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HOUSE BILL 502

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Zachary J. Cook

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE
OFF-HIGHWAY MOTOR VEHICLE ACT TO PROVIDE FOR OPERATION OF
OFF-HIGHWAY MOTOR VEHICLES ON PAVED STREETS OR HIGHWAYS UNDER
SPECIFIED CONDITIONS; PROHIBITING COUNTIES OR MUNICIPALITIES
FROM IMPOSING FEES FOR OFF-HIGHWAY VEHICLE USE OF PUBLIC LAND;
PROVIDING A PENALTY.

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

SECTION 1. Section 66-3-1001 NMSA 1978 (being Laws 1978,
Chapter 35, Section 197, as amended) is amended to read:

"66-3-1001. SHORT TITLE.--Sections 66-3-1001 through
[~~66-3-1016~~] 66-3-1021 NMSA 1978 may be cited as the "Off-
Highway Motor Vehicle Act"."

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

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1 "66-3-1011. OPERATION ON STREETS OR HIGHWAYS--PROHIBITED
2 AREAS.--

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

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

7 (2) ~~[any]~~ paved street or highway except as
8 provided in ~~[Subsection]~~ Subsections B through D of this
9 section.

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

17 No off-highway motor vehicle may be operated on the public
18 streets, roads or highways of this state, except in the
19 following cases:

20 (1) when a street, road or highway is
21 designated open by the state or any agency or political
22 subdivision;

23 (2) during special off-highway vehicle events
24 lawfully conducted pursuant to the authority granted to local
25 political subdivisions;

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1 (3) when political subdivisions have
2 authorized, by ordinance or resolution, the establishment of
3 off-highway motor vehicle routes to permit the operation of
4 off-highway motor vehicles on streets or roads; or

5 (4) when using an off-highway motor vehicle
6 for agricultural purposes.

7 C. Operation of an off-highway motor vehicle in
8 accordance with this section shall not constitute operation of
9 a motor vehicle on a road, street or highway of this state as
10 described by Chapter 66 NMSA 1978. If a political subdivision
11 designates roads, streets or highways as open to off-highway
12 motor vehicle travel, on-road off-highway motor vehicle
13 operation shall comply with the following regulations:

14 (1) the off-highway motor vehicle shall have
15 liability insurance;

16 (2) off-highway motor vehicle operation on a
17 road, street or highway shall comply with that route's posted
18 signs and designations;

19 (3) no off-highway motor vehicle may be
20 operated on roads, streets or highways after dusk and before
21 dawn unless the vehicle has an illuminated headlight and
22 taillight;

23 (4) no one under the age of sixteen shall
24 operate an off-highway motor vehicle on roads, streets or
25 highways at any time, regardless of vehicle design or

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1 manufacture; and

2 (5) no one under the age of eighteen shall
3 transport a passenger on an off-highway motor vehicle on any
4 road, street or highway at any time, unless the person is under
5 the direct supervision of a licensed adult and within direct
6 visual contact of the adult supervisor and the off-highway
7 motor vehicle is manufactured for a passenger.

8 D. Every person operating an off-highway motor
9 vehicle on a road, street or highway shall be subject to all
10 the duties applicable to the driver of an on-road, licensed and
11 registered vehicle in accordance with all applicable motor
12 vehicle laws and rules.

13 E. No county or municipality shall impose a fee for
14 the use of public land under the jurisdiction of any agency of
15 the state or for the use of or access to land owned by the
16 county or municipality nor shall it require an off-highway
17 motor vehicle to be licensed or registered in that political
18 subdivision.

19 ~~[G-]~~ F. 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-]~~ G. 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-]~~ H. 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 66-3-1020 NMSA 1978 (being Laws 2005,
12 Chapter 325, Section 22, as amended) is amended to read:

13 "66-3-1020. PENALTIES.--

14 A. A person who violates the provisions of the
15 Off-Highway Motor Vehicle Act is guilty of a penalty assessment
16 misdemeanor. A parent, guardian or custodian who causes or
17 knowingly permits a child under the age of eighteen years to
18 operate an off-highway motor vehicle in violation of the
19 provisions of the Off-Highway Motor Vehicle Act is in violation
20 of that act and subject to the same penalty as the child
21 operating the off-highway motor vehicle in violation of that
22 act.

23 B. As used in the Off-Highway Motor Vehicle Act,
24 "penalty assessment misdemeanor" means violation of any
25 provision of the Off-Highway Motor Vehicle Act for which a

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1 violator may be subject to the following:

2 CLASS 1 VIOLATIONS	SECTION	PENALTY
3	VIOLATED	ASSESSMENT

4 failure to possess a
5 registration certificate

6 or nonresident permit	66-3-1010.3	\$10.00
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7 violations involving

8 headlights or taillights	66-3-1010.3	10.00
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9 failure to possess an off-
10 highway motor vehicle

11 safety permit	66-3-1010.3	10.00
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12 selling a vehicle that produces
13 noise in excess of ninety-six

