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HOUSE BILL 298

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Daniel P. Silva

AN ACT

RELATING TO MOTOR VEHICLES; REGULATING ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES; PROVIDING PENALTIES.

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

Section 1. A new section of the Motor Vehicle Code is enacted to read:

"[NEW MATERIAL] ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES--STANDARDS--OPERATOR REQUIREMENTS--APPLICABILITY--PENALTIES.--

A. As used in this section, "electric personal assistive mobility device" means a self-balancing device having two nontandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when

underscored material = new
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1 powered solely by its propulsion system and while being ridden
2 by an operator who weighs one hundred seventy pounds.

3 B. An electric personal assistive mobility device
4 shall be equipped with:

5 (1) front, rear and side reflectors;

6 (2) a braking system that enables the
7 operator to bring the device to a controlled stop; and

8 (3) if operated at any time from one-half
9 hour after sunset to one-half hour before sunrise, a lamp that
10 emits a white light that sufficiently illuminates the area in
11 front of the device.

12 C. The director shall by rule prescribe motor
13 vehicle safety standards applicable to electric personal
14 assistive mobility devices.

15 D. An operator of an electric personal assistive
16 mobility device traveling on a sidewalk, roadway or bicycle
17 path shall have the rights and duties of a pedestrian, and
18 shall exercise due care to avoid colliding with pedestrians.
19 An operator shall yield the right of way to pedestrians.

20 E. Except as provided in this section, no other
21 provisions of the Motor Vehicle Code shall apply to electric
22 personal assistive mobility devices.

23 F. An operator who violates a provision of
24 Subsection B, C or D of this section shall receive a warning
25 for the first offense. For a second offense, the operator

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1 shall be punished by a fine of ten dollars (\$10.00). For a
2 third or subsequent offense, in addition to the fine, the
3 electric personal assistive mobility device shall be impounded
4 for up to thirty days. "

5 Section 2. EFFECTIVE DATE. -- The effective date of the
6 provisions of this act is July 1, 2002.

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