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HOUSE BILL 347

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

INTRODUCED BY

EARLENE ROBERTS

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,

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1 Chapter 35, Section 405, as amended by Laws 1989, Chapter 318,
2 Section 29 and also by Laws 1989, Chapter 320, Section 1) is
3 amended to read:

4 "66-7-301. SPEED REGULATION. --

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

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

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

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

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

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

25 [~~B. The maximum speed limit established in~~

. 109416. 2GJ

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1 Paragraphs ~~(3) and (4)~~ of Subsection A of this section shall
2 remain in effect until the federal government authorizes a
3 different maximum speed limit and such different maximum speed
4 limit has been adopted by proclamation of the governor.

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

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

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

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

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

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

20 "66-7-303. ESTABLISHMENT OF SPEED ZONES. --

21 A. Whenever the ~~[state highway commission]~~ secretary
22 of highway and transportation determines upon the basis of an
23 engineering survey and traffic investigation, a detailed report
24 of which is filed with the ~~[supreme court librarian]~~ traffic
25 safety bureau of the state highway and transportation

. 109416. 2GJ

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

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

24 C. Engineering surveys and traffic investigations
25 made by local authorities shall be on a form approved by the

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1 ~~[chief highway administrator]~~ secretary of highway and
2 transportation. If engineers are not available to the local
3 authorities, the state highway and transportation
4 department may make the surveys and investigations for the local
5 authorities.

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

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

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

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

State of New Mexico
House of Representatives

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your TRANSPORTATION COMMITTEE, to whom has been referred

HOUSE BILL 347

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HB 347

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Respectfully submitted,

Daniel P. Silva, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 1 Against

Yes: 8
No: Rodella
Excused: Olguin, Parsons, Watchman
Absent: None

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 347

has had it under consideration and reports same WITHOUT
RECOMMENDATION.

Respectfully submitted,

Cisco McSorley, Chairman

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 5 For 3 Against

Yes: 5

No: Alwin, Foy, McSorley

Excused: Sanchez, R. G.

Absent: Baca, King, Luna, Stewart

H0347JC1

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