

HOUSE FLOOR SUBSTITUTE FOR
HOUSE COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE SUBSTITUTE
FOR HOUSE BILL 270

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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:

.220412.2AIC March 20, 2021 (9:27am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

"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;

.220412.2AIC March 20, 2021 (9:27am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

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

underscored material = new
 [bracketed material] = delete
 Amendments: new = →bold, blue, highlight←
 delete = →bold, red, highlight, strikethrough←

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

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

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

.220412.2AIC March 20, 2021 (9:27am)

underscored material = new
 [bracketed material] = delete
 Amendments: new = → bold, blue, highlight
 delete = → bold, red, highlight, strikethrough

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;
- (3) persons making casual sales of their own vehicles;
- (4) finance companies, banks and other lending institutions making sales of repossessed vehicles; or
- (5) 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

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

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

underscored material = new
 [bracketed material] = delete
 Amendments: new = → bold, blue, highlight ←
 delete = → bold, red, highlight, strikethrough ←

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;

~~[M.]~~ 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."

.220412.2AIC March 20, 2021 (9:27am)

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight
delete = → bold, red, highlight, strikethrough

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 [~~not inconsistent~~] 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

.220412.2AIC March 20, 2021 (9:27am)

underscored material = new
 [bracketed material] = delete
 Amendments: new = →bold, blue, highlight↔
 delete = →bold, red, highlight, strikethrough↔

conditions under which a given automated driving system or feature of the system is designed to function;

[E-] 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

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

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

.220412.2AIC March 20, 2021 (9:27am)

coordinated movement;

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

[F-] J. "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;

[J-] 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

[E-] 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,

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

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

.220412.2AIC March 20, 2021 (9:27am)

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:

.220412.2AIC March 20, 2021 (9:27am)

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

- (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.

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.

.220412.2AIC March 20, 2021 (9:27am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

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 Sf11→~~STBTC→July 1, 2022←STBTC~~
~~STBTC→January 1, 2023←STBTC←Sf11~~ Sf11→July 1, 2022←Sf11 .

underscoring material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←