

AN ACT

RELATING TO MOTOR VEHICLES; REGULATING ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; PROVIDING PENALTIES.

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

Section 1. A new section of the Motor Vehicle Code is enacted to read:

"ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES--
STANDARDS-- OPERATOR REQUIREMENTS-- APPLICABILITY-- PENALTIES. --

A. As used in this section, "electric personal assistive mobility device" means a self-balancing device having two nontandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when powered solely by its propulsion system and while being ridden by an operator who weighs one hundred seventy pounds.

B. An electric personal assistive mobility device shall be equipped with:

- (1) front, rear and side reflectors;
- (2) a braking system that enables the operator to bring the device to a controlled stop; and
- (3) if operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp

that emits a white light that sufficiently illuminates the area in front of the device.

C. The director shall by rule prescribe motor vehicle safety standards applicable to electric personal assistive mobility devices.

D. An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian, and shall exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.

E. Except as provided in this section, no other provisions of the Motor Vehicle Code shall apply to electric personal assistive mobility devices.

F. An operator who violates a provision of Subsection B, C or D of this section shall receive a warning for the first offense. For a second offense, the operator shall be punished by a fine of ten dollars (\$10.00). For a third or subsequent offense, in addition to the fine, the electric personal assistive mobility device shall be impounded for up to thirty days.

G. This section does not apply to personal assistive mobility devices used by persons with disabilities. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 2002. _____

