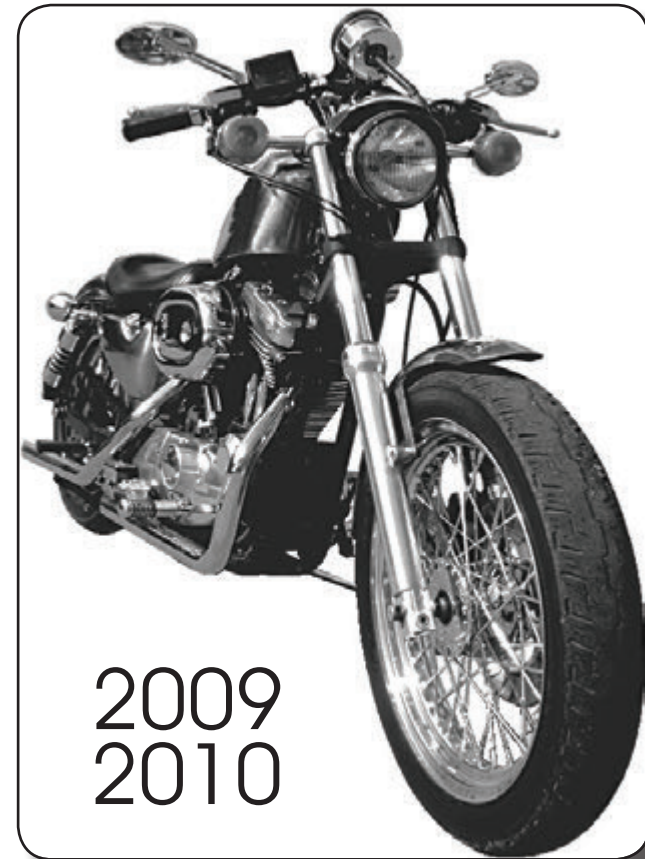


New Mexico's MOTORCYCLE LAWS



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18.19.5.32 NMAC DRIVER LICENSE RESTRICTIONS

Driver's licenses, other than licenses issued under the New Mexico Commercial Driver's License Act, may be issued with one or more of the following restrictions:

| Code | Restriction |
|------|--|
| B | Driver must wear corrective lenses while driving. |
| C | Driver limited to vehicles equipped with suitable mechanical aids such as special brakes, hand controls or other adaptive devices. |
| D | Driver must use prosthetic aids (other than corrective lenses) while driving, except as otherwise provided in Subsection C of 18.19.5.33 NMAC. |
| E | Driver limited to vehicles with automatic transmissions. |
| F | Driver limited to vehicles with outside mirrors. |
| G | Driver limited to driving a vehicle during daylight hours only. |
| H | Driver limited to driving a vehicle for employment reasons only. |
| I | Limited - other. |

18.19.7.9 NMAC HELMET STANDARD

A helmet to be used by a person under the age of eighteen in connection with the operation of a motorcycle must meet Federal Motor Vehicle Safety Standard Number 218 (Motorcycle Helmets) issued by the United States secretary of transportation. Only helmets meeting Federal Motor Vehicle Safety Standard Number 218 are approved for use in New Mexico.

New Mexico Motorcycle Laws 2009-2010

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Safety Tips for Motorcyclists:

* Make yourself visible:

Choose protective gear that will increase your visibility in addition to providing protection in the event of a crash. Wear bright colors that make you more visible and, if riding at night, wear clothing with retro-reflective materials.

* Ride where you can be seen:

Remember that there is no one safe place to ride. Use lane positioning to your advantage to be seen and to provide extra space for emergency braking situations or avoidance maneuvers. Avoid the driver's blind spots. Make your lane moves gradually, and always signal your intentions.

* Never share a lane with a car:

A driver may not expect you to be there and may not be aware of your presence. Remember, most drivers are not conditioned to look for motorcycles and only see other passenger vehicles and commercial vehicles.

* Clearly signal your intentions to other drivers:

Signal before changing lanes and never weave between lanes.

* Left turning cars and red light runners are the leading motorcyclist killers.

Be aware that cross traffic may not see you

Safety Tips for Motorists:

* Respect motorcyclists:

Remember, the motorcycle is a vehicle with all the privileges of any other vehicle on the roadway. Give motorcyclists a full lane of travel and double-check blind spots when entering or changing a lane of travel.

* Look out:

Look for the motorcyclist on the highway, when entering or leaving a lane of travel, and especially at intersections. Because motorcycles are smaller, drivers tend to underestimate how far away a motorcycle actually is and how fast it's going. Also, drivers can be fooled by a motorcycle's flashing turn signal. Motorcycle turn signals don't turn off by themselves like automobile signals do and riders often forget about them, riding for long periods of time without realizing the blinker is on. Drivers should take an extra moment to determine a rider's intentions by making eye contact with the rider before proceeding.

* Allow plenty of space:

Don't follow a motorcycle too closely. Allow a two-second "space cushion" when following a motorcycle. In poor driving conditions, at higher speeds, or at night, allow a four-second following distance.

