

**ALBUQUERQUE POLICE
OPEN SPACE UNIT**

Information: 505-873-6632
Emergencies Dial 911
Non- Emergencies Dial 242-COPS(2677)

"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. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978."

Section 10. A new section of the Off-Highway Motor Vehicle Act is enacted to read:

"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." And carry it at all time to be presented on demand while operating a off highway vehicle.

Section 11. A new section of the Off-Highway Motor Vehicle Act is enacted to read:

"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 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.

"PENALTIES.--

A. Unless the violation is declared a felony, a petty misdemeanor or a citation under the Motor Vehicle Code, a person who violates the provisions of the Off-Highway Motor Vehicle Act is guilty of a misdemeanor pursuant to Section 66-8-7 NMSA 1978.

B. When a person is convicted of a felony or misdemeanor committed while operating an off-highway motor vehicle, the court may order the person to complete a board-certified safety training course."