

1 HOUSE BILL 160

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

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5 and Raymundo Lara and Art De La Cruz  
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10 AN ACT

11 RELATING TO TRAFFIC LAWS; AMENDING A DEFINITION IN THE MOTOR  
12 VEHICLE CODE; REQUIRING DRIVERS TO STOP, LOOK AND LISTEN FOR  
13 OTHER ON-TRACK EQUIPMENT IN ADDITION TO TRAINS.  
14

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

16 SECTION 1. Section 66-1-4.13 NMSA 1978 (being Laws 1990,  
17 Chapter 120, Section 14, as amended) is amended to read:

18 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle  
19 Code:

20 A. "odometer" means a device for recording the  
21 total mileage traveled by a vehicle from the vehicle's  
22 manufacture and for so long as the vehicle is operable on the  
23 highways;

24 B. "off-highway motor vehicle" means any motor  
25 vehicle operated or used exclusively off the highways of this

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1 state and that is not legally equipped for operation on the  
2 highways of this state, but does not include an electric-  
3 assisted bicycle;

4 C. "official printout" means any record supplied by  
5 the division or a similar agency or government entity that  
6 indicates the lienholders of record or owners of record of a  
7 vehicle or motor vehicle registered within that government's  
8 jurisdiction or indicates information about a driver's license  
9 or identification card, including traffic violation history or  
10 status;

11 D. "official traffic-control devices" means all  
12 signs, signals, markings and devices consistent with the Motor  
13 Vehicle Code placed or erected, by authority of a public body  
14 or official having jurisdiction, for the purpose of regulating,  
15 warning or guiding traffic;

16 E. "operational design domain" means the specific  
17 conditions under which a given automated driving system or  
18 feature of the system is designed to function;

19 F. "operator" means driver, as defined in Section  
20 66-1-4.4 NMSA 1978; [~~and~~]

21 G. "other on-track equipment" means any car,  
22 rolling stock or other device that alone or coupled to another  
23 device is operated on stationary rails; and

24 [~~G.~~] H. "owner" means a person who holds the legal  
25 title of a vehicle and may include a conservator, guardian,

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1 personal representative, executor or similar fiduciary, or, in  
2 the event that a vehicle is the subject of an agreement for  
3 conditional sale or lease with the right of purchase upon  
4 performance of the conditions stated in the agreement and with  
5 an immediate right of possession vested in the conditional  
6 vendee or lessee, or, in the event that a mortgagor of a  
7 vehicle is entitled to possession, then such conditional vendee  
8 or lessee or mortgagor."

9 SECTION 2. Section 66-7-341 NMSA 1978 (being Laws 2003,  
10 Chapter 51, Section 8) is amended to read:

11 "66-7-341. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--  
12 ALL DRIVERS.--

13 A. A person driving a vehicle approaching a  
14 railroad-highway grade crossing shall:

15 (1) obey traffic control devices, crossing  
16 gates or barriers or the directions of an enforcement official  
17 at the crossing;

18 (2) stop not more than fifty feet and not less  
19 than fifteen feet from the nearest rail of a crossing if:

20 (a) a train or other on-track equipment  
21 is moving through or blocking the crossing;

22 (b) a train or other on-track equipment  
23 is plainly visible and approaching the crossing within  
24 hazardous proximity to the crossing;

25 (c) the sound of a train's or other on-

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1 track equipment's warning signal can be heard; or

2 (d) a traffic control device, crossing  
3 gate, barrier or light or an enforcement official signals the  
4 driver to stop; and

5 (3) proceed through the railroad-highway grade  
6 crossing only if it is safe to completely pass through the  
7 entire railroad-highway grade crossing without stopping.

8 B. A person shall not:

9 (1) drive a vehicle through, around or under a  
10 crossing gate or barrier at a railroad-highway grade crossing  
11 while the gate or barrier is closed or being opened or closed;

12 (2) drive onto the railroad-highway grade  
13 crossing and stop; or

14 (3) enter a crossing if the vehicle being  
15 driven has insufficient undercarriage clearance to pass over  
16 the crossing.