Selected Motor Vehicle Regulations

18.19.5.30 NMAC DRIVER LICENSE CLASSIFICATIONS

A. Driver's licenses, other than licenses issued under the New Mexico Commercial Driver's License Act, shall be issued under the following classifications:

| Class | Vehicles Licensee Authorized to Drive |
|-------|--|
| D | On and after October 1, 1996: Other than any vehicle included in class C, any single vehicle less than 26,001 pounds gross vehicle weight, and such vehicles towing vehicles provided that: (1) the towing vehicle is of equal or greater weight than the vehicle being towed; or (2) if the towing vehicle is of lesser weight than the towed vehicle, the weight in the towed vehicle does not exceed the manufacturer's rated capacity and: (a) the towing vehicle has either a class 4 or higher equalizing hitch or a fifth wheel; (b) the vehicle being towed is a trailer; or (c) the vehicle combination properly displays slow-moving insignia and moves at speeds of 25 mph or less. In order to operate a motorcycle a driver must have a motorcycle endorsement. |
| E | Any vehicle or combination of vehicles described in 18.19.5.112 NMAC (Vehicle Drivers Excluded from the Requirement to Hold a Commercial Driver's License) and any class D vehicle. In order to operate a motorcycle a driver must have a motorcycle endorsement. |
| M | Two- or three-wheeled motorcycles. This classification of license must have an endorsement of "Z", "Y" or "W" to be valid. This class of license is issued to drivers who drive only a motorcycle vehicle. |

B. New Mexico driver's licenses classes 1 through 5 issued under the former classification system remain valid until expiration, replacement with a class A, B, C, D, E or M driver's license or revocation or cancellation under the provisions of the Motor Vehicle Code.

C. A class E license will be issued only to individuals who are exempt from the requirements of the New Mexico Commercial Driver's License Act.

18.19.5.31 NMAC DRIVER LICENSE ENDORSEMENTS

Driver's licenses, other than licenses issued under the New Mexico Commercial Driver's License Act, may be issued with one of the following endorsements:

| Endorsement | Authorizes Licensee to Operate |
|-------------|---|
| Z | Any two- or three-wheeled motorcycle with an engine of less than 50 cubic centimeters piston displacement. |
| Y | Any two- or three-wheeled motorcycle with an engine of at least 50 but less than 100 cubic centimeters piston displacement. |
| W | Any two- or three-wheeled motorcycle with an engine of 100 or more cubic centimeters piston displacement. |

straight line from center to center of the vehicle axles.

66-7-506. Bureau; functions; powers; duties. (1993)

The [Traffic Safety] bureau shall have the following powers and duties:

J. institute and administer a statewide motorcycle training program funded as provided for in Section 66-10-10 NMSA 1978;

66-10-9. Motorcycle driver education programs. (1993)

A. Any driver education school licensed under the Driving School Licensing Act [66-10-1 NMSA 1978] may offer a motorcycle driver education program in accordance with regulations promulgated by the bureau.

B. The bureau shall prescribe minimum motorcycle driver education program standards.

C. The Driving School Licensing Act applies to any program offered under this section.

66-10-10. Motorcycle training fund created; purpose. (1993)

A. There is created in the state treasury the "motorcycle training fund". The fund shall be invested in accordance with the provisions of Section 6-10-10 NMSA 1978, and all income earned on the fund shall be credited to the fund.

B. The motorcycle training fund shall be used to institute and provide a statewide system of motorcycle training and driver awareness and education in the dangers of driving while under the influence of alcohol or drugs for first-time license applicants and to provide for the purchase of necessary equipment and provide for such support services as are necessary for the establishment and maintenance of the system.

C. First-time applicants for a motorcycle license or an endorsement on their New Mexico driver's license may be required to complete a motorcycle driver education program as prescribed by the rules and regulations of the bureau.

D. The bureau shall adopt rules and regulations as prescribed in the State Rules Act [14-4-1 NMSA 1978] for the administration of a statewide motorcycle driver education program to be administered by the bureau. The program shall include, but not be limited to:

- (1) helmet use and effectiveness;
- (2) motorcycle accident and fatality statistics;
- (3) drug and alcohol abuse information, laws and statistics;
- (4) street and highway safe driving habits; and
- (5) defensive driving.

E. The bureau shall cooperate with the state department of public education to distribute information through the public school systems.

F. All money in the motorcycle training fund is appropriated to the bureau for the purpose of carrying out the provisions of Subsection B of this section; provided that at the end of the seventy-second fiscal year and all subsequent fiscal years, all money in the motorcycle training fund in excess of the amount budgeted for the purposes delineated in Subsection B of this section shall revert to the state road fund.

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66-7-355. Riding on motorcycles. (1991)

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, shall have his feet upon the footrests provided on the machine and shall not carry any other person nor shall any other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have his feet upon the footrests attached for passenger use.

B. Any person operating a motorcycle not having a fixed windshield of a type approved by regulation of the secretary shall wear an eye protective device which may be a faceshield attached to a safety helmet, goggles or safety eyeglasses. All eye protective devices shall be of a type approved by regulations promulgated by the director.

66-7-356. Mandatory use of protective helmets. (1991)

A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards specified by the director. The director shall adopt rules and regulations establishing standards covering the types of helmets and the specifications therefor and shall establish and maintain a list of approved helmets meeting the standards and specifications of the director. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid driver's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the director.

B. Failure to wear a safety helmet as required in this section shall not constitute contributory negligence.

Annotation: Ordinance requiring wearing of helmet appropriate exercise of police power. — A city ordinance which requires the operator of a motorcycle to wear an approved safety helmet is an appropriate exercise of the city's police power and therefore is constitutional. *City of Albuquerque v. Jones*, 87 N.M. 486, 535 P.2d 1337 (1975).

