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AN ACT

RELATING TO MOTOR VEHICLES; ADDING DEFINITIONS TO THE MOTOR  
VEHICLE CODE; PROVIDING FOR AUTONOMOUS MOTOR VEHICLES;  
REQUIRING PERMITS; ALLOWING PLATOONING OF MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990,  
Chapter 120, Section 2, as amended) is amended to read:

"66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle  
Code:

A. "abandoned vehicle" means a vehicle or motor  
vehicle that has been determined by a New Mexico law  
enforcement agency:

(1) to have been left unattended on either  
public or private property for at least thirty days;

(2) not to have been reported stolen;

(3) not to have been claimed by any person  
asserting ownership; and

(4) not to have been shown by normal record-  
checking procedures to be owned by any person;

B. "access aisle" means a space designed to allow  
a person with a significant mobility limitation to safely  
exit and enter a motor vehicle that is immediately adjacent  
to a designated parking space for persons with significant  
mobility limitation and that may be common to two such

1 parking spaces of at least sixty inches in width or, if the  
2 parking space is designed for van accessibility, ninety-six  
3 inches in width, and clearly marked and maintained with blue  
4 striping and, after January 1, 2011, the words "NO PARKING"  
5 in capital letters, each of which shall be at least one foot  
6 high and at least two inches wide, placed at the rear of the  
7 access aisle so as to be close to where an adjacent vehicle's  
8 rear tires would be placed;

9 C. "actual empty weight" means the weight of a  
10 vehicle without a load;

11 D. "additional place of business", for dealers and  
12 auto recyclers, means locations in addition to an established  
13 place of business as defined in Section 66-1-4.5 NMSA 1978  
14 and meeting all the requirements of an established place of  
15 business, except Paragraph (5) of Subsection C of Section  
16 66-1-4.5 NMSA 1978, but "additional place of business" does  
17 not mean a location used solely for storage and that is not  
18 used for wrecking, dismantling, sale or resale of vehicles;

19 E. "alcoholic beverages" means any and all  
20 distilled or rectified spirits, potable alcohol, brandy,  
21 whiskey, rum, gin, aromatic bitters or any similar alcoholic  
22 beverage, including all blended or fermented beverages,  
23 dilutions or mixtures of one or more of the foregoing  
24 containing more than one-half percent alcohol but excluding  
25 medicinal bitters;

1 F. "authorized emergency vehicle" means any fire  
2 department vehicle, police vehicle and ambulance and any  
3 emergency vehicles of municipal departments or public  
4 utilities that are designated or authorized as emergency  
5 vehicles by the director of the New Mexico state police  
6 division of the department of public safety or local  
7 authorities;

8 G. "autocycle" means a three-wheeled motorcycle on  
9 which the driver and all passengers ride in a completely or  
10 partially enclosed seating area and that is manufactured to  
11 comply with all applicable federal standards, regulations and  
12 laws and is equipped with:

- 13 (1) non-straddle seating;
- 14 (2) rollover protection;
- 15 (3) safety belts for all occupants;
- 16 (4) antilock brakes;
- 17 (5) a steering wheel; and
- 18 (6) pedals;

19 H. "automated driving system" means the hardware  
20 and software that are collectively capable of performing the  
21 entire dynamic driving task on a sustained basis, regardless  
22 of whether it is limited to a specific operational design  
23 domain; "automated driving system" is used specifically to  
24 describe a level three, four or five driving automation  
25 system as defined in society of automotive engineers standard

1 J3016, as published in the Taxonomy and Definitions for Terms  
2 Related to Driving Automation Systems for On-Road Motor  
3 Vehicles;

4 I. "autonomous commercial motor vehicle" means a  
5 commercial motor vehicle, as defined in Subsection J of  
6 Section 66-1-4.3 NMSA 1978, that is being controlled by an  
7 automated driving system;

8 J. "autonomous motor vehicle" means a motor  
9 vehicle that is being controlled by an automated driving  
10 system;

11 K. "autonomous motor vehicle operator" means the  
12 person who engages the automated driving system of an  
13 autonomous motor vehicle or autonomous commercial motor  
14 vehicle;

15 L. "autonomous motor vehicle testing" or  
16 "autonomous commercial motor vehicle testing" means  
17 activities taken in full or in part to evaluate and assess:

18 (1) the automated driving system's  
19 performance of the dynamic driving task; and

20 (2) the automated driving system's  
21 performance with respect to applicable safety areas as  
22 defined by the federal national highway traffic safety  
23 administration for autonomous vehicle operations; and

24 M. "auto recycler" means a person engaged in this  
25 state in an established business that includes acquiring

1 vehicles that are required to be registered under the Motor  
2 Vehicle Code for the purpose of dismantling, wrecking,  
3 shredding, compacting, crushing or otherwise destroying  
4 vehicles for reclaimable parts or scrap material to sell."

