

## *DIVISION 5. OFF-HIGHWAY MOTOR VEHICLES*

### **Sec. 25-3-136. Definitions.**

As used in this division, the following definitions shall apply:

*Off-highway motor vehicle* means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

- (1) "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 35 miles per hour;
  - d. Gross vehicle weight rating no greater than 1,750 pounds;
  - e. Less than 80 inches in overall width, exclusive of accessories;
  - f. Engine displacement of less than 1,000 cubic centimeters; and
  - g. Identification by means of a 17-character vehicle identification number; or
- (2) By rule of the state department of game and fish, any other vehicles that may enter the market that fit the general profile of vehicles operated off the highway for recreational purposes.

(Ord. No. 2016-1286 , § 1, 5-10-16)

### **Sec. 25-3-137. Operation on streets or highways — prohibited areas.**

- (a) A person shall not operate an off-highway motor vehicle on any:
  - (1) Limited access highway or freeway at any time;
  - (2) Paved street or highway except as provided in Subsection B or C of this section;
  - (3) Walking trails; or
  - (4) City parks.
- (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 recreational off-highway vehicle may be operated on a paved street owned and controlled by the city if:
  - (1) The vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act, Sec. 66-3-1001 through 66-3-1021, NMSA 1978;

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- (2) The vehicle has brakes, side mirrors on the right and left side of the driver, turn signals, horn, speedometer illuminated for nighttime operation and mufflers;
  - (3) The operator has a valid driver's license, instruction permit or provisional license and an off-highway motor vehicle safety permit;
  - (4) The operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act, Sec. 66-5-201 through 66-5-248, NMSA 1978; and
  - (5) A person shall not operate an off-highway motor vehicle or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that comply with the Off-Highway Motor Vehicle Act.

(Ord. No. 2016-1286 , § 1, 5-10-16)

### **Sec. 25-3-138. Speed limit.**

The speed limit for recreational off-highway vehicles operated within the city shall be 45 miles per hour or the posted speed limit, whichever is less. A recreational off-highway vehicle traveling on a paved street shall travel at a speed that complies with the Off-Highway Motor Vehicle Act.

(Ord. No. 2016-1286 , § 1, 5-10-16)

### **Sec. 25-3-139. Passengers.**

A person operating a recreational off-highway vehicle shall ride only upon the permanent and regular seat attached thereto and such operator shall not carry any other person nor shall any other person ride on a recreational off-highway vehicle unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the recreational off-highway vehicle at the rear of the operator.

(Ord. No. 2016-1286 , § 1, 5-10-16)

### **Sec. 25-3-140. Obedience to traffic laws required.**

Any person operating an off-highway motor vehicle shall obey all traffic laws, rules and regulations and shall be subject to the provisions of Articles 1 through 8 of Chapter 66 NMSA 1978 [except 66-7-102.1 NMSA 1978].

(Ord. No. 2016-1286 , § 1, 5-10-16)