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AN ACT

RELATING TO TRAFFIC SAFETY; ENACTING A NEW SECTION OF THE
MOTOR VEHICLE CODE REQUIRING VEHICLE DRIVERS TO YIELD THE
RIGHT OF WAY TO A TRANSIT BUS THAT IS DISPLAYING A YIELD
SIGN; PROVIDING DEFINITIONS.

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

SECTION 1. Section 66-1-4.11 NMSA 1978 (being Laws
1990, Chapter 120, Section 12, as amended) is amended to
read:

"66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "mail" means any item properly addressed with
postage prepaid delivered by the United States postal service
or any other public or private enterprise primarily engaged
in the transport and delivery of letters, packages and other
parcels;

B. "manufactured home" means a movable or portable
housing structure that exceeds either a width of eight feet
or a length of forty feet, constructed to be towed on its own
chassis and designed to be installed with or without a
permanent foundation for human occupancy;

C. "manufacturer" means every person engaged in
the business of constructing or assembling vehicles of a type
required to be registered under the Motor Vehicle Code;

1 D. "manufacturer's certificate of origin" means a
2 certification, on a form supplied by or approved by the
3 department, signed by the manufacturer that the new vehicle
4 or boat described in the certificate has been transferred to
5 the New Mexico dealer or distributor named in the certificate
6 or to a dealer duly licensed or recognized as such in another
7 state, territory or possession of the United States and that
8 such transfer is the first transfer of the vehicle or boat in
9 ordinary trade and commerce;

10 E. "mass transit" means a coordinated system of
11 transit modes providing transportation for use by the general
12 public;

13 F. "moped" means a two-wheeled or three-wheeled
14 vehicle with an automatic transmission and a motor having a
15 piston displacement of less than fifty cubic centimeters,
16 that is capable of propelling the vehicle at a maximum speed
17 of not more than thirty miles an hour on level ground, at sea
18 level;

19 G. "motorcycle" means every motor vehicle having a
20 seat or saddle for the use of the rider and designed to
21 travel on not more than three wheels in contact with the
22 ground, including autocycles and excluding a tractor;

23 H. "motor home" means a camping body built on a
24 self-propelled motor vehicle chassis so designed that seating
25 for driver and passengers is within the body itself;

1 I. "motor vehicle" means every vehicle that is
2 self-propelled and every vehicle that is propelled by
3 electric power obtained from batteries or from overhead
4 trolley wires, but not operated upon rails; but for the
5 purposes of the Mandatory Financial Responsibility Act,
6 "motor vehicle" does not include "special mobile equipment";
7 and

8 J. "motor vehicle insurance policy" means a policy
9 of vehicle insurance that covers self-propelled vehicles of a
10 kind required to be registered pursuant to New Mexico law for
11 use on the public streets and highways. A "motor vehicle
12 insurance policy":

13 (1) shall include:

14 (a) motor vehicle bodily injury and
15 property damage liability coverages in compliance with the
16 Mandatory Financial Responsibility Act; and

17 (b) uninsured motorist coverage,
18 subject to the provisions of Section 66-5-301 NMSA 1978
19 permitting the insured to reject such coverage; and

20 (2) may include:

21 (a) physical damage coverage;

22 (b) medical payments coverage; and

23 (c) other coverages that the insured
24 and the insurer agree to include within the policy."

25 SECTION 2. Section 66-1-4.14 NMSA 1978 (being Laws

1 1990, Chapter 120, Section 15, as amended) is amended to
2 read:

3 "66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle
4 Code:

5 A. "park" or "parking" means the standing of a
6 vehicle, whether occupied or not, other than temporarily for
7 the purpose of and while actually engaged in loading and
8 unloading;

9 B. "parking lot" means a parking area provided for
10 the use of patrons of any office of state or local government
11 or of any public accommodation, retail or commercial
12 establishment;

13 C. "parts car" means a motor vehicle generally in
14 nonoperable condition that is owned by a collector to furnish
15 parts that are usually nonobtainable from normal sources,
16 thus enabling a collector to preserve, restore and maintain a
17 motor vehicle of historic or special interest;