66-7-403. Projecting loads on passenger vehicles. (2001)

No passenger-type vehicle, except a motorcycle or recreational vehicle shall be operated on any highway with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than six inches beyond the line of the fenders on the right side of the vehicle.

66-7-405. Minimum vehicle size. (1978)

A. It is unlawful to operate on the highways of this state any motor vehicle:

- (1) with a wheelbase, between two axles, of less than three feet four inches;
- (2) with a motor displacement of less than forty-five cubic centimeters; or
- (3) any motorcycle with less than a twenty-five inch seat height measured from the ground to the lowest point on the top of the seat cushion, without a rider.

B. For the purpose of this section, wheelbase shall be measured upon a

G. A holder of an instruction permit for a motorcycle shall not carry any other passenger while operating a motorcycle.

66-5-14. Examination of applicants. (1995)

A. The department shall examine every first-time applicant for a driver's license or a motorcycle endorsement and may examine other applicants for a driver's license or motorcycle endorsement. The examination shall include a test of the applicant's ability to read and understand highway signs regulating, warning and directing traffic, the applicant's knowledge of the traffic laws of this state and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle except as provided in Section 66-5-7 NMSA 1978 and any further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle or motorcycle safely upon the highways.

B. Regardless of whether an applicant is examined under Subsection A of this section, the department shall test the eyesight of every applicant for a driver's license or motorcycle endorsement.

C. The department is authorized to contract with other persons for conduct of tests of the applicant's ability to exercise ordinary and reasonable control of a motor vehicle. Any such contract may be terminated by the secretary upon written notice for failure of the contractor to perform his duties to the secretary's satisfaction. Contracts under this subsection may provide for the form of notice and the length of the period, if any, between the notice and the effective date of the termination.

D. For purposes of this section, a "first-time applicant" means an applicant other than a person who:

(1) holds a currently valid driver's license issued by New Mexico or any other jurisdiction at the time of application; or

(2) does not hold a currently valid driver's license issued by New Mexico or any other jurisdiction at the time of application but who held a valid driver's license issued by New Mexico or any other jurisdiction within one year prior to the date of application if that driver's license was not revoked under any provision of the Motor Vehicle Code [66-1-1 NMSA 1978] or suspended, canceled or revoked under the laws of any other jurisdiction for reasons similar to those for which revocation is authorized under the Motor Vehicle Code.

66-6-1. Motorcycles; registration fees. (2004 AARS)

A. For the registration of motorcycles, the department shall collect the following fees for a twelve-month registration period:

(1) for a motorcycle having not more than two wheels in contact with the ground, fifteen dollars (\$15.00); and

(2) for a motorcycle having three wheels in contact with the ground or having a sidecar, fifteen dollars (\$15.00).

B. In addition to other fees required by this section, the department shall collect for each motorcycle an annual tire recycling fee of one dollar (\$1.00) for a twelve-month registration period.

Operating Motorcycles in New Mexico

Selected Laws 2009-2010

New Mexico Highway and Transportation Department

Traffic Safety Bureau

Courses of Instruction and School Programs

22-13-12. Approved driver-education courses. (2004 AARS)

A. The state board [department] or its designated representative shall adopt and promulgate minimum standards for approved driver-education and motorcycle driver-education courses taught in any school in the state.

B. A driver-education or motorcycle driver-education course shall provide to students legally entitled to operate the type of motor vehicle involved, classroom instruction and behind-the-wheel or on-the-motorcycle training in the safe operation of the motor vehicle.

C. An approved driver-education or motorcycle driver-education course is a course of instruction certified by the state superintendent [secretary] as meeting the minimum standards for such a driver-education course adopted by the state board [department] or its designated representative.

The New Mexico Motor Vehicle Code

66-1-4.4. Definitions. (1999)

K. "driver" means every person who drives or is in actual physical control of a motor vehicle, including a motorcycle, upon a highway, who is exercising control over or steering a vehicle being towed by a motor vehicle or who operates or is in actual physical control of an off-highway motor vehicle;

66-1-4.11. Definitions. (1998)

F. "moped" means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, that is capable of propelling the vehicle at a maximum speed of not more than thirty miles an hour on level ground, at sea level;

G. "motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, excluding a tractor;

Special Registration Plates

66-3-16. Distinctive registration plates; persons with significant mobility limitation; parking placard. (2007)

A. The division shall issue distinctive registration plates for use on motor vehicles and motorcycles owned by a person with a significant mobility limitation who requests a distinctive registration plate and who proves satisfactorily to the division that the person meets the standard provided in Subsection I [J] of this section. No fee in addition to the regular registration fee, if any, applicable to the motor vehicle or motorcycle shall be collected for issuance of distinctive registration plates pursuant to this section.

B. No person shall falsely claim to have a significant mobility limitation so as to be eligible to be issued a distinctive registration plate or a parking placard pursuant to this section when the person does not in fact have a significant mobility limitation. Upon notice and opportunity to be heard, the division may revoke and demand return of any placard when:

- (1) it was issued in error or with false information;
- (2) the person receiving the placard is no longer eligible; or
- (3) the placard is being used by ineligible persons.

