

1 SENATE BILL 249

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Roberto "Bobby" J. Gonzales

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; ENACTING A NEW SECTION OF THE MOTOR  
12 VEHICLE CODE REQUIRING VEHICLE DRIVERS TO YIELD THE RIGHT OF  
13 WAY TO A TRANSIT BUS THAT IS DISPLAYING A YIELD SIGN; DEFINING  
14 TERMS; PROVIDING PENALTIES.

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

17 SECTION 1. Section 66-1-4.11 NMSA 1978 (being Laws 1990,  
18 Chapter 120, Section 12, as amended) is amended to read:

19 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle  
20 Code:

21 A. "mail" means any item properly addressed with  
22 postage prepaid delivered by the United States postal service  
23 or any other public or private enterprise primarily engaged in  
24 the transport and delivery of letters, packages and other  
25 parcels;

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1           B. "manufactured home" means a movable or portable  
2 housing structure that exceeds either a width of eight feet or  
3 a length of forty feet, constructed to be towed on its own  
4 chassis and designed to be installed with or without a  
5 permanent foundation for human occupancy;

6           C. "manufacturer" means every person engaged in the  
7 business of constructing or assembling vehicles of a type  
8 required to be registered under the Motor Vehicle Code;

9           D. "manufacturer's certificate of origin" means a  
10 certification, on a form supplied by or approved by the  
11 department, signed by the manufacturer that the new vehicle or  
12 boat described in the certificate has been transferred to the  
13 New Mexico dealer or distributor named in the certificate or to  
14 a dealer duly licensed or recognized as such in another state,  
15 territory or possession of the United States and that such  
16 transfer is the first transfer of the vehicle or boat in  
17 ordinary trade and commerce;

18           E. "mass transit" means a coordinated system of  
19 transit modes providing transportation for use by the general  
20 public;

21           ~~[E.]~~ F. "moped" means a two-wheeled or three-  
22 wheeled vehicle with an automatic transmission and a motor  
23 having a piston displacement of less than fifty cubic  
24 centimeters that is capable of propelling the vehicle at a  
25 maximum speed of not more than thirty miles an hour on level

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1 ground at sea level;

2 ~~[F.]~~ G. "motorcycle" means every motor vehicle  
3 having a seat or saddle for the use of the rider and designed  
4 to travel on not more than three wheels in contact with the  
5 ground, including autocycles and excluding a tractor;

6 ~~[G.]~~ H. "motor home" means a camping body built on  
7 a self-propelled motor vehicle chassis so designed that seating  
8 for driver and passengers is within the body itself;

9 ~~[H.]~~ I. "motor vehicle" means every vehicle that is  
10 self-propelled and every vehicle that is propelled by electric  
11 power obtained from batteries or from overhead trolley wires,  
12 but not operated upon rails; but for the purposes of the  
13 Mandatory Financial Responsibility Act, "motor vehicle" does  
14 not include "special mobile equipment"; and

15 ~~[I.]~~ J. "motor vehicle insurance policy" means a  
16 policy of vehicle insurance that covers self-propelled vehicles  
17 of a kind required to be registered pursuant to New Mexico law  
18 for use on the public streets and highways. A "motor vehicle  
19 insurance policy":

20 (1) shall include:

21 (a) motor vehicle bodily injury and  
22 property damage liability coverages in compliance with the  
23 Mandatory Financial Responsibility Act; and

24 (b) uninsured motorist coverage, subject  
25 to the provisions of Section 66-5-301 NMSA 1978 permitting the

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1 insured to reject such coverage; and

2 (2) may include:

3 (a) physical damage coverage;

4 (b) medical payments coverage; and

5 (c) other coverages that the insured and

6 the insurer agree to include within the policy."

7 SECTION 2. Section 66-1-4.14 NMSA 1978 (being Laws 1990,  
8 Chapter 120, Section 15, as amended) is amended to read:

9 "66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle  
10 Code:

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

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

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

24 D. "passenger van" means a vehicle with seating for  
25 thirteen or fewer people, a maximum interior headroom of

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1 fifty-two inches and single rear tires;

2           ~~[D.]~~ E. "pedestrian" means any natural person on  
3 foot;

4           ~~[E.]~~ F. "person" means every natural person, firm,  
5 copartnership, association, corporation or other legal entity;