18 D. "passenger van" means a vehicle with seating
19 for thirteen or fewer people, maximum interior headroom of
20 fifty-two inches and single rear tires;

21 E. "pedestrian" means any natural person on foot;

22 F. "person" means every natural person, firm,
23 copartnership, association, corporation or other legal
24 entity;

25 G. "personal information" means information that

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

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

14 I. "pneumatic tire" means every tire in which
15 compressed air is designed to support the load;

16 J. "pole trailer" means any vehicle without motive
17 power, designed to be drawn by another vehicle and attached
18 to the towing vehicle by means of a reach or pole or by being
19 boomed or otherwise secured to the towing vehicle and
20 ordinarily used for transporting long or irregularly shaped
21 loads such as poles, structures, pipes and structural members
22 capable, generally, of sustaining themselves as beams between
23 the supporting connections;

24 K. "police or peace officer" means every officer
25 authorized to direct or regulate traffic or to make arrests

1 for violations of the Motor Vehicle Code;

2 L. "private road or driveway" means every way or
3 place in private ownership used for vehicular travel by the
4 owner and those having express or implied permission from the
5 owner, but not other persons;

6 M. "property owner" means the owner of a piece of
7 land or the agent of that property owner; and

8 N. "public mass transit operator" means an agency
9 or a political subdivision of the state that provides mass
10 transit services."

11 SECTION 3. Section 66-1-4.17 NMSA 1978 (being Laws
12 1990, Chapter 120, Section 18, as amended) is amended to
13 read:

14 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
15 Code:

16 A. "tank vehicle" means a motor vehicle that is
17 designed to transport any liquid or gaseous material within a
18 tank that is either permanently or temporarily attached to
19 the vehicle or the chassis and that has either a gross
20 vehicle weight rating of twenty-six thousand one or more
21 pounds or is used in the transportation of hazardous
22 materials requiring placarding of the vehicle under
23 applicable law;

24 B. "taxicab" means a motor vehicle used for hire
25 in the transportation of persons, having a normal seating

1 capacity of not more than seven persons;

2 C. "temporary off-site location" means a location
3 other than a dealer's established or additional place of
4 business that is used exclusively for the display of vehicles
5 or vessels for sale or resale and for related business;

6 D. "through highway" means every highway or
7 portion of a highway at the entrance to which vehicular
8 traffic from intersecting highways is required by law to stop
9 before entering or crossing it when stop signs are erected as
10 provided in the Motor Vehicle Code;

11 E. "title service company" means a person, other
12 than the department, an agent of the department, a licensed
13 dealer or the motor transportation division of the department
14 of public safety, who for consideration issues temporary
15 registration plates or prepares and submits to the department
16 on behalf of others applications for registration of or title
17 to motor vehicles;

18 F. "traffic" means pedestrians, ridden or herded
19 animals, vehicles and other conveyances either singly or
20 together using any highway for purposes of travel;

21 G. "traffic-control signal" means any device,
22 whether manually, electrically or mechanically operated, by
23 which traffic is alternately directed to stop and to proceed;

24 H. "traffic safety bureau" means the traffic
25 safety bureau of the department of transportation;

1 I. "trailer" means any vehicle without motive
2 power, designed for carrying persons or property and for
3 being drawn by a motor vehicle, and so constructed that no
4 significant part of its weight rests upon the towing vehicle;

5 J. "transaction" means all operations necessary at
6 one time with respect to one identification card, one driver,
7 one vessel or one vehicle;

8 K. "transit bus" means a bus operated by a public
9 mass transit operator;

10 L. "transportation inspector" means an employee of
11 the motor transportation division of the department of public
12 safety who has been certified by the director of the division
13 to enter upon and perform inspections of motor carriers'
14 vehicles in operation;

15 M. "transporter of manufactured homes" means a
16 commercial motor vehicle operation engaged in the business of
17 transporting manufactured homes from the manufacturer's
18 location to the first dealer's location. A "transporter of
19 manufactured homes" may or may not be associated with or
20 affiliated with a particular manufacturer or dealer;

21 N. "travel trailer" means a trailer with a camping
22 body and includes recreational travel trailers and camping
23 trailers;

