

14-4511. "Operating" or driving a motor vehicle; defined.¹

A person is "operating" a motor vehicle² if the person is:

[driving the motor vehicle;]³

[or]

[in actual physical control with the intent to drive the vehicle, whether or not the vehicle is moving;]

[or]

[exercising control over or steering a vehicle being towed by a motor vehicle;]

[or]

[operating an off-highway motor vehicle;]

[or]

[in actual physical control with the intent to drive the vehicle, of an off-highway motor vehicle whether or not the vehicle is moving].

USE NOTES

1. Use this instruction if "operating" or "driving" is in issue.
 2. If there is an issue as to whether the vehicle is a motor vehicle, the definition of "motor vehicle", Section 66-1-4.11 NMSA 1978 should be given.
 3. Use only applicable alternative or alternatives.
- [Approved, effective April 1, 1997; as amended, effective August 1, 2001; as amended by Supreme Court Order No. 11-8300-004, effective March 21, 2011.]