

HOUSE FLOOR SUBSTITUTE FOR
HOUSE COMMERCE AND ECONOMIC DEVELOPMENT COMMITTEE SUBSTITUTE
FOR HOUSE BILL 270

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

AN ACT

RELATING TO MOTOR VEHICLES; ADDING DEFINITIONS TO THE MOTOR
VEHICLE CODE; PROVIDING FOR AUTONOMOUS MOTOR VEHICLES;
REQUIRING PERMITS; ALLOWING PLATOONING OF MOTOR VEHICLES.

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

SECTION 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
Chapter 120, Section 2, as amended) is amended to read:

"66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "abandoned vehicle" means a vehicle or motor
vehicle that has been determined by a New Mexico law
enforcement agency:

(1) to have been left unattended on either
public or private property for at least thirty days;

(2) not to have been reported stolen;

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1 (3) not to have been claimed by any person
2 asserting ownership; and

3 (4) not to have been shown by normal record-
4 checking procedures to be owned by any person;

5 B. "access aisle" means a space designed to allow a
6 person with a significant mobility limitation to safely exit
7 and enter a motor vehicle that is immediately adjacent to a
8 designated parking space for persons with significant mobility
9 limitation and that may be common to two such parking spaces of
10 at least sixty inches in width or, if the parking space is
11 designed for van accessibility, ninety-six inches in width, and
12 clearly marked and maintained with blue striping and, after
13 January 1, 2011, the words "NO PARKING" in capital letters,
14 each of which shall be at least one foot high and at least two
15 inches wide, placed at the rear of the access aisle so as to be
16 close to where an adjacent vehicle's rear tires would be
17 placed;

18 C. "actual empty weight" means the weight of a
19 vehicle without a load;

20 D. "additional place of business", for dealers and
21 auto recyclers, means locations in addition to an established
22 place of business as defined in Section 66-1-4.5 NMSA 1978 and
23 meeting all the requirements of an established place of
24 business, except Paragraph (5) of Subsection C of Section
25 66-1-4.5 NMSA 1978, but "additional place of business" does not

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1 mean a location used solely for storage and that is not used
 2 for wrecking, dismantling, sale or resale of vehicles;

3 E. "alcoholic beverages" means any and all
 4 distilled or rectified spirits, potable alcohol, brandy,
 5 whiskey, rum, gin, aromatic bitters or any similar alcoholic
 6 beverage, including all blended or fermented beverages,
 7 dilutions or mixtures of one or more of the foregoing
 8 containing more than one-half percent alcohol but excluding
 9 medicinal bitters;

10 F. "authorized emergency vehicle" means any fire
 11 department vehicle, police vehicle and ambulance and any
 12 emergency vehicles of municipal departments or public utilities
 13 that are designated or authorized as emergency vehicles by the
 14 director of the New Mexico state police division of the
 15 department of public safety or local authorities;

16 G. "autocycle" means a three-wheeled motorcycle on
 17 which the driver and all passengers ride in a completely or
 18 partially enclosed seating area and that is manufactured to
 19 comply with all applicable federal standards, regulations and
 20 laws and is equipped with:

- 21 (1) non-straddle seating;
- 22 (2) rollover protection;
- 23 (3) safety belts for all occupants;
- 24 (4) antilock brakes;
- 25 (5) a steering wheel; and

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1 (6) pedals; [and]
2 H. "automated driving system" means the hardware
3 and software that are collectively capable of performing the
4 entire dynamic driving task on a sustained basis, regardless of
5 whether it is limited to a specific operational design domain;
6 "automated driving system" is used specifically to describe a
7 level three, four or five driving automation system as defined
8 in society of automotive engineers standard J3016, as published
9 in the Taxonomy and Definitions for Terms Related to Driving
10 Automation Systems for On-Road Motor Vehicles;

