

1 HOUSE BILL 349

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Roberto "Bobby" J. Gonzales

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10 AN ACT

11 RELATING TO TRAFFIC SAFETY; ENACTING A NEW SECTION OF THE MOTOR  
12 VEHICLE CODE REQUIRING VEHICLE DRIVERS TO YIELD THE RIGHT OF  
13 WAY TO A TRANSIT BUS THAT IS DISPLAYING A YIELD SIGN; PROVIDING  
14 DEFINITIONS.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 66-1-4.11 NMSA 1978 (being Laws 1990,  
18 Chapter 120, Section 12, as amended) is amended to read:

19 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle  
20 Code:

21 A. "mail" means any item properly addressed with  
22 postage prepaid delivered by the United States postal service  
23 or any other public or private enterprise primarily engaged in  
24 the transport and delivery of letters, packages and other  
25 parcels;

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1           B. "manufactured home" means a movable or portable  
2 housing structure that exceeds either a width of eight feet or  
3 a length of forty feet, constructed to be towed on its own  
4 chassis and designed to be installed with or without a  
5 permanent foundation for human occupancy;

6           C. "manufacturer" means every person engaged in the  
7 business of constructing or assembling vehicles of a type  
8 required to be registered under the Motor Vehicle Code;

9           D. "manufacturer's certificate of origin" means a  
10 certification, on a form supplied by or approved by the  
11 department, signed by the manufacturer that the new vehicle or  
12 boat described in the certificate has been transferred to the  
13 New Mexico dealer or distributor named in the certificate or to  
14 a dealer duly licensed or recognized as such in another state,  
15 territory or possession of the United States and that such  
16 transfer is the first transfer of the vehicle or boat in  
17 ordinary trade and commerce;

18           E. "mass transit" means a coordinated system of  
19 transit modes providing transportation for use by the general  
20 public;

21           ~~[E.]~~ F. "moped" means a two-wheeled or three-  
22 wheeled vehicle with an automatic transmission and a motor  
23 having a piston displacement of less than fifty cubic  
24 centimeters, that is capable of propelling the vehicle at a  
25 maximum speed of not more than thirty miles an hour on level

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1 ground, at sea level;

2 ~~[F.]~~ G. "motorcycle" means every motor vehicle  
3 having a seat or saddle for the use of the rider and designed  
4 to travel on not more than three wheels in contact with the  
5 ground, including autocycles and excluding a tractor;

6 ~~[G.]~~ H. "motor home" means a camping body built on  
7 a self-propelled motor vehicle chassis so designed that seating  
8 for driver and passengers is within the body itself;

9 ~~[H.]~~ I. "motor vehicle" means every vehicle that is  
10 self-propelled and every vehicle that is propelled by electric  
11 power obtained from batteries or from overhead trolley wires,  
12 but not operated upon rails; but for the purposes of the  
13 Mandatory Financial Responsibility Act, "motor vehicle" does  
14 not include "special mobile equipment"; and

15 ~~[I.]~~ J. "motor vehicle insurance policy" means a  
16 policy of vehicle insurance that covers self-propelled vehicles  
17 of a kind required to be registered pursuant to New Mexico law  
18 for use on the public streets and highways. A "motor vehicle  
19 insurance policy":

20 (1) shall include:

21 (a) motor vehicle bodily injury and  
22 property damage liability coverages in compliance with the  
23 Mandatory Financial Responsibility Act; and

24 (b) uninsured motorist coverage, subject  
25 to the provisions of Section 66-5-301 NMSA 1978 permitting the

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1 insured to reject such coverage; and

2 (2) may include:

3 (a) physical damage coverage;

4 (b) medical payments coverage; and

5 (c) other coverages that the insured and

6 the insurer agree to include within the policy."

