

1 HOUSE BILL 22
2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**
3 INTRODUCED BY
4 Miguel P. García
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10 AN ACT

11 RELATING TO MOTOR VEHICLES; AUTHORIZING THE USE OF AUTOMATED
12 TRAFFIC ENFORCEMENT SYSTEMS FOR THE ISSUANCE OF CITATIONS FOR
13 CERTAIN VIOLATIONS.
14

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

16 SECTION 1. A new section of the Motor Vehicle Code is
17 enacted to read:

18 "[NEW MATERIAL] AUTOMATED TRAFFIC ENFORCEMENT SYSTEM
19 CITATIONS.--

20 A. A state or local law enforcement agency may use
21 an automated traffic enforcement system to issue citations for
22 alleged violations of a:

- 23 (1) speed regulation in a residential
24 district;
25 (2) traffic-control signal's red light

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1 directive to stop; or

2 (3) traffic law in a school zone between the
3 hours of 7:00 a.m. and 5:00 p.m., only on school days.

4 B. Before issuing an automated traffic enforcement
5 system citation, a law enforcement official shall inspect the
6 image, video or data recorded or produced by the automated
7 traffic enforcement system and swear that the violation
8 occurred and that the automated traffic enforcement system was
9 operating correctly at the date and time of the alleged
10 violation.

11 C. Any image, video or data recorded or produced by
12 an automated traffic enforcement system shall be used only for
13 the purpose of issuing citations and shall not be used for any
14 other purpose, surveillance or otherwise, except by court order
15 issued by a court of competent jurisdiction.

16 D. Violations cited by an automated traffic
17 enforcement system shall be considered a conviction against the
18 driver's record and may be used for insurance purposes."

19 SECTION 2. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
20 Chapter 120, Section 2, as amended) is amended to read:

21 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
22 Code:

23 A. "abandoned vehicle" means a vehicle or motor
24 vehicle that has been determined by a New Mexico law
25 enforcement agency:

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1 (1) to have been left unattended on either
2 public or private property for at least thirty days;

3 (2) not to have been reported stolen;

4 (3) not to have been claimed by any person
5 asserting ownership; and

6 (4) not to have been shown by normal record-
7 checking procedures to be owned by any person;

8 B. "access aisle" means a space designed to allow a
9 person with a significant mobility limitation to safely exit
10 and enter a motor vehicle that is immediately adjacent to a
11 designated parking space for persons with significant mobility
12 limitation and that may be common to two such parking spaces of
13 at least sixty inches in width or, if the parking space is
14 designed for van accessibility, ninety-six inches in width, and
15 clearly marked and maintained with blue striping and, after
16 January 1, 2011, the words "NO PARKING" in capital letters,
17 each of which shall be at least one foot high and at least two
18 inches wide, placed at the rear of the access aisle so as to be
19 close to where an adjacent vehicle's rear tires would be
20 placed;

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

23 D. "additional place of business", for dealers and
24 auto recyclers, means locations in addition to an established
25 place of business as defined in Section 66-1-4.5 NMSA 1978 and
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1 meeting all the requirements of an established place of
2 business, except Paragraph (5) of Subsection C of Section
3 66-1-4.5 NMSA 1978, but "additional place of business" does not
4 mean a location used solely for storage and that is not used
5 for wrecking, dismantling, sale or resale of vehicles;

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

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

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

24 (1) non-straddle seating;

25 (2) rollover protection;

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1 (3) safety belts for all occupants;

2 (4) antilock brakes;

3 (5) a steering wheel; and

4 (6) pedals;

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

14 I. "automated traffic enforcement system" means an
15 electronic device, instrument or system with cameras or sensors
16 that automatically records or produces an image, video or data
17 of a motor vehicle whose driver violates a traffic law;

18 ~~[F.]~~ J. "autonomous commercial motor vehicle" means
19 a commercial motor vehicle, as defined in Subsection J of
20 Section 66-1-4.3 NMSA 1978, that is being controlled by an
21 automated driving system;

