

1 SENATE CORPORATIONS AND TRANSPORTATION COMMITTEE SUBSTITUTE FOR
2 SENATE BILL 472

3 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

4
5
6
7
8
9
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.

14
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;

.193222.1

underscored material = new
[bracketed material] = delete

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

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. A recreational off-highway vehicle that is
 12 equipped with headlights, brake lights, front and rear turn
 13 signal indicator lights, taillights, reflex reflectors, a
 14 parking brake, at least one interior and one exterior rear view
 15 mirror, a windshield, windshield wipers, a speedometer, an
 16 odometer, braking for each wheel and seat belts may be driven
 17 on a roadway with a posted speed limit of thirty-five miles per
 18 hour or less; provided that:

19 (1) the vehicle is registered pursuant to the
 20 Motor Vehicle Code;

21 (2) the vehicle is insured or covered by
 22 evidence of financial responsibility pursuant to the Mandatory
 23 Financial Responsibility Act;

24 (3) the driver of the vehicle has a valid
 25 driver's license;

.193222.1

underscored material = new
 [bracketed material] = delete

1 (4) a local authority may prohibit the
2 operation of recreational off-highway vehicles on any road
3 under its jurisdiction if the governing body of the local
4 authority determines that the prohibition is necessary in the
5 interest of safety; and

6 (5) the department of transportation may
7 prohibit the operation of recreational off-highway vehicles on
8 any road under its jurisdiction if it determines that the
9 prohibition is necessary in the interest of safety.

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

14 ~~[D.]~~ E. A person shall not operate an off-highway
15 motor vehicle on land owned, controlled or administered by the
16 state parks division of the energy, minerals and natural
17 resources department, pursuant to Chapter 16, Article 2 NMSA
18 1978, except in areas designated by and permitted by rules
19 adopted by the secretary of energy, minerals and natural
20 resources.

21 ~~[E.]~~ F. Unless authorized, a person shall not:
22 (1) remove, deface or destroy any official
23 sign installed by a state, federal, local or private land
24 management agency; or

25 (2) install any off-highway motor vehicle-

underscored material = new
[bracketed material] = delete

1 related sign."

- 5 -

underscoring material = new
[bracketed material] = delete

2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

.193222.1