7 SECTION 2. Section 66-1-4.14 NMSA 1978 (being Laws 1990,  
8 Chapter 120, Section 15, as amended) is amended to read:

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

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

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

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

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

25 E. "person" means every natural person, firm,

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1 copartnership, association, corporation or other legal entity;

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

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

15 H. "pneumatic tire" means every tire in which  
16 compressed air is designed to support the load;

17 I. "pole trailer" means any vehicle without motive  
18 power, designed to be drawn by another vehicle and attached to  
19 the towing vehicle by means of a reach or pole or by being  
20 boomed or otherwise secured to the towing vehicle and  
21 ordinarily used for transporting long or irregularly shaped  
22 loads such as poles, structures, pipes and structural members  
23 capable, generally, of sustaining themselves as beams between  
24 the supporting connections;

25 J. "police or peace officer" means every officer

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1 authorized to direct or regulate traffic or to make arrests for  
2 violations of the Motor Vehicle Code;

3 K. "private road or driveway" means every way or  
4 place in private ownership used for vehicular travel by the  
5 owner and those having express or implied permission from the  
6 owner, but not other persons; ~~and~~

7 L. "property owner" means the owner of a piece of  
8 land or the agent of that property owner; and

9 M. "public mass transit operator" means an agency  
10 or a political subdivision of the state that provides mass  
11 transit services."

12 SECTION 3. Section 66-1-4.17 NMSA 1978 (being Laws 1990,  
13 Chapter 120, Section 18, as amended) is amended to read:

14 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle  
15 Code:

16 A. "tank vehicle" means a motor vehicle that is  
17 designed to transport any liquid or gaseous material within a  
18 tank that is either permanently or temporarily attached to the  
19 vehicle or the chassis and that has either a gross vehicle  
20 weight rating of twenty-six thousand one or more pounds or is  
21 used in the transportation of hazardous materials requiring  
22 placarding of the vehicle under applicable law;

23 B. "taxicab" means a motor vehicle used for hire in  
24 the transportation of persons, having a normal seating capacity  
25 of not more than seven persons;

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1           C. "temporary off-site location" means a location  
2 other than a dealer's established or additional place of  
3 business that is used exclusively for the display of vehicles  
4 or vessels for sale or resale and for related business;

5           D. "through highway" means every highway or portion  
6 of a highway at the entrance to which vehicular traffic from  
7 intersecting highways is required by law to stop before  
8 entering or crossing it when stop signs are erected as provided  
9 in the Motor Vehicle Code;

10          E. "title service company" means a person, other  
11 than the department, an agent of the department, a licensed  
12 dealer or the motor transportation division of the department  
13 of public safety, who for consideration issues temporary  
14 registration plates or prepares and submits to the department  
15 on behalf of others applications for registration of or title  
16 to motor vehicles;

17          F. "traffic" means pedestrians, ridden or herded  
18 animals, vehicles and other conveyances either singly or  
19 together using any highway for purposes of travel;

20          G. "traffic-control signal" means any device,  
21 whether manually, electrically or mechanically operated, by  
22 which traffic is alternately directed to stop and to proceed;

23          H. "traffic safety bureau" means the traffic safety  
24 bureau of the department of transportation;

25          I. "trailer" means any vehicle without motive

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1 power, designed for carrying persons or property and for being  
2 drawn by a motor vehicle, and so constructed that no  
3 significant part of its weight rests upon the towing vehicle;

4 J. "transaction" means all operations necessary at  
5 one time with respect to one identification card, one driver,  
6 one vessel or one vehicle;

7 K. "transit bus" means a bus operated by a public  
8 mass transit operator;

9 [~~K-~~] L. "transportation inspector" means an  
10 employee of the motor transportation division of the department  
11 of public safety who has been certified by the director of the  
12 division to enter upon and perform inspections of motor  
13 carriers' vehicles in operation;

14 [~~L-~~] M. "transporter of manufactured homes" means a  
15 commercial motor vehicle operation engaged in the business of  
16 transporting manufactured homes from the manufacturer's  
17 location to the first dealer's location. A "transporter of  
18 manufactured homes" may or may not be associated with or  
19 affiliated with a particular manufacturer or dealer;

20 [~~M-~~] N. "travel trailer" means a trailer with a  
21 camping body and includes recreational travel trailers and  
22 camping trailers;

23 [~~N-~~] O. "trial court" means the magistrate,  
24 municipal or district court that tries the case concerning an  
25 alleged violation of a provision of the Motor Vehicle Code;

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1           [~~Θ-~~] P. "tribal court" means a court created by a  
2       tribe or a court of Indian offense created by the United States  
3       secretary of the interior;

4           [~~P-~~] Q. "tribe" means an Indian nation, tribe or  
5       pueblo located wholly or partially in New Mexico;