22 ~~[J.]~~ K. "autonomous motor vehicle" means a motor
23 vehicle that is being controlled by an automated driving
24 system;

25 ~~[K.]~~ L. "autonomous motor vehicle operator" means

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1 the person who engages the automated driving system of an
2 autonomous motor vehicle or autonomous commercial motor
3 vehicle;

4 ~~[L.]~~ M. "autonomous motor vehicle testing" or
5 "autonomous commercial motor vehicle testing" means activities
6 taken in full or in part to evaluate and assess:

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

9 (2) the automated driving system's performance
10 with respect to applicable safety areas as defined by the
11 ~~[federal]~~ national highway traffic safety administration for
12 autonomous vehicle operations; and

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

19 SECTION 3. Section 66-7-9 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 379, as amended) is amended to read:

21 "66-7-9. POWERS OF LOCAL AUTHORITIES.--

22 A. The provisions of the Motor Vehicle Code shall
23 not be deemed to prevent local authorities, with respect to
24 streets and highways under their jurisdiction and within the
25 reasonable exercise of the police power, from:

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- 1 (1) regulating the standing or parking of
2 vehicles;
- 3 (2) regulating traffic by means of police
4 officers or traffic-control signals;
- 5 (3) regulating or prohibiting processions or
6 assemblages on the highways;
- 7 (4) designating particular highways as one-way
8 highways and requiring that all vehicles thereon be moved in
9 one specific direction;
- 10 (5) regulating the speed of vehicles in public
11 parks;
- 12 (6) designating any highway as a through
13 highway and requiring that all vehicles stop before entering or
14 crossing it or designating any intersection as a stop
15 intersection or a yield intersection and requiring all vehicles
16 to stop or yield at one or more entrances to the intersection;
- 17 (7) restricting the use of highways as
18 authorized in the Motor Vehicle Code;
- 19 (8) regulating the operation of bicycles and
20 requiring their registration and licensing, including the
21 requirement of a registration fee;
- 22 (9) regulating or prohibiting the turning of
23 vehicles, or specified types of vehicles, at intersections;
- 24 (10) altering the maximum speed limits as
25 authorized in the Motor Vehicle Code;

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1 (11) adopting other traffic regulations as
2 specifically authorized by the Motor Vehicle Code;

3 (12) regulating the operation of snowmobiles
4 on public lands, waters and property under their jurisdiction
5 and on streets and highways within their boundaries by
6 resolution or ordinance of their governing bodies and by giving
7 appropriate notice, if such regulation is not inconsistent with
8 the provisions of Sections ~~[66-9-1]~~ 66-3-1001 through ~~[66-9-13]~~
9 66-3-1020 NMSA 1978; ~~[or]~~

10 (13) regulating the operation of golf carts on
11 public lands and property under their jurisdiction and on
12 streets and roads within their boundaries by resolution or
13 ordinance of their governing bodies and requiring their
14 registration and licensing, including the payment of a
15 registration fee; provided, the resolution or ordinance shall:

16 (a) not permit operation of a golf cart
17 on any state highway;

18 (b) require that the golf cart be in
19 compliance with Section 66-3-887 NMSA 1978; and

20 (c) not be inconsistent with the
21 provisions of Sections 66-3-1001 through ~~[66-3-1016]~~ 66-3-1020
22 NMSA 1978; or

23 (14) regulating traffic and issuing citations
24 by means of an automated traffic enforcement system for
25 violations of a:

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1 (a) speed regulation in a residential
2 district;

3 (b) traffic-control signal's red light
4 directive to stop; or

5 (c) traffic law in a school zone between
6 the hours of 7:00 a.m. and 5:00 p.m., only on school days.

7 B. No local authority shall erect or maintain any
8 stop sign or traffic-control signal at any location so as to
9 require the traffic on any state highway to stop or yield
10 before entering or crossing any intersecting highway unless
11 approval in writing has first been obtained from the state
12 transportation commission.