11 I. "autonomous commercial motor vehicle" means a
12 commercial motor vehicle, as defined in Subsection J of Section
13 66-1-4.3 NMSA 1978, that is being controlled by an automated
14 driving system;

15 J. "autonomous motor vehicle" means a motor vehicle
16 that is being controlled by an automated driving system;

17 K. "autonomous motor vehicle operator" means the
18 person who engages the automated driving system of an
19 autonomous motor vehicle or autonomous commercial motor
20 vehicle;

21 L. "autonomous motor vehicle testing" or
22 "autonomous commercial motor vehicle testing" means activities
23 taken in full or in part to evaluate and assess:

24 (1) the automated driving system's performance
25 of the dynamic driving task; and

1 (2) the automated driving system's performance
 2 with respect to applicable safety areas as defined by the
 3 federal national highway traffic safety administration for
 4 autonomous vehicle operations; and

5 [~~H.~~] M. "auto recycler" means a person engaged in
 6 this state in an established business that includes acquiring
 7 vehicles that are required to be registered under the Motor
 8 Vehicle Code for the purpose of dismantling, wrecking,
 9 shredding, compacting, crushing or otherwise destroying
 10 vehicles for reclaimable parts or scrap material to sell."

11 SECTION 2. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
 12 Chapter 120, Section 5, as amended) is amended to read:

13 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
 14 Code:

15 A. "day" means calendar day, unless otherwise
 16 provided in the Motor Vehicle Code;

17 B. "dealer", except as specifically excluded, means
 18 any person who sells or solicits or advertises the sale of new
 19 or used motor vehicles, manufactured homes or trailers subject
 20 to registration in this state; "dealer" does not include:

21 (1) receivers, trustees, administrators,
 22 executors, guardians or other persons appointed by or acting
 23 under judgment, decree or order of any court;

24 (2) public officers while performing their
 25 duties as such officers;

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1 (3) persons making casual sales of their own
2 vehicles;

3 (4) finance companies, banks and other lending
4 institutions making sales of repossessed vehicles; or

5 (5) licensed brokers under the Manufactured
6 Housing Act who, for a fee, commission or other valuable
7 consideration, engage in brokerage activities related to the
8 sale, exchange or lease purchase of pre-owned manufactured
9 homes on a site installed for a consumer;

10 C. "declared gross weight" means the maximum gross
11 vehicle weight or gross combination vehicle weight at which a
12 vehicle or combination will be operated during the registration
13 period, as declared by the registrant for registration and fee
14 purposes; the vehicle or combination shall have only one
15 declared gross weight for all operating considerations;

16 D. "department" means the taxation and revenue
17 department, the secretary of taxation and revenue or any
18 employee of the department exercising authority lawfully
19 delegated to that employee by the secretary;

20 E. "designated accessible parking space for persons
21 with significant mobility limitation" means any space,
22 including an access aisle, that is marked and reserved for the
23 parking of a passenger vehicle that carries registration plates
24 or a parking placard with the international symbol of access
25 issued in accordance with Section 66-3-16 NMSA 1978 and that is

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1 designated by a conspicuously posted sign bearing the
2 international symbol of access and, if the parking space is
3 paved, by a clearly visible depiction of this symbol painted in
4 blue on the pavement of the space;

5 F. "director" means the secretary;

6 G. "disqualification" means a prohibition against
7 driving a commercial motor vehicle;

8 H. "distinguishing number" means the number
9 assigned by the department to a vehicle whose identifying
10 number has been destroyed or obliterated or the number assigned
11 by the department to a vehicle that has never had an
12 identifying number;

13 I. "distributor" means a person who distributes or
14 sells new or used motor vehicles to dealers and who is not a
15 manufacturer;

16 J. "division", without further specification,
17 "division of motor vehicles" or "motor vehicle division" means
18 the department;

19 K. "driveaway-towaway operation" means an operation
20 in which any motor vehicle, new or used, is the item being
21 transported when one set or more of wheels of any such motor
22 vehicle is on the roadway during the course of transportation,
23 whether or not the motor vehicle furnishes the motive power;

