

1 SENATE BILL 312

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Antoinette Sedillo Lopez

10 AN ACT

11 RELATING TO MOTOR VEHICLES; ELIMINATING A PROVISION OF LAW THAT
12 FAILURE TO WEAR A SAFETY HELMET SHALL NOT CONSTITUTE
13 CONTRIBUTORY NEGLIGENCE; REPEALING SECTIONS 32A-24-5 AND
14 66-3-1010.4 NMSA 1978 (BEING LAWS 2007, CHAPTER 66, SECTION 5
15 AND LAWS 2005, CHAPTER 325, SECTION 12) TO ELIMINATE PROVISIONS
16 THAT FAILURE TO USE A SAFETY HELMET SHALL NOT CONSTITUTE FAULT
17 OR NEGLIGENCE AND SHALL NOT LIMIT OR APPORTION DAMAGES.

18

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

20 SECTION 1. Section 66-7-356 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 460, as amended) is amended to read:

22 "66-7-356. MANDATORY USE OF PROTECTIVE HELMETS.--

23 A. No person under the age of eighteen shall
24 operate a motorcycle unless the person is wearing a safety
25 helmet that is securely fastened on the person's head in a

.233302.2GLG

underscored material = new
[bracketed material] = delete

1 normal manner as headgear and that meets the standards
2 specified by the secretary. The secretary shall adopt rules
3 and regulations establishing standards covering the types of
4 helmets and the specifications therefor and shall establish and
5 maintain a list of approved helmets meeting the standards and
6 specifications of the secretary. No dealer or person who
7 leases or rents motorcycles shall lease or rent a motorcycle to
8 a person under the age of eighteen unless the lessee or renter
9 shows such person a valid driver's license or permit and
10 possesses the safety equipment required of an operator who is
11 under the age of eighteen. No person shall carry any passenger
12 under the age of eighteen on any motorcycle unless the
13 passenger is wearing a securely fastened safety helmet, as
14 specified in this section, meeting the standards specified by
15 the secretary.

16 [~~B. Failure to wear a safety helmet as required in~~
17 ~~this section shall not constitute contributory negligence.~~

18 ~~C.] B.~~ Autocycles are exempted from the helmet
19 provisions of this section."

20 SECTION 2. REPEAL.--Sections 32A-24-5 and 66-3-1010.4
21 NMSA 1978 (being Laws 2007, Chapter 66, Section 5 and Laws
22 2005, Chapter 325, Section 12) are repealed.