13 C. No ordinance or regulation enacted under
14 Paragraph (4), (5), (6), (7), ~~[or]~~ (10) or (14) of Subsection A
15 of this section shall be effective until signs giving notice of
16 the local traffic regulations are posted upon or at the
17 entrances to the highway or part thereof affected as may be
18 most appropriate."

19 SECTION 4. Section 66-7-103.1 NMSA 1978 (being Laws 2007,
20 Chapter 368, Section 1) is amended to read:

21 "66-7-103.1. ADVANCE SIGNAL WARNING REQUIRED.--

22 A. As used in this section:

23 ~~[(1) "camera monitor" means a device or~~
24 ~~instrument that records a visual image of a motor vehicle being~~
25 ~~operated in violation of a traffic signal's red light directive~~

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1 ~~to stop;~~

2 ~~(2)~~ (1) "controller assembly" means a
3 complete electrical device mounted in a cabinet for controlling
4 the operation of a traffic signal;

5 ~~(3)~~ (2) "rumble strips" means grooves in
6 pavement or rows of raised pavement markers placed
7 perpendicular to the direction of travel in a street or highway
8 lane to alert inattentive drivers to a lane or traffic
9 condition;

10 ~~(4)~~ (3) "traffic signal" means a power-
11 operated traffic control device by which traffic is alternately
12 directed to stop and permitted to proceed; and

13 ~~(5)~~ (4) "warning beacon" means a power-
14 operated traffic control device with one or more signal
15 sections that operates in a flashing mode.

16 B. When a county or municipality, including a home-
17 rule municipality that has adopted a charter pursuant to
18 Article 10, Section 6 of the constitution of New Mexico, uses
19 ~~[a camera monitor]~~ an automated traffic enforcement system in
20 conjunction with a traffic signal at an intersection or other
21 location to detect violation of the traffic signal's red light
22 directive to stop, the county or municipality shall install, on
23 streets or highways approaching the traffic signal from
24 directions covered by the ~~[camera monitor]~~ automated traffic
25 enforcement system, a warning sign or signs supplemented by a

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1 warning beacon or rumble strips.

2 C. The warning beacon described in Subsection B of
3 this section shall be installed, together with the warning sign
4 or signs, at a location and interconnected with the traffic
5 signal controller assembly in a manner that will cause the
6 beacon to flash yellow during the period when a person driving
7 a motor vehicle passing the beacon at the legal speed for the
8 street or highway will encounter a traffic signal red light, or
9 a queue of motor vehicles resulting from the display of the red
10 light, upon arrival at the signalized location.

11 D. If rumble strips described in Subsection B of
12 this section are used, they shall be installed, together with
13 warning signs, at a location in advance of a traffic signal so
14 as to provide a driver, moving over the rumble strips at the
15 legal speed for the street or highway, with warning that if the
16 traffic signal is displaying a yellow signal, the driver will
17 encounter a traffic signal red light, or a queue of motor
18 vehicles resulting from the display of the red light, upon
19 arrival at the signalized location.

20 E. Warning signs used with beacons or rumble strips
21 shall warn a driver that the driver may encounter a traffic
22 signal displaying a red light at an upcoming intersection and
23 that the traffic signal [~~is photo-enforced~~] has an automated
24 traffic enforcement system. When used with rumble strips, a
25 warning sign shall be installed facing traffic approaching a

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1 signalized location on the near side of the street or highway
2 and, if appropriate, a warning sign shall also be installed
3 facing traffic approaching a signalized location on a median
4 dividing opposite directions of traffic.

5 F. The warning sign and warning beacon described in
6 Subsection B of this section shall comply with signs and
7 beacons appropriate for the purposes of this section provided
8 in the manual of uniform traffic control devices adopted by the
9 state transportation commission pursuant to Section 66-7-101
10 NMSA 1978."

