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HOUSE BILL 590

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING THE DEFINITIONS OF CAMPING TRAILER, RECREATIONAL TRAVEL TRAILER AND TRAVEL TRAILER; CHANGING THE DEFINITION OF AND PROVIDING AN EXCEPTION TO WIDTH AND LOAD RESTRICTIONS FOR RECREATIONAL VEHICLES; INCREASING THE LENGTH RESTRICTION FOR MOTOR HOMES; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-1-4.3 NMSA 1978 (being Laws 1990, Chapter 120, Section 4, as amended) is amended to read:

"66-1-4.3. DEFINITIONS. -- As used in the Motor Vehicle Code:

A. "camping body" means a vehicle body primarily designed or converted for use as temporary living quarters for

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1 recreational, camping or travel activities;

2 B. "camping trailer" means a camping body [~~that~~
3 ~~exceeds neither eight feet in width nor forty feet in length~~],
4 mounted on a chassis, or frame with wheels, designed to be
5 drawn by another vehicle and that has collapsible partial side
6 walls that fold for towing and unfold at the campsite;

7 C. "cancellation" means that a driver's license is
8 annulled and terminated because of some error or defect or
9 because the licensee is no longer entitled to the license, but
10 cancellation of a license is without prejudice, and application
11 for a new license may be made at any time after cancellation;

12 D. "casual sale" means the sale of a motor vehicle
13 by the registered owner of the vehicle if the owner has not
14 sold more than four vehicles in that calendar year;

15 E. "chassis" means the complete motor vehicle,
16 including standard factory equipment, exclusive of the body and
17 cab;

18 F. "collector" means a person who is the owner of
19 one or more vehicles of historic or special interest who
20 collects, purchases, acquires, trades or disposes of these
21 vehicles or parts thereof for the person's own use in order to
22 preserve, restore and maintain a similar vehicle for hobby
23 purposes;

24 G. "combination" means any connected assemblage of
25 a motor vehicle and one or more semitrailers, trailers or

1 semitrailers converted to trailers by means of a converter
2 gear;

3 H. "combination gross vehicle weight" means the sum
4 total of the gross vehicle weights of all units of a
5 combination;

6 I. "commerce" means the transportation of persons,
7 property or merchandise for hire, compensation, profit or in
8 the furtherance of a commercial enterprise in this state or
9 between New Mexico and a place outside New Mexico, including a
10 place outside the United States;

11 J. "commercial motor vehicle" means a motor vehicle
12 used in commerce:

13 (1) if the vehicle has a declared gross
14 vehicle weight rating of twenty-six thousand one or more
15 pounds;

16 (2) if the vehicle is designed to transport
17 sixteen or more passengers, including the driver; or

18 (3) if the vehicle is transporting hazardous
19 materials and is required to be placarded pursuant to
20 applicable law;

21 K. "controlled-access highway" means every highway,
22 street or roadway in respect to which owners or occupants of
23 abutting lands and other persons have no legal right of access
24 to or from the highway, street or roadway except at those
25 points only and in the manner as may be determined by the

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1 public authority having jurisdiction over the highway, street
2 or roadway;

3 L. "controlled substance" means any substance
4 defined in Section 30-31-2 NMSA 1978 as a controlled substance;

5 M. "converter gear" means any assemblage of one or
6 more axles with a fifth wheel mounted thereon, designed for use
7 in a combination to support the front end of a semitrailer but
8 not permanently attached thereto. A converter gear shall not
9 be considered a vehicle, as that term is defined in Section
10 66-1-4.19 NMSA 1978, but weight attributable thereto shall be
11 included in declared gross weight;

12 N. "conviction" means the alleged violator has
13 entered a plea of guilty or nolo contendere or has been found
14 guilty in the trial court and has waived or exhausted all
15 rights to an appeal;

16 O. "crosswalk" means:
17 (1) that part of a roadway at an intersection
18 included within the connections of the lateral lines of the
19 sidewalks on opposite sides of the highway measured from the
20 curbs or, in the absence of curbs, from the edges of the
21 traversable roadway; and

22 (2) any portion of a roadway at an
23 intersection or elsewhere distinctly indicated for pedestrian
24 crossing by lines or other markings on the surface; and

25 P. "curb cut" means a short ramp through a curb or

1 built up to the curb."

