



The National Agricultural Law Center

nationalaglawcenter.org | nataglaw@uark.edu | [@nataglaw](https://twitter.com/nataglaw)

States' Unmanned Aerial Vehicle Laws: *New Mexico*



This material is based upon work supported by the National Agricultural Library, Agricultural Research Service, U.S. Department of Agriculture

A National Agricultural Law Center Research Publication

States' Unmanned Aerial Vehicle Laws: New Mexico

NM Admin. Code 19.31.2.8
NM Admin. Code 19.31.10.7
NM Admin. Code 19.31.10.11

Current through November 14, 2022

NM Admin. Code 19.31.2.8 Criminal Revocation and Categories and Points

Each conviction or penalty assessment for a violation of Chapter 17 NMSA 1978, Section 30-14-1 NMSA 1978 or commission rule will result in the assessment of points. Any person with 20 or more points accumulated within any consecutive three-year period shall have all of his or her privileges subject to revocation or suspension. The tolling of time for the three consecutive years shall begin from the date of conviction or the date a penalty assessment was accepted.

C. 10-point criminal violations:

- (1) illegally taking, attempting to take, killing, capturing or possession of any big game species during hunting season;
- (2) illegally taking, attempting to take, killing, capturing or possessing any turkey or small game in violation of Section 17-2-7 or 17-3-33 NMSA 1978;
- (3) hunting, taking or attempting to take any protected game animal, game bird, game fish or furbearer on private land without written permission, in violation of 19.31.10 NMAC;
- (4) harassing a game animal;
- (5) use of an aircraft or drone to locate, harass, drive or rally a game animal;
- (6) fail to properly tag big game species or turkey as prescribed;
- (7) using an invalid or voided tag or using a tag of any other person;
- (8) fishing without a license or hunting small game or turkey without a license;
- (9) exceeding the bag limit of small game or turkey;
- (10) retention of live game animal or game bird;
- (11) refusing or failing to produce an outfitter contract or not having a signed contract prior to hunting;
- (12) applying or allowing someone to apply in the special drawing pool without a contract;
- (13) hunting or collecting non-game without a license or permit;



- (14) applying or aiding any person in applying in the special drawing pool with an unregistered or unqualified outfitter number;
- (15) hunting with a license obtained through the special drawing pool without being accompanied by a New Mexico outfitter or their guide; or
- (16) accessory to any of the above violations.

NM Admin. Code 19.31.10.7 Definitions

- A. "Angling" shall mean taking or attempting to take fish by angling hook and line, with the line held in the hand or attached to a pole or rod or other device that is held in the hand or closely attended.
- B. "Angling hook" shall mean a single, double, or treble (triple) point attached to a single shank.
- C. "Any sporting arm" shall mean any firearm, muzzle-loader, compressed air gun, shotgun, bow or crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.
- D. "Arrow" or "Bolt" shall mean only those arrows or bolts having broadheads with cutting edges except that "judo", "blunt" or similar small game points may be used for upland game and migratory game bird hunting and arrows for bow fishing must have barbs to prevent the loss of fish.
- E. "Bag limit" shall mean the protected species, qualified by species, number, sex, age, antler/horn requirement, or size allowed by state game commission rule that a legally licensed person may attempt to take or take.
- F. "Bait" as used in 19.31.10.15 NMAC shall mean the flesh, hide, fur or viscera of any animal. Bones free of flesh are not considered bait.
- G. "Bait" as used in 19.31.10.12 NMAC and 19.31.10.13 NMAC shall mean any salt, mineral, grain, feed, commercially produced game attractant or any other organic material which is attractive to wildlife.
- H. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any bait on or over areas where any person is attempting to take protected game mammals or game birds as defined in Section 17-2-3 NMSA 1978.
- I. "Bait fish" is defined as those nongame fish which are not otherwise protected by statute or regulation.
- J. "Barbless lure or fly" shall mean an artificial lure made of wood, metal, or plastic or an artificial fly made from fur, feathers, other animal or man-made materials to resemble or simulate insects, bait fish, or other foods. A barbless fly or lure may only bear a single hook, from which any or all barbs must be removed or bent completely closed, or which are manufactured without barbs. Living or dead arthropods and annelids or other foods are not considered barbless lures or flies.
- K. "Big-game species" shall mean Barbary sheep, bear, bighorn sheep, cougar, deer, elk, javelina, oryx Persian ibex, and pronghorn.
- L. "Big-game sporting arms" shall mean any centerfire firearm at least .22 caliber or larger, any muzzle-loading firearm at least .45 caliber or larger,