11 SECTION 5. Section 66-8-117 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 525, as amended) is amended to read:

13 "66-8-117. PENALTY ASSESSMENT MISDEMEANORS--OPTION--
14 EFFECT.--

15 A. Unless a warning notice is given, at the time of
16 making an arrest for any penalty assessment misdemeanor, the
17 arresting officer shall offer the alleged violator the option
18 of accepting a penalty assessment. For an automated traffic
19 enforcement system citation, the violator shall have the option
20 of accepting a penalty assessment or appearing in court. The
21 violator's signature on the penalty assessment notice
22 constitutes an acknowledgment of guilt of the offense stated in
23 the notice.

24 B. Except for penalty assessments made under a
25 municipal program authorized by Section 66-8-130 NMSA 1978,

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1 payment of any penalty assessment must be made by mail to the
2 division within thirty days from the date of arrest or notice
3 of an automated traffic enforcement system citation. Payments
4 of penalty assessments are timely if postmarked within thirty
5 days from the date of arrest or notice of an automated traffic
6 enforcement system citation. The division may issue a receipt
7 when a penalty assessment is paid by currency, but checks
8 tendered by the violator upon which payment is received are
9 sufficient receipt.

10 C. ~~[No]~~ A record of any penalty assessment payment
11 is not admissible as evidence in any court in any civil
12 action."

13 SECTION 6. Section 66-8-128 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 536, as amended) is amended to read:

15 "66-8-128. UNIFORM TRAFFIC CITATION.--

16 A. The department shall prepare a uniform traffic
17 citation containing at least the following information:

18 (1) an information section, serially numbered
19 and containing spaces for the name, physical address and
20 mailing address, city and state of the individual charged; the
21 individual's physical description, age and sex; the
22 registration number, year and state of the vehicle involved and
23 its make and type; the state and number of the individual's
24 driver's license; the specific section number and common name
25 of the offense charged under the NMSA 1978 or local law; the

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1 date and time of arrest; the arresting officer's signature and
2 identification number; and the conditions existing at the time
3 of the violation;

4 (2) a notice to appear; and

5 (3) a penalty assessment notice with a place
6 for the signature of the violator agreeing to pay the penalty
7 assessment prescribed.

8 B. The department shall prescribe how the uniform
9 traffic citation form may be used as a warning notice.

10 C. The department shall prescribe the size and
11 number of copies of the paper version of the uniform traffic
12 citation and the disposition of each copy. The department may
13 also prescribe one or more electronic versions of the uniform
14 traffic citation, which may be used in the issuance of
15 citations instead of or with paper uniform traffic citations.

16 D. Any entity that wishes to submit electronic
17 traffic citations instead of or with paper uniform traffic
18 citations required to be submitted to the department shall
19 secure the prior permission of the department.

20 E. An electronic version of a uniform traffic
21 citation shall include the same information required to be
22 included in a uniform traffic citation. An electronic version
23 of a uniform traffic citation may be signed electronically, and
24 a law enforcement officer may submit or file with a court an
25 electronic version of a uniform traffic citation if prior

1 permission of the department has been secured. Where the law
2 requires a law enforcement officer to provide a copy of a
3 citation to a person cited or arrested, a physical copy of the
4 citation shall be provided regardless of whether a paper
5 uniform traffic citation or an electronic version of a uniform
6 traffic citation was used.

7 F. The department shall prepare a uniform automated
8 traffic enforcement system citation and prescribe the
9 procedures by which the citation shall be issued. The citation
10 shall, in addition to the information required by Subsection A
11 of this section, contain at least the following information:

12 (1) a copy of the image of the vehicle with
13 its license plate visible at the time of the alleged violation;

14 (2) the date, time and location of the alleged
15 violation;

16 (3) the signature and identification number of
17 the law enforcement official who verified that the automated
18 traffic enforcement system was operating correctly at the date
19 and time of the alleged violation; and

20 (4) the signature and identification number of
21 the law enforcement official who reviewed the evidence and
22 swore that there was a violation."

23 SECTION 7. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is January 1, 2024.