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AN ACT
RELATING TO TRANSPORTATION; AMENDING THE CHILD HELMET SAFETY
ACT; DEFINING "ELECTRIC-ASSISTED BICYCLE"; PROVIDING
STANDARDS FOR THE REGULATION AND USE OF ELECTRIC-ASSISTED
BICYCLES; AMENDING AND ENACTING SECTIONS OF THE MOTOR VEHICLE
CODE.

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

SECTION 1. Section 32A-24-2 NMSA 1978 (being Laws 2007,
Chapter 66, Section 2) is amended to read:

"32A-24-2. DEFINITIONS.--As used in the Child Helmet
Safety Act:

A. "bicycle" means a human-powered vehicle with
two wheels in tandem designed to transport, by the act of
pedaling, one or more persons seated on one or more saddle
seats on its frame and includes an electric-assisted bicycle
and a human-powered vehicle designed to transport by the act
of pedaling, which has more than two wheels when the vehicle
is used on a public roadway, public bicycle path or other
public road or right of way, including a tricycle;

B. "electric-assisted bicycle" means a bicycle
with fully operable pedals and an electric motor not
exceeding seven hundred fifty watts of power;

C. "minor" means a person under eighteen years of
age;

1 D. "operator" means a person under eighteen years
2 of age who travels on a bicycle seated on a saddle seat from
3 which that person is intended to and can pedal the bicycle,
4 or who propels the person's self by way of using inline
5 skates, roller skates, a skateboard or a scooter;

6 E. "passenger" means a person under eighteen years
7 of age who travels on a bicycle or scooter in any manner
8 except as an operator;

9 F. "protective helmet" means a piece of headgear
10 that meets or exceeds the impact standard for protective
11 helmets set by the United States consumer product safety
12 commission federal safety standard and those standards
13 developed by the American national standards institute, the
14 Snell memorial foundation or the American society for testing
15 and materials;

16 G. "public bicycle path" means a right of way
17 under the jurisdiction and control of the state or a local
18 political subdivision for use primarily by bicyclists and
19 pedestrians;

20 H. "public roadway" means a right of way under the
21 jurisdiction and control of the state or a local political
22 subdivision for use primarily by motor vehicular traffic;

23 I. "public skateboard park" means an area of
24 public property set aside, designed and maintained for
25 recreation by persons using bicycles, scooters, skateboards

1 or skates;

2 J. "scooter" means a wheeled vehicle, regardless
3 of the number or placement of those wheels, that has
4 handlebars, designed to be stood on by the operator or
5 passenger and used to glide or propel the operator or
6 passenger over the ground;

7 K. "skateboard" means a set of wheels attached to
8 a platform or flat surface, regardless of the number or
9 placement of those wheels, and used to glide or propel the
10 operator over the ground; and

11 L. "skates" means a pair of devices worn on the
12 feet with a set of wheels attached and used to glide or
13 propel the user over the ground and may be either inline or
14 roller, but "skates" does not include a pair of devices,
15 similar to a pair of common shoes, that has one or more
16 wheels embedded in the sole of each device."

17 SECTION 2. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
18 Chapter 120, Section 6, as amended) is amended to read:

19 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

21 A. "electric-assisted bicycle" means a vehicle
22 having two or three wheels, fully operable pedals and an
23 electric motor. Electric-assisted bicycles are classified as
24 follows:

25 (1) "class 1 electric-assisted bicycle"

1 means an electric-assisted bicycle equipped with a motor not
2 exceeding seven hundred fifty watts of power that provides
3 assistance only when the rider is pedaling and that ceases to
4 provide assistance when the bicycle reaches a speed of twenty
5 miles per hour;

6 (2) "class 2 electric-assisted bicycle"

7 means an electric-assisted bicycle equipped with a motor not
8 exceeding seven hundred fifty watts of power that provides
9 assistance regardless of whether the rider is pedaling but
10 ceases to provide assistance when the bicycle reaches a speed
11 of twenty miles per hour; and

12 (3) "class 3 electric-assisted bicycle"

13 means an electric-assisted bicycle equipped with a motor not
14 exceeding seven hundred fifty watts of power that provides
15 assistance only when the rider is pedaling and that ceases to
16 provide assistance when the bicycle reaches a speed of
17 twenty-eight miles per hour;