any shotgun .410 caliber or larger firing a single slug (including muzzle-loading shotguns), any bow or any crossbow. All firearms, except handguns, must be designed to be fired from the shoulder.

M. "Body-grip trap" shall mean a rotating jaw trap designed to capture a furbearer by the body.

N. "Bow" shall mean compound, recurve, or long bow, which is not equipped with a mechanical device (draw lock) which locks the bow string at full draw. Sights on bows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

O. "Bow fishing" shall mean taking or attempting to take game fish with arrows/bolts that are discharged above the surface of the water by a bow or crossbow. Arrows/bolts must be attached by string, line, or rope to facilitate fish retrieval.

P. "Bullet" shall mean a single projectile fired from a firearm which is designed to expand or fragment upon impact. Tracer or full metal jacket ammunition is not legal for the take or attempted take of any big game species.

Q. "Cellular", "Wi-Fi" or "satellite camera" shall mean any remote camera which transmits or is capable of transmitting images or video wirelessly via a cellular, Wi-Fi or satellite connection.

R. "Chumming" is defined as a means of attracting fish by placing organic materials, non-injurious to aquatic life, into the water.

S. "Compressed air gun" shall mean any kind of gun that launches a single non-spherical projectile, pneumatically with compressed air or other gases that are pressurized mechanically without involving any chemical reaction.

T. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light, however, illuminated pins/reticles and scopes of any magnification are allowed.

U. "Department" shall mean the New Mexico department of game and fish.

V. "Director" shall mean the director of the New Mexico department of game and fish.

W. "Drainage" shall mean all waters within a watershed including tributaries, headwaters, lakes, ponds, and other water bodies.

X. "Drone" is defined as any device used or designed for navigation or flight in the air that is unmanned and guided remotely or by an onboard computer or onboard control system. Drones may also be referred to as "unmanned aerial vehicle (UAV)" or "unmanned aerial vehicle systems (UAVS)".

Y. "Established road" is defined as follows:

- (1) a road, built or maintained by equipment, which shows no evidence of ever being closed to vehicular traffic by such means as berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures; or
- (2) a two-track road which shows use prior to hunting seasons for other purposes such as recreation, mining, logging, and ranching and which shows no evidence of ever being closed to vehicular traffic by such means as



berms, ripping, scarification, reseeding, fencing, gates, barricades or posted closures.

Z. "Foothold trap" shall mean a trap designed to capture a furbearer by the foot, but does not include foot encapsulating traps.

AA. "Foot encapsulating trap" shall mean any trap with a push or pull-activated trigger located inside an enclosure recessed from an opening of no more than two inches in diameter, as measured across the opening from side to side, not corner to corner. Foot encapsulating traps include "dog proof" and "egg" traps.

BB. "Furbearer" shall mean any quadruped defined as a fur-bearing animal in Section 17-5-2 NMSA 1978.

CC. "Game management unit" or "GMU" shall mean those areas as described in 19.30.4 NMAC, Boundary Descriptions for Game Management Units.

DD. "Jaw spread" shall mean the distance between the jaws when measured across the center of the trap and perpendicular to a line drawn through the pivot points of the jaws when the trap is set.

EE. "Laminated" shall mean any modification to the jaw thickness of a foothold trap by fastening a strip of metal (rod or flat stock) to the trap jaw, or a trap that is manufactured with cast jaws, which increases the contact surface area of the jaw.

FF. "Land set" shall mean any foothold trap or snare set on land.

GG. "License year" shall mean the period from April 1 through March 31.

HH. "Locate" shall mean any act or activity, in which any person is searching for, spotting or otherwise finding a protected species from or with the aid of any aircraft or drone.

