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HOUSE BILL 188

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING A LAW ENFORCEMENT OFFICER
OR DEPARTMENT OF TRANSPORTATION EMPLOYEE TO MOVE A HAZARD.

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

SECTION 1. Section 66-3-852 NMSA 1978 (being Laws 1953,
Chapter 139, Section 158.1) is amended to read:

"66-3-852. STOPPED VEHICLES NOT TO INTERFERE WITH OTHER
TRAFFIC.--

A. No motor vehicle shall be stopped, parked or
left standing, whether attended or unattended, upon the
traveled portion of any highway outside of a business or
residence district when it is practicable to stop, park or
leave ~~[such]~~ the vehicle off the traveled portion of the
highway. In the event that conditions make it impracticable to
move ~~[such]~~ the motor vehicle from the traveled portion of the

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1 highway, the driver shall make every effort to leave all
2 possible width of the highway opposite the standing vehicle for
3 the free passage of other vehicles, and ~~[he]~~ the driver shall
4 take care to provide a clear view of the standing vehicle as
5 far as possible to the front and rear.

6 B. A motor vehicle, vehicle, cargo or debris,
7 whether attended or unattended, standing upon any portion of a
8 roadway or a highway right of way that constitutes an immediate
9 public safety hazard may be moved by a law enforcement officer
10 or department of transportation employee within the highway
11 right of way to eliminate the immediate public safety hazard.

12 C. The state, a county, a municipality or a law
13 enforcement officer, a department of transportation employee or
14 anyone acting under the direction of the officer or employee
15 shall not be liable for any damage to a motor vehicle, vehicle,
16 cargo or debris occasioned by its removal as provided in
17 Subsection B of this section.

18 D. As used in this section, "law enforcement
19 officer" means a state or municipal police officer, county
20 sheriff, deputy sheriff, public safety aide or other state
21 employee authorized by state law to enforce criminal statutes."