18 B. "electric mobility device" means a two- or
19 three-wheel vehicle with an electric motor for propulsion
20 that does not meet the definition of an electric-assisted
21 bicycle and is capable of exceeding a speed of twenty miles
22 per hour on motor power alone;

23 C. "electric personal assistive mobility device"

24 means a self-balancing device having two nontandem wheels
25 designed to transport a single person by means of an electric

1 propulsion system with an average power of one horsepower and
2 with a maximum speed on a paved level surface of less than
3 twenty miles per hour when powered solely by its propulsion
4 system and while being ridden by an operator who weighs one
5 hundred seventy pounds;

6 D. "essential parts" means all integral and body
7 parts of a vehicle of a type required to be registered by the
8 provisions of the Motor Vehicle Code, the removal, alteration
9 or substitution of which would tend to conceal the identity
10 of the vehicle or substantially alter its appearance, model,
11 type or mode of operation;

12 E. "established place of business", for a dealer
13 or auto recycler, means a place:

14 (1) devoted exclusively to the business for
15 which the dealer or auto recycler is licensed and related
16 business;

17 (2) identified by a prominently displayed
18 sign giving the dealer's or auto recycler's trade name used
19 by the business;

20 (3) of sufficient size or space to permit
21 the display of one or more vehicles or to permit the parking
22 or storing of vehicles to be dismantled or wrecked for
23 recycling;

24 (4) on which there is located an enclosed
25 building on a permanent foundation, which building meets the

1 building requirements of the community and is large enough to
2 accommodate the office or offices of the dealer or auto
3 recycler and large enough to provide a safe place to keep the
4 books and records of the dealer or auto recycler;

5 (5) where the principal portion of the
6 business of the dealer or auto recycler is conducted and
7 where the books and records of the business are kept and
8 maintained; and

9 (6) where vehicle sales are of new vehicles
10 only, such as a department store or a franchisee of a
11 department store, as long as the department store or
12 franchisee keeps the books and records of its vehicle
13 business in a general office location at its place of
14 business; as used in this paragraph, "department store" means
15 a business that offers a variety of merchandise other than
16 vehicles, and sales of the merchandise other than vehicles
17 constitute at least eighty percent of the gross sales of the
18 business; and

19 F. "explosives" means any chemical compound or
20 mechanical mixture that is commonly used or intended for the
21 purpose of producing an explosion and that contains any
22 oxidizing and combustive units or other ingredients in such
23 proportions, quantities or packing that an ignition by fire,
24 friction, concussion, percussion or detonator of any part of
25 the compound or mixture may cause such a sudden generation of

1 highly heated gases that the resultant gaseous pressures are
2 capable of producing destructive effects on contiguous
3 objects or of destroying life or limb."

4 SECTION 3. Section 66-1-4.11 NMSA 1978 (being Laws
5 1990, Chapter 120, Section 12, as amended) is amended to
6 read:

7 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

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

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

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

22 D. "manufacturer's certificate of origin" means a
23 certification, on a form supplied by or approved by the
24 department, signed by the manufacturer that the new vehicle
25 or boat described in the certificate has been transferred to

1 the New Mexico dealer or distributor named in the certificate
2 or to a dealer duly licensed or recognized as such in another
3 state, territory or possession of the United States and that
4 such transfer is the first transfer of the vehicle or boat in
5 ordinary trade and commerce;

6 E. "moped" means a two-wheeled or three-wheeled
7 vehicle with an automatic transmission and a motor having a
8 piston displacement of less than fifty cubic centimeters,
9 that is capable of propelling the vehicle at a maximum speed
10 of not more than thirty miles an hour on level ground, at sea
11 level;

12 F. "motorcycle" means every motor vehicle having a
13 seat or saddle for the use of the rider and designed to
14 travel on not more than three wheels in contact with the
15 ground, including autocycles and excluding a tractor;

16 G. "motor home" means a camping body built on a
17 self-propelled motor vehicle chassis so designed that seating
18 for driver and passengers is within the body itself;

19 H. "motor vehicle" means every vehicle that is
20 self-propelled and every vehicle that is propelled by
21 electric power obtained from batteries or from overhead
22 trolley wires, but not operated upon rails, including an
23 electric mobility device, but does not include an electric-
24 assisted bicycle; for the purposes of the Mandatory Financial
25 Responsibility Act, "motor vehicle" does not include "special

