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AN ACT

RELATING TO OFF-HIGHWAY MOTOR VEHICLES; AMENDING SECTIONS OF THE MOTOR VEHICLE CODE AND THE OFF-HIGHWAY MOTOR VEHICLE ACT; PROVIDING FOR A SPECIAL PAVED ROAD USE VEHICLE PLATE FOR OFF-HIGHWAY MOTOR VEHICLES; AMENDING THE OFF-HIGHWAY MOTOR VEHICLE ACT TO SPECIFY AGE-APPROPRIATE OPERATING LICENSES, PERMITS AND SAFETY GEAR FOR PAVED ROAD USE; MAKING AN APPROPRIATION.

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

SECTION 1. Section 66-1-4.19 NMSA 1978 (being Laws 1990, Chapter 120, Section 20, as amended) is amended to read:

"66-1-4.19. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "validating sticker" means the tab or sticker issued by the division to signify, upon a registration plate, renewed registration;

B. "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks;

C. "vehicle-business number" means the distinctive

1 registration number given by the division to any  
2 manufacturer, auto recycler or dealer; and

3 D. "vehicle plate" means a plate, marker, sticker  
4 or tag similar to a registration plate, but that is issued by  
5 the department for vehicles that are exempted from  
6 registration under the Motor Vehicle Code."

7 SECTION 2. A new section of the Motor Vehicle Code is  
8 enacted to read:

9 "OFF-HIGHWAY MOTOR VEHICLE PAVED ROAD USE VEHICLE  
10 PLATE.--

11 A. The department shall issue a standardized  
12 special off-highway motor vehicle paved road use vehicle  
13 plate with a logo specified in Section 66-3-424 NMSA 1978  
14 indicating that the recipient intends to operate an  
15 off-highway motor vehicle on paved streets or highways in  
16 accordance with the provisions of the Off-Highway Motor  
17 Vehicle Act.

18 B. For a fee of seven dollars (\$7.00), an  
19 off-highway motor vehicle owner who wishes to indicate an  
20 intent to operate an off-highway motor vehicle on paved  
21 streets or highways in accordance with the provisions of the  
22 Off-Highway Motor Vehicle Act may apply for the issuance of a  
23 special vehicle plate as provided in Subsection A of this  
24 section. No two owners shall be issued identically lettered  
25 or numbered vehicle plates.

1 C. The revenue from the special off-highway motor  
2 vehicle paved road use vehicle plate fee imposed by  
3 Subsection B of this section shall be retained by the  
4 department and is appropriated to the department for the  
5 manufacture and issuance of the vehicle plates."

6 SECTION 3. Section 66-3-1010.3 NMSA 1978 (being Laws  
7 2005, Chapter 325, Section 11, as amended) is amended to  
8 read:

9 "66-3-1010.3. OPERATION AND EQUIPMENT--SAFETY  
10 REQUIREMENTS.--

11 A. A person shall not operate an off-highway motor  
12 vehicle:

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

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

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

21 (4) in pursuit of or harassment of livestock  
22 in any manner that negatively affects the livestock's  
23 condition;

24 (5) on or within an earthen tank or other  
25 structure meant to water livestock or wildlife, unless the

1 off-highway motor vehicle is on a route designated by the  
2 landowner or land management agency as an off-highway motor  
3 vehicle route;

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

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

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

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

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

20 (a) one or more headlights of  
21 sufficient candlepower to light objects at a distance of one  
22 hundred fifty feet; and

23 (b) at least one taillight of  
24 sufficient intensity to exhibit a red or amber light at a  
25 distance of two hundred feet under normal atmospheric

1 conditions;

2 (11) that produces noise that exceeds  
3 ninety-six decibels when measured using test procedures  
4 established by the society of automotive engineers pursuant  
5 to standard J-1287; or

6 (12) where off-highway motor vehicle traffic  
7 is prohibited under local, state or federal rules or  
8 regulations.

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

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

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

17 (3) while carrying a passenger.

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

24 (1) thirteen years of age and has a valid  
25 motorcycle license and off-highway motor vehicle safety

1 permit; or

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

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

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

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

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

20 SECTION 4. Section 66-3-1011 NMSA 1978 (being Laws  
21 1975, Chapter 240, Section 11, as amended) is amended to  
22 read:

23 "66-3-1011. OPERATION ON STREETS OR HIGHWAYS--  
24 PROHIBITED AREAS.--

25 A. A person shall not operate an off-highway motor SB 51  
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1 vehicle on any:

2 (1) limited access highway or freeway at any  
3 time; or

4 (2) paved street or highway except as  
5 provided in Subsection B, C, D or E of this section.

6 B. Off-highway motor vehicles may cross streets or  
7 highways, except limited access highways or freeways, if the  
8 crossings are made after coming to a complete stop prior to  
9 entering the roadway. Off-highway motor vehicles shall yield  
10 the right of way to oncoming traffic and shall begin a  
11 crossing only when it can be executed safely and then cross  
12 in the most direct manner as close to a perpendicular angle  
13 as possible.

14 C. If authorized by ordinance or resolution of a  
15 local authority or the state transportation commission, a  
16 recreational off-highway vehicle or an all-terrain vehicle  
17 may be operated on a paved street or highway owned and  
18 controlled by the authorizing entity if:

19 (1) the vehicle has one or more headlights  
20 and one or more taillights that comply with the Off-Highway  
21 Motor Vehicle Act;

22 (2) the vehicle has brakes, mirrors and  
23 mufflers;

24 (3) the operator has valid driver's licenses  
25 or permits as required under the Motor Vehicle Code and

1 off-highway motor vehicle safety permits as required under  
2 the Off-Highway Motor Vehicle Act;

3 (4) the operator is insured in compliance  
4 with the provisions of the Mandatory Financial Responsibility  
5 Act;

6 (5) the operator of the vehicle is using eye  
7 protection that complies with the Off-Highway Motor Vehicle  
8 Act; and

9 (6) if the operator is under eighteen years  
10 of age, the operator is wearing a safety helmet that complies  
11 with the Off-Highway Motor Vehicle Act.

12 D. Except for sections of the Motor Vehicle Code  
13 that are in conflict with the licensing and equipment  
14 requirements of the Off-Highway Motor Vehicle Act, any  
15 operator using an off-highway motor vehicle on a paved street  
16 or highway shall be subject to the requirements and penalties  
17 for operators of moving and parked vehicles under the Motor  
18 Vehicle Code.

19 E. By ordinance or resolution, a local authority  
20 or state transportation commission may establish separate  
21 speed limits and operating restrictions for off-highway  
22 vehicles where they are authorized to operate on paved  
23 streets or highways pursuant to Subsection C of this section.

24 F. A person shall not operate an off-highway  
25 motor vehicle on state game commission-owned, -controlled

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

3 G. A person shall not operate an off-highway motor  
4 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  
7 NMSA 1978, except in areas designated by and permitted by  
8 rules adopted by the secretary of energy, minerals and  
9 natural resources.

10 H. 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  
15 vehicle-related sign."

16 SECTION 5. EFFECTIVE DATE.--The effective date of the  
17 provisions of this act is July 1, 2017. \_\_\_\_\_

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