

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 392

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; AMENDING THE PUBLIC
SCHOOL CODE TO ALLOW CERTAIN SCHOOL DISTRICTS TO TRANSPORT
CERTAIN STUDENTS BY ALTERNATIVE MEANS OF TRANSPORTATION; MAKING
CONFORMING CHANGES TO THE DEFINITION OF "SCHOOL BUS" IN THE
MOTOR VEHICLE CODE.

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

SECTION 1. Section 22-16-4 NMSA 1978 (being Laws 1967,
Chapter 16, Section 222, as amended) is amended to read:

"22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--
MINIMUM REQUIREMENTS.--

A. Bus routes shall be established by the local
school district.

B. Except as provided in Subsections C and [D] E of
this section, no school bus route shall be maintained for

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underscored material = new
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1 distances less than:

2 (1) one mile one way for students in grades
3 kindergarten through six;

4 (2) one and one-half miles one way for
5 students in grades seven through nine; and

6 (3) two miles one way for students in grades
7 ten through twelve.

8 C. In school districts having hazardous walking
9 conditions as determined by the local school board and
10 confirmed by the state transportation director, students of any
11 grade may be transported a lesser distance than that provided
12 in Subsection B of this section. General standards for
13 determining hazardous walking conditions shall be established
14 by the state transportation division of the department [~~of~~
15 ~~education~~] with the approval of the [~~state board~~] department,
16 but the standards shall be flexibly and not rigidly applied by
17 the local school board and the state transportation director to
18 prevent accidents and help ensure student safety.

19 D. A school district with from one to six students
20 enrolled in the school district whose residence, within the
21 boundaries of the school district, is five or more miles from
22 the student's or students' school or schools shall be able to
23 provide transportation to and from school by means of a school-
24 district-owned, minimum six-passenger, full-size, extended-
25 length, sport utility vehicle driven by a school district

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1 employee certified as an activity driver by the district with
 2 both the vehicle and driver insured by the public school
 3 insurance authority; provided that the local superintendent is
 4 able to demonstrate a need. The department shall adopt rules
 5 to provide for the safety of students transported in a sport
 6 utility vehicle pursuant to this section.

7 ~~[D-]~~ E. Exceptional children whose handicaps
 8 require transportation and three- and four-year-old children
 9 who meet the ~~[state board approved]~~ department-approved
 10 criteria and definition of developmentally disabled may be
 11 transported a lesser distance than that provided in Subsection
 12 B of this section."

13 **SECTION 2.** Section 66-1-4.16 NMSA 1978 (being Laws 1990,
 14 Chapter 120, Section 17, as amended) is amended to read:

15 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
 16 Code:

17 A. "safety glazing materials" means glazing
 18 materials constructed, treated or combined with other materials
 19 to reduce substantially, in comparison with ordinary sheet
 20 glass or plate glass, the likelihood of injury to persons by
 21 objects from exterior sources or by these safety glazing
 22 materials when they are cracked and broken;

23 B. "safety zone" means the area or space that is
 24 officially set apart within a highway for the exclusive use of
 25 pedestrians and that is protected or is so marked or indicated

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1 by adequate signs as to be plainly visible at all times while
2 set apart as a safety zone;

3 C. "salvage vehicle" means a vehicle:

4 (1) other than a nonrepairable vehicle, of a
5 type subject to registration that has been wrecked, destroyed
6 or damaged excluding, pursuant to rules issued by the
7 department, hail damage, to the extent that the owner, leasing
8 company, financial institution or the insurance company that
9 insured or is responsible for repair of the vehicle considers
10 it uneconomical to repair the vehicle and that is subsequently
11 not repaired by or for the person who owned the vehicle at the
12 time of the event resulting in damage; or

13 (2) that was determined to be uneconomical to
14 repair and for which a total loss payment is made by an
15 insurer, whether or not the vehicle is subsequently repaired,
16 if, prior to or upon making payment to the claimant, the
17 insurer obtained the agreement of the claimant to the amount of
18 the total loss settlement and informed the claimant that,
19 pursuant to rules of the department, the title must be branded
20 and submitted to the department for issuance of a salvage
21 certificate of title for the vehicle;