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

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

19           ~~[H.]~~ I. "platoon" means a series of motor vehicles  
20 that are traveling in a unified manner by means of being  
21 connected with wireless communications or other technology  
22 allowing for coordinated movement;

23           ~~[I.]~~ J. "pneumatic tire" means every tire in which  
24 compressed air is designed to support the load;

25           ~~[J.]~~ K. "pole trailer" means any vehicle without

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1 motive power, designed to be drawn by another vehicle and  
2 attached to the towing vehicle by means of a reach or pole or  
3 by being boomed or otherwise secured to the towing vehicle and  
4 ordinarily used for transporting long or irregularly shaped  
5 loads such as poles, structures, pipes and structural members  
6 capable, generally, of sustaining themselves as beams between  
7 the supporting connections;

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

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

15 [M-] N. "property owner" means the owner of a piece  
16 of land or the agent of that property owner; and

17 O. "public mass transit operator" means an agency  
18 or a political subdivision of the state that provides mass  
19 transit services."

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

22 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle  
23 Code:

24 A. "tank vehicle" means a motor vehicle that is  
25 designed to transport any liquid or gaseous material within a

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1 tank that is either permanently or temporarily attached to the  
2 vehicle or the chassis and that has either a gross vehicle  
3 weight rating of twenty-six thousand one or more pounds or is  
4 used in the transportation of hazardous materials requiring  
5 placarding of the vehicle under applicable law;

6 B. "taxicab" means a motor vehicle used for hire in  
7 the transportation of persons, having a normal seating capacity  
8 of not more than seven persons;

9 C. "temporary off-site location" means a location  
10 other than a dealer's established or additional place of  
11 business that is used exclusively for the display of vehicles  
12 or vessels for sale or resale and for related business;

13 D. "through highway" means every highway or portion  
14 of a highway at the entrance to which vehicular traffic from  
15 intersecting highways is required by law to stop before  
16 entering or crossing it when stop signs are erected as provided  
17 in the Motor Vehicle Code;

18 E. "title service company" means a person, other  
19 than the department, an agent of the department, a licensed  
20 dealer or the ~~[motor transportation]~~ New Mexico state police  
21 division of the department of public safety, who for  
22 consideration issues temporary registration plates or prepares  
23 and submits to the department on behalf of others applications  
24 for registration of or title to motor vehicles;

25 F. "traffic" means pedestrians, ridden or herded

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1 animals, vehicles and other conveyances either singly or  
2 together using any highway for purposes of travel;

3 G. "traffic-control signal" means any device,  
4 whether manually, electrically or mechanically operated, by  
5 which traffic is alternately directed to stop and to proceed;

6 H. "traffic safety bureau" means the traffic safety  
7 bureau of the department of transportation;

8 I. "trailer" means any vehicle without motive  
9 power, designed for carrying persons or property and for being  
10 drawn by a motor vehicle, and so constructed that no  
11 significant part of its weight rests upon the towing vehicle;

12 J. "transaction" means all operations necessary at  
13 one time with respect to one identification card, one driver,  
14 one vessel or one vehicle;

15 K. "transit bus" means a bus operated by a public  
16 mass transit operator;

17 [~~K.~~] L. "transportation inspector" means an  
18 employee of the [~~motor transportation~~] New Mexico state police  
19 division of the department of public safety who has been  
20 certified by the director of the division to enter upon and  
21 perform inspections of motor carriers' vehicles in operation;

22 [~~L.~~] M. "transporter of manufactured homes" means a  
23 commercial motor vehicle operation engaged in the business of  
24 transporting manufactured homes from the manufacturer's  
25 location to the first dealer's location. A "transporter of

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1 manufactured homes" may or may not be associated with or  
2 affiliated with a particular manufacturer or dealer;

3 ~~[M-]~~ N. "travel trailer" means a trailer with a  
4 camping body and includes recreational travel trailers and  
5 camping trailers;

6 ~~[N-]~~ O. "trial court" means the magistrate,  
7 municipal or district court that tries the case concerning an  
8 alleged violation of a provision of the Motor Vehicle Code;

9 ~~[O-]~~ P. "tribal court" means a court created by a  
10 tribe or a court of Indian offense created by the United States  
11 secretary of the interior;

12 ~~[P-]~~ Q. "tribe" means an Indian nation, tribe or  
13 pueblo located wholly or partially in New Mexico;

14 ~~[Q-]~~ R. "truck" means every motor vehicle designed,  
15 used or maintained primarily for the transportation of  
16 property;

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

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

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1 pickup truck;

2 (2) "chassis-mount camper" means a camping  
3 body designed to be affixed to a truck cab and chassis; and

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

8 ~~[S.]~~ T. "truck tractor" means every motor vehicle  
9 designed and used primarily for drawing other vehicles and  
10 constructed to carry a part of the weight of the vehicle and  
11 load drawn."

