

underscored material = new
[bracketed material] = delete

HOUSE BILL 216

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

Luis M. Terrazas and Jenifer Jones and Gabriel Ramos
and Crystal Brantley

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE OFF-HIGHWAY MOTOR
VEHICLE ACT TO REFLECT CHANGES IN THE OFF-HIGHWAY MOTOR VEHICLE
INDUSTRY AND TO IMPROVE REGISTRATION ENFORCEMENT AND
RESPONSIVENESS TO THE NEEDS OF OFF-HIGHWAY MOTOR VEHICLE USERS.

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

SECTION 1. Section 66-3-1001.1 NMSA 1978 (being Laws
2005, Chapter 325, Section 1, as amended) is amended to read:

"66-3-1001.1. DEFINITIONS.--As used in the Off-Highway
Motor Vehicle Act:

A. "board" means the off-highway motor vehicle
advisory board;

B. "department" means the department of [~~game and~~
~~fish~~] wildlife;

C. "division" means the motor vehicle division of
.233187.2

1 the taxation and revenue department;

2 D. "fund" means the trail safety fund;

3 E. "off-highway motor vehicle" means a motor
4 vehicle designed by the manufacturer for operation exclusively
5 off the highway or road and includes:

6 (1) "all-terrain vehicle", which means a motor
7 vehicle fifty inches or less in width, having an unladen dry
8 weight of one thousand pounds or less, traveling on three or
9 more ~~[low-pressure]~~ non-highway tires and having a seat
10 designed to be straddled by the operator and handlebar-type
11 steering control;

12 (2) "off-highway motorcycle", which means a
13 motor vehicle traveling on not more than two tires and having a
14 seat designed to be straddled by the operator and that has
15 handlebar-type steering control;

16 (3) "snowmobile", which means a motor vehicle
17 designed for travel on snow or ice and steered and supported in
18 whole or in part by skis, belts, cleats, runners or low-
19 pressure tires;

20 (4) "recreational off-highway vehicle", which
21 means a motor vehicle designed for travel on four or more non-
22 highway tires, for recreational use by one or more persons, and
23 having:

24 (a) a steering wheel for steering
25 control;

.233187.2

- 1 (b) non-straddle seating;
2 (c) maximum speed capability greater
3 than thirty-five miles per hour;
4 (d) [~~gross vehicle~~] unladen dry weight
5 [~~rating~~] no greater than [~~one thousand seven hundred fifty~~]
6 three thousand five hundred pounds;

- 7 (e) less than eighty inches in overall
8 width, exclusive of accessories; and

- 9 [~~(f) engine displacement of less than~~
10 ~~one thousand cubic centimeters; and~~

- 11 ~~(g)~~] (f) identification by means of a
12 seventeen-character vehicle identification number; or

- 13 (5) by rule of the department, any other
14 vehicles that may enter the market that fit the general profile
15 of vehicles operated off the highway for recreational purposes;

- 16 F. "staging area" means a parking lot, trailhead or
17 other location to or from which an off-highway motor vehicle is
18 transported so that it may be placed into operation or removed
19 from operation; and

- 20 G. "unpaved public roadway" means a dirt graveled
21 street or road that is constructed, signed and maintained for
22 regular passenger-car use by the general public."

- 23 SECTION 2. Section 66-3-1004 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 200, as amended) is amended to read:

- 25 "66-3-1004. REGISTRATION CERTIFICATE AND [~~NONRESIDENT~~]

1 PERMIT FEES--RENEWAL--DISTRIBUTION OF FEES.--Fees shall be
2 collected and distributed as follows:

3 A. the fees for registering an off-highway motor
4 vehicle are:

5 (1) seventeen dollars (\$17.00) for each off-
6 highway motor vehicle, of which five dollars (\$5.00) is
7 appropriated to the division to defray the cost of making and
8 issuing registration certificates, validating stickers and
9 nonresident permits for off-highway motor vehicles. The
10 remaining twelve dollars (\$12.00) shall be deposited in the
11 motor vehicle suspense fund for distribution pursuant to
12 Section 66-6-23 NMSA 1978; and

13 (2) an amount determined by rule of the
14 department not to exceed forty dollars (\$40.00) for an off-
15 highway user fee for each off-highway motor vehicle, which
16 shall be distributed to the fund;

17 B. upon a change of ownership, the new owner shall
18 make application and pay registration fees of:

19 (1) seventeen dollars (\$17.00) in the same
20 manner as provided by rules of the division for original
21 registration; and

22 (2) an amount determined by rule of the
23 department not to exceed forty dollars (\$40.00) for an off-
24 highway user fee for each off-highway motor vehicle, which
25 shall be distributed to the fund;