2 Section 2. Section 66-1-4.15 NMSA 1978 (being Laws 1990,
3 Chapter 120, Section 16) is amended to read:

4 "66-1-4.15. DEFINITIONS. --As used in the Motor Vehicle
5 Code:

6 A. "railroad" means a carrier of persons or
7 property upon cars operated upon stationary rails;

8 B. "railroad sign or signal" means any sign, signal
9 or device erected by authority of a public body or official or
10 by a railroad and intended to give notice of the presence of
11 railroad tracks or the approach of a railroad train;

12 C. "railroad train" means a steam engine, electric
13 or other motor, with or without cars coupled thereto, operated
14 upon rails;

15 D. "reconstructed vehicle" means any vehicle
16 assembled or constructed largely by means of essential parts,
17 new or used, derived from other vehicles or which, if
18 originally otherwise assembled or constructed, [~~shall have~~] has
19 been materially altered by the removal of essential parts, new
20 or used;

21 E. "recreational travel trailer" means a camping
22 body [~~that exceeds neither eight feet in width nor forty feet~~
23 ~~in length, when equipped for the road~~] designed to be drawn by
24 another vehicle;

25 F. "recreational vehicle" means a vehicle with a

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1 camping body that [either] has its own motive power, is affixed
2 to or is drawn by another vehicle and includes motor homes,
3 travel trailers and truck campers;

4 G. "registration" means registration certificates
5 and registration plates issued under the laws of New Mexico
6 pertaining to the registration of vehicles;

7 H. "registration number" means the number assigned
8 upon registration by the division to the owner of a vehicle or
9 motor vehicle required to be registered by the Motor Vehicle
10 Code;

11 I. "registration plate" means the plate, marker,
12 sticker or tag assigned by the division for the identification
13 of the registered vehicle;

14 J. "residence district" means the territory
15 contiguous to and including a highway not comprising a business
16 district when the property on the highway for a distance of
17 three hundred feet or more is in the main improved with
18 residences or residences and buildings in use for business;

19 K. "revocation" means that the driver's license and
20 privilege to drive a motor vehicle on the public highways are
21 terminated and shall not be renewed or restored, except that an
22 application for a new license may be presented and acted upon
23 by the division after the expiration of at least one year after
24 date of revocation;

25 L. "right of way" means the privilege of the

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1 immediate use of the roadway;

2 M "road tractor" means every motor vehicle
3 designed and used for drawing other vehicles and not so
4 constructed as to carry any significant load thereon, either
5 independently or as any part of the weight of a vehicle or load
6 so drawn; and

7 N. "roadway" means that portion of a street or
8 highway improved, designed or ordinarily used for vehicular
9 travel, exclusive of the berm or shoulder, and in the event a
10 highway includes two or more separate roadways, the term
11 "roadway" refers to any such roadway separately but not to all
12 such roadways collectively."

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

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

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

24 B. "taxicab" means a motor vehicle used for hire in
25 the transportation of persons, having a normal seating capacity

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1 of not more than seven persons;

2 C. "through highway" means every highway or portion
3 thereof at the entrance to which vehicular traffic from
4 intersecting highways is required by law to stop before
5 entering or crossing it when stop signs are erected as provided
6 in the Motor Vehicle Code;

7 D. "title service company" means a person, other
8 than the department, an agent of the department, a licensed
9 dealer or the motor transportation division, who for
10 consideration issues temporary registration plates or prepares
11 and submits to the department on behalf of others applications
12 for registration of or title to motor vehicles;

13 E. "traffic" means pedestrians, ridden or herded
14 animals, vehicles and other conveyances either singly or
15 together using any highway for purposes of travel;

16 F. "traffic-control signal" means any device,
17 whether manually, electrically or mechanically operated, by
18 which traffic is alternately directed to stop and to proceed;

19 G. "traffic safety bureau" means the traffic safety
20 bureau of the state highway and transportation department;

21 H. "trailer" means any vehicle without motive
22 power, designed for carrying persons or property and for being
23 drawn by a motor vehicle, and so constructed that no
24 significant part of its weight rests upon the towing vehicle;

25 I. "transporter of manufactured homes" means a

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1 commercial motor vehicle operation engaged in the business of
2 transporting manufactured homes from the manufacturer's
3 location to the first dealer's location. A "transporter of
4 manufactured homes" may or may not be associated with or
5 affiliated with a particular manufacturer or dealer;

6 J. "travel trailer" means a trailer [~~that exceeds~~
7 ~~neither a width of eight feet nor a length of forty feet, when~~
8 ~~equipped for the road~~] with a camping body and includes
9 recreational travel trailers and camping trailers;

10 K. "trial court" means the magistrate, municipal or
11 district court that tries the case concerning an alleged
12 violation of a provision of the Motor Vehicle Code;