C. Upon written application to the division accompanied by a medical statement by a licensed physician attesting to the permanent significant mobility limitation, a resident of the state who has a significant mobility limitation, as provided in this section, may apply for and be issued no more than two parking placards for display upon a motor vehicle registered to the person or motor vehicle owned by another person who is transporting the person with a significant mobility limitation. The physician shall provide the division all information and records necessary to issue a permanent parking placard. Once approved for use of a permanent parking placard, a person with a significant mobility limitation shall not be required to furnish further medical information.

D. A parking placard issued pursuant to this section shall expire on the same date the person's license or identification card issued pursuant to Section 66-5-401 NMSA 1978 expires.

E. The division shall issue two-sided hanger-style parking placards with the following characteristics:

- (1) a picture of the international symbol of access;
- (2) a hologram to make duplication difficult;
- (3) an imprinted expiration date; and
- (4) a full-face photograph of the holder on the inside of the placard covered by a flap.

F. The division shall consult with the governor's commission on disability for continued issuance and format of the placard.

G. The division may issue an identification card containing a full-face photograph of the holder of the registration plate or parking placard and the number of the registration plate or parking placard issued to that person.

H. Upon written application to the division accompanied by a medical statement from a licensed physician attesting to a temporary significant mobility limitation, a person may be issued a temporary placard for no more than one year. The physician shall provide the division all information and records necessary to issue a temporary placard.

I. Registration plates or parking placards issued to a person with a signifi-

alcohol or drugs during that period and who has no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application; and

(4) to any person thirteen years of age or older who passes an examination prescribed by the division, a license restricted to the operation of a motorcycle, provided:

- (a) the motorcycle is not in excess of one hundred cubic centimeters displacement;
- (b) no holder of an initial license may carry any other passenger while driving a motorcycle; and
- (c) the director approves and certifies motorcycles as not in excess of one hundred cubic centimeters displacement and by rule provides for a method of identification of such motorcycles by all law enforcement officers;

J. as a motorcycle driver who is less than eighteen years of age and who has not presented a certificate or other evidence of having successfully completed a motorcycle driver education program licensed or offered in conformance with rules of the bureau.

66-5-8. Provisional licenses; instruction permits; driver education students; temporary licenses. (2005)

A. A person fifteen years and six months of age or older who has completed a driver education course that includes a DWI prevention and education program approved by the bureau or offered by a public school, who has had an instruction permit for at least six months, and who has successfully completed a practice driving component may apply to the division for a provisional license. Successful completion of a practice driving component shall include not less than fifty hours of actual driving by the applicant, including not less than ten hours of night driving. An applicant for a provisional license who cannot drive at night due to low nighttime vision may be exempted from the night driving requirement of this subsection; provided that the applicant submits to the division an ophthalmologic or optometric report from a licensed ophthalmologist or optometrist who attests to the applicant's visual condition and its effect on the applicant's driving ability. The applicant's parent or guardian shall certify that the applicant has completed the practice driving component.

D. A person fifteen years of age or older who is enrolled in and attending or has completed a driver education course that includes a DWI prevention and education program approved by the bureau or offered by a public school may apply to the division for an instruction permit. The division, in its discretion after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant an instruction permit. This permit entitles the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver twenty-one years of age or older who has been licensed for at least three years in this state or in another state and who is occupying a seat beside the driver except in the event the permittee is operating a motorcycle.

General Licensing Laws

66-5-2. Drivers must be licensed. (2007)

A. Except those expressly exempted from the Motor Vehicle Code [66-1-1 NMSA 1978], no person shall drive any motor vehicle, neighborhood electric car or moped upon a highway in this state unless the person:

(1) holds a valid license issued under the provisions of the Motor Vehicle Code; and

(2) has surrendered to the division any other license previously issued to the person by this state or by another state or country or has filed an affidavit with the division that the person does not possess such other license; however, the applicant need not surrender a motorcycle license duly obtained under Paragraph (3) of Subsection A of Section 66-5-5 NMSA 1978.

B. Any person licensed under the provisions of the Motor Vehicle Code or expressly exempted from licensure may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipality or any other local body having authority to adopt local police regulations.

66-5-4. Persons exempt from licensure. (2005)

The following persons are exempt from licensure under the Motor Vehicle Code [66-1-1 NMSA 1978]:

E. a driver of an off-highway motorcycle.

66-5-5. Persons not to be licensed. (2007)

The division shall not issue a driver's license under the Motor Vehicle Code [66-1-1 NMSA 1978] to any person:

A. who is under the age of eighteen years, except the division may, in its discretion, issue:

(1) an instruction permit to a person fifteen years of age or over who is enrolled in and attending or has completed a driver education course that includes a DWI education and prevention component approved by the bureau or offered by a public school;

(2) a provisional license to any person fifteen years and six months of age or older:

(a) who has completed a driver education course approved by the bureau or offered by a public school that includes a DWI education and prevention component and has had an instruction permit for at least six months; and

(b) who has successfully completed a practice driving component;

(3) a driver's license to any person sixteen years and six months of age or older:

(a) who has had a provisional license for the twelve-month period immediately preceding the date of the application for the driver's license;

(b) who has complied with restrictions on that license;

(c) who has not been convicted of a traffic violation that was committed during the ninety days prior to applying for a driver's license; and

(d) who has not been adjudicated for an offense involving the use of

cant mobility limitation by another state or foreign jurisdiction shall be honored until the motor vehicle or motorcycle is registered or the parking placard holder establishes residency in this state.