.233187.2

1 C. ~~[except for an off-highway vehicle that is~~
2 ~~currently in compliance with another state's off-highway~~
3 ~~vehicle registration, user fee or similar law or rule~~
4 ~~demonstrated by certificate of registration, permit or similar~~
5 ~~evidence]~~ the fees for a nonresident permit of an off-highway
6 motor vehicle are either:

7 (1) seventeen dollars (\$17.00), of which five
8 dollars (\$5.00) is appropriated to the division to defray the
9 cost of making and issuing registration certificates,
10 validating stickers and nonresident permits for off-highway
11 motor vehicles. The remaining twelve dollars (\$12.00) shall be
12 deposited in the motor vehicle suspense fund for distribution
13 pursuant to Section 66-6-23 NMSA 1978, and an amount determined
14 by rule of the department not to exceed forty dollars (\$40.00)
15 for each off-highway motor vehicle, which shall be distributed
16 to the fund; or

17 (2) seventeen dollars (\$17.00) for a ninety-
18 day permit, of which five dollars (\$5.00) is appropriated to
19 the division to defray the cost of making and issuing
20 registration certificates, validating stickers and nonresident
21 permits for off-highway motor vehicles. The remaining twelve
22 dollars (\$12.00) shall be deposited in the motor vehicle
23 suspense fund for distribution pursuant to Section 66-6-23 NMSA
24 1978;

25 D. except as provided in Paragraph (2) of
26 .233187.2

1 Subsection C of this section, each nonresident permit shall be:

2 (1) good for two years after the month in
3 which the off-highway motor vehicle nonresident permit is
4 issued; and

5 (2) renewed every two years;

6 E. the off-highway user fee for each off-highway
7 motor vehicle shall be paid upon obtaining and renewing each
8 registration certificate or nonresident permit;

9 F. duplicate registration certificates and
10 nonresident permits shall be issued upon payment of a seven-
11 dollar-fifty-cent (\$7.50) fee, which is appropriated to the
12 division to defray the cost of making and issuing duplicate
13 registration certificates and nonresident permits for off-
14 highway motor vehicles;

15 G. a fee of one dollar (\$1.00) on registration
16 certificates and nonresident permits shall be collected for the
17 litter control and beautification fund; and

18 H. the department, in conjunction with other
19 agencies and departments, may establish and maintain sites to
20 collect fees and issue permits for residents and nonresidents."

21 SECTION 3. Section 66-3-1010.3 NMSA 1978 (being Laws
22 2005, Chapter 325, Section 11, as amended) is amended to read:

23 "66-3-1010.3. OPERATION AND EQUIPMENT--SAFETY
24 REQUIREMENTS.--

25 A. A person shall not operate an off-highway motor

.233187.2

1 vehicle:

2 (1) in a careless, reckless or negligent
3 manner so as to endanger the person or property of another;

4 (2) while under the influence of intoxicating
5 liquor or drugs as provided by Section 66-8-102 NMSA 1978;

6 (3) while in pursuit of and with intent to
7 hunt or take a species of animal or bird protected by law
8 unless otherwise authorized by the state [~~game~~] wildlife
9 commission;

10 (4) in pursuit of or harassment of livestock
11 in any manner that negatively affects the livestock's
12 condition;

13 (5) on or within an earthen tank or other
14 structure meant to water livestock or wildlife, unless the
15 off-highway motor vehicle is on a route designated by the
16 landowner or land management agency as an off-highway motor
17 vehicle route;

18 (6) in a manner that has a direct negative
19 effect on or interferes with persons engaged in agricultural
20 practices;

21 (7) in excess of ten miles per hour within two
22 hundred feet of a business, animal shelter, horseback rider,
23 bicyclist, pedestrian, livestock or occupied dwelling, unless
24 the person operates the vehicle on a closed course or track or
25 a public roadway;

.233187.2

1 (8) unless in possession of the person's
2 registration certificate or nonresident permit;

3 (9) unless the vehicle is equipped with a
4 spark arrester approved by the United States forest service;
5 provided that a snowmobile is exempt from this provision;

6 (10) when conditions such as darkness limit
7 visibility to five hundred feet or less, unless the vehicle is
8 equipped with:

9 (a) one or more headlights of sufficient
10 candlepower to light objects at a distance of one hundred fifty
11 feet; and

12 (b) at least one taillight of sufficient
13 intensity to exhibit a red or amber light at a distance of two
14 hundred feet under normal atmospheric conditions;

15 (11) that produces noise that exceeds ninety-
16 six decibels when measured using test procedures established by
17 the society of automotive engineers pursuant to standard
18 J-1287; or

19 (12) where off-highway motor vehicle traffic
20 is prohibited under local, state or federal rules or
21 regulations.