5 SECTION 2. Section 66-1-4.4 NMSA 1978 (being Laws 1990,  
6 Chapter 120, Section 5, as amended) is amended to read:

7 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle  
8 Code:

9 A. "day" means calendar day, unless otherwise  
10 provided in the Motor Vehicle Code;

11 B. "dealer", except as specifically excluded,  
12 means any person who sells or solicits or advertises the sale  
13 of new or used motor vehicles, manufactured homes or trailers  
14 subject to registration in this state; "dealer" does not  
15 include:

16 (1) receivers, trustees, administrators,  
17 executors, guardians or other persons appointed by or acting  
18 under judgment, decree or order of any court;

19 (2) public officers while performing their  
20 duties as such officers;

21 (3) persons making casual sales of their own  
22 vehicles;

23 (4) finance companies, banks and other  
24 lending institutions making sales of repossessed vehicles; or

25 (5) licensed brokers under the Manufactured

1 Housing Act who, for a fee, commission or other valuable  
2 consideration, engage in brokerage activities related to the  
3 sale, exchange or lease purchase of pre-owned manufactured  
4 homes on a site installed for a consumer;

5 C. "declared gross weight" means the maximum gross  
6 vehicle weight or gross combination vehicle weight at which a  
7 vehicle or combination will be operated during the  
8 registration period, as declared by the registrant for  
9 registration and fee purposes; the vehicle or combination  
10 shall have only one declared gross weight for all operating  
11 considerations;

12 D. "department" means the taxation and revenue  
13 department, the secretary of taxation and revenue or any  
14 employee of the department exercising authority lawfully  
15 delegated to that employee by the secretary;

16 E. "designated accessible parking space for  
17 persons with significant mobility limitation" means any  
18 space, including an access aisle, that is marked and reserved  
19 for the parking of a passenger vehicle that carries  
20 registration plates or a parking placard with the  
21 international symbol of access issued in accordance with  
22 Section 66-3-16 NMSA 1978 and that is designated by a  
23 conspicuously posted sign bearing the international symbol of  
24 access and, if the parking space is paved, by a clearly  
25 visible depiction of this symbol painted in blue on the

1 pavement of the space;

2 F. "director" means the secretary;

3 G. "disqualification" means a prohibition against  
4 driving a commercial motor vehicle;

5 H. "distinguishing number" means the number  
6 assigned by the department to a vehicle whose identifying  
7 number has been destroyed or obliterated or the number  
8 assigned by the department to a vehicle that has never had an  
9 identifying number;

10 I. "distributor" means a person who distributes or  
11 sells new or used motor vehicles to dealers and who is not a  
12 manufacturer;

13 J. "division", without further specification,  
14 "division of motor vehicles" or "motor vehicle division"  
15 means the department;

16 K. "driveaway-towaway operation" means an  
17 operation in which any motor vehicle, new or used, is the  
18 item being transported when one set or more of wheels of any  
19 such motor vehicle is on the roadway during the course of  
20 transportation, whether or not the motor vehicle furnishes  
21 the motive power;

22 L. "driver" means every person who drives or is in  
23 actual physical control of a motor vehicle, including a  
24 motorcycle, upon a highway, who is exercising control over or  
25 steering a vehicle being towed by a motor vehicle or who

1 operates or is in actual physical control of an off-highway  
2 motor vehicle;

3 M. "driver-assisted platoon" means a series of  
4 motor vehicles platooning with a driver in each vehicle;

5 N. "driver's license" means any license, permit or  
6 driving authorization card issued by a state or other  
7 jurisdiction recognized under the laws of New Mexico  
8 pertaining to the authorizing of persons to operate motor  
9 vehicles and includes a REAL ID-compliant driver's license  
10 and a standard driver's license; and

11 O. "dynamic driving task" means all of the  
12 real-time operational and tactical functions required to  
13 operate a vehicle in on-road traffic, excluding the strategic  
14 functions such as trip scheduling and selection of  
15 destinations and waypoints."