J. A person with a significant mobility limitation means a person who:

(1) cannot walk one hundred feet without stopping to rest;

(2) cannot walk without the use of a brace, cane or crutch or without assistance from another person, a prosthetic device, a wheelchair or other assistive device;

(3) is restricted by lung disease to such an extent that the person's forced respiratory volume, when exhaling for one second, when measured by spirometry, is less than one liter or the arterial oxygen tension is less than sixty millimeters on room air at rest;

(4) uses portable oxygen;

(5) has a severe cardiac condition; or

(6) is so severely limited in the ability to walk due to an arthritic, neurologic or orthopedic condition that the person cannot ascend or descend more than ten stair steps.

66-3-412.1. Special motorcycle registration plates for armed forces veterans. (2001)

A. The department shall issue distinctive motorcycle registration plates indicating that the recipient is a veteran of the armed forces of the United States, as defined in Section 28-13-7 NMSA 1978, or is retired from the national guard or military reserves, if that person submits proof satisfactory to the department of honorable discharge from the armed forces or of retirement from the national guard or military reserves.

B. For a fee of seven dollars (\$7.00), which shall be in addition to the regular motorcycle registration fees, any motorcycle owner who is a veteran of the armed forces of the United States or is retired from the national guard or military reserves may apply for the issuance of a special motorcycle registration plate as defined in Subsection A of this section. No two owners shall be issued identically lettered or numbered plates.

C. An owner shall make a new application and pay a new fee each year he desires to obtain a special motorcycle registration plate. He will have first priority on that plate for each subsequent year that he makes a timely and appropriate application.

D. Each armed forces veteran may elect to receive a veteran-designation decal to be placed across the top of the special motorcycle registration plate, centered above the registration number. Replacement or different veteran-designation decals shall be available for purchase from the department at a reasonable charge to be set by the secretary. The department shall furnish the following veteran-designation decals with the armed forces veteran motorcycle registration plate to a:

(1) medal of honor recipient;

(2) silver star recipient;

(3) bronze star recipient;

(4) navy cross recipient;

(5) distinguished service cross recipient;

(6) air force cross recipient;

(7) ex-prisoner of war;

- (8) disabled veteran;
- (9) purple heart veteran;
- (10) atomic veteran;
- (11) Pearl Harbor survivor;
- (12) Navajo code talker;
- (13) Vietnam veteran;
- (14) Korean veteran;
- (15) disabled Korean veteran;
- (16) World War II veteran;
- (17) World War I veteran;
- (18) Grenada veteran;
- (19) Panama veteran; or
- (20) Desert Storm veteran.

E. The revenue from the fee imposed pursuant to Subsection B of this section shall be retained by the department and is appropriated to the department for the manufacture and issuance of the special motorcycle registration plates for armed forces veterans.

Motorcycle Safety Equipment

66-3-804. Headlamps on motor vehicles. (1981)

B. Every motorcycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of Sections 66-3-801 through 66-3-887 NMSA 1978.

C. Every headlamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty inches to be measured as set forth in Subsection B of Section 66-3-803 NMSA 1978. The provisions of this subsection shall apply only to new motor vehicles sold after July 1, 1953.

66-3-840. Brakes. (1978)

A. Brake equipment is required as follows:

(2) every motorcycle when operated upon a highway, shall be equipped with at least two brakes which may be operated by hand or foot;

66-3-842. Motorcycle maneuverability. (1978)

A. No motorcycle shall be equipped in a manner such that it is incapable of turning a ninety-degree angle within a circle having a radius of not more than fourteen feet. Evidence of a motorcycle's being unable to turn a ninety-degree angle within a circle having a radius of not more than fourteen feet shall be prima facie evidence of an unsafe vehicle as described in Section 66-3-801 NMSA 1978.

B. For the purposes of this section, a peace officer may require the driver of a motorcycle to demonstrate the ability of any motorcycle to be ridden as described in Subsection A of this section [section]. Failure or refusal of any

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|--|-------------|--------|
| Off-Highway Motor Vehicle Act | 66-3-1010.3 | 100.00 |
| a person under the age of ten operating an all-terrain vehicle or recreational off-highway motor vehicle that is not an age-appropriate size-fit or who operates an off-highway motor vehicle in violation of the supervision requirements of this section | | |
| | 66-3-1010.3 | 100.00 |

| CLASS 3 VIOLATIONS | SECTION VIOLATED | PENALTY ASSESSMENT |
|--|------------------|--------------------|
| operating an off-highway motor vehicle in a careless, reckless or negligent manner so as to endanger the person or property of another | 66-3-1010.3 | \$200.00 |
| operating an off-highway motor vehicle on any road or area closed to off-highway motor vehicle traffic under local, state or federal regulations | 66-3-1010.3 | 200.00 |
| operating an off-highway motor vehicle on a limited-access highway or freeway | 66-3-1011 | 200.00 |

Other Vehicles

66-3-1101. Mopeds; standards; operator requirements; application of Motor Vehicle Code. (1981)

A. Mopeds shall comply with those motor vehicle safety standards deemed necessary and prescribed by the director of motor vehicles.

B. Operators of mopeds shall have in their possession while operating a moped a valid driver's license of any class or permit, issued to them.

