

1 SENATE BILL 472

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Clemente Sanchez

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10 AN ACT

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

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

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

18 "66-3-1005. EXEMPTIONS.--The provisions of the
19 Off-Highway Motor Vehicle Act shall not apply to persons who
20 operate off-highway motor vehicles on privately held lands or
21 to off-highway motor vehicles that are:

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

25 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."