

1 SENATE BILL 213

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Roberto "Bobby" J. Gonzales

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; 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; DEFINING
14 TERMS; PROVIDING PENALTIES.

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, including an electric mobility
13 device, but does not include an electric-assisted bicycle; for
14 the purposes of the Mandatory Financial Responsibility Act,
15 "motor vehicle" does not include "special mobile equipment";
16 and

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

22 (1) shall include:

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

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1 (b) uninsured motorist coverage, subject
2 to the provisions of Section 66-5-301 NMSA 1978 permitting the
3 insured to reject such coverage; and

4 (2) may include:

5 (a) physical damage coverage;
6 (b) medical payments coverage; and
7 (c) other coverages that the insured and
8 the insurer agree to include within the policy."

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

11 "66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle
12 Code:

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

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

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

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1 D. "passenger van" means a vehicle with seating for
2 thirteen or fewer people, a maximum interior headroom of
3 fifty-two inches and single rear tires;

4 ~~[D.]~~ E. "pedestrian" means any natural person on
5 foot;

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

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

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

21 ~~[H.]~~ I. "platoon" means a series of motor vehicles
22 that are traveling in a unified manner by means of being
23 connected with wireless communications or other technology
24 allowing for coordinated movement;

25 ~~[I.]~~ J. "pneumatic tire" means every tire in which

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1 compressed air is designed to support the load;

2 [J-] K. "pole trailer" means any vehicle without
3 motive power, designed to be drawn by another vehicle and
4 attached to the towing vehicle by means of a reach or pole or
5 by being boomed or otherwise secured to the towing vehicle and
6 ordinarily used for transporting long or irregularly shaped
7 loads such as poles, structures, pipes and structural members
8 capable, generally, of sustaining themselves as beams between
9 the supporting connections;

10 [K-] L. "police or peace officer" means every
11 officer authorized to direct or regulate traffic or to make
12 arrests for violations of the Motor Vehicle Code;

13 [L-] M. "private road or driveway" means every way
14 or place in private ownership used for vehicular travel by the
15 owner and those having express or implied permission from the
16 owner, but not other persons; [~~and~~]

17 [M-] N. "property owner" means the owner of a piece
18 of land or the agent of that property owner; and

19 O. "public mass transit operator" means an agency
20 or a political subdivision of the state that provides mass
21 transit services."

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

24 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
25 Code:

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1 A. "tank vehicle" means a motor vehicle that is
2 designed to transport any liquid or gaseous material within a
3 tank that is either permanently or temporarily attached to the
4 vehicle or the chassis and that has either a gross vehicle
5 weight rating of twenty-six thousand one or more pounds or is
6 used in the transportation of hazardous materials requiring
7 placarding of the vehicle under applicable law;

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

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

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

20 E. "title service company" means a person, other
21 than the department, an agent of the department, a licensed
22 dealer or the ~~[motor transportation]~~ New Mexico state police
23 division of the department of public safety, who for
24 consideration issues temporary registration plates or prepares
25 and submits to the department on behalf of others applications

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1 for registration of or title to motor vehicles;

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

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

8 H. "traffic safety bureau" means the traffic safety
9 bureau of the department of transportation;

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

14 J. "transaction" means all operations necessary at
15 one time with respect to one identification card, one driver,
16 one vessel or one vehicle;

17 K. "transit bus" means a bus operated by a public
18 mass transit operator;

19 [K.] L. "transportation inspector" means an
20 employee of the [motor transportation] New Mexico state police
21 division of the department of public safety who has been
22 certified by the director of the division to enter upon and
23 perform inspections of motor carriers' vehicles in operation;

24 [L.] M. "transporter of manufactured homes" means a
25 commercial motor vehicle operation engaged in the business of

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1 transporting manufactured homes from the manufacturer's
2 location to the first dealer's location. A "transporter of
3 manufactured homes" may or may not be associated with or
4 affiliated with a particular manufacturer or dealer;

5 ~~[M.]~~ N. "travel trailer" means a trailer with a
6 camping body and includes recreational travel trailers and
7 camping trailers;

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

11 ~~[O.]~~ P. "tribal court" means a court created by a
12 tribe or a court of Indian offense created by the United States
13 secretary of the interior;

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

16 ~~[Q.]~~ R. "truck" means every motor vehicle designed,
17 used or maintained primarily for the transportation of
18 property;

19 ~~[R.]~~ S. "truck camper" means a camping body
20 designed to be loaded onto, or affixed to, the bed or chassis
21 of a truck. A camping body, when combined with a truck or
22 truck cab and chassis, even though not attached permanently,
23 becomes a part of the motor vehicle, and together they are a
24 recreational unit to be known as a "truck camper"; there are
25 three general types of truck campers:

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

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

6 (3) "pickup cover" or "camper shell" means a
7 camping body designed to provide an all-weather protective
8 enclosure over the bed of a pickup truck and to be affixed to
9 the pickup truck; and

10 [S-] T. "truck tractor" means every motor vehicle
11 designed and used primarily for drawing other vehicles and
12 constructed to carry a part of the weight of the vehicle and
13 load drawn."

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

16 "66-7-332.2. [NEW MATERIAL] YIELD TO TRANSIT BUSES
17 DISPLAYING PROPER SIGNAGE.--

18 A. A driver shall yield the right of way to a
19 transit bus, excepting a passenger van, when an illuminated
20 yield sign is displayed on the rear of the bus and the bus is
21 attempting to merge into a traffic lane from a designated bus
22 stop.

