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SENATE BILL 51

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO OFF-HIGHWAY MOTOR VEHICLES; AMENDING SECTIONS OF
THE MOTOR VEHICLE CODE AND THE OFF-HIGHWAY MOTOR VEHICLE ACT;
PROVIDING FOR A SPECIAL PAVED ROAD USE VEHICLE PLATE FOR OFF-
HIGHWAY MOTOR VEHICLES; AMENDING THE OFF-HIGHWAY MOTOR VEHICLE
ACT TO SPECIFY AGE-APPROPRIATE OPERATING LICENSES, PERMITS AND
SAFETY GEAR FOR PAVED ROAD USE; MAKING AN APPROPRIATION.

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

SECTION 1. Section 66-1-4.19 NMSA 1978 (being Laws 1990,
Chapter 120, Section 20, as amended) is amended to read:

"66-1-4.19. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "validating sticker" means the tab or sticker
issued by the division to signify, upon a registration plate,
renewed registration;

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1 B. "vehicle" means every device in, upon or by
2 which any person or property is or may be transported or drawn
3 upon a highway, including any frame, chassis, body or unitized
4 frame and body of any vehicle or motor vehicle, except devices
5 moved exclusively by human power or used exclusively upon
6 stationary rails or tracks; ~~and~~

7 C. "vehicle-business number" means the distinctive
8 registration number given by the division to any manufacturer,
9 auto recycler or dealer; and

10 D. "vehicle plate" means a plate, marker, sticker
11 or tag similar to a registration plate, but that is issued by
12 the department for vehicles that are exempted from registration
13 under the Motor Vehicle Code."

14 SECTION 2. A new section of the Motor Vehicle Code is
15 enacted to read:

16 "[NEW MATERIAL] OFF-HIGHWAY MOTOR VEHICLE PAVED ROAD USE
17 VEHICLE PLATE.--

18 A. The department shall issue a standardized
19 special off-highway motor vehicle paved road use vehicle plate
20 with a logo specified in Section 66-3-424 NMSA 1978 indicating
21 that the recipient intends to operate an off-highway motor
22 vehicle on paved streets or highways in accordance with the
23 provisions of the Off-Highway Motor Vehicle Act.

24 B. For a fee of seven dollars (\$7.00), an off-
25 highway motor vehicle owner who wishes to indicate an intent to

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1 operate an off-highway motor vehicle on paved streets or
2 highways in accordance with the provisions of the Off-Highway
3 Motor Vehicle Act may apply for the issuance of a special
4 vehicle plate as provided in Subsection A of this section. No
5 two owners shall be issued identically lettered or numbered
6 vehicle plates.

7 C. The revenue from the special off-highway motor
8 vehicle paved road use vehicle plate fee imposed by Subsection
9 B of this section shall be retained by the department and is
10 appropriated to the department for the manufacture and issuance
11 of the vehicle plates."

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

14 "66-3-1011. OPERATION ON STREETS OR HIGHWAYS--PROHIBITED
15 AREAS.--

16 A. A person shall not operate an off-highway motor
17 vehicle on any:

18 (1) limited access highway or freeway at any
19 time; or

20 (2) paved street or highway except as provided
21 in Subsection B, C [~~or~~], D or E of this section.

22 B. Off-highway motor vehicles may cross streets or
23 highways, except limited access highways or freeways, if the
24 crossings are made after coming to a complete stop prior to
25 entering the roadway. Off-highway motor vehicles shall yield

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1 the right of way to oncoming traffic and shall begin a crossing
2 only when it can be executed safely and then cross in the most
3 direct manner as close to a perpendicular angle as possible.

4 C. If authorized by ordinance or resolution of a
5 local authority or the state transportation commission, a
6 recreational off-highway vehicle or an all-terrain vehicle may
7 be operated on a paved street or highway owned and controlled
8 by the authorizing entity if:

9 (1) the vehicle has one or more headlights and
10 one or more taillights that comply with the Off-Highway Motor
11 Vehicle Act;

12 (2) the vehicle has brakes, mirrors and
13 mufflers;

14 (3) the operator has [a] valid driver's
15 [~~license, instruction permit or provisional license and an off-~~
16 ~~highway motor vehicle safety permit~~] licenses or permits as
17 required under the Motor Vehicle Code and off-highway motor
18 vehicle safety permits as required under the Off-Highway Motor
19 Vehicle Act;

20 (4) the operator is insured in compliance with
21 the provisions of the Mandatory Financial Responsibility Act;
22 [~~and~~]

23 (5) the operator of the vehicle is wearing eye
24 protection [~~and~~] that complies with the Off-Highway Motor
25 Vehicle Act; and

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1 (6) if the operator is under eighteen years of
2 age, a safety helmet that [~~comply~~] complies with the Off-
3 Highway Motor Vehicle Act.

4 D. Except for sections that are in conflict with
5 the licensing and equipment requirements of the Off-Highway
6 Motor Vehicle Act, any operator using an off-highway motor
7 vehicle on a paved street or highway shall be subject to the
8 requirements for operators of moving and parked vehicles under
9 the Motor Vehicle Code.

10 [~~D-~~] E. By ordinance or resolution, a local
11 authority or state transportation commission may establish
12 separate speed limits and operating restrictions for off-
13 highway vehicles where they are authorized to operate on paved
14 streets or highways pursuant to Subsection C of this section.

15 [~~E-~~] F. A person shall not operate an off-highway
16 motor vehicle on state game commission-owned, -controlled or
17 -administered land except as specifically allowed pursuant to
18 Chapter 17, Article 6 NMSA 1978.

19 [~~F-~~] G. A person shall not operate an off-highway
20 motor vehicle on land owned, controlled or administered by the
21 state parks division of the energy, minerals and natural
22 resources department, pursuant to Chapter 16, Article 2 NMSA
23 1978, except in areas designated by and permitted by rules
24 adopted by the secretary of energy, minerals and natural
25 resources.

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[G-] H. Unless authorized, a person shall not:

(1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or

(2) install any off-highway motor vehicle-related sign."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.