14 decibels	66-3-1010.3	10.00
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15 any violation of the Off-Highway
16 Motor Vehicle Act not otherwise
17 specifically defined elsewhere

18 in this section	66-3-1010.3	10.00
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19 CLASS 2 VIOLATIONS	SECTION	PENALTY
20	VIOLATED	ASSESSMENT

21 failure to complete a required
22 off-highway motor vehicle

23 safety training course	66-3-1010.2	\$50.00
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24 operating a vehicle in excess
25 of ten miles per hour within

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1	two hundred feet of a business,		
2	animal shelter, horseback		
3	rider, bicyclist, pedestrian,		
4	livestock or occupied		
5	dwelling	66-3-1010.3	50.00
6	a person under the age of		
7	eighteen but at least		
8	fifteen years of age who		
9	operates an off-highway		
10	motor vehicle in violation		
11	of the supervision requirements		
12	of the Off-Highway Motor		
13	Vehicle Act	66-3-1010.3	50.00
14	operating an off-highway motor		
15	vehicle that produces noise		
16	that exceeds ninety-six		
17	decibels	66-3-1010.3	50.00
18	unauthorized installation,		
19	removal, destruction or		
20	defacing of a motor		
21	vehicle sign	66-3-1011	50.00
22	<u>operation on streets or highways</u>	<u>66-3-1011</u>	<u>100.00</u>
23	CLASS 3 VIOLATIONS	SECTION	PENALTY
24		VIOLATED	ASSESSMENT
25	operating a vehicle that is		

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1 not equipped with an approved
2 spark arrester 66-3-1010.3 \$100.00
3 operating an off-highway
4 motor vehicle while in
5 pursuit of and with
6 intent to hunt or take
7 a species of animal or bird
8 protected by law, unless
9 otherwise authorized by
10 the state game commission 66-3-1010.3 100.00
11 operating an off-highway
12 motor vehicle in pursuit of
13 or harassment of livestock
14 in any manner that negatively
15 affects the livestock's
16 condition 66-3-1010.3 100.00
17 operating an off-highway
18 motor vehicle on or within
19 an earthen tank or other
20 structure meant to water
21 livestock or wildlife 66-3-1010.3 100.00
22 operating a motor vehicle
23 in a manner that has a
24 direct negative effect on
25 or interferes with persons

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1 engaged in agricultural
2 practices 66-3-1010.3 100.00
3 a person under the age of
4 eighteen operating an
5 off-highway motor vehicle
6 without wearing eye
7 protection and a safety
8 helmet 66-3-1010.3 100.00
9 a person under the age of
10 eighteen operating an
11 off-highway motor vehicle
12 while carrying a passenger 66-3-1010.3 100.00
13 a person under the age of
14 fifteen but at least ten
15 years of age who operates
16 an off-highway motor vehicle
17 in violation of the supervision
18 requirements of the Off-Highway
19 Motor Vehicle Act 66-3-1010.3 100.00
20 a person under the age of
21 ten operating an all-terrain
22 vehicle or recreational off-highway
23 motor vehicle that is not an
24 age-appropriate size-fit or
25 who operates an off-highway

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1	motor vehicle in violation		
2	of the supervision requirements		
3	of this section	66-3-1010.3	100.00
4	CLASS 4 VIOLATIONS	SECTION	PENALTY
5		VIOLATED	ASSESSMENT
6	operating an off-highway		
7	motor vehicle in a		
8	careless, reckless or		
9	negligent manner so as		
10	to endanger the person		
11	or property of another	66-3-1010.3	\$200.00
12	operating an off-highway		
13	motor vehicle on any road		
14	or area closed to off-		
15	highway motor vehicle		
16	traffic under local, state		
17	or federal regulations	66-3-1010.3	200.00
18	operating an off-highway		
19	motor vehicle on a		
20	limited-access highway		
21	or freeway	66-3-1011	200.00.

22 C. The penalty for second, third and subsequent
23 violations within a three-year time period shall be increased
24 as follows:

25 (1) a second violation in a class 1 penalty

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1 category involving failure to possess a registration
2 certificate or nonresident permit shall be increased to a class
3 2 penalty category;

4 (2) any class 2 or class 3 violation for a
5 second or greater infraction within a three-year period shall
6 be increased to the next-highest penalty assessment category;
7 and

8 (3) each subsequent violation in a class 4
9 penalty category will result in an additional penalty of two
10 hundred dollars (\$200).

11 D. Multiple violations for the same incident shall be
12 treated as a single event and shall not result in graduated
13 penalties.

14 E. The term "penalty assessment misdemeanor" does not
15 include a violation that has caused or contributed to the cause
16 of an accident resulting in injury or death to a person.

17 F. When an alleged violator of a penalty assessment
18 misdemeanor elects to accept a notice to appear in lieu of a
19 notice of penalty assessment, a fine imposed upon later
20 conviction shall not exceed the penalty assessment established
21 for the particular penalty assessment misdemeanor, and
22 probation imposed upon a suspended or deferred sentence shall
23 not exceed ninety days."

24 SECTION 4. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2015.

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