13 L. "truck" means every motor vehicle designed, used
14 or maintained primarily for the transportation of property;

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

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

25 (2) "chassis-mount camper" means a camping

1 body designed to be affixed to a truck cab and chassis; and

2 (3) "pickup cover" or "camper shell" means a
3 camping body designed to provide an all-weather protective
4 enclosure over the bed of a pickup truck and to be affixed
5 thereto; and

6 N. "truck tractor" means every motor vehicle
7 designed and used primarily for drawing other vehicles and not
8 so constructed as to carry a load other than a part of the
9 weight of the vehicle and load so drawn. "

10 Section 4. Section 66-7-402 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 473, as amended) is amended to read:

12 "66-7-402. WIDTH OF VEHICLES.--The total outside width of
13 any vehicle or its load, excepting mirrors, shall not exceed
14 eight feet six inches. Safety devices up to three inches on
15 either side of the vehicle and recreational vehicle
16 appurtenances, including retracting awnings, up to six inches
17 on either side of the vehicle are also excepted. "

18 Section 5. Section 66-7-403 NMSA 1978 (being Laws 1955,
19 Chapter 37, Section 3, as amended) is amended to read:

20 "66-7-403. PROJECTING LOADS ON PASSENGER VEHICLES.--No
21 passenger-type vehicle, except a motorcycle or recreational
22 vehicle shall be operated on any highway with any load carried
23 thereon extending beyond the line of the fenders on the left
24 side of the vehicle nor extending more than six inches beyond
25 the line of the fenders on the right side of the vehicle. "

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Section 6. Section 66-7-404 NMSA 1978 (being Laws 1978, Chapter 35, Section 475, as amended) is amended to read:

"66-7-404. HEIGHT AND LENGTH OF VEHICLES AND LOADS. --

A. No vehicle shall exceed a height of fourteen feet.

B. No vehicle shall exceed a length of forty feet extreme overall dimension and no motor home shall exceed a length of forty-five feet extreme overall dimension, exclusive of front and rear bumpers, except when operated in combination with another vehicle as provided in this section. No combination of vehicles, unless otherwise exempted in this section, shall exceed an overall length of sixty-five feet, exclusive of front and rear bumpers.

C. No combination of vehicles coupled together shall consist of more than two units, except:

(1) a truck tractor and semitrailer shall be permitted to pull one trailer;

(2) a vehicle shall be permitted to pull two units, provided that the middle unit is equipped with brakes and has a weight equal to or greater than the last unit and the total combined gross weight of the towed units does not exceed the manufacturer's stated gross weight of the towing units;

(3) a double or triple saddle-mount or fifth wheel mount of vehicles in transit by driveaway-towaway methods shall be permitted;

1 (4) vehicles and trailers operated by or under
2 contract for municipal refuse systems;

3 (5) farm trailers, implements of husbandry and
4 fertilizer trailers operated by or under contract to a farmer
5 or rancher in his farming or ranching operations; and

6 (6) as provided in Subsections D and E of this
7 section.

8 D. Exclusive of safety and energy conservation
9 devices, refrigeration units and other devices such as coupling
10 devices, vehicles operating a truck tractor semitrailer or
11 truck tractor semitrailer-trailer combinations on the
12 interstate highway system and those qualifying federal aid
13 primary system highways designated by the secretary of the
14 United States department of transportation, pursuant to the
15 United States Surface Transportation Assistance Act of 1982,
16 Public Law 97-424, Section 411, and on those highways
17 designated by the department by rule or regulation with the
18 concurrence of the state highway and transportation department
19 may exceed an overall length limitation of sixty-five feet,
20 provided that the length of the semitrailer in a truck tractor
21 semitrailer combination does not exceed fifty-seven feet six
22 inches and the length of the semitrailer or trailer in a truck
23 tractor semitrailer-trailer combination does not exceed twenty-
24 eight feet six inches. The department shall adopt rules and
25 regulations granting reasonable access to terminals, facilities

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1 for food, fuel, repairs and rest and points of loading and
2 unloading for household goods carriers to vehicles operating in
3 combination pursuant to this subsection. As used in this
4 subsection, "truck tractor" means a non-cargo carrying power
5 unit designed to operate in combination with a semitrailer or
6 trailer, except that a truck tractor and semitrailer engaged in
7 the transportation of automobiles may transport motor vehicles
8 on part of the truck tractor.

9 E. Notwithstanding any other subsection of this
10 section, any trailer or semitrailer combination of such
11 dimensions as those that were in actual and lawful use in this
12 state on December 1, 1982 may be lawfully operated on the
13 highways of this state."

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