12 SECTION 4. A new Section 66-7-332.2 NMSA 1978 is enacted  
13 to read:

14 "66-7-332.2. [NEW MATERIAL] YIELD TO TRANSIT BUSES  
15 DISPLAYING PROPER SIGNAGE.--

16 A. A driver shall yield the right of way to a  
17 transit bus, excepting a passenger van, when an illuminated  
18 yield sign is displayed on the rear of the bus and the bus is  
19 attempting to merge into a traffic lane from a designated bus  
20 stop.

21 B. This section does not require a public mass  
22 transit operator to install illuminated yield signs on the  
23 buses it operates.

24 C. This section does not relieve a driver of a  
25 transit bus from any applicable traffic laws or duty of care.

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1 D. A person who violates the provisions of this  
2 section is guilty of a penalty assessment misdemeanor."

3 SECTION 5. Section 66-8-116 NMSA 1978 (being Laws 1978,  
4 Chapter 35, Section 524, as amended) is amended to read:

5 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--  
6 SCHEDULE OF ASSESSMENTS.--

7 A. As used in the Motor Vehicle Code and the Boat  
8 Act, "penalty assessment misdemeanor" means violation of any of  
9 the following listed sections of the NMSA 1978 for which,  
10 except as provided in Subsections D through F of this section,  
11 the listed penalty assessment is established:

12	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
13			ASSESSMENT
14	Vehicles subject to		
15	registration	66-3-1	\$ 50.00
16	Improper display of		
17	registration plate	66-3-18	25.00
18	Failure to notify of		
19	change of name or address	66-3-23	25.00
20	Lost or damaged registration,		
21	plate or title	66-3-24	25.00
22	Horseless carriage		
23	registration	66-3-27	25.00
24	Transfer of registration		
25	and title	66-3-103	25.00

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1	Expiration of dealer		
2	plates	66-3-403	25.00
3	Special registration		
4	plates	66-3-409, 66-3-412.1,	
5		66-3-413, 66-3-415,	
6		66-3-417, 66-3-419,	
7		66-3-421, 66-3-422,	
8		66-3-424.4, 66-3-424.5,	
9		66-3-424.7, 66-3-424.9,	
10		66-3-424.13, 66-3-424.16	
11		and 66-3-424.28	75.00
12	Bicycle laws	66-3-701	
13		through	
14		66-3-707	50.00
15	No license display	66-5-16	25.00
16	Failure to change		
17	address or name on		
18	license	66-5-22	25.00
19	Permitting unauthorized		
20	minor to drive	66-5-40	50.00
21	Permitting unauthorized		
22	person to drive	66-5-41	25.00
23	Failure to obey sign	66-7-104	25.00
24	Failure to obey signal	66-7-105	25.00
25	Pedestrian signs and		
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1	signals	66-7-106	
2		through	
3		66-7-108	25.00
4	Speeding	66-7-301	
5	(1) up to and including		
6	ten miles an hour		
7	over the speed limit		25.00
8	(2) from eleven up to		
9	and including fifteen		
10	miles an hour over the speed limit		30.00
11	(3) from sixteen up to		
12	and including twenty		
13	miles an hour over the		
14	speed limit		65.00
15	(4) from twenty-one up to		
16	and including twenty-five		
17	miles an hour over the speed limit		100.00
18	(5) from twenty-six up to		
19	and including thirty		
20	miles an hour over the		
21	speed limit		125.00
22	(6) from thirty-one up to		
23	and including thirty-five		
24	miles an hour over the		
25	speed limit		150.00