6           [~~Q-~~] R. "truck" means every motor vehicle designed,  
7       used or maintained primarily for the transportation of  
8       property;

9           [~~R-~~] S. "truck camper" means a camping body  
10      designed to be loaded onto, or affixed to, the bed or chassis  
11      of a truck. A camping body, when combined with a truck or  
12      truck cab and chassis, even though not attached permanently,  
13      becomes a part of the motor vehicle, and together they are a  
14      recreational unit to be known as a "truck camper"; there are  
15      three general types of truck campers:

16                   (1) "slide-in camper" means a camping body  
17      designed to be loaded onto and unloaded from the bed of a  
18      pickup truck;

19                   (2) "chassis-mount camper" means a camping  
20      body designed to be affixed to a truck cab and chassis; and

21                   (3) "pickup cover" or "camper shell" means a  
22      camping body designed to provide an all-weather protective  
23      enclosure over the bed of a pickup truck and to be affixed to  
24      the pickup truck; and

25           [~~S-~~] T. "truck tractor" means every motor vehicle

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1 designed and used primarily for drawing other vehicles and  
2 constructed to carry a part of the weight of the vehicle and  
3 load drawn."

4 SECTION 4. A new Section 66-7-332.2 NMSA 1978 is enacted  
5 to read:

6 "66-7-332.2. [NEW MATERIAL] YIELD TO TRANSIT BUSES  
7 DISPLAYING PROPER SIGNAGE.--

8 A. When a stopped transit bus is preparing to leave  
9 a bus stop and illuminates a sign displayed on its back that  
10 warns vehicle drivers behind the bus that it is attempting to  
11 enter a traffic lane, all other drivers shall yield the right  
12 of way to allow the bus to enter traffic.

13 B. This section does not require a public mass  
14 transit operator to install yield signs on the buses it  
15 operates, nor does it relieve a driver of a transit bus from  
16 the duty to drive with due regard for the safety of all persons  
17 using the roadway.

18 C. A person who violates the provisions of this  
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 5. Section 66-8-116 NMSA 1978 (being Laws 1978,  
21 Chapter 35, Section 524, as amended) is amended to read:

22 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--  
23 SCHEDULE OF ASSESSMENTS.--

24 A. As used in the Motor Vehicle Code, "penalty  
25 assessment misdemeanor" means violation of any of the following  
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1 listed sections of the NMSA 1978 for which, except as provided  
2 in Subsections D and E of this section, the listed penalty  
3 assessment is established:

4	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
5			ASSESSMENT
6	Improper display of		
7	registration plate	66-3-18	\$ 25.00
8	Failure to notify of		
9	change of name or address	66-3-23	25.00
10	Lost or damaged registration,		
11	plate or title	66-3-24	20.00
12	Permitting unauthorized		
13	minor to drive	66-5-40	50.00
14	Permitting unauthorized		
15	person to drive	66-5-41	25.00
16	Failure to obey sign	66-7-104	10.00
17	Failure to obey signal	66-7-105	10.00
18	Speeding	66-7-301	
19	(1) up to and including		
20	ten miles an hour		
21	over the speed limit		15.00
22	(2) from eleven up to		
23	and including fifteen		
24	miles an hour		
25	over the speed limit		30.00

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1	(3) from sixteen up to		
2	and including twenty		
3	miles an hour over the		
4	speed limit		65.00
5	(4) from twenty-one up to		
6	and including twenty-five		
7	miles an hour		
8	over the speed limit		100.00
9	(5) from twenty-six up to		
10	and including thirty		
11	miles an hour over the		
12	speed limit		125.00
13	(6) from thirty-one up to		
14	and including thirty-five		
15	miles an hour over the		
16	speed limit		150.00
17	(7) more than thirty-five		
18	miles an hour over the		
19	speed limit		200.00
20	Unfastened safety belt	66-7-372	25.00
21	Child not in restraint device		
22	or seat belt	66-7-369	25.00
23	Minimum speed	66-7-305	10.00
24	Speeding	66-7-306	15.00
25	Improper starting	66-7-324	10.00