17 C. The penalty assessment for violation of this  
18 section is included in Section 66-8-116 NMSA 1978."

19 SECTION 3. Section 66-7-343 NMSA 1978 (being Laws 2003,  
20 Chapter 51, Section 9) is amended to read:

21 "66-7-343. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--  
22 CERTAIN VEHICLES REQUIRED TO ALWAYS STOP--EXCEPTIONS.--

23 A. Except as set forth in Subsection D of this  
24 section, a driver of a vehicle carrying passengers for hire, a  
25 school bus carrying school children or a vehicle carrying

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1 hazardous materials, radioactive or explosive substances or  
2 flammable liquids as cargo or as part of its cargo, before  
3 entering a railroad-highway grade crossing, is required to stop  
4 no more than fifty feet and no less than fifteen feet from the  
5 nearest rail of the railroad.

6 B. While stopped, the driver shall:

7 (1) look and listen in both directions along  
8 the track for an approaching train or other on-track equipment  
9 and for signals indicating that a train or other on-track  
10 equipment is approaching;

11 (2) determine it is safe to proceed completely  
12 through the railroad-highway grade crossing before entering it;  
13 and

14 (3) set the vehicle in a gear sufficiently low  
15 that gears will not need to be shifted before exiting the  
16 railroad-highway grade crossing.

17 C. A driver shall not shift gears while in a  
18 railroad-highway grade crossing.

19 D. A driver of a vehicle carrying passengers for  
20 hire, a school bus carrying school children or a vehicle  
21 carrying hazardous materials, radioactive or explosive  
22 substances or flammable liquids as cargo or as part of its  
23 cargo is not required to stop at:

24 (1) a railroad-highway grade crossing where a  
25 police officer directs traffic to proceed;

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1 (2) a railroad-highway grade crossing where a  
2 stop-and-go traffic light controls movement of traffic;

3 (3) a railroad-highway grade crossing used  
4 exclusively for industrial switching purposes, within a  
5 business district as defined in Section 66-1-4.2 NMSA 1978;

6 (4) a railroad-highway grade crossing where  
7 use of the railroad has been abandoned and there is a sign  
8 indicating that the railroad has been abandoned; or

9 (5) an industrial or spur line railroad-  
10 highway grade crossing marked with a sign reading "exempt  
11 crossing" that has been designated as exempt by appropriate  
12 state or local authorities.

13 E. Penalties for violation of this section are  
14 included in Section 66-8-116 NMSA 1978."

15 SECTION 4. Section 66-7-344 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 448) is amended to read:

17 "66-7-344. MOVING HEAVY EQUIPMENT AT RAILROAD GRADE  
18 CROSSINGS.--

19 A. No person shall operate or move any crawler-type  
20 tractor, steam shovel, derrick, roller or any equipment or  
21 structure having a normal operating speed of ten or less miles  
22 per hour or a vertical body or load clearance of less than one-  
23 half inch per foot of the distance between any two adjacent  
24 axles or in any event of less than nine inches, measured above  
25 the level surface of a roadway, upon or across any tracks at a

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1 railroad grade crossing without first complying with this  
2 section.

3 B. Notice of any such intended crossing shall be  
4 given to a station agent of [~~such~~] the railroad and a  
5 reasonable time [~~be~~] given to [~~such~~] the railroad to provide  
6 proper protection at [~~such~~] the crossing.

7 C. Before making any such crossing, the person  
8 operating or moving any such vehicle or equipment shall first  
9 stop the [~~same~~] vehicle or equipment not less than fifteen feet  
10 nor more than fifty feet from the nearest rail of [~~such~~] the  
11 railroad and, while so stopped, shall listen and look in both  
12 directions along [~~such~~] the track for any approaching train or  
13 other on-track equipment and for signals indicating the  
14 approach of a train or other on-track equipment and shall not  
15 proceed until the crossing can be made safely.

16 D. No such crossing shall be made when warning is  
17 given by automatic signal or crossing gates or a [~~flagman~~]  
18 flagperson or otherwise of the immediate approach of a railroad  
19 train, [~~or~~] car or other on-track equipment. If a [~~flagman~~]  
20 flagperson is provided by the railroad, movement over the  
21 crossing shall be under [~~his~~] the flagperson's direction.

22 E. This section [~~shall~~] does not apply to the  
23 normal movement of farm equipment in the regular course of farm  
24 operation."