C. Except as provided in Subsections A and B of this section, none of the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978] relating to motor vehicles or motorcycles as defined in that code shall apply to a moped.

D. As used in this section, "moped" means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, which is capable of propelling the vehicle at a maximum speed of not more than thirty miles per hour on level ground at sea level.

ANNOTATION. Moped subject to prohibition against driving while intoxicated. — A "moped," as defined in 66-1-4.11F NMSA 1978 and regulated by this section, is a "vehicle" for the purpose of the prohibition against driving while intoxicated under 66-8-102 NMSA 1978. State v. Saiz, 2001-NMCA-035, 130 N.M. 333, 24 P.3d 365, cert. denied, 130 N.M. 459, 26 P.3d 103 (2001).

| | | |
|---|-------------------------|---------------------------|
| bicyclist, pedestrian, livestock or occupied dwelling | 66-3-1010.3 | 50.00 |
| a person under the age of eighteen but at least fifteen years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act | 66-3-1010.3 | 50.00 |
| operating an off-highway motor vehicle that produces noise that exceeds ninety-six decibels | 66-3-1010.3 | 50.00 |
| unauthorized installation, removal, destruction or defacing of a motor vehicle sign | 66-3-1011 | 50.00 |
| CLASS 3 VIOLATIONS | SECTION VIOLATED | PENALTY ASSESSMENT |
| operating a vehicle that is not equipped with an approved spark arrester | 66-3-1010.3 | \$100.00 |
| operating an off-highway motor vehicle 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 | 66-3-1010.3 | 100.00 |
| operating an off-highway motor vehicle in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition | 66-3-1010.3 | 100.00 |
| operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water livestock or wildlife | 66-3-1010.3 | 100.00 |
| operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices | 66-3-1010.3 | 100.00 |
| a person under the age of eighteen operating an off-highway motor vehicle without wearing eye protection and a safety helmet | 66-3-1010.3 | 100.00 |
| a person under the age of eighteen operating an off-highway motor vehicle while carrying a passenger | 66-3-1010.3 | 100.00 |
| a person under the age of fifteen but at least ten years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the | | |

operator to demonstrate the ability of any motorcycle being operated upon the highways shall be prima facie evidence of an unsafe vehicle as described in Section 66-3-801 NMSA 1978.

66-3-843. Horns and warning devices. (1978)

A. Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall be used which does not produce a harmonious sound. The driver of a motor vehicle shall when reasonably necessary to ensure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

B. No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell except as otherwise permitted in this section.

Off Highway Motor Vehicle Act

66-3-1001. Short title. (1985)

Sections 66-3-1001 through 66-3-1016 [and 66-3-1017 through 66-3-1020] NMSA 1978 may be cited as the "Off-Highway Motor Vehicle Act".

66-3-1001.1. Definitions. (2009)

As used in the Off-Highway Motor Vehicle Act [66-3-1001 NMSA 1978]:

- 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;
- D. "fund" means the trail safety fund;
- E. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:
 - (1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;
 - (2) "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control;
 - (3) "snowmobile", which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;
 - (4) "recreational off-highway vehicle", which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons, and having:
 - (a) a steering wheel for steering control;
 - (b) non-straddle seating;
 - (c) maximum speed capability greater than thirty-five miles per hour;
 - (d) gross vehicle weight rating no greater than one thousand seven

hundred fifty pounds;

- (e) less than eighty inches in overall width, exclusive of accessories;
- (f) engine displacement of less than one thousand cubic centimeters;

and

(g) identification by means of a seventeen-character vehicle identification number; or

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

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

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

66-3-1004. Registration certificate and nonresident permit fees; renewal; distribution of fees. (2009)

Fees shall be collected and distributed as follows:

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

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

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

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

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

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

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

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

(2) seventeen dollars (\$17.00) for a ninety-day permit, of which five dollars (\$5.00) is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited

vouchers signed by the director of the department of game and fish or the director's authorized representative.

B. The department shall make annual distributions from the fund for the following purposes:

- (1) administrative;
- (2) law enforcement;
- (3) education and training;
- (4) information system development and management;
- (5) resource monitoring and protection and trail building, maintenance and restoration; and
- (6) implementation of other provisions of the Off-Highway Motor Vehicle Act.

66-3-1020. Penalties. (2009)

A. A person who violates the provisions of the Off-Highway Motor Vehicle Act [66-3-1001 NMSA 1978] is guilty of a penalty assessment misdemeanor. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of the Off-Highway Motor Vehicle Act is in violation of that act and subject to the same penalty as the child operating the off-highway motor vehicle in violation of that act.