22 D. "school bus" means a commercial motor vehicle
23 used to transport preprimary, primary or secondary school
24 students from home to school, from school to home or to and
25 from school-sponsored events, but not including a vehicle:

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1 (1) operated by a common carrier, subject to
 2 and meeting all requirements of the public regulation
 3 commission but not used exclusively for the transportation of
 4 students;

5 (2) operated solely by a government-owned
 6 transit authority, if the transit authority meets all safety
 7 requirements of the public regulation commission but is not
 8 used exclusively for the transportation of students; ~~[or]~~

9 (3) operated as a per capita feeder as
 10 ~~[defined]~~ provided in Section 22-16-6 NMSA 1978; or

11 (4) that is a minimum six-passenger, full-
 12 size, extended-length, sport utility vehicle operated by a
 13 school district employee pursuant to Subsection D of Section
 14 22-16-4 NMSA 1978;

15 E. "seal" means the official seal of the taxation
 16 and revenue department as designated by the secretary;

17 F. "secretary" means the secretary of taxation and
 18 revenue, and, except for the purposes of Sections 66-2-3
 19 and 66-2-12 NMSA 1978, also includes the deputy secretary and
 20 any division director delegated by the secretary;

21 G. "semitrailer" means a vehicle without motive
 22 power, other than a pole trailer, designed for carrying persons
 23 or property and for being drawn by a motor vehicle and so
 24 constructed that some significant part of its weight and that
 25 of its load rests upon or is carried by another vehicle;

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1 H. "sidewalk" means a portion of street between the
2 curb lines, or the lateral lines of a roadway, and the adjacent
3 property lines, intended for the use of pedestrians;

4 I. "slow-moving vehicle" means a vehicle that is
5 ordinarily moved, operated or driven at a speed less than
6 twenty-five miles per hour;

7 J. "solid tire" means every tire of rubber or other
8 resilient material that does not depend upon compressed air for
9 the support of the load;

10 K. "special mobile equipment" means a vehicle not
11 designed or used primarily for the transportation of persons or
12 property and incidentally operated or moved over the highways,
13 including but not limited to farm tractors, road construction
14 or maintenance machinery, ditch-digging apparatus, well-boring
15 apparatus and concrete mixers;

16 L. "specially constructed vehicle" means a vehicle
17 of a type required to be registered under the Motor Vehicle
18 Code not originally constructed under a distinctive name, make,
19 model or type by a generally recognized manufacturer of
20 vehicles and not materially altered from its original
21 construction;

22 M. "state" means a state, territory or possession
23 of the United States, the District of Columbia or any state of
24 the Republic of Mexico or the Federal District of Mexico or a
25 province of the Dominion of Canada;

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1 N. "state highway" means a public highway that has
2 been designated as a state highway by the legislature, the
3 state transportation commission or the secretary of
4 transportation;

5 O. "stop", when required, means complete cessation
6 from movement;

7 P. "stop, stopping or standing", when prohibited,
8 means any stopping or standing of a vehicle, whether occupied
9 or not, except when necessary to avoid conflict with other
10 traffic or in compliance with the directions of a police
11 officer or traffic-control sign or signal;

12 Q. "street" or "highway" means a way or place
13 generally open to the use of the public as a matter of right
14 for the purpose of vehicular travel, even though it may be
15 temporarily closed or restricted for the purpose of
16 construction, maintenance, repair or reconstruction;

17 R. "subsequent offender" means a person who was
18 previously a first offender and who again, under state law,
19 federal law or a municipal ordinance or a tribal law, has been
20 adjudicated guilty of the charge of driving a motor vehicle
21 while under the influence of intoxicating liquor or any drug
22 that rendered the person incapable of safely driving a motor
23 vehicle, regardless of whether the person's sentence was
24 suspended or deferred; and

25 S. "suspension" means that a person's driver's

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1 license and privilege to drive a motor vehicle on the public
2 highways are temporarily withdrawn."

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