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SENATE BILL 356

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

PATRICK H. LYONS

AN ACT

RELATING TO MOTOR VEHICLES; CHANGING SPEED LIMIT PROVISIONS OF
THE MOTOR VEHICLE CODE; AMENDING AND REPEALING SECTIONS OF THE
NMSA 1978.

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

Section 1. Section 66-1-5 NMSA 1978 (being Laws 1995,
Chapter 135, Section 2) is amended to read:

"66-1-5. MEASUREMENTS. -- Whenever any provision of the
Motor Vehicle Code or regulations promulgated thereunder refers
to weight, height, length, width or speed in English units of
measurement, it also refers to the metric equivalent of those
units or, when adopted, to the metric substitutes for those
units adopted by the state highway and transportation
department. "

Section 2. Section 66-7-301 NMSA 1978 (being Laws 1978,
Chapter 35, Section 405, as amended by Laws 1989, Chapter 318,

. 110270. 1GJ

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1 Section 29 and also by Laws 1989, Chapter 320, Section 1) is
2 amended to read:

3 "66-7-301. SPEED REGULATION. --

4 A. No person shall drive a vehicle on a highway [~~or~~
5 ~~detour~~] at a speed greater than:

6 (1) fifteen miles per hour on all highways when
7 passing a school while children are going to or leaving school
8 and when the school zone is properly posted;

9 (2) thirty miles per hour in any business or
10 residence district;

11 (3) fifty-five miles per hour on urban
12 interstate highways which are part of the national system of
13 interstate and defense highways and officially so designated by
14 the state highway and transportation department and on highways
15 other than interstate highways;

16 (4) sixty-five miles per hour on rural
17 interstate highways which are part of the national system of
18 interstate and defense highways and officially so designated by
19 the state highway and transportation department; and

20 (5) the posted speed limit in construction
21 zones, provided that the posted speed limit shall be determined
22 by an engineering study performed by the state highway and
23 transportation department.

24 [~~B. The maximum speed limit established in~~
25 ~~Paragraphs (3) and (4) of Subsection A of this section shall~~

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1 ~~remain in effect until the federal government authorizes a~~
2 ~~different maximum speed limit and such different maximum speed~~
3 ~~limit has been adopted by proclamation of the governor.~~

4 ~~C.-]~~ B. In every event, speed shall be so controlled
5 by the driver as may be necessary:

6 (1) to avoid colliding with any person, vehicle
7 or other conveyance on or entering the highway;

8 (2) to comply with legal requirements as may be
9 established by the state highway and transportation department
10 or the New Mexico state police division of the [~~public safety~~]
11 department of public safety and the duty of all persons to use
12 due care; and

13 (3) to protect workers in a construction zone.

14 ~~D.-]~~ C. The speed limits set forth in Subsection A
15 of this section may be altered as authorized in Section 66-7-303
16 NMSA 1978. "

17 Section 3. Section 66-7-303 NMSA 1978 (being Laws 1957,
18 Chapter 73, Section 2, as amended) is amended to read:

19 "66-7-303. ESTABLISHMENT OF SPEED ZONES. --

20 A. Whenever the [~~state highway commission~~] secretary
21 of highway and transportation determines upon the basis of an
22 engineering survey and traffic investigation, a detailed report
23 of which is filed with the [~~supreme court librarian~~] traffic
24 safety bureau of the state highway and transportation
25 department, that any speed established by law is greater or less

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1 than is reasonable or safe under the conditions found to exist
2 upon any part of a state highway, the ~~[commission]~~ secretary of
3 highway and transportation may declare the speed limit for that
4 part, ~~[which is effective at times determined]~~ and that speed
5 limit shall be authorized and effective when appropriate signs
6 giving notice thereof are erected at ~~[the]~~ that particular part
7 of the highway; provided that no speed limit shall be declared
8 greater than seventy-five miles per hour. The declaration of
9 speed limits by the secretary of highway and transportation
10 shall not be considered rules for purposes of the State Rules
11 Act.

12 B. Whenever a local authority determines upon the
13 basis of an engineering survey and traffic investigation that
14 any speed limit permitted under state law or local ordinance is
15 greater or less than is reasonable or safe under the conditions
16 found to exist upon any part of a highway within its
17 jurisdiction, it may declare a speed limit for that part, ~~[which~~
18 ~~is effective at times determined]~~ and that speed limit shall be
19 authorized and effective when appropriate signs giving notice
20 thereof are erected at ~~[the]~~ that particular part of the
21 highway; provided that no speed limit shall be declared greater
22 than seventy-five miles per hour.

23 C. Engineering surveys and traffic investigations
24 made by local authorities shall be on a form approved by the
25 ~~[chief highway administrator]~~ secretary of highway and

Underscored material = new
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1 transportation. If engineers are not available to the local
2 authorities, the state highway and transportation
3 department may make the surveys and investigations for the local
4 authorities.

5 D. Speed zones may be marked by a sign containing a
6 flashing yellow light and, when the light is in operation, the
7 speed limit, instructions or regulations on the sign are in
8 effect.