23 B. This section does not require a public mass
24 transit operator to install illuminated yield signs on the
25 buses it operates.

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

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

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

7 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
8 SCHEDULE OF ASSESSMENTS.--

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

14	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
15			ASSESSMENT
16	Vehicles subject to		
17	registration	66-3-1	\$ 50.00
18	Improper display of		
19	registration plate	66-3-18	25.00
20	Failure to notify of		
21	change of name or address	66-3-23	25.00
22	Lost or damaged registration,		
23	plate or title	66-3-24	25.00
24	Horseless carriage		
25	registration	66-3-27	25.00

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1	Transfer of registration		
2	and title	66-3-103	25.00
3	Expiration of dealer		
4	plates	66-3-403	25.00
5	Special registration		
6	plates	66-3-409, 66-3-412.1,	
7		66-3-413, 66-3-415,	
8		66-3-417, 66-3-419,	
9		66-3-421, 66-3-422,	
10		66-3-424.4, 66-3-424.5,	
11		66-3-424.7, 66-3-424.9,	
12		66-3-424.13, 66-3-424.16	
13		and 66-3-424.28	75.00
14	Bicycle laws	66-3-701	
15		through	
16		66-3-707	50.00
17	No license display	66-5-16	25.00
18	Failure to change		
19	address or name on		
20	license	66-5-22	25.00
21	Permitting unauthorized		
22	minor to drive	66-5-40	50.00
23	Permitting unauthorized		
24	person to drive	66-5-41	25.00
25	Failure to obey sign	66-7-104	25.00

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1	Failure to obey signal	66-7-105	25.00
2	Pedestrian signs and		
3	signals	66-7-106	
4		through	
5		66-7-108	25.00
6	Speeding	66-7-301	
7	(1) up to and including		
8	ten miles an hour		
9	over the speed limit		25.00
10	(2) from eleven up to		
11	and including fifteen		
12	miles an hour		
13	over the speed limit		30.00
14	(3) from sixteen up to		
15	and including twenty		
16	miles an hour over the		
17	speed limit		65.00
18	(4) from twenty-one up to		
19	and including twenty-five		
20	miles an hour		
21	over the speed limit		100.00
22	(5) from twenty-six up to		
23	and including thirty		
24	miles an hour over the		
25	speed limit		125.00

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1	(6) from thirty-one up to		
2	and including thirty-five		
3	miles an hour over the		
4	speed limit		150.00
5	(7) more than thirty-five		
6	miles an hour over the		
7	speed limit		200.00
8	Unfastened safety belt	66-7-372	25.00
9	Child not in restraint device		
10	or seat belt	66-7-369	25.00
11	Minimum speed	66-7-305	25.00
12	Speeding	66-7-306	25.00
13	Improper starting	66-7-324	25.00
14	Improper backing	66-7-354	25.00
15	Improper lane	66-7-308	25.00
16	Improper lane	66-7-313	25.00
17	Improper lane	66-7-316	25.00
18	Improper lane	66-7-317	25.00
19	Improper lane	66-7-319	25.00
20	Improper passing	66-7-309	
21	through		
22		66-7-312	25.00
23	Improper passing	66-7-315	25.00
24	Controlled access		
25	violation	66-7-320	25.00

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1	Controlled access		
2	violation	66-7-321	25.00
3	Improper turning	66-7-322	25.00
4	Improper turning	66-7-323	25.00
5	Improper turning	66-7-325	25.00
6	Following too closely	66-7-318	25.00
7	Failure to yield	66-7-328	
8		through	
9		66-7-331	25.00
10	Failure to yield	66-7-332	50.00
11	Failure to yield	66-7-332.1	
12		<u>and 66-7-332.2</u>	25.00
13	Pedestrian violation	66-7-333	
14		through	
15		66-7-340	25.00
16	Failure to stop	66-7-342	
17		and 66-7-344	
18		through	
19		66-7-346	25.00
20	Railroad-highway grade		
21	crossing violation	66-7-341	
22		and 66-7-343	150.00
23	Passing school bus	66-7-347	100.00
24	Failure to signal	66-7-325	
25		through	
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1		66-7-327	25.00
2	Riding on motorcycles	66-7-355	100.00
3	Video screens in		
4	automobiles	66-7-358	25.00
5	Driving on mountain		
6	highways	66-7-359	25.00
7	Coasting prohibited	66-7-360	25.00
8	Animals on highway at		
9	night	66-7-363	50.00
10	Failure to secure load	66-7-407	100.00
11	Operation without oversize-		
12	overweight permit	66-7-413	50.00
13	Transport of reducible		
14	load with special		
15	permit more than six miles		
16	from a border crossing	66-7-413	100.00
17	Driving while license		
18	administratively		
19	suspended	66-5-39.2	25.00
20	Improper equipment	66-3-801	
21	through		
22		66-3-840	
23		and 66-3-842	
24	through		
25		66-3-851	50.00

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

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1	violation	50.00
2	Using a handheld mobile	
3	communication device	
4	while driving a	
5	commercial motor vehicle 66-7-375	
6	(1) first violation	25.00
7	(2) second and subsequent	
8	violation	50.00
9	Improper use of travel lane 66-7-376	250.00.

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

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

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

25 E. Upon a second conviction for operation without a
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1 permit for excessive size or weight pursuant to Section
2 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
3 fifty dollars (\$250). Upon a third or subsequent conviction,
4 the penalty assessment shall be five hundred dollars (\$500).

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