

HOUSE BILL 399

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Rodolpho "Rudy" S. Martinez

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE OFF-HIGHWAY MOTOR VEHICLE ACT TO PROVIDE FOR COUNTIES AND MUNICIPALITIES TO ESTABLISH DESIGNATED OFF-HIGHWAY MOTOR VEHICLE ROUTES ON WHICH OFF-HIGHWAY MOTOR VEHICLES MAY OPERATE.

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

**SECTION 1.** Section 66-3-1011 NMSA 1978 (being Laws 1975, Chapter 240, Section 11, as amended) is amended to read:

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

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

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

(2) ~~any~~ paved street or highway except as

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1 provided in [~~Subsection B~~] Subsections B and C of this section.

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

9 C. Off-highway motor vehicles may be operated on  
10 designated routes established by counties or municipalities  
11 with populations under one hundred thousand where those routes  
12 are signed with warning signs for off-highway motor vehicles  
13 and the signage is upright or painted on the surface. The  
14 designated routes may be shared with other modes of transport.

15 [~~G-~~] D. A person shall not operate an off-highway  
16 motor vehicle on state game commission-owned, -controlled or  
17 -administered land except as specifically allowed pursuant to  
18 Chapter 17, Article 6 NMSA 1978.

19 [~~D-~~] E. A person shall not operate an off-highway  
20 motor vehicle on land owned, controlled or administered by the  
21 state parks division of the energy, minerals and natural  
22 resources department, pursuant to Chapter 16, Article 2 NMSA  
23 1978, except in areas designated by and permitted by rules  
24 adopted by the secretary of energy, minerals and natural  
25 resources.

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- 1           ~~[E-]~~ F. Unless authorized, a person shall not:  
2                   (1) remove, deface or destroy any official  
3 sign installed by a state, federal, local or private land  
4 management agency; or  
5                   (2) install any off-highway motor vehicle-  
6 related sign."

7           **SECTION 2.** Section 66-3-1012 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 208, as amended) is amended to read:

9           "66-3-1012. DRIVING OF OFF-HIGHWAY MOTOR VEHICLES  
10 ADJACENT TO HIGHWAY.--

11           A. Off-highway motor vehicles issued a validating  
12 sticker or nonresident permit may be driven adjacent to a  
13 highway, yielding to all vehicles entering or exiting the  
14 highway, in a manner so as not to interfere with traffic upon  
15 the highway, only for the purpose of gaining access to or  
16 returning from areas designed for the operation of off-highway  
17 motor vehicles by the shortest possible route and when no other  
18 route is available or when the area adjacent to a highway is  
19 being used as a staging area. Such use must occur between the  
20 highway and fencing that separates the highway from private or  
21 public lands or on a designated route for off-highway motor  
22 vehicle use.

23           B. The secretary of transportation may specify off-  
24 highway motor vehicle routes along state highways.

25           ~~[B-]~~ C. When snow conditions permit, an off-highway

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1 motor vehicle may be operated on the right-hand side of a  
2 highway, parallel, but not closer than ten feet, to the inside  
3 of the plow bank."

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