeters; and~~

10 ~~(g)] (f) identification by means of a  
11 seventeen-character vehicle identification number; or~~

12 (5) by rule of the department, any other  
13 vehicles that may enter the market that fit the general profile  
14 of vehicles operated off the highway for recreational purposes;

15 F. "staging area" means a parking lot, trailhead or  
16 other location to or from which an off-highway motor vehicle is  
17 transported so that it may be placed into operation or removed  
18 from operation; and

19 G. "unpaved public roadway" means a dirt graveled  
20 street or road that is constructed, signed and maintained for  
21 regular passenger-car use by the general public."

22 SECTION 2. Section 66-3-1004 NMSA 1978 (being Laws 1978,  
23 Chapter 35, Section 200, as amended) is amended to read:

24 "66-3-1004. REGISTRATION CERTIFICATE [~~AND NONRESIDENT~~]  
25 PERMIT FEES--RENEWAL--DISTRIBUTION OF FEES.--Fees shall be

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1 collected and distributed as follows:

2 A. the fees for registering an off-highway motor  
3 vehicle are:

4 (1) seventeen dollars (\$17.00) for each  
5 off-highway motor vehicle, of which five dollars (\$5.00) is  
6 appropriated to the division to defray the cost of making and  
7 issuing registration certificates, validating stickers and  
8 nonresident permits for off-highway motor vehicles. The  
9 remaining twelve dollars (\$12.00) shall be deposited in the  
10 motor vehicle suspense fund for distribution pursuant to  
11 Section 66-6-23 NMSA 1978; and

12 (2) an amount determined by rule of the  
13 department not to exceed forty dollars (\$40.00) for an off-  
14 highway user fee for each off-highway motor vehicle, which  
15 shall be distributed to the fund;

16 B. upon a change of ownership, the new owner shall  
17 make application and pay registration fees of:

18 (1) seventeen dollars (\$17.00) in the same  
19 manner as provided by rules of the division for original  
20 registration; and

21 (2) an amount determined by rule of the  
22 department not to exceed forty dollars (\$40.00) for an off-  
23 highway user fee for each off-highway motor vehicle, which  
24 shall be distributed to the fund;

25 C. ~~[except for an off-highway vehicle that is~~

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1 ~~currently in compliance with another state's off-highway~~  
2 ~~vehicle registration, user fee or similar law or rule~~  
3 ~~demonstrated by certificate of registration, permit or similar~~  
4 ~~evidence]~~ the fees for a nonresident permit of an off-highway  
5 motor vehicle are either:

6 (1) seventeen dollars (\$17.00), of which five  
7 dollars (\$5.00) is appropriated to the division to defray the  
8 cost of making and issuing registration certificates,  
9 validating stickers and nonresident permits for off-highway  
10 motor vehicles. The remaining twelve dollars (\$12.00) shall be  
11 deposited in the motor vehicle suspense fund for distribution  
12 pursuant to Section 66-6-23 NMSA 1978, and an amount determined  
13 by rule of the department not to exceed forty dollars (\$40.00)  
14 for each off-highway motor vehicle, which shall be distributed  
15 to the fund; or

16 (2) seventeen dollars (\$17.00) for a ninety-  
17 day permit, of which five dollars (\$5.00) is appropriated to  
18 the division to defray the cost of making and issuing  
19 registration certificates, validating stickers and nonresident  
20 permits for off-highway motor vehicles. The remaining twelve  
21 dollars (\$12.00) shall be deposited in the motor vehicle  
22 suspense fund for distribution pursuant to Section 66-6-23 NMSA  
23 1978;

24 D. except as provided in Paragraph (2) of  
25 Subsection C of this section, each nonresident permit shall be:

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1 (1) good for two years after the month in  
2 which the off-highway motor vehicle nonresident permit is  
3 issued; and

4 (2) renewed every two years;

5 E. the off-highway user fee for each off-highway  
6 motor vehicle shall be paid upon obtaining and renewing each  
7 registration certificate or nonresident permit;

8 F. duplicate registration certificates and  
9 nonresident permits shall be issued upon payment of a seven-  
10 dollar-fifty-cent (\$7.50) fee, which is appropriated to the  
11 division to defray the cost of making and issuing duplicate  
12 registration certificates and nonresident permits for off-  
13 highway motor vehicles;

14 G. a fee of one dollar (\$1.00) on registration  
15 certificates and nonresident permits shall be collected for the  
16 litter control and beautification fund; and

17 H. the department, in conjunction with other  
18 agencies and departments, may establish and maintain sites to  
19 collect fees and issue permits for residents and nonresidents."