22 B. A person under the age of eighteen shall not
23 operate an off-highway motor vehicle:

24 (1) or ride upon an off-highway motor vehicle
25 without wearing eye protection and a safety helmet that is

1 securely fastened in a normal manner as headgear and that meets
2 the standards established by the department;

3 (2) without an off-highway motor vehicle
4 safety permit; or

5 (3) while carrying a passenger, except for a
6 person under the age of eighteen who is:

7 (a) fully licensed to operate a motor
8 vehicle on a street or highway while carrying passengers; or

9 (b) being visually supervised from the
10 front passenger seat, as required in Subsection C or D of this
11 section.

12 C. A person under the age of eighteen but at least
13 ten years of age shall not operate an off-highway motor vehicle
14 unless the person is visually supervised at all times by a
15 parent, legal guardian or a person over the age of eighteen who
16 has a valid driver's license. This subsection shall not apply
17 to a person who is at least:

18 (1) thirteen years of age and has a valid
19 motorcycle license and off-highway motor vehicle safety permit;
20 or

21 (2) fifteen years of age and has a valid
22 driver's license, instructional permit or provisional license
23 and off-highway motor vehicle safety permit.

24 D. A person under the age of ten shall not operate
25 an off-highway motor vehicle unless:

.233187.2

1 (1) the all-terrain vehicle or recreational
2 off-highway vehicle is an age-appropriate size-fit vehicle
3 established by rule of the department; and

4 (2) the person is visually supervised at all
5 times by a parent, legal guardian or instructor of a safety
6 training course certified by the department.

7 E. An off-highway motor vehicle shall not be sold
8 or offered for sale if the vehicle produces noise that exceeds
9 ninety-six decibels when measured using test procedures
10 established by the society of automotive engineers pursuant to
11 standard J-1287. This subsection shall not apply to an off-
12 highway motor vehicle that is sold or offered for sale only for
13 organized competition."

14 SECTION 4. Section 66-3-1018 NMSA 1978 (being Laws 2005,
15 Chapter 325, Section 20, as amended) is amended to read:

16 "66-3-1018. DEPARTMENT--POWERS AND DUTIES.--

17 A. The department shall cooperate with appropriate
18 federal agencies, public and private organizations and
19 corporations and local government units to implement the
20 provisions of the Off-Highway Motor Vehicle Act.

21 B. The department:

22 (1) shall accept and evaluate all applications
23 for approval and certification of an off-highway motor vehicle
24 safety training organization and approve and certify those that
25 meet the minimum criteria;

.233187.2

1 (2) shall notify the division of the off-
2 highway motor vehicle safety training organizations that have
3 received approval and certification;

4 (3) shall establish and revise as appropriate
5 minimum criteria to approve and certify an off-highway motor
6 vehicle safety training organization. The criteria shall
7 include requirements for curriculum and materials for:

8 (a) training instructors to teach off-
9 highway motor vehicle safety;

10 (b) training the public about off-
11 highway motor vehicle safety and age-appropriate size-fit use
12 of off-highway motor vehicles; and

13 (c) teaching responsible use of off-
14 highway motor vehicles with respect to environmental
15 considerations, private property restrictions, agricultural and
16 rural lifestyles and cultural considerations, off-highway motor
17 vehicle operating laws and prohibitions against operating off-
18 highway motor vehicles under the influence of alcohol or drugs;

19 (4) shall implement a state off-highway motor
20 vehicle safety training and certification program;

21 (5) shall adopt and promulgate rules regarding
22 the:

23 (a) age-appropriate size-fit use of all-
24 terrain vehicles or recreational off-highway motor vehicles;

25 (b) acceptance or accreditation of

1 instruction or safety courses provided by other states; and

2 (c) standards covering the
3 specifications of eye protection and safety helmets;

4 (6) may recommend, with public participation
5 and input, off-highway motor vehicle park, facility and trail
6 locations to the state, county, tribal or local governing body
7 or private entity that owns or administers the land upon which
8 the park, facility or trail is located. The department shall
9 establish criteria to recommend locations that include
10 consideration of off-highway motor vehicle operating laws and
11 effects on:

12 (a) wildlife and the environment;

13 (b) adjacent state, county, federal,
14 tribal and private property;

15 (c) other recreational and
16 nonrecreational uses on the same or adjacent lands; and

17 (d) archaeological, cultural and
18 historic resources and customs;