24 O. "trial court" means the magistrate, municipal
25 or district court that tries the case concerning an alleged

1 violation of a provision of the Motor Vehicle Code;

2 P. "tribal court" means a court created by a tribe
3 or a court of Indian offense created by the United States
4 secretary of the interior;

5 Q. "tribe" means an Indian nation, tribe or pueblo
6 located wholly or partially in New Mexico;

7 R. "truck" means every motor vehicle designed,
8 used or maintained primarily for the transportation of
9 property;

10 S. "truck camper" means a camping body designed to
11 be loaded onto, or affixed to, the bed or chassis of a truck.
12 A camping body, when combined with a truck or truck cab and
13 chassis, even though not attached permanently, becomes a part
14 of the motor vehicle, and together they are a recreational
15 unit to be known as a "truck camper"; there are three general
16 types of truck campers:

17 (1) "slide-in camper" means a camping body
18 designed to be loaded onto and unloaded from the bed of a
19 pickup truck;

20 (2) "chassis-mount camper" means a camping
21 body designed to be affixed to a truck cab and chassis; and

22 (3) "pickup cover" or "camper shell" means a
23 camping body designed to provide an all-weather protective
24 enclosure over the bed of a pickup truck and to be affixed to
25 the pickup truck; and

1 T. "truck tractor" means every motor vehicle
2 designed and used primarily for drawing other vehicles and
3 constructed to carry a part of the weight of the vehicle and
4 load drawn."

5 **SECTION 4.** A new Section 66-7-332.2 NMSA 1978 is
6 enacted to read:

7 "66-7-332.2. YIELD TO TRANSIT BUSES DISPLAYING PROPER
8 SIGNAGE.--

9 A. A driver shall yield the right of way to a
10 transit bus, excepting a passenger van, when an illuminated
11 sign is displayed on the rear of the bus and the bus is
12 attempting to merge into a traffic lane.

13 B. This section does not require a public mass
14 transit operator to install yield signs on the buses it
15 operates.

16 C. This section does not relieve a driver of a
17 transit bus from any applicable traffic laws or duty of care.

18 D. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 **SECTION 5.** Section 66-8-116 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 524, as amended) is amended to read:

22 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION
23 --SCHEDULE OF ASSESSMENTS.--

24 A. As used in the Motor Vehicle Code, "penalty
25 assessment misdemeanor" means violation of any of the

1 following listed sections of the NMSA 1978 for which, except
 2 as provided in Subsections D and E of this section, the
 3 listed penalty assessment is established:

4	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
5	ASSESSMENT		
6	Improper display of		
7	registration plate	66-3-18	\$ 25.00
8	Failure to notify of		
9	change of name or address	66-3-23	25.00
10	Lost or damaged registration,		
11	plate or title	66-3-24	20.00
12	Permitting unauthorized		
13	minor to drive	66-5-40	50.00
14	Permitting unauthorized		
15	person to drive	66-5-41	25.00
16	Failure to obey sign	66-7-104	10.00
17	Failure to obey signal	66-7-105	10.00
18	Speeding	66-7-301	
19	(1) up to and including		
20	ten miles an hour		
21	over the speed limit		15.00
22	(2) from eleven up to		
23	and including fifteen		
24	miles an hour		
25	over the speed limit		30.00

1	(3) from sixteen up to		
2	and including twenty		
3	miles an hour over the		
4	speed limit		65.00
5	(4) from twenty-one up to		
6	and including twenty-five		
7	miles an hour		
8	over the speed limit		100.00
9	(5) from twenty-six up to		
10	and including thirty		
11	miles an hour over the		
12	speed limit		125.00
13	(6) from thirty-one up to		
14	and including thirty-five		
15	miles an hour over the		
16	speed limit		150.00
17	(7) more than thirty-five		
18	miles an hour over the		
19	speed limit		200.00
20	Unfastened safety belt	66-7-372	25.00
21	Child not in restraint device		
22	or seat belt	66-7-369	25.00
23	Minimum speed	66-7-305	10.00
24	Speeding	66-7-306	15.00
25	Improper starting	66-7-324	10.00