9 E. Alteration of speed limits on state highways by
10 local authorities is not effective until approved by the [~~state~~
11 ~~highway commission~~] secretary of highway and transportation.

12 F. The provisions of Subsections A and B of this
13 section shall not apply to changes of speed limit in
14 construction zones authorized pursuant to Section [~~3 of this~~
15 ~~act~~] 66-7-303.1 NMSA 1978. "

16 Section 4. REPEAL. -- Section 66-7-302.1 NMSA 1978 (being
17 Laws 1989, Chapter 319, Section 8, as amended) is repealed.

1 FORTY- SECOND LEGISLATURE

2 SECOND SESSION, 1996

3
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5
6 JANUARY 29, 1996

7
8 Mr. President:

9
10 Your COMMITTEES' COMMITTEE, to whom has been referred

11
12 SENATE BILL 356

13
14 has had it under consideration and finds same to be GERMANE, PURSUANT
15 TO EXECUTIVE MESSAGE NUMBER TWELVE, and thence referred to the
16 CORPORATIONS AND TRANSPORTATION COMMITTEE.
17

18
19 Respectfully submitted,

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25 SENATOR MANNY M. ARAGON, Chairman

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Adopted _____ Not Adopted _____

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(Chief Clerk)

(Chief Clerk)

Date _____

S0356CC1

1 FORTY-SECOND LEGISLATURE

SB 356/a

2 SECOND SESSION, 1996

3
4
5
6 February 2, 1996

7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to whom
11 has been referred

12
13 SENATE BILL 356

14
15 has had it under consideration and reports same with recommendation that
16 it DO PASS, amended as follows:

17
18 1. On page 1, line 12, strike "AND REPEALING".

19
20 2. On page 2, strike lines 12 through 20 and insert in lieu
21 thereof the following:

22
23 " (3) sixty miles per hour on two-lane highways without a
24 shoulder;

25 (4) sixty-five miles per hour on two-lane highways with a

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 356

Page 9

shoulder;

(5) seventy miles per hour on four-lane highways with a
shoulder;

(6) seventy-five miles per hour on highways that are part
of the national interstate system; and".

3. Reletter the succeeding paragraph accordingly.

4. On page 5, strike lines 17 and 18 in their entirety,

and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Roman M. Maes, III, Chairman

**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SCORC/SB 356

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Fidel, McKibben, Reagan, Robinson

Absent: None

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FORTY- SECOND LEGISLATURE SB 356/a
SECOND SESSION, 1996

February 8, 1996

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 356, as amended

has had it under consideration and reports same with recommendation that

it DO PASS, amended as follows:

1. Strike Senate Corporations and Transportation Committee
Amendments 2 and 3.

2. On page 1, line 13, after "1978" insert "; DECLARING AN
EMERGENCY".

3. On page 2, strike lines 12 through 20 and insert in lieu
. 110270. 1GJ

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SJC/SB 356/a

Page 12

thereof the following:

"(3) sixty-five miles per hour on two-lane highways;

(4) seventy miles per hour on four-lane highways;

(5) seventy-five miles per hour on highways that are part
of the national interstate system; and".

4. Renumber the succeeding paragraph.

5. On page 5, between lines 16 and 17, insert a new section to
read as follows:

"Section 4. EMERGENCY.--It is necessary for the public peace,
health and safety that this act take effect immediately.".

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

SJC/SB 356/a

Page 13

Respectfully submitted,

Janice D. Paster, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 1 Against

Yes: 4

No: Stefanics

Excused: Carraro, Scott, Tsosie, Paster

Absent: None

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**FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996**

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SJC/SB 356/a

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FORTY-SECOND LEGISLATURE

SECOND SESSION

February 9, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 356, as amended

Amendment sponsored by Senator Timothy Z. Jennings

1. Strike Senate Judiciary Amendments 3 and 4.

2. On page 2, strike lines 12 through 20 and insert in lieu thereof:

"(3) seventy-five miles per hour; and".

3. Reletter the succeeding paragraph accordingly.

FORTY-FIRST LEGISLATURE
SECOND SESSION

SB 356

Page 16

Timothy Z. Jennings

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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FORTY-SECOND LEGISLATURE

SECOND SESSION

February 9, 1996

SENATE FLOOR AMENDMENT number _____ to SENATE BILL 356, as amended

Amendment sponsored by Senator Timothy Z. Jennings

1. Strike Senate Judiciary Amendments 3 and 4.

2. On page 2, strike lines 12 through 20 and insert in lieu thereof:

"(3) seventy-five miles per hour; and".

3. Reletter the succeeding paragraph accordingly.

FORTY-FIRST LEGISLATURE
SECOND SESSION

SB 356

Page 18

Timothy Z. Jennings

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

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State of New Mexico
House of Representatives

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

Your TRANSPORTATION COMMITTEE, to whom has been referred

SENATE BILL 356, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Daniel P. Silva, Chairman

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HTC/SB 356

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Rodella

Absent: Olguin, Watchman, Whitaker

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