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1	(7) more than thirty-five		
2	miles an hour over the		
3	speed limit		200.00
4	Unfastened safety belt	66-7-372	25.00
5	Child not in restraint device		
6	or seat belt	66-7-369	25.00
7	Minimum speed	66-7-305	25.00
8	Speeding	66-7-306	25.00
9	Improper starting	66-7-324	25.00
10	Improper backing	66-7-354	25.00
11	Improper lane	66-7-308	25.00
12	Improper lane	66-7-313	25.00
13	Improper lane	66-7-316	25.00
14	Improper lane	66-7-317	25.00
15	Improper lane	66-7-319	25.00
16	Improper passing	66-7-309 through 66-7-312	25.00
17	Improper passing	66-7-315	25.00
18	Controlled access		
19	violation	66-7-320	25.00
20	Controlled access		
21	violation	66-7-321	25.00
22	Improper turning	66-7-322	25.00
23	Improper turning	66-7-323	25.00
24	Improper turning	66-7-325	25.00
25	Following too closely	66-7-318	25.00

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1	Failure to yield	66-7-328 through 66-7-331	25.00
2	Failure to yield	66-7-332	50.00
3	Failure to yield	66-7-332.1 <u>and 66-7-332.2</u>	25.00
4	Pedestrian violation	66-7-333	
5		through	
6		66-7-340	25.00
7	Failure to stop	66-7-342 and 66-7-344	
8		through 66-7-346	25.00
9	Railroad-highway grade		
10	crossing violation	66-7-341 and 66-7-343	150.00
11	Passing school bus	66-7-347	100.00
12	Failure to signal	66-7-325 through 66-7-327	25.00
13	Riding on motorcycles	66-7-355	100.00
14	Video screens in		
15	automobiles	66-7-358	25.00
16	Driving on mountain		
17	highways	66-7-359	25.00
18	Coasting prohibited	66-7-360	25.00
19	Animals on highway at		
20	night	66-7-363	50.00
21	Failure to secure load	66-7-407	100.00
22	Operation without oversize-		
23	overweight permit	66-7-413	50.00
24	Transport of reducible		
25	load with special		

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1	permit more than six miles		
2	from a border crossing	66-7-413	100.00
3	Driving while license		
4	administratively		
5	suspended	66-5-39.2	25.00
6	Improper equipment	66-3-801 through	
7		66-3-840 and 66-3-842	
8		through 66-3-851	50.00
9	Improper equipment	66-3-901	50.00
10	Improper emergency		
11	signal	66-3-853 through 66-3-857	25.00
12	Minor on motorcycle		
13	without helmet	66-7-356	300.00
14	Operation interference	66-7-357	50.00
15	Littering	66-7-364	300.00
16	Improper parking	66-7-349 through 66-7-352	
17		and 66-7-353	25.00
18	Improper parking	66-3-852	25.00
19	Riding in or towing		
20	occupied house trailer	66-7-366	25.00
21	Improper opening of doors	66-7-367	25.00
22	No slow-moving vehicle		
23	emblem or flashing		
24	amber light	66-3-887	25.00
25	Open container-first		

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1 violation 66-8-138 25.00

2 Texting while driving-

3 (1) first violation 66-7-374 25.00

4 (2) second and subsequent

5 violation 50.00

6 Using a handheld mobile

7 communication device

8 while driving a

9 commercial motor vehicle 66-7-375

10 (1) first violation 25.00

11 (2) second and subsequent

12 violation 50.00.

13 B. The term "penalty assessment misdemeanor" does  
14 not include a violation that has caused or contributed to the  
15 cause of an accident resulting in injury or death to a person.

16 C. When an alleged violator of a penalty assessment  
17 misdemeanor elects to accept a notice to appear in lieu of a  
18 notice of penalty assessment, a fine imposed upon later  
19 conviction shall not exceed the penalty assessment established  
20 for the particular penalty assessment misdemeanor and probation  
21 imposed upon a suspended or deferred sentence shall not exceed  
22 ninety days.

23 D. The penalty assessment for speeding in violation  
24 of Paragraph (5) of Subsection A of Section 66-7-301 NMSA 1978  
25 is twice the penalty assessment established in Subsection A of  
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1 this section for the equivalent miles per hour over the speed  
2 limit.

3 E. Upon a second conviction for operation without a  
4 permit for excessive size or weight pursuant to Section  
5 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
6 fifty dollars (\$250). Upon a third or subsequent conviction,  
7 the penalty assessment shall be five hundred dollars (\$500).

8 F. Upon a second conviction for transport of a  
9 reducible load with a permit for excessive size or weight  
10 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more  
11 than six miles from a port-of-entry facility on the border with  
12 Mexico, the penalty assessment shall be five hundred dollars  
13 (\$500). Upon a third or subsequent conviction, the penalty  
14 assessment shall be one thousand dollars (\$1,000)."