16 SECTION 3. Section 66-1-4.13 NMSA 1978 (being Laws  
17 1990, Chapter 120, Section 14) is amended to read:

18 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle  
19 Code:

20 A. "odometer" means a device for recording the  
21 total mileage traveled by a vehicle from the vehicle's  
22 manufacture and for so long as the vehicle is operable on the  
23 highways;

24 B. "off-highway motor vehicle" means any motor  
25 vehicle operated or used exclusively off the highways of this



1 state and that is not legally equipped for operation on the  
2 highways of this state;

3 C. "official printout" means any record supplied  
4 by the division or a similar agency or government entity that  
5 indicates the lienholders of record or owners of record of a  
6 vehicle or motor vehicle registered within that government's  
7 jurisdiction or indicates information about a driver's  
8 license or identification card, including traffic violation  
9 history or status;

10 D. "official traffic-control devices" means all  
11 signs, signals, markings and devices consistent with the  
12 Motor Vehicle Code placed or erected, by authority of a  
13 public body or official having jurisdiction, for the purpose  
14 of regulating, warning or guiding traffic;

15 E. "operational design domain" means the specific  
16 conditions under which a given automated driving system or  
17 feature of the system is designed to function;

18 F. "operator" means driver, as defined in Section  
19 66-1-4.4 NMSA 1978; and

20 G. "owner" means a person who holds the legal  
21 title of a vehicle and may include a conservator, guardian,  
22 personal representative, executor or similar fiduciary, or,  
23 in the event that a vehicle is the subject of an agreement  
24 for conditional sale or lease with the right of purchase upon  
25 performance of the conditions stated in the agreement and

1 with an immediate right of possession vested in the  
2 conditional vendee or lessee, or, in the event that a  
3 mortgagor of a vehicle is entitled to possession, then such  
4 conditional vendee or lessee or mortgagor."

5 SECTION 4. Section 66-1-4.14 NMSA 1978 (being Laws  
6 1990, Chapter 120, Section 15, as amended) is amended to  
7 read:

8 "66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle  
9 Code:

10 A. "park" or "parking" means the standing of a  
11 vehicle, whether occupied or not, other than temporarily for  
12 the purpose of and while actually engaged in loading and  
13 unloading;

14 B. "parking lot" means a parking area provided for  
15 the use of patrons of any office of state or local government  
16 or of any public accommodation, retail or commercial  
17 establishment;

18 C. "parts car" means a motor vehicle generally in  
19 nonoperable condition that is owned by a collector to furnish  
20 parts that are usually nonobtainable from normal sources,  
21 thus enabling a collector to preserve, restore and maintain a  
22 motor vehicle of historic or special interest;

23 D. "pedestrian" means any natural person on foot;

24 E. "person" means every natural person, firm,  
25 copartnership, association, corporation or other legal

1 entity;

2 F. "personal information" means information that  
3 identifies an individual, including an individual's  
4 photograph, social security number, driver identification  
5 number, name, address other than zip code, telephone number  
6 and medical or disability information, but "personal  
7 information" does not include information on vehicles,  
8 vehicle ownership, vehicular accidents, driving violations or  
9 driver status;

10 G. "placard" or "parking placard" means a card-  
11 like device that identifies the vehicle as being currently in  
12 use to transport a person with severe mobility impairment and  
13 issued pursuant to Section 66-3-16 NMSA 1978 to be displayed  
14 inside a motor vehicle so as to be readily visible to an  
15 observer outside the vehicle;

16 H. "platoon" means a series of motor vehicles that  
17 are traveling in a unified manner by means of being connected  
18 with wireless communications or other technology allowing for  
19 coordinated movement;

20 I. "pneumatic tire" means every tire in which  
21 compressed air is designed to support the load;

22 J. "pole trailer" means any vehicle without motive  
23 power, designed to be drawn by another vehicle and attached  
24 to the towing vehicle by means of a reach or pole or by being  
25 boomed or otherwise secured to the towing vehicle and

1 ordinarily used for transporting long or irregularly shaped  
2 loads such as poles, structures, pipes and structural members  
3 capable, generally, of sustaining themselves as beams between  
4 the supporting connections;

5 K. "police or peace officer" means every officer  
6 authorized to direct or regulate traffic or to make arrests  
7 for violations of the Motor Vehicle Code;

8 L. "private road or driveway" means every way or  
9 place in private ownership used for vehicular travel by the  
10 owner and those having express or implied permission from the  
11 owner, but not other persons; and

12 M. "property owner" means the owner of a piece of  
13 land or the agent of that property owner."

14 SECTION 5. Section 66-7-206 NMSA 1978 (being Laws 1953,  
15 Chapter 139, Section 44, as amended) is amended to read:

16 "66-7-206. IMMEDIATE NOTICE OF ACCIDENTS.--The driver  
17 of a vehicle, the autonomous motor vehicle operator or the  
18 autonomous commercial motor vehicle operator, if applicable,  
19 involved in an accident resulting in bodily injury to or  
20 death of any person or property damage to an apparent extent  
21 of five hundred dollars (\$500) or more shall immediately, by  
22 the quickest means of communication, give notice of the  
23 accident to the police department if the accident occurs  
24 within a municipality; otherwise to the office of the county  
25 sheriff or the nearest office of the New Mexico state police.