24 L. "driver" means every person who drives or is in
25 actual physical control of a motor vehicle, including a

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1 motorcycle, upon a highway, who is exercising control over or
2 steering a vehicle being towed by a motor vehicle or who
3 operates or is in actual physical control of an off-highway
4 motor vehicle; ~~and~~

5 M. "driver-assisted platoon" means a series of
6 motor vehicles platooning with a driver in each vehicle;

7 ~~[M.]~~ N. "driver's license" means any license,
8 permit or driving authorization card issued by a state or other
9 jurisdiction recognized under the laws of New Mexico pertaining
10 to the authorizing of persons to operate motor vehicles and
11 includes a REAL ID-compliant driver's license and a standard
12 driver's license; and

13 O. "dynamic driving task" means all of the
14 real-time operational and tactical functions required to
15 operate a vehicle in on-road traffic, excluding the strategic
16 functions such as trip scheduling and selection of destinations
17 and waypoints."

18 SECTION 3. Section 66-1-4.13 NMSA 1978 (being Laws 1990,
19 Chapter 120, Section 14) is amended to read:

20 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
21 Code:

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

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1 B. "off-highway motor vehicle" means any motor
2 vehicle operated or used exclusively off the highways of this
3 state and that is not legally equipped for operation on the
4 highways of this state;

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

12 D. "official traffic-control devices" means all
13 signs, signals, markings and devices [~~not inconsistent~~
14 consistent with the Motor Vehicle Code placed or erected, by
15 authority of a public body or official having jurisdiction, for
16 the purpose of regulating, warning or guiding traffic;

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

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

22 [~~F.~~] G. "owner" means a person who holds the legal
23 title of a vehicle and may include a conservator, guardian,
24 personal representative, executor or similar fiduciary, or, in
25 the event that a vehicle is the subject of an agreement for

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

7 SECTION 4. 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. "pedestrian" means any natural person on foot;

25 E. "person" means every natural person, firm,

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1 copartnership, association, corporation or other legal entity;

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

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

15 H. "platoon" means a series of motor vehicles that
16 are traveling in a unified manner by means of being connected
17 with wireless communications or other technology allowing for
18 coordinated movement;

19 [~~H.~~] I. "pneumatic tire" means every tire in which
20 compressed air is designed to support the load;

21 [~~I.~~] J. "pole trailer" means any vehicle without
22 motive power, designed to be drawn by another vehicle and
23 attached to the towing vehicle by means of a reach or pole or
24 by being boomed or otherwise secured to the towing vehicle and
25 ordinarily used for transporting long or irregularly shaped

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1 loads such as poles, structures, pipes and structural members
2 capable, generally, of sustaining themselves as beams between
3 the supporting connections;

4 [J.] K. "police or peace officer" means every
5 officer authorized to direct or regulate traffic or to make
6 arrests for violations of the Motor Vehicle Code;

7 [K.] L. "private road or driveway" means every way
8 or place in private ownership used for vehicular travel by the
9 owner and those having express or implied permission from the
10 owner, but not other persons; and

11 [L.] M. "property owner" means the owner of a piece
12 of land or the agent of that property owner."

13 SECTION 5. Section 66-7-206 NMSA 1978 (being Laws 1953,
14 Chapter 139, Section 44, as amended) is amended to read:

15 "66-7-206. IMMEDIATE NOTICE OF ACCIDENTS.--The driver of
16 a vehicle, the autonomous motor vehicle operator or the
17 autonomous commercial motor vehicle operator, if applicable,
18 involved in an accident resulting in bodily injury to or death
19 of any person or property damage to an apparent extent of five
20 hundred dollars (\$500) or more shall immediately, by the
21 quickest means of communication, give notice of the accident to
22 the police department if the accident occurs within a
23 municipality; otherwise to the office of the county sheriff or
24 the nearest office of the New Mexico state police. In the case
25 of an autonomous motor vehicle or autonomous commercial motor

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1 vehicle operating without a human driver, the owner of that
2 motor vehicle or person working on behalf of the vehicle owner
3 shall be responsible for providing the notice required by this
4 section."

