

LFC Requester:

Noah Montano

**NMDOT BILL ANALYSIS  
2025 REGULAR SESSION**

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

**SECTION I: GENERAL INFORMATION**

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

Check all that apply:

Date Prepared: 2/16/2025

Original  Amendment

Bill No. HB 371

Correction  Substitute

Sponsor: Luis M. Terrazas, Rebecca Dow  
Joseph L. Sanchez, Rod Montoya,  
and William A. Hall

Agency/ Code: NMDOT - 805 - Office of General Counsel

Short Title Off-Highway Motor Vehicles  
on Roads

Person Writing Analysis: John Newell

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Not applicable.

**REVENUE (dollars in thousands)**

Not applicable.

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | <b>FY26</b>   | <b>FY27</b>   | <b>FY28</b>   | <b>3 Year<br/>Total Cost</b> | <b>Recurring or<br/>Nonrecurring</b> | <b>Fund<br/>Affected</b> |
|--------------|---------------|---------------|---------------|------------------------------|--------------------------------------|--------------------------|
| <b>Total</b> | Indeterminate | Indeterminate | Indeterminate | Indeterminate                | Indeterminate                        | Indeterminate            |

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

**BILL SUMMARY**

House Bill 371 (HB 371) amends NMSA 1978, Section 66-3-1011 to transfer the authority to regulate off-highway motor vehicles operating on paved state highways and roads from the State Transportation Commission (STC) to the local or county elected authority in which such paved streets or highways are located. As part of this transfer of authority, HB 371 would allow a local authority to set the speed limit for off-road motor vehicles operating on paved roads, including on paved state highways and roads controlled by the STC and the New Mexico Department of Transportation (NMDOT).

## **FISCAL IMPLICATIONS**

The exact fiscal impact of HB 371 is unknown. Potential fiscal impacts include possible loss of funding for failure to meet performance measures for safety and increased risk of liability due to the STC and NMDOT not being able to restrict off-highway vehicles from sections of state highways and roads that may not be conducive to safe operation of such vehicles. See Significant Issues below.

## **SIGNIFICANT ISSUES**

Less rigor will be applied when reviewing the off-highway motor vehicle use on public roadways that will affect NMDOT's performance measures for safety with the federal government and performance measures established each year with House Bill 3.

HB 371 denies the STC and by extension NMDOT, the right to regulate the types of vehicles that have access to streets and highways that NMDOT is responsible for. As a result, NMDOT may be liable for claims involving vehicles it is unable to prohibit from using NMDOT controlled property.

HB 371 further denies the STC and NMDOT the right to regulate vehicles that have access to paved roads or highways that NMDOT has sole responsibility for. HB 371 is also in direct contravention of NMSA 1978, Section 66-7-303 (granting authority to regulate speeds zones on state highways and roads to the Secretary of NMDOT) and NMSA 1978, Section 66-7-304 (requiring NMDOT approval of speed limits set by counties on state highways and roads).

The Manual of Uniform Traffic Control Devices (MUTCD), a national standard for traffic control devices requires an engineering study be used to establish speed limits. The engineering study must be performed in accordance with traffic engineering practices. Many local and elected county officials do not have access to this area of expertise.

Posted speed limits are used to determine a variety of design features on a roadway, including but not limited to horizontal curvature, vertical curvature, intersection sight distance, stopping sight distance, horizontal clearance, need for barriers, etc. Establishing a higher speed limit for off-road vehicles would allow these vehicles to drive at faster speeds than the facility is designed for.

## **PERFORMANCE IMPLICATIONS**

HB 371 would require NMDOT to monitor and be familiar with numerous local and county rules and regulations that may be contrary to each other, instead of one set of rules established by the STC.

## **ADMINISTRATIVE IMPLICATIONS**

HB 371 would also negate Commission Policy 71 in which the STC has already established rules for off-highway motor vehicles to operate on paved streets and highways.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

See above.

## **TECHNICAL ISSUES**

None identified.

## **OTHER SUBSTANTIVE ISSUES**

None identified.

## **ALTERNATIVES**

None identified.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The STC and the NMDOT would continue to assess the use of off-road motor vehicles on paved state highways and roads in order to promote the safety of the travelling public.

## **AMENDMENTS**

None suggested.