B. As used in the Off-Highway Motor Vehicle Act, "penalty assessment misdemeanor" means violation of any provision of the Off-Highway Motor Vehicle Act for which a violator may be subject to the following:

| CLASS 1 VIOLATIONS | SECTION VIOLATED | PENALTY ASSESSMENT |
|--|------------------|--------------------|
| failure to possess a registration certificate or nonresident permit | 66-3-1010.3 | \$10.00 |
| violations involving headlights or taillights | 66-3-1010.3 | 10.00 |
| failure to possess an off-highway motor vehicle safety permit | 66-3-1010.3 | 10.00 |
| selling a vehicle that produces noise in excess of ninety six decibels | 66-3-1010.3 | 10.00 |
| any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section | 66-3-1010.3 | 10.00 |
| CLASS 2 VIOLATIONS | SECTION VIOLATED | PENALTY ASSESSMENT |
| failure to complete a required off-highway motor vehicle safety training course | 66-3-1010.2 | \$50.00 |
| operating a vehicle in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider | | |

(b) includes the development of New Mexico-specific written, video or other educational materials and educational programs that address the impact of off-highway motor vehicles on traditional living culture, agricultural land and private property; and

(c) includes the development and maintenance of a web site containing rules and regulations, safety information and educational material relating to resource protection and the impact of off-highway motor vehicles on traditional living culture, agricultural land and historical sites;

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

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

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

(14) may implement noise enforcement by the testing of sound levels of off-highway motor vehicles at the time of registration and equip law enforcement officers with sound meters for field testing of sound levels;

(15) may contract with government or quasi-government agencies to conduct analysis of the impact of off-highway motor vehicle use on forests, rangeland and other natural resources and use the data obtained to make recommendations to the appropriate land management agency;

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

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

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

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

66-3-1019. Fund created; disposition. (2009)

A. The "trail safety fund" is created in the state treasury. The fund is a non-reverting fund and consists of revenues from off-highway motor vehicle registration and user fees, grants and donations. No more than thirty percent of the fund may be used for administrative overhead, and at least fifty percent shall be devoted to law enforcement and education. Income from investment of the fund shall be credited to the fund. The fund shall be administered by the department, and money in the fund is appropriated to the department to carry out the purposes of the Off-Highway Motor Vehicle Act [66-3-1001 NMSA 1978]. Expenditures from the fund shall be by warrant of the secretary of finance and administration upon

in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978;

D. except as provided in Paragraph (2) of Subsection C of this section, each nonresident permit shall be:

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

(2) renewed every two years;

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

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

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

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

66-3-1005. Exemptions. (2005)

The provisions of the Off-Highway Motor Vehicle Act shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;

B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;

C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;

D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;

E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;

F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or

G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current.

66-3-1006. Grounds for refusing registration or certificate of title. (2005)

The division may refuse registration or issuance of a certificate of title or any transfer of a registration certificate if:

A. the division has reasonable grounds to believe that the application contains any false or fraudulent statement or that the applicant has failed to furnish the required information or reasonable additional information requested by the division or that the applicant is not entitled to the issuance of a certificate of title or registration certificate of the off-highway motor vehicle under the Motor Vehicle Code or laws of this state;

B. the division has reasonable grounds to believe that the off-highway motor vehicle is stolen or embezzled or that the granting of a registration certificate or the issuance of a certificate of title would constitute a fraud against the rightful owner or other person having a valid lien upon the off-highway motor vehicle;

C. the division has reasonable grounds to believe that a nonresident applicant is not entitled to registration issuance under the laws of the nonresident applicant's state of residence;

D. the required fees have not been paid; or

E. the motor vehicle excise tax has not been paid pursuant to Chapter 7, Article 14 NMSA 1978.

66-3-1007. Evidentiary value of certificate of title. (2005)

A certificate of title issued by the division for an off-highway motor vehicle shall be received as prima facie evidence of the ownership of the off-highway motor vehicle named in the certificate and as prima facie evidence of all liens and encumbrances against the off-highway motor vehicle appearing on the certificate.

66-3-1010. Licensing. (1985)

Drivers of off-highway motor vehicles are not required to be licensed.

66-3-1010.1. Off-highway motor vehicle safety training organization; approval and certification. (2009)

A. An off-highway motor vehicle safety training organization that offers and conducts an off-highway motor vehicle safety training course shall be approved and certified by the department. Applicants for approval and certification shall submit an application to the department for consideration.

B. The department may approve and certify an organization that meets the minimum criteria established by the department for an off-highway motor vehicle safety training organization. Each approval and certification shall be renewed annually. .

66-3-1010.2. Off-highway motor vehicle safety permit; requirements; issuance. (2009)

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the department. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization.

66-3-1010.3. Operation and equipment; safety requirements. (2009)

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

locations that include consideration of off-highway motor vehicle operating laws and effects on:

(a) wildlife and the environment;

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

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

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

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

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

(a) applicant's financial and legal status;

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

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

(d) availability of matching funds; and

(e) public participation and input;

(9) shall certify tour guides;

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

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

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

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

(c) developing strategies for addressing and minimizing impacts on farmers and ranchers in rural agricultural areas, on hunters and anglers and on non-motorized recreationalists by off-highway motor vehicle use; and

(d) using law enforcement D/Ul-type "blitzes" in heavily used areas, staging areas or other problem areas;

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

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

- (4) one off-highway motor vehicle user;
 - (5) one hunter or angler;
 - (6) one quiet recreationalist, such as a hiker, backpacker, birdwatcher, equestrian, mountain biker, rock climber or archaeological enthusiast; and
 - (7) one member with expertise in injury prevention or treatment.
- B. The board shall select a chair and a vice chair.
- C. The board shall meet at the call of the chair but not less than twice annually.
- D. Members shall be appointed to staggered terms of two years each; provided that no more than four terms expire in any one year. The board members shall select by lot four members to serve initial terms of three years each. A vacancy shall be filled by appointment of the governor for the remainder of the unexpired term. Members of the board shall be entitled to reimbursement pursuant to the Per Diem and Mileage Act [10-8-1 NMSA 1978].

