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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 E of this section, no school bus route shall be maintained for distances less than:

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

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

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

C. In school districts having hazardous walking conditions as determined by the local school board and

1 confirmed by the state transportation director, students of
2 any grade may be transported a lesser distance than that
3 provided in Subsection B of this section. General standards
4 for determining hazardous walking conditions shall be
5 established by the state transportation division of the
6 department with the approval of the department, but the
7 standards shall be flexibly and not rigidly applied by the
8 local school board and the state transportation director to
9 prevent accidents and help ensure student safety.

10 D. A school district with from one to six students
11 enrolled in the school district whose residence, within the
12 boundaries of the school district, is five or more miles from
13 the student's or students' school or schools shall be able to
14 provide transportation to and from school by means of a
15 school-district-owned, minimum six-passenger, full-size,
16 extended-length, sport utility vehicle driven by a school
17 district employee certified as an activity driver by the
18 district with both the vehicle and driver insured by the
19 public school insurance authority; provided that the local
20 superintendent is able to demonstrate a need. The department
21 shall adopt rules to provide for the safety of students
22 transported in a sport utility vehicle pursuant to this
23 section.

24 E. Exceptional children whose handicaps require
25 transportation and three- and four-year-old children who meet

1 the department-approved criteria and definition of
2 developmentally disabled may be transported a lesser distance
3 than that provided in Subsection B of this section."

4 SECTION 2. Section 66-1-4.16 NMSA 1978 (being Laws
5 1990, Chapter 120, Section 17, as amended) is amended to
6 read:

7 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

9 A. "safety glazing materials" means glazing
10 materials constructed, treated or combined with other
11 materials to reduce substantially, in comparison with
12 ordinary sheet glass or plate glass, the likelihood of injury
13 to persons by objects from exterior sources or by these
14 safety glazing materials when they are cracked and broken;

15 B. "safety zone" means the area or space that is
16 officially set apart within a highway for the exclusive use
17 of pedestrians and that is protected or is so marked or
18 indicated by adequate signs as to be plainly visible at all
19 times while set apart as a safety zone;

20 C. "salvage vehicle" means a vehicle:

21 (1) other than a nonrepairable vehicle, of a
22 type subject to registration that has been wrecked, destroyed
23 or damaged excluding, pursuant to rules issued by the
24 department, hail damage, to the extent that the owner,
25 leasing company, financial institution or the insurance

1 company that insured or is responsible for repair of the
2 vehicle considers it uneconomical to repair the vehicle and
3 that is subsequently not repaired by or for the person who
4 owned the vehicle at the time of the event resulting in
5 damage; or

6 (2) that was determined to be uneconomical
7 to repair and for which a total loss payment is made by an
8 insurer, whether or not the vehicle is subsequently repaired,
9 if, prior to or upon making payment to the claimant, the
10 insurer obtained the agreement of the claimant to the amount
11 of the total loss settlement and informed the claimant that,
12 pursuant to rules of the department, the title must be
13 branded and submitted to the department for issuance of a
14 salvage certificate of title for the vehicle;

15 D. "school bus" means a commercial motor vehicle
16 used to transport preprimary, primary or secondary school
17 students from home to school, from school to home or to and
18 from school-sponsored events, but not including a vehicle:

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

23 (2) operated solely by a government-owned
24 transit authority, if the transit authority meets all safety
25 requirements of the public regulation commission but is not

1 used exclusively for the transportation of students;

2 (3) operated as a per capita feeder as
3 provided in Section 22-16-6 NMSA 1978; or

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

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

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

14 G. "semitrailer" means a vehicle without motive
15 power, other than a pole trailer, designed for carrying
16 persons or property and for being drawn by a motor vehicle
17 and so constructed that some significant part of its weight
18 and that of its load rests upon or is carried by another
19 vehicle;

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

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

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

4 K. "special mobile equipment" means a vehicle not
5 designed or used primarily for the transportation of persons
6 or property and incidentally operated or moved over the
7 highways, including but not limited to farm tractors, road
8 construction or maintenance machinery, ditch-digging
9 apparatus, well-boring apparatus and concrete mixers;

10 L. "specially constructed vehicle" means a vehicle
11 of a type required to be registered under the Motor Vehicle
12 Code not originally constructed under a distinctive name,
13 make, model or type by a generally recognized manufacturer of
14 vehicles and not materially altered from its original
15 construction;

16 M. "state" means a state, territory or possession
17 of the United States, the District of Columbia or any state
18 of the Republic of Mexico or the Federal District of Mexico
19 or a province of the Dominion of Canada;

20 N. "state highway" means a public highway that has
21 been designated as a state highway by the legislature, the
22 state transportation commission or the secretary of
23 transportation;

24 O. "stop", when required, means complete cessation
25 from movement;

