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

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

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

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

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

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

   (1) non-straddle seating;
   (2) rollover protection;
   (3) safety belts for all occupants;
   (4) antilock brakes;
   (5) a steering wheel; and
(6) pedals; [and]

H. "automated driving system" means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain; "automated driving system" is used specifically to describe a level three, four or five driving automation system as defined in society of automotive engineers standard J3016, as published in the Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles;

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

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

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

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

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

with respect to applicable safety areas as defined by the
federal national highway traffic safety administration for
autonomous vehicle operations; and

[H-] M. "auto recycler" means a person engaged in
this state in an established business that includes acquiring
vehicles that are required to be registered under the Motor
Vehicle Code for the purpose of dismantling, wrecking,
shredding, compacting, crushing or otherwise destroying
vehicles for reclaimable parts or scrap material to sell."

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

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

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

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

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

(2) public officers while performing their
duties as such officers;
persons making casual sales of their own
vehicles;

finance companies, banks and other lending
institutions making sales of repossessed vehicles; or

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

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

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

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

F. "director" means the secretary;

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

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

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

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

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

L. "driver" means every person who drives or is in
actual physical control of a motor vehicle, including a
motorcycle, upon a highway, who is exercising control over or
steering a vehicle being towed by a motor vehicle or who
operates or is in actual physical control of an off-highway
motor vehicle; [and]

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

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

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

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

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

A. "odometer" means a device for recording the
total mileage traveled by a vehicle from the vehicle's
manufacture and for so long as the vehicle is operable on the
highways;
B. "off-highway motor vehicle" means any motor vehicle operated or used exclusively off the highways of this state and that is not legally equipped for operation on the highways of this state;

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

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

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

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

[F] G. "owner" means a person who holds the legal title of a vehicle and may include a conservator, guardian, personal representative, executor or similar fiduciary, or, in the event that a vehicle is the subject of an agreement for
conditional sale or lease with the right of purchase upon
performance of the conditions stated in the agreement and with
an immediate right of possession vested in the conditional
vendee or lessee, or, in the event that a mortgagor of a
vehicle is entitled to possession, then such conditional vendee
or lessee or mortgagor."

SECTION 4. Section 66-1-4.14 NMSA 1978 (being Laws 1990,
Chapter 120, Section 15, as amended) is amended to read:
"66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle
Code:

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

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

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

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

E. "person" means every natural person, firm,
copartnership, association, corporation or other legal entity;

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

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

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

   [H-r] L. "pneumatic tire" means every tire in which
compressed air is designed to support the load;

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

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

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

[L.] M. "property owner" means the owner of a piece of land or the agent of that property owner."

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

"66-7-206. IMMEDIATE NOTICE OF ACCIDENTS.—The driver of a vehicle, the autonomous motor vehicle operator or the autonomous commercial motor vehicle operator, if applicable, involved in an accident resulting in bodily injury to or death of any person or property damage to an apparent extent of five hundred dollars ($500) or more shall immediately, by the quickest means of communication, give notice of the accident to the police department if the accident occurs within a municipality; otherwise to the office of the county sheriff or the nearest office of the New Mexico state police. In the case of an autonomous motor vehicle or autonomous commercial motor
vehicle operating without a human driver, the owner of that
motor vehicle or person working on behalf of the vehicle owner
shall be responsible for providing the notice required by this
section."

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

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

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

B. The driver of any motor truck or motor vehicle
drawing another vehicle when traveling upon a roadway outside
of a business or resident district shall not follow another
motor truck or motor vehicle drawing another vehicle within
three hundred feet, except that this shall not prevent a motor
truck or motor vehicle drawing another vehicle from overtaking
and passing [by] any like vehicle or other vehicle.

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

(1) funeral processions nor shall it apply
within or outside of a business or residence district to motor
vehicle escort vehicles of a motor vehicle escort service,
which may, if necessary to maintain the continuity of the
escorted unit or units, precede or follow at a distance closer
than three hundred feet to the escorted unit or units; or

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

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

"[NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--NOTIFICATION
AND REGULATION OF TESTING.--

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

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

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

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

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

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

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

"[NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--STANDARDS-- LOCAL REGULATION.--

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

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

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

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