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HOUSE BILL 320

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Ambrose Castellano and Joseph L. Sanchez

AN ACT

RELATING TO OFF-HIGHWAY MOTOR VEHICLES; AMENDING SECTION
66-3-1001.1 NMSA 1978 (BEING LAWS 2005, CHAPTER 325, SECTION 1,
AS AMENDED); AMENDING DEFINITIONS.

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;

C. "division" means the motor vehicle division of
the taxation and revenue department;

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

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

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

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

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

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

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

25 (b) non-straddle seating;

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1 (c) maximum speed capability greater
2 than thirty-five miles per hour;

3 (d) [~~gross vehicle~~] unladen dry weight
4 [~~rating~~] of no greater than [~~one thousand seven hundred fifty~~]
5 three thousand five hundred pounds;

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

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

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

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

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

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

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