

LFC Requester:	Joseph Simon
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AGENCY BILL ANALYSIS – 2026 SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
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(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 31JAN26 *Check all that apply:*
Bill Number: HB216 Original Correction
 Amendment Substitute

		Agency Name and Code
Sponsor:	<u>Rep. Luis M. Terrazas, Sen. Gabriel Ramos</u>	Number: <u>790 – Department of Public Safety</u>
Short	<u>Off-Highway Motor Vehicle Act Changes</u>	Person Writing <u>Matthew Broom, Deputy Chief</u>
		Phone: <u>5757601485</u> Email: <u>Matthew.broom@dps.nm.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
NFI	NFI	NIF	N/A	N/A

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Similar to 2025 HB 372
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

House Bill 216 updates the Off-Highway Motor Vehicle Act to reflect changes in the off-highway vehicle industry and to improve administration and enforcement. The bill revises statutory definitions to better capture newer classes of recreational off-highway vehicles, updates agency references and responsibilities, and expands the department's rulemaking and enforcement authority. It also modifies registration and permitting requirements by restructuring resident and nonresident registration fees, eliminating certain exemptions for nonresident vehicles registered in other states, and standardizing permit duration and renewal.

FISCAL IMPLICATIONS

No Fiscal Impact to DPS.

SIGNIFICANT ISSUES

No Significant Issues to DPS

PERFORMANCE IMPLICATIONS

House Bill 216 provides a comprehensive and necessary modernization of the Off-Highway Motor Vehicle Act. By updating definitions and weight limits to match current vehicle designs, the bill closes regulatory gaps that have emerged as the industry has evolved. Strengthened registration and permitting requirements improve enforcement consistency and ensure that all users contribute fairly to trail maintenance, safety programs, and environmental protection through user fees. Expanded safety, training, and enforcement authorities promote responsible vehicle operation, reduce accidents and resource damage, and improve coordination among state and local agencies. Collectively, these additions enhance public safety, protect natural and agricultural resources, and provide more reliable funding and data to support long-term management of off-highway motor vehicle use.

ADMINISTRATIVE IMPLICATIONS

No Administrative Implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

The following technical drafting issues merit attention:

There is potential ambiguity with respect to the non-resident 90-day permit user fee. Section 2(C) creates a two-tier nonresident permit structure. Subsection (C)(1) explicitly includes the off-highway user fee (up to \$40 by rule) for the two-year permit. However, Subsection (C)(2) provides for a 90-day permit at \$17 without expressly including the user fee language. This asymmetry creates interpretive ambiguity as to whether the Legislature intended the 90-day permit to exclude the user fee or if the omission was inadvertent. Section 2(E) states that the user fee "shall be paid upon obtaining and renewing each registration certificate or nonresident permit," which could be read to require payment of the fee for all permits. The Legislature may wish to clarify this ambiguity to avoid enforcement inconsistency.

OTHER SUBSTANTIVE ISSUES

The following additional substantive issues warrant consideration:

Multiple provisions of HB216 depend on rulemaking by the Department of Wildlife for implementation: (1) the off-highway user fee amount (not to exceed \$40), NMSA 1978, § 66-3-1004(A)(2); (2) age-appropriate size-fit vehicle standards, § 66-3-1010.3(D)(1); and (3) eye protection and safety helmet specifications, § 66-3-1018(B)(5)(c). The current administrative rules (18.15.3 NMAC) address many of these areas but may need to be updated to conform to the amended statutory definitions. The Department of Wildlife will need to complete rulemaking by July 1, 2026, to ensure orderly implementation.

The passenger restriction aligns with legitimate public safety objectives, but it raises potential concerns regarding clarity and implementation. The requirement that a minor be “visually supervised from the front passenger seat” may be ambiguous for vehicles not designed to carry a front-seat passenger, which could lead to inconsistent enforcement. Additionally, tying passenger eligibility to possession of a full driver’s license may be viewed as overly rigid in off-highway contexts, particularly in rural or agricultural settings. Clearer statutory language or supplemental rulemaking could reduce vagueness and help ensure uniform application and legal durability.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain. If HB 216 is not enacted: (1) The Off-Highway Motor Vehicle Act will retain outdated references to the “Department of Game and Fish,” creating inconsistency with SB5 (Laws 2025, signed with partial veto Mar. 20, 2025), which renames the agency to the Department of Wildlife effective July 1, 2026. (2) The recreational off-highway vehicle definition will remain outdated relative to industry developments, potentially excluding newer vehicle models that exceed the current 1,750-pound weight limit and 1,000cc displacement cap. (3) The nonresident reciprocity exemption under NMSA 1978, § 66-3-1004(C) will remain in effect, continuing the complex enforcement framework requiring evaluation of 16 different state regulatory schemes.

AMENDMENTS

None at this time.