1 In the case of an autonomous motor vehicle or autonomous  
2 commercial motor vehicle operating without a human driver,  
3 the owner of that motor vehicle or person working on behalf  
4 of the vehicle owner shall be responsible for providing the  
5 notice required by this section."

6 SECTION 6. Section 66-7-318 NMSA 1978 (being Laws 1953,  
7 Chapter 139, Section 72, as amended) is amended to read:

8 "66-7-318. FOLLOWING TOO CLOSELY.--

9 A. The driver of a motor vehicle shall not follow  
10 another vehicle more closely than is reasonable and prudent,  
11 having due regard for the speed of the vehicles and the  
12 traffic upon and the condition of the highway.

13 B. The driver of any motor truck or motor vehicle  
14 drawing another vehicle when traveling upon a roadway outside  
15 of a business or residence district shall not follow another  
16 motor truck or motor vehicle drawing another vehicle within  
17 three hundred feet, except that this shall not prevent a  
18 motor truck or motor vehicle drawing another vehicle from  
19 overtaking and passing any like vehicle or other vehicle.

20 C. Motor vehicles being driven upon any roadway  
21 outside of a business or residence district in a caravan or  
22 motorcade, whether or not towing other vehicles, shall not  
23 follow the preceding vehicle closer than three hundred feet.  
24 This provision shall not apply to:

25 (1) funeral processions nor shall it apply

1 within or outside of a business or residence district to  
2 motor vehicle escort vehicles of a motor vehicle escort  
3 service, which may, if necessary to maintain the continuity  
4 of the escorted unit or units, precede or follow at a  
5 distance closer than three hundred feet to the escorted unit  
6 or units; or

7 (2) a vehicle that is part of a driver-  
8 assisted platoon and that is not the lead motor vehicle."

9 SECTION 7. A new section of the Motor Vehicle Code is  
10 enacted to read:

11 "AUTONOMOUS MOTOR VEHICLES--NOTIFICATION AND REGULATION  
12 OF TESTING.--

13 A. Prior to testing an autonomous motor vehicle or  
14 an autonomous commercial motor vehicle on a public highway in  
15 New Mexico, a person owning or operating such a motor vehicle  
16 shall notify the department of transportation at least five  
17 calendar days in advance of such operation on a form provided  
18 by rule by the department of at least the following  
19 information:

20 (1) the serial number and type of each motor  
21 vehicle to be tested;

22 (2) the routes to be used by the motor  
23 vehicles;

24 (3) the level of automated driving systems  
25 to be used by the motor vehicles; and

1 (4) such additional information as may be  
2 required by the department of transportation by rule.

3 B. The department of transportation shall  
4 promulgate rules regarding the notification and regulation  
5 process provided for in Subsection A of this section,  
6 including forms to be used and information to be submitted by  
7 operators of autonomous motor vehicles and autonomous  
8 commercial motor vehicles when testing such motor vehicles on  
9 public highways in New Mexico."

10 SECTION 8. A new section of the Motor Vehicle Code is  
11 enacted to read:

12 "AUTONOMOUS MOTOR VEHICLES--STANDARDS--LOCAL  
13 REGULATION.--

14 A. Autonomous motor vehicles and autonomous  
15 commercial motor vehicles shall meet all applicable federal  
16 motor vehicle safety standards. Additionally, autonomous  
17 motor vehicles and autonomous commercial motor vehicles shall  
18 be capable of being operated in compliance with applicable  
19 traffic and motor vehicle laws in New Mexico.

20 B. No political subdivision of the state may, by  
21 ordinance, resolution or any other means, prohibit the  
22 testing or operation of an autonomous motor vehicle or  
23 autonomous commercial motor vehicle within the jurisdictional  
24 boundaries of the political subdivision solely on the basis  
25 of the motor vehicle being equipped with an automated driving

1 system."

2 SECTION 9. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2022. \_\_\_\_\_

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