

FIFTY-THIRD LEGISLATURE
FIRST SESSION

February 6, 2017

SENATE FLOOR AMENDMENT number ___1___ to SENATE BILL 51, as amended
Amendment sponsored by Senator Steven P. Neville

1. On page 3, between lines 11 and 12, insert the following
new section:

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

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

A. A person shall not operate an off-highway motor
vehicle:

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

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

(3) while in pursuit of and with intent to hunt or
take a species of animal or bird protected by law unless otherwise
authorized by the state game commission;

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

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

(6) in a manner that has a direct negative effect on

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or interferes with persons engaged in agricultural practices;

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

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

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

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

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

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

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

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

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

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(1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department;

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

(3) while carrying a passenger.

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

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

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

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

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

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

E. An off-highway motor vehicle shall not be sold or offered for sale if the vehicle produces noise that exceeds ninety-

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six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition."".

2. Renumber the succeeding sections accordingly.

Steven P. Neville

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____