19 (7) shall recommend restoration or, if deemed
20 necessary, closure of off-highway motor vehicle tracks or
21 trails to the state, county, tribal or local governing body or
22 private entity that owns or administers the land upon which the
23 tracks or trails are located if they pose significant or
24 irreversible environmental damage, a danger to users or a
25 public nuisance as determined by the department. The

.233187.2

1 department shall consider the construction of alternative
2 tracks or trails as part of the closure process;

3 (8) shall accept and evaluate all applications
4 for grants from the fund for implementation of the provisions
5 of the Off-Highway Motor Vehicle Act. The department shall
6 establish criteria for grants from the fund that include
7 consideration of the:

8 (a) applicant's financial and legal
9 status;

10 (b) applicant's management plan,
11 including specific measures to avoid or minimize environmental
12 damage to public and private lands and danger to users and
13 spectators;

14 (c) operating budget for the park,
15 trail, facility or staging area;

16 (d) availability of matching funds; and

17 (e) public participation and input;

18 (9) shall certify tour guides;

19 (10) shall prepare a management plan that
20 accomplishes the purposes of the Off-Highway Motor Vehicle Act
21 in a cost-effective manner and relies on existing agencies'
22 available funding with specific qualifications for program
23 implementation, which shall include joint powers agreements
24 with the department of public safety and other law enforcement
25 agencies for law enforcement and other agencies as appropriate

.233187.2

1 for carrying out the provisions of the Off-Highway Motor
2 Vehicle Act;

3 (11) shall develop and implement an overall
4 enforcement strategy for the entire state that includes:

5 (a) cooperation with federal, state and
6 local law enforcement agencies to provide training and
7 educational materials related to off-highway motor vehicle use;

8 (b) coordination efforts related to off-
9 highway motor vehicle use with participating law enforcement
10 agencies;

11 (c) developing strategies for addressing
12 and ~~[mininizing]~~ minimizing impacts on farmers and ranchers in
13 rural agricultural areas, on hunters and anglers and on non-
14 motorized recreationalists by off-highway motor vehicle use;
15 and

16 (d) using law enforcement DUI-type
17 "blitzes" in heavily used areas, staging areas or other problem
18 areas;

19 (12) shall develop and implement an overall
20 educational strategy for the entire state that:

21 (a) incorporates materials developed by
22 the United States department of agriculture forest service
23 program that teaches trail etiquette and respect for natural
24 resources;

25 (b) includes the development of New

1 Mexico-specific written, video or other educational materials
2 and educational programs that address the impact of off-highway
3 motor vehicles on traditional living culture, agricultural land
4 and private property; and

5 (c) includes the development and
6 maintenance of a ~~[web-site]~~ website containing rules and
7 regulations, safety information and educational material
8 relating to resource protection and the impact of off-highway
9 motor vehicles on traditional living culture, agricultural land
10 and historical sites;

11 (13) shall develop an overall strategy for
12 phased implementation of an information system to track
13 information, such as use patterns, injury data, ecological
14 data, natural resource data and data relating to the impact of
15 off-highway motor vehicles on traditional living culture and on
16 agricultural land. The strategy shall include:

17 (a) identification and implementation of
18 appropriate data collecting mechanisms, such as a toll-free
19 number or a web-based data collecting process; and

20 (b) development of an information system
21 program capable of interfacing with existing government and
22 private databases or other information systems;

23 (14) may implement noise enforcement by the
24 testing of sound levels of off-highway motor vehicles at the
25 time of registration and equip law enforcement officers with

1 sound meters for field testing of sound levels;

2 (15) may contract with government or quasi-
3 government agencies to conduct analysis of the impact of off-
4 highway motor vehicle use on ~~[forests, rangeland and other]~~
5 state and local economies, public safety and natural resources
6 and use the data obtained to make recommendations to the
7 appropriate ~~[land management]~~ agency;

8 (16) shall review the definition of "off-
9 highway motor vehicle" as needed to include new classes of off-
10 highway motor vehicles as they become available in the
11 marketplace;

12 (17) shall, in cooperation with the division,
13 determine the size, composition, attachment mechanism, letter
14 or number height and other properties of off-highway motor
15 vehicle identification. This identification may be a
16 traditional license plate, stick-on lettering as used for boat
17 identification or another form of identification that is
18 visible and readable;

19 (18) shall present its semiannual plans and
20 progress to the advisory board for the board's input and
21 response; and

22 (19) may collaborate with the appropriate land
23 agencies to develop criteria for signage relating to off-road
24 motor vehicle use, including the size, visibility, graphics and
25 frequency of signage."

.233187.2

underscoring material = new
[bracketed material] = delete

1 SECTION 5. EFFECTIVE DATE.--The effective date of the
2 provisions of this act is July 1, 2026.

3 - 17 -