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1	Improper backing	66-7-354	10.00
2	Improper lane	66-7-308	10.00
3	Improper lane	66-7-313	10.00
4	Improper lane	66-7-316	10.00
5	Improper lane	66-7-317	10.00
6	Improper lane	66-7-319	10.00
7	Improper passing	66-7-309 through 66-7-312	10.00
8	Improper passing	66-7-315	10.00
9	Controlled access		
10	violation	66-7-320	10.00
11	Controlled access		
12	violation	66-7-321	10.00
13	Improper turning	66-7-322	10.00
14	Improper turning	66-7-323	10.00
15	Improper turning	66-7-325	10.00
16	Following too closely	66-7-318	10.00
17	Failure to yield	66-7-328 through 66-7-331	10.00
18	Failure to yield	66-7-332	50.00
19	Failure to yield	66-7-332.1 <u>and 6-7-332.2</u>	25.00
20	Pedestrian violation	66-7-333	10.00
21	Pedestrian violation	66-7-340	10.00
22	Failure to stop	66-7-342 and 66-7-344	
23		through 66-7-346	10.00
24	Railroad-highway grade		
25	crossing violation	66-7-341 and 66-7-343	150.00

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1	Passing school bus	66-7-347	100.00
2	Failure to signal	66-7-325 through 66-7-327	10.00
3	Failure to secure load	66-7-407	100.00
4	Operation without oversize-		
5	overweight permit	66-7-413	50.00
6	Transport of reducible		
7	load with special		
8	permit more than six miles		
9	from a border crossing	66-7-413	100.00
10	Improper equipment	66-3-801	
11		through 66-3-851	25.00
12	Improper equipment	66-3-901	20.00
13	Improper emergency		
14	signal	66-3-853 through 66-3-857	10.00
15	Minor on motorcycle		
16	without helmet	66-7-356	300.00
17	Operation interference	66-7-357	50.00
18	Littering	66-7-364	300.00
19	Improper parking	66-7-349 through 66-7-352	
20		and 66-7-353	5.00
21	Improper parking	66-3-852	5.00
22	Failure to dim lights	66-3-831	10.00
23	Riding in or towing		
24	occupied house trailer	66-7-366	5.00
25	Improper opening of doors	66-7-367	5.00

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1	No slow-moving vehicle		
2	emblem or flashing		
3	amber light	66-3-887	5.00
4	Open container - first		
5	violation	66-8-138	25.00
6	Texting while driving -		
7	first violation	66-7-374	25.00
8	Texting while driving -		
9	subsequent violation	66-7-374	50.00
10	Using a handheld mobile		
11	communication device		
12	while driving a		
13	commercial motor	<del>[Section 1 of this</del>	
14	vehicle	<del>2016 act]</del> <u>66-7-375</u>	25.00
15	Using a handheld mobile		
16	communication device		
17	while driving a		
18	commercial motor		
19	vehicle - subsequent	<del>[Section 1 of this</del>	
20	violation	<del>2016 act]</del> <u>66-7-375</u>	50.00.

21           B. The term "penalty assessment misdemeanor" does  
22 not include a violation that has caused or contributed to the  
23 cause of an accident resulting in injury or death to a person.

24           C. When an alleged violator of a penalty assessment  
25 misdemeanor elects to accept a notice to appear in lieu of a

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1 notice of penalty assessment, a fine imposed upon later  
2 conviction shall not exceed the penalty assessment established  
3 for the particular penalty assessment misdemeanor and probation  
4 imposed upon a suspended or deferred sentence shall not exceed  
5 ninety days.

6 D. The penalty assessment for speeding in violation  
7 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978  
8 is twice the penalty assessment established in Subsection A of  
9 this section for the equivalent miles per hour over the speed  
10 limit.

11 E. Upon a second conviction for operation without a  
12 permit for excessive size or weight pursuant to Section  
13 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
14 fifty dollars (\$250). Upon a third or subsequent conviction,  
15 the penalty assessment shall be five hundred dollars (\$500).

16 F. Upon a second conviction for transport of a  
17 reducible load with a permit for excessive size or weight  
18 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more  
19 than six miles from a port-of-entry facility on the border with  
20 Mexico, the penalty assessment shall be five hundred dollars  
21 (\$500). Upon a third or subsequent conviction, the penalty  
22 assessment shall be one thousand dollars (\$1,000)."

23 SECTION 6. EFFECTIVE DATE.--The effective date of the  
24 provisions of this act is July 1, 2017.