5 SECTION 6. Section 66-7-318 NMSA 1978 (being Laws 1953,
6 Chapter 139, Section 72, as amended) is amended to read:

7 "66-7-318. FOLLOWING TOO CLOSELY.--

8 A. The driver of a motor vehicle shall not follow
9 another vehicle more closely than is reasonable and prudent,
10 having due regard for the speed of [~~such~~] the vehicles and the
11 traffic upon and the condition of the highway.

12 B. The driver of any motor truck or motor vehicle
13 drawing another vehicle when traveling upon a roadway outside
14 of a business or resident district shall not follow another
15 motor truck or motor vehicle drawing another vehicle within
16 three hundred feet, except that this shall not prevent a motor
17 truck or motor vehicle drawing another vehicle from overtaking
18 and passing [~~by~~] any like vehicle or other vehicle.

19 C. Motor vehicles being driven upon any roadway
20 outside of a business or residence district in a caravan or
21 motorcade, whether or not towing other vehicles, shall not
22 follow the preceding vehicle closer than three hundred feet.

23 This provision shall not apply to:

24 (1) funeral processions nor shall it apply
25 within or outside of a business or residence district to motor

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1 vehicle escort vehicles of a motor vehicle escort service,
2 which may, if necessary to maintain the continuity of the
3 escorted unit or units, precede or follow at a distance closer
4 than three hundred feet to the escorted unit or units; or

5 (2) a vehicle that is part of a driver-
6 assisted platoon and that is not the lead motor vehicle."

7 SECTION 7. A new section of the Motor Vehicle Code is
8 enacted to read:

9 "[NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--NOTIFICATION
10 AND REGULATION OF TESTING.--

11 A. Prior to testing an autonomous motor vehicle or
12 an autonomous commercial motor vehicle on a public highway in
13 New Mexico, a person owning or operating such a motor vehicle
14 shall notify the department of transportation at least five
15 calendar days in advance of such operation on a form provided
16 by rule by the department of at least the following
17 information:

18 (1) the serial number and type of each motor
19 vehicle to be tested;

20 (2) the routes to be used by the motor
21 vehicles;

22 (3) the level of automated driving systems to
23 be used by the motor vehicles; and

24 (4) such additional information as may be
25 required by the department of transportation by rule.

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1 B. The department of transportation shall
 2 promulgate rules regarding the notification and regulation
 3 process provided for in Subsection A of this section, including
 4 forms to be used and information to be submitted by operators
 5 of autonomous motor vehicles and autonomous commercial motor
 6 vehicles when testing such motor vehicles on public highways in
 7 New Mexico."

8 SECTION 8. A new section of the Motor Vehicle Code is
 9 enacted to read:

10 "NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--STANDARDS--
 11 LOCAL REGULATION.--

12 A. Autonomous motor vehicles and autonomous
 13 commercial motor vehicles shall meet all applicable federal
 14 motor vehicle safety standards. Additionally, autonomous motor
 15 vehicles and autonomous commercial motor vehicles shall be
 16 capable of being operated in compliance with applicable traffic
 17 and motor vehicle laws in New Mexico.

18 B. No political subdivision of the state may, by
 19 ordinance, resolution or any other means, prohibit the testing
 20 or operation of an autonomous motor vehicle or autonomous
 21 commercial motor vehicle within the jurisdictional boundaries
 22 of the political subdivision solely on the basis of the motor
 23 vehicle being equipped with an automated driving system."

24 SECTION 9. EFFECTIVE DATE.--The effective date of the
 25 provisions of this act is July 1, 2022.

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