II. "Migratory game bird" shall mean band-tailed pigeon, mourning dove, white-winged dove, sandhill crane, American coot, common moorhen, common snipe, ducks, geese, sora and Virginia rail.

JJ. "Muzzle-loader" or "muzzle-loading firearms" shall mean those sporting arms in which the charge and projectile(s) are loaded through the muzzle. Only blackpowder or equivalent blackpowder substitute may be used. Use of smokeless powder is prohibited.

KK. "Nets" shall mean cast nets, dip nets, and seines which shall not be longer than 20 feet and shall not have a mesh larger than three-eighths of an inch.

LL. "Non-toxic shot" shall mean that non-toxic shot approved for use by the U. S. fish and wildlife service.

MM. "Protected species" shall mean any of the following animals:

(1) all animals defined as protected wildlife species and game fish under Section 17-2-3 NMSA 1978;

(2) all animals defined as furbearing animals under Section 17-5-2 NMSA 1978;

(3) all animals listed as endangered or threatened species or subspecies as stated in 19.33.6 NMAC: and

(4) all animals listed under Sections 17-2-13, 17-2-14 or 17-2-4.2 NMSA 1978.



NN. "Retention" or "retain" shall mean the holding of live protected species in captivity.

OO. "Restricted muzzle-loading rifle" shall mean any muzzle-loading rifle using open sights, black powder or equivalent propellant and firing a full bore diameter bullet or patched round ball. The use of in-line ignition, scopes and smokeless powder are prohibited.

PP. "Shotgun" shall mean any centerfire shotgun or muzzle-loading shotgun not larger than 10 gauge.

QQ. "Snagging" is the repeated or exaggerated jerking or pulling of the fishing line or angling hooks in any attempt to impale fish, whether or not it results in physically snagging a fish.

RR. "Snare" shall mean a wire or cable with a single closing device designed to capture a furbearer.

SS. "Spear fishing" shall mean taking or attempting to take game fish with spears, gigs and arrows with barbs.

TT. "Sporting-arm types" shall be designated in the hunt code as follows unless further restricted or allowed by state game commission rule:

- (1) all hunt codes denoted with -0- shall authorize use of any shotgun firing shot (ex. SCR-0-XXX);
- (2) all hunt codes denoted with -1- shall authorize use of any big game sporting arm (ex. ELK-1-XXX);
- (3) all hunt codes denoted with -2- shall authorize use of bows only (ex. ELK-2-XXX);
- (4) all hunt codes denoted with -3- shall authorize use of bows, crossbows and muzzle-loading firearms with open or "iron" sights only (ex. ELK-3-XXX).

UU. "Take" shall mean to hunt, fish, kill or capture any protected species or parts thereof.

VV. "Trap" shall mean any foothold trap, foot encapsulating trap, cage trap or body-grip trap set to capture a furbearer.

WW. "Trotline" shall be synonymous with "set line" or "throw line" or "jug", "Yo-Yo line" or "limb line", and shall mean a fishing line that is used without rod or reel and that need not be held in the hand or closely attended.

XX. "Upland game" shall mean dusky grouse, Eurasian collared-dove, all protected squirrel species, all quail species, chukar and pheasant.

YY. "Water set" shall mean any trap or snare set fully in water.

ZZ. "Wildlife management area" or "WMA" shall mean those areas as described in 19.34.5 NMAC.

AAA. "Written permission" shall mean a document (which may include a valid hunting, trapping or fishing license) that asserts the holder has permission from the private land owner or their designee to hunt, fish, trap or drive off road on the landowner's property. The information on the document must be verifiable and include the name of the person(s) receiving permission, activity permitted, property's location and name (if applicable), name of person granting permission, date and length of time the permission is granted, and phone number or e-mail of the person granting the permission. Licenses issued for private land



which have the ranch name printed on them constitute written permission for that property and no other permission is required except for private land elk licenses in the secondary management zone pursuant to 19.30.5 NMAC and 19.31.14 NMAC.

BBB. "Zone" shall mean those bear or cougar hunt areas, consisting of one or more GMUs, as described in 19.31.11 NMAC.