1	Improper backing	66-7-354	10.00
2	Improper lane	66-7-308	10.00
3	Improper lane	66-7-313	10.00
4	Improper lane	66-7-316	10.00
5	Improper lane	66-7-317	10.00
6	Improper lane	66-7-319	10.00
7	Improper passing	66-7-309 through 66-7-312	10.00
8	Improper passing	66-7-315	10.00
9	Controlled access		
10	violation	66-7-320	10.00
11	Controlled access		
12	violation	66-7-321	10.00
13	Improper turning	66-7-322	10.00
14	Improper turning	66-7-323	10.00
15	Improper turning	66-7-325	10.00
16	Following too closely	66-7-318	10.00
17	Failure to yield	66-7-328 through 66-7-331	10.00
18	Failure to yield	66-7-332	50.00
19	Failure to yield	66-7-332.1 and 6-7-332.2	25.00
20	Pedestrian violation	66-7-333	10.00
21	Pedestrian violation	66-7-340	10.00
22	Failure to stop	66-7-342 and 66-7-344	
23		through 66-7-346	10.00
24	Railroad-highway grade		
25	crossing violation	66-7-341 and 66-7-343	150.00

1	Passing school bus	66-7-347	100.00
2	Failure to signal	66-7-325 through 66-7-327	10.00
3	Failure to secure load	66-7-407	100.00
4	Operation without oversize-		
5	overweight permit	66-7-413	50.00
6	Transport of reducible		
7	load with special		
8	permit more than six miles		
9	from a border crossing	66-7-413	100.00
10	Improper equipment	66-3-801	
11		through 66-3-851	25.00
12	Improper equipment	66-3-901	20.00
13	Improper emergency		
14	signal	66-3-853 through 66-3-857	10.00
15	Minor on motorcycle		
16	without helmet	66-7-356	300.00
17	Operation interference	66-7-357	50.00
18	Littering	66-7-364	300.00
19	Improper parking	66-7-349 through 66-7-352	
20		and 66-7-353	5.00
21	Improper parking	66-3-852	5.00
22	Failure to dim lights	66-3-831	10.00
23	Riding in or towing		
24	occupied house trailer	66-7-366	5.00
25	Improper opening of doors	66-7-367	5.00

1	No slow-moving vehicle		
2	emblem or flashing		
3	amber light	66-3-887	5.00
4	Open container - first		
5	violation	66-8-138	25.00
6	Texting while driving -		
7	first violation	66-7-374	25.00
8	Texting while driving -		
9	subsequent violation	66-7-374	50.00
10	Using a handheld mobile		
11	communication device		
12	while driving a		
13	commercial motor	66-7-375	25.00
14	Using a handheld mobile		
15	communication device		
16	while driving a		
17	commercial motor		
18	vehicle - subsequent		
19	violation	66-7-375	50.00.

20 B. The term "penalty assessment misdemeanor" does
21 not include a violation that has caused or contributed to the
22 cause of an accident resulting in injury or death to a
23 person.

24 C. When an alleged violator of a penalty
25 assessment misdemeanor elects to accept a notice to appear in

1 lieu of a notice of penalty assessment, a fine imposed upon
2 later conviction shall not exceed the penalty assessment
3 established for the particular penalty assessment misdemeanor
4 and probation imposed upon a suspended or deferred sentence
5 shall not exceed ninety days.

6 D. The penalty assessment for speeding in
7 violation of Paragraph (4) of Subsection A of Section
8 66-7-301 NMSA 1978 is twice the penalty assessment
9 established in Subsection A of this section for the
10 equivalent miles per hour over the speed limit.

11 E. Upon a second conviction for operation without
12 a permit for excessive size or weight pursuant to Section
13 66-7-413 NMSA 1978, the penalty assessment shall be two
14 hundred fifty dollars (\$250). Upon a third or subsequent
15 conviction, the penalty assessment shall be five hundred
16 dollars (\$500).

17 F. Upon a second conviction for transport of a
18 reducible load with a permit for excessive size or weight
19 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more
20 than six miles from a port-of-entry facility on the border
21 with Mexico, the penalty assessment shall be five hundred
22 dollars (\$500). Upon a third or subsequent conviction, the
23 penalty assessment shall be one thousand dollars (\$1,000)."

24 **SECTION 6. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2019.