1 mobile equipment"; and

2 I. "motor vehicle insurance policy" means a policy
3 of vehicle insurance that covers self-propelled vehicles of a
4 kind required to be registered pursuant to New Mexico law for
5 use on the public streets and highways. A "motor vehicle
6 insurance policy":

7 (1) shall include:

8 (a) motor vehicle bodily injury and
9 property damage liability coverages in compliance with the
10 Mandatory Financial Responsibility Act; and

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

14 (2) may include:

15 (a) physical damage coverage;

16 (b) medical payments coverage; and

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

19 SECTION 4. Section 66-1-4.13 NMSA 1978 (being Laws
20 1990, Chapter 120, Section 14, as amended) is amended to
21 read:

22 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "odometer" means a device for recording the
25 total mileage traveled by a vehicle from the vehicle's

1 manufacture and for so long as the vehicle is operable on the
2 highways;

3 B. "off-highway motor vehicle" means any motor
4 vehicle operated or used exclusively off the highways of this
5 state and that is not legally equipped for operation on the
6 highways of this state, but does not include an electric-
7 assisted bicycle;

8 C. "official printout" means any record supplied
9 by the division or a similar agency or government entity that
10 indicates the lienholders of record or owners of record of a
11 vehicle or motor vehicle registered within that government's
12 jurisdiction or indicates information about a driver's
13 license or identification card, including traffic violation
14 history or status;

15 D. "official traffic-control devices" means all
16 signs, signals, markings and devices consistent with the
17 Motor Vehicle Code placed or erected, by authority of a
18 public body or official having jurisdiction, for the purpose
19 of regulating, warning or guiding traffic;

20 E. "operational design domain" means the specific
21 conditions under which a given automated driving system or
22 feature of the system is designed to function;

23 F. "operator" means driver, as defined in Section
24 66-1-4.4 NMSA 1978; and

25 G. "owner" means a person who holds the legal

1 title of a vehicle and may include a conservator, guardian,
2 personal representative, executor or similar fiduciary, or,
3 in the event that a vehicle is the subject of an agreement
4 for conditional sale or lease with the right of purchase upon
5 performance of the conditions stated in the agreement and
6 with an immediate right of possession vested in the
7 conditional vendee or lessee, or, in the event that a
8 mortgagor of a vehicle is entitled to possession, then such
9 conditional vendee or lessee or mortgagor."

10 SECTION 5. Section 66-3-1 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 21, as amended) is amended to read:

12 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
13 EXCEPTIONS.--

14 A. With the exception of vehicles identified in
15 Subsection B of this section, every motor vehicle,
16 manufactured home, trailer, semitrailer and pole trailer when
17 driven or moved upon a highway and every off-highway motor
18 vehicle is subject to the registration and certificate of
19 title provisions of the Motor Vehicle Code except:

20 (1) any such vehicle driven or moved upon a
21 highway in conformance with the provisions of the Motor
22 Vehicle Code relating to manufacturers, dealers, lien-holders
23 or nonresidents;

24 (2) any such vehicle that is driven or moved
25 upon a highway only for the purpose of crossing the highway

1 from one property to another;

2 (3) an implement of husbandry that is only
3 incidentally operated or moved upon a highway;

4 (4) special mobile equipment;

5 (5) a vehicle that is propelled exclusively
6 by electric power obtained from overhead trolley wires though
7 not operated upon rails;

8 (6) a freight trailer if it is:

9 (a) properly registered in another
10 state;

11 (b) identified by a proper base
12 registration plate that is properly displayed; and

13 (c) identified by other registration
14 documents that are in the possession of the operator and
15 exhibited at the request of a police officer;

16 (7) a freight trailer or utility trailer
17 owned and used by:

18 (a) a nonresident solely for the
19 transportation of farm products purchased by the nonresident
20 from growers or producers of the farm products and
21 transported in the trailer out of the state;

22 (b) a farmer or a rancher who
23 transports to market only the produce, animals or fowl
24 produced by that farmer or rancher or who transports back to
25 the farm or ranch supplies for use thereon; or

1 (c) a person who transports animals to
2 and from fairs, rodeos or other places, except racetracks,
3 where the animals are exhibited or otherwise take part in
4 performances, in trailers drawn by a motor vehicle or truck
5 of less than ten thousand pounds gross vehicle weight rating
6 bearing a proper registration plate, but in no case shall the
7 owner of an unregistered trailer described in this paragraph
8 perform such uses for hire;

9 (8) a moped;

10 (9) an electric personal assistive mobility
11 device;

12 (10) a vehicle moved on a highway by a
13 towing service as defined in Section 59A-50-2 NMSA 1978;

14 (11) an off-highway motor vehicle exempted
15 pursuant to Section 66-3-1005 NMSA 1978; and

16 (12) an electric-assisted bicycle.