66-3-1018. Department; powers and duties. (2009)

- A. The department[of Game and Fish] shall cooperate with appropriate federal agencies, public and private organizations and corporations and local government units to implement the provisions of the Off-Highway Motor Vehicle Act [66-3-1001 NMSA 1978].
- B. The department:
- (1) shall accept and evaluate all applications for approval and certification of an off-highway motor vehicle safety training organization and approve and certify those that meet the minimum criteria;
 - (2) shall notify the division of the off-highway motor vehicle safety training organizations that have received approval and certification;
 - (3) shall establish and revise as appropriate minimum criteria to approve and certify an off-highway motor vehicle safety training organization. The criteria shall include requirements for curriculum and materials for:
 - (a) training instructors to teach off-highway motor vehicle safety;
 - (b) training the public about off-highway motor vehicle safety and age-appropriate size-fit use of off-highway motor vehicles; and
 - (c) teaching responsible use of off-highway motor vehicles with respect to environmental considerations, private property restrictions, agricultural and rural lifestyles and cultural considerations, off-highway motor vehicle operating laws and prohibitions against operating off-highway motor vehicles under the influence of alcohol or drugs;
 - (4) shall implement a state off-highway motor vehicle safety training and certification program;
 - (5) shall adopt and promulgate rules regarding the:
 - (a) age-appropriate size-fit use of all-terrain vehicles or recreational off-highway motor vehicles;
 - (b) acceptance or accreditation of instruction or safety courses provided by other states; and
 - (c) standards covering the specifications of eye protection and safety helmets;
 - (6) may recommend, with public participation and input, off-highway motor vehicle park, facility and trail locations to the state, county, tribal or local governing body or private entity that owns or administers the land upon which the park, facility or trail is located. The department shall establish criteria to recommend

- 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 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;
 - (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:
- (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-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.

66-3-1010.4. Safety helmet; civil liability. (2005)

Failure by a passenger or driver to use a safety helmet while on an off-highway motor vehicle shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

66-3-1010.5. Requirements of dealers to distribute safety information. (2009)

A dealer selling off-highway motor vehicles shall distribute information provided by the department to off-highway motor vehicle purchasers on state laws, environmental and cultural considerations, customs, safety requirements, training programs, operating characteristics and potential risk of injury associated with off-highway motor vehicles.

66-3-1011. Operation on streets or highways; prohibited areas. (2009)

- A. A person shall not operate an off-highway motor vehicle on any:
 - (1) limited access highway or freeway at any time; or
 - (2) any paved street or highway except as provided in Subsection B of this section.
- B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the roadway. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then cross in the most direct manner as close to a perpendicular angle as possible.
- C. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or -administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.
- D. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the energy, minerals and natural resources department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of energy, minerals and natural resources.
- E. 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.

66-3-1012. Driving of off-highway motor vehicles adjacent to highway. (2005)

A. Off-highway motor vehicles issued a validating sticker or nonresident permit may be driven adjacent to a highway, yielding to all vehicles entering or exiting the highway, in a manner so as not to interfere with traffic upon the highway, only for the purpose of gaining access to or returning from areas designed for the operation of off-highway motor vehicles by the shortest possible route and when no other route is available or when the area adjacent to a highway is being used as a staging area. Such use must occur between the highway and fencing that separates the highway from private or public lands.

B. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a highway, parallel, but not closer than ten feet, to the inside of the plow bank.

66-3-1013. Liability; local registration prohibited. (2005)

- A. A landowner shall not be held liable for damages arising out of off-highway motor vehicle-related accidents or injuries occurring on the landowner's lands in which the landowner is not directly involved unless the entry on the lands is subject to payment of a fee.
- B. It is unlawful to operate an off-highway motor vehicle on private lands or roads except with the express permission of the landowner or leaseholder of the lands.

66-3-1014. Accidents and accident reports. (2005)

The driver of an off-highway motor vehicle involved in an accident resulting in injuries to or the death of a person or resulting in damage to public or private property to the extent of five hundred dollars (\$500) or more shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency of the accident and the facts relating to the accident.

66-3-1015. Enforcement. (2009)

- A wildlife conservation officer, state police officer or peace officer of this state or any of its political subdivisions, upon displaying the officer's badge of office, has the authority to enforce the provisions of the Off-Highway Motor Vehicle Act [66-3-1001 NMSA 1978] and may:
- A. require an off-highway motor vehicle operator to produce:
 - (1) the registration certificate or nonresident permit;
 - (2) proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 66-3-1010.2 NMSA 1978; and
 - (3) the personal identification of the operator; and
 - B. issue citations for violations of the provisions of the Off-Highway Motor Vehicle Act.

66-3-1016. Repealed. (2009) (see 66-3-1020)

66-3-1017. Off-highway motor vehicle advisory board created; members; compensation. (2009)

- A. The "off-highway motor vehicle advisory board" is created to advise the department on matters related to administration of the Off-Highway Motor Vehicle Act [66-3-1001 NMSA 1978]. The board shall consist of the following seven members appointed by the governor:
- (1) one landowner living near a national forest or bureau of land management property that is used extensively for recreational off-highway vehicle activity;
 - (2) one producer or one grazing permittee on public lands from the farming or livestock industry;
 - (3) one person from the off-highway motor vehicle industry;