

OFF-HIGHWAY VEHICLE PROGRAM OVERVIEW



OHV ACT

Sections 66-3-1001 through
66-3-1021 NMSA 1978

2005 Signed Into Law

Tourism Department & OHV Safety Board

- Trail Safety Fund created (Revenue from registrations, user fees, grants, donations)

2009 Law Amended

New Mexico Department of Game and Fish

- OHV Advisory Board created
- 7 members appointed by Governor; 2-year terms (staggered), no more than 4 can expire (year)

Directs NMDGF To:

- Adopt and promulgate rules, develop a management plan, create grant system, create a statewide OHV safety education and OHV law enforcement strategy.





TRAIL SAFETY FUND

OHV Program's Annual Budget:

\$795,100.00

- OHV Act requires no more than **30%** used for administrative overhead
- At least **50%** shall be devoted to OHV law enforcement and education

Grants (**\$210,00.00**)

- Offered when funding is available
- Law enforcement & non-law enforcement
- Maximum per grant is **\$15,000.00**
- Valid for fiscal year awarded
- Advertised and accepted mid-November through March

REGISTRATIONS

Taxation & Revenue Department (MVD)

Resident

- Shall display registration decal or plate on OHV
- Must register OHV's used on public land, OHV must have spark arrestor
- No registration requirement for private land or agricultural purposes
- 2-year registration costs up to **\$53**, on-paved roads **\$7** (one time purchase)

Non-Resident

- Shall display registration decal or plate on OHV
- Must register OHV's used on public land, OHV must have spark arrestor (User Fee)
- User decal issued by NMDGF (90-day **\$18**, 2 year **\$48**, on-paved **\$7**)
- Reciprocity given to states with OHV registrations much like N. M. expect for 16 states; Alaska, Alabama, S. Carolina, Illinois, Florida, Tenn., etc.
- **≈71%** of the money generated from these sales is paid to NMTRD
- Beautification fund, TRD/DOT/MVD Suspense & Operating Fund also TRD/DOT/MVD Operating Fund for the on-paved roads registration



List of Penalty Assessments for violations of OHV Act and Fees (Bernalillo County)

Effective AUGUST 31, 2016

Statute	Violation	PA+Fee	2 or more citations within 3 years PA + Fee
Class 1 Violations			
66-3-1010.3.A.8	Failure to possess registration/Non-res permit	\$67 (\$61)	\$107 (\$101)
66.3.1010.3.A.10	Violation with headlight or taillight	\$67 (\$61)	\$107 (\$101)
66.3.1010.3.B.2	Failure to possess OHV safety permit	\$67 (\$61)	\$107 (\$101)
66.3.1010.3.E	Selling a OHV > 96 decibels	\$67 (\$61)	\$107 (\$101)
66-3-1010.3	Any other violation OHV not defined elsewhere	\$67 (\$61)	\$107 (\$101)
Class 2 Violations			
66-3-1010.2	Failure to complete OHV training course	\$107 (\$101)	\$157 (\$151)
66.3-1010.3.A.7	Excess 10 mph within 200 feet of a business, horseback rider, bicyclist pedestrian, livestock or occupied dwelling	\$107 (\$101)	\$157 (\$151)
66-3-1010.3.C	Person between 15 & 18 years of age operates OHV in violations of supervision requirements	\$107 (\$101)	\$157 (\$151)
66.3.1010.3.A.11	Operating OHV > 96 decibels	\$107 (\$101)	\$157 (\$151)
66-3-1011.E.1,2	Unauthorized installation, removal, destruction or defacing of a motor vehicle sign	\$107 (\$101)	\$157 (\$151)
Class 3 Violations			
66-3-1010.3.A.9	Operating OHV without approved spark arrester	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.A.3	Operating OHV while in pursuit of and intent to hunt or take protected animal or bird in violation State Game Commission rules	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.A.4	Operating OHV in pursuit or harassment of livestock or in any manner that negatively affects livestock condition	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.A.5	Operating OHV within an earthen tank or other structure meant to water livestock or wildlife	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.A.6	Operating a motor vehicle in a manner that has a direct negative effect or interferes with people engaged in agriculture practices	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.B.1	Person < 18 years of age operating an OHV without wearing eye protection and safety helmet	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.B.3	Person < 18 years of age operating an OHV while carrying a passenger	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.C	Person between 10 & 15 years of age who operates an OHV in violation of the supervisions requirements	\$157 (\$151)	\$257 (\$251)
66-3-1010.3.D.1	Person < 10 years of age operating an OHV that is not an age-appropriate size-fit or in violation of the supervision requirement	\$157 (\$151)	\$257 (\$251)
Class 4 Violations			
66-3-1010.3.A.1	Operating and OHV in a careless, reckless or negligent manner so as to endanger the person or property of another	\$257 (\$251)	\$457 (\$451)
66-3-1010.3.A.12	Operating an OHV on any road or area closed to OHV traffic under local, state or federal regulations	\$257 (\$251)	\$457 (\$451)
66-3-1011.A.1,2	Operating and OHV on a limited-access highway or freeway any paved street or highway	\$257 (\$251)	\$457 (\$451)

Mission

To provide education and outreach of the laws pertaining to OHV use to the public. We implement a statewide safety education program that promotes safe and environmentally responsible OHV recreation and a respect for private property. We encourage responsible use of our public lands; use that leaves the land healthy and unspoiled that protect our traditional uses, custom, culture, wildlife, habitat and allows for the continued enjoyment of these lands for our families and future generations.