20 SECTION 3. Section 66-3-1010.3 NMSA 1978 (being Laws  
21 2005, Chapter 325, Section 11, as amended) is amended to read:

22 "66-3-1010.3. OPERATION AND EQUIPMENT--SAFETY  
23 REQUIREMENTS.--

24 A. A person shall not operate an off-highway motor  
25 vehicle:

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

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

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

8 (4) in pursuit of or harassment of livestock  
9 in any manner that negatively affects the livestock's  
10 condition;

11 (5) on or within an earthen tank or other  
12 structure meant to water livestock or wildlife, unless the  
13 off-highway motor vehicle is on a route designated by the  
14 landowner or land management agency as an off-highway motor  
15 vehicle route;

16 (6) in a manner that has a direct negative  
17 effect on or interferes with persons engaged in agricultural  
18 practices;

19 (7) in excess of ten miles per hour within two  
20 hundred feet of a business, animal shelter, horseback rider,  
21 bicyclist, pedestrian, livestock or occupied dwelling, unless  
22 the person operates the vehicle on a closed course or track or  
23 a public roadway;

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

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

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

7 (a) one or more headlights of sufficient  
8 candlepower to light objects at a distance of one hundred fifty  
9 feet; and

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

13 (11) that produces noise that exceeds ninety-  
14 six decibels when measured using test procedures established by  
15 the society of automotive engineers pursuant to standard  
16 J-1287; or

17 (12) where off-highway motor vehicle traffic  
18 is prohibited under local, state or federal rules or  
19 regulations.

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

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

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

3 (3) while carrying a passenger, except for a  
4 person under the age of eighteen who is:

5 (a) fully licensed to operate a motor  
6 vehicle on a street or highway while carrying passengers; or

7 (b) being visually supervised from the  
8 front passenger seat, as required in Subsection C or D of this  
9 section.

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

16 (1) thirteen years of age and has a valid  
17 motorcycle license and off-highway motor vehicle safety permit;  
18 or

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

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

24 (1) the all-terrain vehicle or recreational  
25 off-highway vehicle is an age-appropriate size-fit vehicle

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1 established by rule of the department; and

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

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

12 SECTION 4. Section 66-3-1018 NMSA 1978 (being Laws 2005,  
13 Chapter 325, Section 20, as amended) is amended to read:

14 "66-3-1018. DEPARTMENT--POWERS AND DUTIES.--

15 A. The department shall cooperate with appropriate  
16 federal agencies, public and private organizations and  
17 corporations and local government units to implement the  
18 provisions of the Off-Highway Motor Vehicle Act.

19 B. The department:

20 (1) shall accept and evaluate all applications  
21 for approval and certification of an off-highway motor vehicle  
22 safety training organization and approve and certify those that  
23 meet the minimum criteria;

24 (2) shall notify the division of the off-  
25 highway motor vehicle safety training organizations that have

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1 received approval and certification;

2 (3) shall establish and revise as appropriate  
3 minimum criteria to approve and certify an off-highway motor  
4 vehicle safety training organization. The criteria shall  
5 include requirements for curriculum and materials for:

6 (a) training instructors to teach off-  
7 highway motor vehicle safety;

8 (b) training the public about off-  
9 highway motor vehicle safety and age-appropriate size-fit use  
10 of off-highway motor vehicles; and

11 (c) teaching responsible use of  
12 off-highway motor vehicles with respect to environmental  
13 considerations, private property restrictions, agricultural and  
14 rural lifestyles and cultural considerations, off-highway motor  
15 vehicle operating laws and prohibitions against operating off-  
16 highway motor vehicles under the influence of alcohol or drugs;

17 (4) shall implement a state off-highway motor  
18 vehicle safety training and certification program;

19 (5) shall adopt and promulgate rules regarding  
20 the:

21 (a) age-appropriate size-fit use of all-  
22 terrain vehicles or recreational off-highway motor vehicles;

23 (b) acceptance or accreditation of  
24 instruction or safety courses provided by other states; and

25 (c) standards covering the

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1 specifications of eye protection and safety helmets;

2 (6) may recommend, with public participation  
3 and input, off-highway motor vehicle park, facility and trail  
4 locations to the state, county, tribal or local governing body  
5 or private entity that owns or administers the land upon which  
6 the park, facility or trail is located. The department shall  
7 establish criteria to recommend locations that include  
8 consideration of off-highway motor vehicle operating laws and  
9 effects on:

10 (a) wildlife and the environment;

11 (b) adjacent state, county, federal,  
12 tribal and private property;

13 (c) other recreational and  
14 nonrecreational uses on the same or adjacent lands; and

15 (d) archaeological, cultural and  
16 historic resources and customs;

