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HOUSE BILL 76

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

FOR THE TRANSPORTATION INFRASTRUCTURE REVENUE SUBCOMMITTEE

AN ACT

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

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

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

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

A. "mail" means any item properly addressed with postage prepaid delivered by the United States postal service or any other public or private enterprise primarily engaged in the transport and delivery of letters, packages and other 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. "passenger van" means a vehicle with seating for  
25 thirteen or fewer people, maximum interior headroom of fifty-

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1 two inches and single rear tires;

2           ~~[D-]~~ E. "pedestrian" means any natural person on  
3 foot;

4           ~~[E-]~~ F. "person" means every natural person, firm,  
5 copartnership, association, corporation or other legal entity;

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

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

19           ~~[H-]~~ I. "pneumatic tire" means every tire in which  
20 compressed air is designed to support the load;

21           ~~[I-]~~ J. "pole trailer" means any vehicle without  
22 motive power, designed to be drawn by another vehicle and  
23 attached to the towing vehicle by means of a reach or pole or  
24 by being boomed or otherwise secured to the towing vehicle and  
25 ordinarily used for transporting long or irregularly shaped

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1 loads such as poles, structures, pipes and structural members  
2 capable, generally, of sustaining themselves as beams between  
3 the supporting connections;

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

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

11 [~~L.~~] M. "property owner" means the owner of a piece  
12 of land or the agent of that property owner; and

13 N. "public mass transit operator" means an agency  
14 or a political subdivision of the state that provides mass  
15 transit services."

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

18 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle  
19 Code:

20 A. "tank vehicle" means a motor vehicle that is  
21 designed to transport any liquid or gaseous material within a  
22 tank that is either permanently or temporarily attached to the  
23 vehicle or the chassis and that has either a gross vehicle  
24 weight rating of twenty-six thousand one or more pounds or is  
25 used in the transportation of hazardous materials requiring

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1 placarding of the vehicle under applicable law;

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

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

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

14 E. "title service company" means a person, other  
15 than the department, an agent of the department, a licensed  
16 dealer or the ~~[motor transportation]~~ New Mexico state police  
17 division of the department of public safety, who for  
18 consideration issues temporary registration plates or prepares  
19 and submits to the department on behalf of others applications  
20 for registration of or title to motor vehicles;

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

24 G. "traffic-control signal" means any device,  
25 whether manually, electrically or mechanically operated, by

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1 which traffic is alternately directed to stop and to proceed;

2 H. "traffic safety bureau" means the traffic safety  
3 bureau of the department of transportation;

4 I. "trailer" means any vehicle without motive  
5 power, designed for carrying persons or property and for being  
6 drawn by a motor vehicle, and so constructed that no  
7 significant part of its weight rests upon the towing vehicle;

8 J. "transaction" means all operations necessary at  
9 one time with respect to one identification card, one driver,  
10 one vessel or one vehicle;

11 K. "transit bus" means a bus operated by a public  
12 mass transit operator;

13 [~~K.~~] L. "transportation inspector" means an  
14 employee of the [~~motor transportation~~] New Mexico state police  
15 division of the department of public safety who has been  
16 certified by the director of the division to enter upon and  
17 perform inspections of motor carriers' vehicles in operation;

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

24 [~~M.~~] N. "travel trailer" means a trailer with a  
25 camping body and includes recreational travel trailers and

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1 camping trailers;

2 [N-] Q. "trial court" means the magistrate,  
3 municipal or district court that tries the case concerning an  
4 alleged violation of a provision of the Motor Vehicle Code;

5 [O-] P. "tribal court" means a court created by a  
6 tribe or a court of Indian offense created by the United States  
7 secretary of the interior;

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

10 [Q-] R. "truck" means every motor vehicle designed,  
11 used or maintained primarily for the transportation of  
12 property;

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

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

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

25 (3) "pickup cover" or "camper shell" means a

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1 camping body designed to provide an all-weather protective  
2 enclosure over the bed of a pickup truck and to be affixed to  
3 the pickup truck; and

4 ~~[S-]~~ T. "truck tractor" means every motor vehicle  
5 designed and used primarily for drawing other vehicles and  
6 constructed to carry a part of the weight of the vehicle and  
7 load drawn."