NM Admin. Code 19.31.10.11 Use of Vehicles, Boats, Aircraft and Roads in Hunting

A. Shooting from the road: It is unlawful to shoot at, wound, take or attempt to take any protected species on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at, wound, take or attempt to take any protected species from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

B. Shooting at artificial wildlife from the road: It is unlawful to shoot at artificial wildlife on, from, across or from within the right-of-way fences of any graded, paved or maintained public road. In the absence of a right-of-way fence it is unlawful to shoot at any artificial wildlife from any part of the graded, paved or maintained surface of the public road. "Public road" as used herein shall mean any road, street or thoroughfare which is open to the public or which the public has a right of access and which has been paved, graded, maintained or any road, street or thoroughfare which has been paved, graded or maintained using public funds.

C. Shooting from within or upon a vehicle, boat or aircraft: It is unlawful to shoot at any protected species from within or upon a motor vehicle, motor-driven boat, sailboat or aircraft except as allowed by a department issued permit. A person may shoot from any motor-driven boat when, the motor has been completely shut off and its progress therefrom has ceased.

D. Harassing protected species: It is unlawful, at any time, to pursue, harass, harr, drive or rally any protected species by any means except as allowed while legally hunting, or as otherwise allowed by Chapter 17 NMSA or state game commission rule.

E. Hunting after air travel: It shall be unlawful for anyone to hunt for or take any protected species until after the start of legal hunting hours on the day following any air travel except by regularly scheduled commercial airline flights or legitimate direct flight to the final destination.

F. Use of aircraft for spotting game: It shall be unlawful to use aircraft or drone to spot or locate and relay the location of any protected species to anyone on the ground by any means of communication or signaling device or action.

G. Using information gained from air flight:



(1) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any aircraft until 48 hours after such aircraft use.

(2) It shall be unlawful to hunt for or to take, or assist in the hunting for or taking of, any protected species with the use of information regarding location of any protected species gained from the use of any drone at any time.

H. Aircraft, drone and vehicle exemptions to this rule: The Director may exempt a person from the prohibition of utilizing an aircraft, drone or vehicle for management purposes.

I. Vehicle off of established road or driving on a closed road:

(1) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on public land or to drive or ride in a motor vehicle on a closed road on public land, when the vehicle bears a licensed hunter, angler or trapper.

(2) During the seasons established for any protected species, it is unlawful to drive or ride in a motor vehicle which is driven off an established road on private land without written permission, when the vehicle bears a licensed hunter, angler or trapper.

(3) It is unlawful to drive or ride in a motor vehicle which is being driven off an established road when gathering or searching for shed antlers on public land or to drive or ride in a motor vehicle on a closed road when gathering or searching for shed antlers on public land.

(4) Exception: Snowmobiles and to retrieve lawfully taken game in an area not closed to vehicular traffic.

(5) Public land as used in this section shall mean any federally owned or managed property, any state owned or managed property, any private property which is part of a unitization hunting agreement, ranch wide agreement or unit wide agreement for the species being hunted, any private property which the department has paid for public access for the species being hunted or any New Mexico state game commission owned or managed property.

J. Mobility-Impaired (MI) hunters:

(1) Shooting from a vehicle: The holder of a MI card is authorized to shoot at, take or attempt to take protected species during their respective open seasons, with the appropriate license, from a stationary motor-driven vehicle only if the vehicle has been parked completely off of the established road's surface and only when the established road has no right-of-way fence. The holder of a MI card may not shoot at, take or attempt to take any protected species from within the right-of-way fence on any established road.

(2) Crossbow use: The holder of a MI card may use a crossbow during any bow hunt.

(3) Assistance for MI hunters: The holder of a MI card may be accompanied by another person, who is designated in writing, to assist in taking or attempting to take any big game animal which has clearly been



wounded by the licensed MI hunter. The person so designated must carry that written authorization from the MI hunter at all times while in the field in order to act as their assistant. A MI hunter may only designate one person at a time to assist them. Any person assisting a MI hunter must follow the sporting arm type designated for that hunt and all other laws and rules which apply to a licensed hunter.