17 (7) shall recommend restoration or, if deemed  
18 necessary, closure of off-highway motor vehicle tracks or  
19 trails to the state, county, tribal or local governing body or  
20 private entity that owns or administers the land upon which the  
21 tracks or trails are located if they pose significant or  
22 irreversible environmental damage, a danger to users or a  
23 public nuisance as determined by the department. The  
24 department shall consider the construction of alternative  
25 tracks or trails as part of the closure process;

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1 (8) shall accept and evaluate all applications  
2 for grants from the fund for implementation of the provisions  
3 of the Off-Highway Motor Vehicle Act. The department shall  
4 establish criteria for grants from the fund that include  
5 consideration of the:

6 (a) applicant's financial and legal  
7 status;

8 (b) applicant's management plan,  
9 including specific measures to avoid or minimize environmental  
10 damage to public and private lands and danger to users and  
11 spectators;

12 (c) operating budget for the park,  
13 trail, facility or staging area;

14 (d) availability of matching funds; and

15 (e) public participation and input;

16 (9) shall certify tour guides;

17 (10) shall prepare a management plan that  
18 accomplishes the purposes of the Off-Highway Motor Vehicle Act  
19 in a cost-effective manner and relies on existing agencies'  
20 available funding with specific qualifications for program  
21 implementation, which shall include joint powers agreements  
22 with the department of public safety and other law enforcement  
23 agencies for law enforcement and other agencies as appropriate  
24 for carrying out the provisions of the Off-Highway Motor  
25 Vehicle Act;

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1 (11) shall develop and implement an overall  
2 enforcement strategy for the entire state that includes:

3 (a) cooperation with federal, state and  
4 local law enforcement agencies to provide training and  
5 educational materials related to off-highway motor vehicle use;

6 (b) coordination efforts related to off-  
7 highway motor vehicle use with participating law enforcement  
8 agencies;

9 (c) developing strategies for addressing  
10 and [~~mininizing~~] minimizing impacts on farmers and ranchers in  
11 rural agricultural areas, on hunters and anglers and on non-  
12 motorized recreationalists by off-highway motor vehicle use;  
13 and

14 (d) using law enforcement DUI-type  
15 "blitzes" in heavily used areas, staging areas or other problem  
16 areas;

17 (12) shall develop and implement an overall  
18 educational strategy for the entire state that:

19 (a) incorporates materials developed by  
20 the United States department of agriculture forest service  
21 program that teaches trail etiquette and respect for natural  
22 resources;

23 (b) includes the development of New  
24 Mexico-specific written, video or other educational materials  
25 and educational programs that address the impact of off-highway

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1 motor vehicles on traditional living culture, agricultural land  
2 and private property; and

3 (c) includes the development and  
4 maintenance of a web site containing rules and regulations,  
5 safety information and educational material relating to  
6 resource protection and the impact of off-highway motor  
7 vehicles on traditional living culture, agricultural land and  
8 historical sites;

9 (13) shall develop an overall strategy for  
10 phased implementation of an information system to track  
11 information, such as use patterns, injury data, ecological  
12 data, natural resource data and data relating to the impact of  
13 off-highway motor vehicles on traditional living culture and on  
14 agricultural land. The strategy shall include:

15 (a) identification and implementation of  
16 appropriate data collecting mechanisms, such as a toll-free  
17 number or a web-based data collecting process; and

18 (b) development of an information system  
19 program capable of interfacing with existing government and  
20 private databases or other information systems;

21 (14) may implement noise enforcement by the  
22 testing of sound levels of off-highway motor vehicles at the  
23 time of registration and equip law enforcement officers with  
24 sound meters for field testing of sound levels;

25 (15) may contract with government or quasi-

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1 government agencies to conduct analysis of the impact of off-  
2 highway motor vehicle use on [~~forests, rangeland and other~~]  
3 state and local economies, public safety and natural resources  
4 and use the data obtained to make recommendations to the  
5 appropriate [~~land management~~] agency;

6 (16) shall review the definition of "off-  
7 highway motor vehicle" as needed to include new classes of off-  
8 highway motor vehicles as they become available in the  
9 marketplace;

10 (17) shall, in cooperation with the division,  
11 determine the size, composition, attachment mechanism, letter  
12 or number height and other properties of off-highway motor  
13 vehicle identification. This identification may be a  
14 traditional license plate, stick-on lettering as used for boat  
15 identification or another form of identification that is  
16 visible and readable;

17 (18) shall present its semiannual plans and  
18 progress to the advisory board for the board's input and  
19 response; and

20 (19) may collaborate with the appropriate land  
21 agencies to develop criteria for signage relating to off-road  
22 motor vehicle use, including the size, visibility, graphics and  
23 frequency of signage."

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25