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

10 "66-7-332.2. ~~[NEW MATERIAL]~~ YIELD TO TRANSIT BUSES  
11 DISPLAYING PROPER SIGNAGE.--

12 A. A driver shall yield the right of way to a  
13 transit bus, excepting a passenger van, when an illuminated  
14 yield sign is displayed on the rear of the bus and the bus is  
15 attempting to merge into a traffic lane.

16 B. This section does not require a public mass  
17 transit operator to install yield signs on the buses it  
18 operates.

19 C. This section does not relieve a driver of a  
20 transit bus from any applicable traffic laws or duty of care.

21 D. A person who violates the provisions of this  
22 section is guilty of a penalty assessment misdemeanor."

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

25 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--  
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1 SCHEDULE OF ASSESSMENTS.--

2 A. As used in the Motor Vehicle Code and the Boat  
3 Act, "penalty assessment misdemeanor" means violation of any of  
4 the following listed sections of the NMSA 1978 for which,  
5 except as provided in Subsections D through F of this section,  
6 the listed penalty assessment is established:

7	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
8			ASSESSMENT
9	Improper display of		
10	registration plate	66-3-18	\$ 25.00
11	Failure to notify of		
12	change of name or address	66-3-23	25.00
13	Lost or damaged registration,		
14	plate or title	66-3-24	25.00
15	Horseless carriage		
16	registration	66-3-27	25.00
17	Transfer of registration		
18	and title	66-3-103	25.00
19	Expiration of dealer		
20	plates	66-3-403	25.00
21	Special registration		
22	plates	66-3-409, 66-3-412.1,	
23		66-3-413, 66-3-415,	
24		66-3-417, 66-3-419,	
25		66-3-421, 66-3-422,	

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1		66-3-424.4, 66-3-424.5,	
2		66-3-424.7, 66-3-424.9,	
3		66-3-424.13,	
4		66-3-424.16	
5		and 66-3-424.28	75.00
6	Bicycle laws	66-3-701	
7		through	
8		66-3-707	50.00
9	No license display	66-5-16	25.00
10	Failure to change		
11	address or name on		
12	license	66-5-22	25.00
13	Permitting unauthorized		
14	minor to drive	66-5-40	50.00
15	Permitting unauthorized		
16	person to drive	66-5-41	25.00
17	Failure to obey sign	66-7-104	25.00
18	Failure to obey signal	66-7-105	25.00
19	Pedestrian signs and		
20	signals	66-7-106	
21		through	
22		66-7-108	25.00
23	Speeding	66-7-301	
24	(1) up to and including		
25	ten miles an hour		

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1	over the speed limit		25.00
2	(2) from eleven up to		
3	and including fifteen		
4	miles an hour		
5	over the speed limit		30.00
6	(3) from sixteen up to		
7	and including twenty		
8	miles an hour over the		
9	speed limit		65.00
10	(4) from twenty-one up to		
11	and including twenty-five		
12	miles an hour		
13	over the speed limit		100.00
14	(5) from twenty-six up to		
15	and including thirty		
16	miles an hour over the		
17	speed limit		125.00
18	(6) from thirty-one up to		
19	and including thirty-five		
20	miles an hour over the		
21	speed limit		150.00
22	(7) more than thirty-five		
23	miles an hour over the		
24	speed limit		200.00
25	Unfastened safety belt	66-7-372	25.00