17 B. A certificate of title required pursuant to
18 Subsection A of this section is not required for a vehicle of
19 a type subject to registration owned by:

20 (1) the government of the United States; or

21 (2) a carrier that is from a jurisdiction
22 that is not a participant in the International Fuel Tax
23 Agreement, that is authorized by the United States government
24 or an agency of the United States government to conduct
25 cross-border operations beyond the commercial border zone

1 pursuant to the provisions of the United States-Mexico-Canada
2 Agreement and that identifies New Mexico as the carrier's
3 base jurisdiction.

4 C. A person who violates the provisions of this
5 section is guilty of a penalty assessment misdemeanor. A
6 person charged with violating this section shall not be
7 convicted if the person produces, in court, evidence of
8 compliance valid at the time of issuance of the citation."

9 SECTION 6. A new section of the Motor Vehicle Code,
10 Section 66-3-708 NMSA 1978, is enacted to read:

11 "66-3-708. ELECTRIC-ASSISTED BICYCLES--LABELS--
12 STANDARDS.--

13 A. Every manufacturer or distributor of new
14 electric-assisted bicycles intended for sale or distribution
15 in New Mexico shall permanently affix to each electric-
16 assisted bicycle, in a prominent location, a label that
17 contains the classification number, top assisted speed and
18 motor wattage of the electric-assisted bicycle. The label
19 shall be printed in arial font in at least nine-point type.

20 B. A person shall not knowingly modify an
21 electric-assisted bicycle so as to change the speed
22 capability or motor engagement of the electric-assisted
23 bicycle without also appropriately replacing, or causing to
24 be replaced, the label indicating the classification required
25 by Subsection A of this section.

1 C. An electric-assisted bicycle shall comply with
2 the equipment and manufacturing requirements for bicycles
3 adopted by the United States consumer product safety
4 commission and codified at 16 CFR 1512 or its successor
5 regulation.

6 D. A class 2 electric-assisted bicycle shall
7 operate in a manner so that the electric motor is disengaged
8 or ceases to function when the brakes are applied. Class 1
9 and class 3 electric-assisted bicycles shall be equipped with
10 a mechanism or circuit that cannot be bypassed and that
11 causes the electric motor to disengage or cease to function
12 when the rider stops pedaling.

13 E. A class 3 electric-assisted bicycle shall be
14 equipped with a speedometer that displays, in miles per hour,
15 the speed that the electric-assisted bicycle is traveling."

16 SECTION 7. A new section of the Motor Vehicle Code,
17 Section 66-3-709 NMSA 1978, is enacted to read:

18 "66-3-709. OPERATION OF ELECTRIC-ASSISTED BICYCLES.--

19 A. A person may ride a class 1 electric-assisted
20 bicycle on a bicycle or pedestrian path where bicycles are
21 authorized to travel; provided that a political subdivision
22 of the state may prohibit the operation of a class 1
23 electric-assisted bicycle on a bicycle or pedestrian path
24 within its jurisdiction.

25 B. A person shall not ride a class 2 or class 3

1 electric-assisted bicycle on a bicycle or pedestrian path

2 unless:

3 (1) the path is within a street or highway;

4 or

5 (2) a political subdivision of the state
6 permits the operation of a class 2 or class 3 electric-
7 assisted bicycle on a path under its jurisdiction.

8 C. A person under sixteen years of age shall not
9 operate a class 3 electric-assisted bicycle upon any street,
10 highway or bicycle or pedestrian path, except that a person
11 under sixteen years of age may ride as a passenger on a class
12 3 electric-assisted bicycle that is designed to accommodate
13 passengers.

14 D. This section does not apply to a trail that is
15 specifically designated as non-motorized and that has a
16 natural surface tread that is made by clearing and grading
17 the native soil with no added surfacing materials. A
18 political subdivision of the state or a state agency having
19 jurisdiction over a trail described in this subsection may
20 regulate the use of an electric-assisted bicycle on that
21 trail."

22 SECTION 8. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2023. _____