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SENATE BILL 201

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

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE OFF-HIGHWAY MOTOR VEHICLE ACT TO PROVIDE FOR CERTAIN EXEMPTIONS AND EXCEPTIONS.

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

**SECTION 1.** Section 66-3-1005 NMSA 1978 (being Laws 1978, Chapter 35, Section 201, as amended) is amended to read:

"66-3-1005. EXEMPTIONS.--The provisions of the Off-Highway Motor Vehicle Act shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;

B. operated exclusively on lands privately held;

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1 provided that the appropriate tax or fee has been paid in lieu  
2 of the motor vehicle registration fees;

3 C. owned by nonresidents and used in this state  
4 only for organized and endorsed competition purposes; provided  
5 that the use is not on a rental basis;

6 D. brought into this state by manufacturers or  
7 distributors for wholesale purposes and not used for  
8 demonstrations;

9 E. in the possession of dealers as stock-in-trade  
10 and not used for demonstration purposes;

11 F. farm tractors, as defined in Section 66-1-4.6  
12 NMSA 1978, special mobile equipment, as defined in Section  
13 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used  
14 for agricultural or commercial operations; or

15 G. used exclusively on private closed courses,  
16 whether owned by the rider or another person; provided that, if  
17 applicable, the excise tax and registration fees have been paid  
18 and are current."

19 SECTION 2. Section 66-3-1011 NMSA 1978 (being Laws 1975,  
20 Chapter 240, Section 11, as amended) is amended to read:

21 "66-3-1011. OPERATION ON STREETS OR HIGHWAYS--PROHIBITED  
22 AREAS.--

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

25 (1) limited access highway or freeway at any

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1 time; or

2 (2) [~~any~~] paved street or highway except as  
3 provided in [~~Subsection B~~] Subsections B and C of this section.

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

11 C. All-terrain vehicles, recreational off-highway  
12 vehicles, utility terrain vehicles or side-by-sides that are  
13 equipped with headlights, brake lights, horns and turn signal  
14 indicators and the operator of which follows all applicable  
15 traffic and roadway laws may be driven on roadways rated for  
16 speeds of fifty miles per hour or less in municipalities or  
17 counties that, by ordinance, have provided for on-highway use  
18 of such vehicles.

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

23 [~~D-~~] E. A person shall not operate an off-highway  
24 motor vehicle on land owned, controlled or administered by the  
25 state parks division of the energy, minerals and natural

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1 resources department, pursuant to Chapter 16, Article 2 NMSA  
2 1978, except in areas designated by and permitted by rules  
3 adopted by the secretary of energy, minerals and natural  
4 resources.

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

6 (1) remove, deface or destroy any official  
7 sign installed by a state, federal, local or private land  
8 management agency; or

9 (2) install any off-highway motor vehicle-  
10 related sign."

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

13 "66-3-1012. DRIVING OF OFF-HIGHWAY MOTOR VEHICLES  
14 ADJACENT TO HIGHWAY.--

15 A. Off-highway motor vehicles issued a validating  
16 sticker or nonresident permit may be driven:

17 (1) adjacent to a highway, yielding to all  
18 vehicles entering or exiting the highway, in a manner so as not  
19 to interfere with traffic upon the highway, only for the  
20 purpose of gaining access to or returning from areas designed  
21 for the operation of off-highway motor vehicles by the shortest  
22 possible route and when no other route is available or when the  
23 area adjacent to a highway is being used as a staging area.

24 Such use must occur between the highway and fencing that  
25 separates the highway from private or public lands; or

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(2) on roadways rated for speeds of fifty miles per hour or less for the purpose of gaining access to or returning from areas designed for operation of off-highway motor vehicles by the shortest possible route if:

(a) no other route is available;

(b) there is no shoulder; and

(c) the vehicle is equipped with

headlights, brake lights, horns and turn signal indicators and the operator of the vehicle follows all applicable traffic and roadway laws.

B. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a highway, parallel, but not closer than ten feet, to the inside of the plow bank."