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1	Child not in restraint device		
2	or seat belt	66-7-369	25.00
3	Minimum speed	66-7-305	25.00
4	Speeding	66-7-306	25.00
5	Improper starting	66-7-324	25.00
6	Improper backing	66-7-354	25.00
7	Improper lane	66-7-308	25.00
8	Improper lane	66-7-313	25.00
9	Improper lane	66-7-316	25.00
10	Improper lane	66-7-317	25.00
11	Improper lane	66-7-319	25.00
12	Improper passing	66-7-309 through 66-7-312	25.00
13	Improper passing	66-7-315	25.00
14	Controlled access		
15	violation	66-7-320	25.00
16	Controlled access		
17	violation	66-7-321	25.00
18	Improper turning	66-7-322	25.00
19	Improper turning	66-7-323	25.00
20	Improper turning	66-7-325	25.00
21	Following too closely	66-7-318	25.00
22	Failure to yield	66-7-328 through 66-7-331	25.00
23	Failure to yield	66-7-332	50.00
24	Failure to yield	66-7-332.1 <u>and 66-7-332.2</u>	25.00
25	Pedestrian violation	66-7-333	

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1	through	
2	66-7-340	25.00
3	Failure to stop	66-7-342 and 66-7-344
4	through 66-7-346	25.00
5	Railroad-highway grade	
6	crossing violation	66-7-341 and 66-7-343 150.00
7	Passing school bus	66-7-347 100.00
8	Failure to signal	66-7-325 through 66-7-327 25.00
9	Riding on motorcycles	66-7-355 100.00
10	Video screens in	
11	automobiles	66-7-358 25.00
12	Driving on mountain	
13	highways	66-7-359 25.00
14	Coasting prohibited	66-7-360 25.00
15	Animals on highway at	
16	night	66-7-363 50.00
17	Failure to secure load	66-7-407 100.00
18	Operation without oversize-	
19	overweight permit	66-7-413 50.00
20	Transport of reducible	
21	load with special	
22	permit more than six miles	
23	from a border crossing	66-7-413 100.00
24	Improper equipment	66-3-801 through
25		66-3-840 and 66-3-842

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1		through 66-3-851	50.00
2	Improper equipment	66-3-901	50.00
3	Improper emergency		
4	signal	66-3-853 through 66-3-857	25.00
5	Minor on motorcycle		
6	without helmet	66-7-356	300.00
7	Operation interference	66-7-357	50.00
8	Littering	66-7-364	300.00
9	Improper parking	66-7-349 through 66-7-352	
10		and 66-7-353	25.00
11	Improper parking	66-3-852	25.00
12	Riding in or towing		
13	occupied house trailer	66-7-366	25.00
14	Improper opening of doors	66-7-367	25.00
15	No slow-moving vehicle		
16	emblem or flashing		
17	amber light	66-3-887	25.00
18	Open container-first		
19	violation	66-8-138	25.00
20	Texting while driving-		
21	(1) first violation	66-7-374	25.00
22	(2) second and subsequent		
23	violation		50.00
24	Using a handheld mobile		
25	communication device		

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1 while driving a  
2 commercial motor vehicle 66-7-375  
3 (1) first violation 25.00  
4 (2) second and subsequent  
5 violation 50.00.

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

9 C. When an alleged violator of a penalty assessment  
10 misdemeanor elects to accept a notice to appear in lieu of a  
11 notice of penalty assessment, a fine imposed upon later  
12 conviction shall not exceed the penalty assessment established  
13 for the particular penalty assessment misdemeanor and probation  
14 imposed upon a suspended or deferred sentence shall not exceed  
15 ninety days.

16 D. The penalty assessment for speeding in violation  
17 of Paragraph (5) of Subsection A of Section 66-7-301 NMSA 1978  
18 is twice the penalty assessment established in Subsection A of  
19 this section for the equivalent miles per hour over the speed  
20 limit.

21 E. Upon a second conviction for operation without a  
22 permit for excessive size or weight pursuant to Section  
23 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
24 fifty dollars (\$250). Upon a third or subsequent conviction,  
25 the penalty assessment shall be five hundred dollars (\$500).

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

8 SECTION 6. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2021.

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