

New Mexico Laws

66-3-1001.1. Definitions.

As used in the Off-Highway Motor Vehicle Act:

- A. "board" means the off-highway motor vehicle safety board;
- B. "division" means the motor vehicle division;
- C. "fund" means the trail safety fund;
- D. "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; or

(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;

E. "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

F. "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.

66-3-1003. Off-highway motor vehicles; registration.

Unless exempted from the provisions of the Off-Highway Motor Vehicle Act, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978.

66-3-1004. Registration certificate and nonresident permit fees; renewal.

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

(1) seventeen dollars (\$17.00) for each off-highway motor vehicle; and

(2) an amount determined by rule of the tourism department not to exceed thirty dollars (\$30.00) for an off-highway user fee for each off-highway motor vehicle.

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 tourism department not to exceed thirty dollars (\$30.00) for an off-highway user fee for each off-highway motor vehicle.

C. The fees for a nonresident permit of an off-highway motor vehicle are either:

(1) seventeen dollars (\$17.00) for each off-highway motor vehicle that is not registered in another state; and

(2) an amount determined by rule of the tourism department not to exceed thirty dollars (\$30.00) for an off-highway user fee for each off-highway motor vehicle that is not currently in compliance with a similar off-highway user fee law or rule in another state; or

(3) seventeen dollars (\$17.00) for a ninety-day permit to include both the off-highway motor vehicle not otherwise registered and the off-highway user fee.

D. Except as provided in Paragraph (3) of Subsection C of this section, each registration certificate and nonresident permit shall be:

(1) good for two years after the month in which the off-highway motor vehicle is registered or the 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.

G. A fee of one dollar (\$1.00) on registration certificates and nonresident permits shall be collected for the New Mexico clean and beautiful program.

H. The tourism department, in conjunction with the division and the department of game and fish, may establish and maintain sites to collect fees and issue permits for residents and nonresidents.

66-3-1004.1. Fees; disposition.

A. Except as provided in Subsection B of this section, fees collected pursuant to Section 66-3-1004 NMSA 1978 shall be distributed as follows:

(1) of each seventeen dollars (\$17.00) collected pursuant to Paragraph (1) of Subsection A, Paragraph (1) of Subsection B or Paragraph (1) of Subsection C of Section 66-3-1004 NMSA 1978, five dollars (\$5.00) to the division, and the money 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;

(2) fees collected pursuant to Paragraph (2) of Subsection A, Paragraph (2) of Subsection B or Paragraph (2) of Subsection C of Section 66-3-1004 NMSA 1978 to the fund;

(3) fees collected pursuant to Subsection F of Section 66-3-1004 NMSA 1978 to the division, and the money is appropriated to the division to defray the cost of making and issuing duplicate registration certificates and nonresident permits for off-highway motor vehicles;

(4) of each seventeen dollars (\$17.00) collected pursuant to Paragraph (3) of Subsection C of Section 66-3-1004 NMSA 1978, five dollars (\$5.00) to the division, and the money is appropriated to the division to defray the costs of making and issuing nonresident permits. The remaining twelve dollars (\$12.00) shall be deposited in the fund; and

(5) fees collected pursuant to Subsection G of Section 66-3-1004 NMSA 1978 to the tourism department for the New Mexico clean and beautiful program.

B. If fees are collected by the department of game and fish pursuant to Paragraph (1) of

Subsection A, Paragraph (1) of Subsection B or Paragraphs (1) and (3) of Subsection C of Section 66-3-1004 NMSA 1978, seven dollars (\$7.00) shall be deposited in the game protection fund, five dollars (\$5.00) to the division, and the money 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, and the remaining five dollars (\$5.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978.

66-3-1005. Exemptions.

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.

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.

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.

66-3-1008. Validating stickers to be furnished by division.

The division, upon registering an off-highway motor vehicle, shall issue to the owner validating stickers as provided in Section 66-3-14 NMSA 1978.

66-3-1010. Licensing.

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.

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 board. Applicants for approval and certification shall submit an application to the board for consideration.

B. The board may approve and certify an organization that meets the minimum criteria established by the board 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.

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 board. 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.

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;

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

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

(6) 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;

(7) 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; or

(8) 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.

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 board;

(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 is an age-appropriate size-fit vehicle established by rule of the board; 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 board.

E. The requirements of Subsections C and D of this section do not apply to a person who is part of an organized tour under the guidance or direction of a guide certified by the board.

F. An off-highway motor vehicle may 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.

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.

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