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HOUSE BILL 237

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING COOPERATIVE AGREEMENTS  
FOR EXCHANGE OF MOTOR VEHICLE OFFENSE INFORMATION BETWEEN THE  
NAVAJO NATION AND THE STATE.

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

Section 1. Section 66-1-4.6 NMSA 1978 (being Laws 1990,  
Chapter 120, Section 7, as amended) is amended to read:

"66-1-4.6. DEFINITIONS.--As used in the Motor Vehicle  
Code:

A. "farm tractor" means every motor vehicle  
designed and used primarily as a farm implement for drawing  
plows, mowing machines and other implements of husbandry;

B. "financial responsibility" means the ability to  
respond in damages for liability resulting from traffic  
accidents arising out of the ownership, maintenance or use of a

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1 motor vehicle of a type subject to registration under the laws  
2 of New Mexico, in amounts not less than specified in the  
3 Mandatory Financial Responsibility Act or having in effect a  
4 motor vehicle insurance policy. "Financial responsibility"  
5 includes a motor vehicle insurance policy, a surety bond or  
6 evidence of a sufficient cash deposit with the state treasurer;

7 C. "first offender" means a person who for the  
8 first time under state or federal law or a municipal ordinance  
9 or by the Navajo Nation tribal court has been adjudicated  
10 guilty of the charge of driving a motor vehicle while under the  
11 influence of intoxicating liquor or any other drug that renders  
12 the person incapable of safely driving a motor vehicle,  
13 regardless of whether the person's sentence was suspended or  
14 deferred;

15 D. "flammable liquid" means any liquid that has a  
16 flash point of seventy degrees fahrenheit or less, as  
17 determined by a tagliabue or equivalent closed-cup test device;

18 E. "foreign jurisdiction" means any jurisdiction  
19 other than a state of the United States or the District of  
20 Columbia;

21 F. "foreign vehicle" means every vehicle of a type  
22 required to be registered under the provisions of the Motor  
23 Vehicle Code brought into this state from another state,  
24 territory or country; and

25 G. "freight trailer" means any trailer, semitrailer

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1 or pole trailer drawn by a truck tractor or road tractor, and  
2 any trailer, semitrailer or pole trailer drawn by a truck that  
3 has a gross vehicle weight of more than twenty-six thousand  
4 pounds, but "freight trailer" does not include manufactured  
5 homes, trailers of less than one-ton carrying capacity used to  
6 transport animals or fertilizer trailers of less than three  
7 thousand five hundred pounds empty weight. "

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

10 "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle  
11 Code:

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

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

23 C. "school bus" means any motor vehicle operating  
24 under the authority of the state board of education or private  
25 school or parochial school interests that is used to transport

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1 children, students or teachers to and from schools or to and  
2 from any school activity, but not including any vehicle:

3 (1) operated by a common carrier, subject to  
4 and meeting all requirements of the [~~state corporation~~] public  
5 regulation commission but not used exclusively for the  
6 transportation of pupils;

7 (2) operated solely by a government-owned  
8 transit authority, if the transit authority meets all safety  
9 requirements of the [~~state corporation~~] public regulation  
10 commission but is not used exclusively for the transportation  
11 of pupils; or

12 (3) operated as a per capita feeder as defined  
13 in Section 22-16-6 NMSA 1978;

14 D. "seal" means the official seal of the taxation  
15 and revenue department as designated by the secretary;

16 E. "secretary" means the secretary of taxation and  
17 revenue, and, except for the purposes of Sections 66-2-3  
18 [~~66-2-3.1~~] and 66-2-12 NMSA 1978, also includes the deputy  
19 secretary and any division director delegated by the secretary;

20 F. "semitrailer" means any vehicle without motive  
21 power, other than a pole trailer, designed for carrying persons  
22 or property and for being drawn by a motor vehicle and so  
23 constructed that some significant part of its weight and that  
24 of its load rests upon or is carried by another vehicle;

25 G. "sidewalk" means that portion of street between

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1 the curb lines, or the lateral lines of a roadway, and the  
2 adjacent property lines, intended for the use of pedestrians;

3 H. "slow-moving vehicle" means any vehicle that is  
4 ordinarily moved, operated or driven at a speed less than  
5 twenty-five miles per hour;

6 I. "solid tire" means every tire of rubber or other  
7 resilient material that does not depend upon compressed air for  
8 the support of the load;

9 J. "special mobile equipment" means every vehicle  
10 not designed or used primarily for the transportation of  
11 persons or property and incidentally operated or moved over the  
12 highways, including but not limited to farm tractors, road  
13 construction or maintenance machinery, ditch-digging apparatus,  
14 well-boring apparatus and concrete mixers;

15 K. "specially-constructed vehicle" means every  
16 vehicle of a type required to be registered under the Motor  
17 Vehicle Code not originally constructed under a distinctive  
18 name, make, model or type by a generally recognized  
19 manufacturer of vehicles and not materially altered from its  
20 original construction;

21 L. "state" means any state, territory or possession  
22 of the United States, the District of Columbia or any province  
23 of the Dominion of Canada;

24 M "state highway" means any public highway that  
25 has been designated as a state highway by the legislature, the

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1 state ~~[highway]~~ transportation commission or the secretary of  
2 highway and transportation;

3 N. "stop", when required, means complete cessation  
4 from movement;

5 O. "stop, stopping or standing", when prohibited,  
6 means any stopping or standing of a vehicle, whether occupied  
7 or not, except when necessary to avoid conflict with other  
8 traffic or in compliance with the directions of a police  
9 officer or traffic-control sign or signal;

10 P. "street" or "highway" means every way or place  
11 generally open to the use of the public as a matter of right  
12 for the purpose of vehicular travel, even though it may be  
13 temporarily closed or restricted for the purpose of  
14 construction, maintenance, repair or reconstruction;

15 Q. "subsequent offender" means a person who was  
16 previously a first offender and who again, under state law,  
17 federal law or a municipal ordinance or by the Navajo Nation  
18 tribal court, has been adjudicated guilty of the charge of  
19 driving a motor vehicle while under the influence of  
20 intoxicating liquor or any drug which rendered him incapable of  
21 safely driving a motor vehicle, regardless of whether the  
22 person's sentence was suspended or deferred; and

23 R. "suspension" means that a person's driver's  
24 license and privilege to drive a motor vehicle on the public  
25 highways are temporarily withdrawn. "

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1           Section 3. A new section of the Motor Vehicle Code,  
2 Section 66-5-27.1 NMSA 1978, is enacted to read:

3           "66-5-27.1. [NEW MATERIAL] RECOGNITION OF CONVICTIONS FOR  
4 MOTOR VEHICLE OFFENSES COMMITTED ON THE NAVAJO NATION--  
5 COOPERATIVE AGREEMENTS--INFORMATION SHARING WITH THE NAVAJO  
6 NATION TRIBAL COURT.

7           A. The department is authorized to enter into a  
8 cooperative agreement with the appropriate governmental entity  
9 of the Navajo Nation to permit the exchange of information  
10 between the Navajo Nation tribal court and the division  
11 regarding state residents who are adjudicated for a motor  
12 vehicle offense that occurred within the jurisdiction of the  
13 Navajo Nation tribal court.

14           B. The division is authorized to suspend or revoke  
15 the driver's license or driving privilege of a resident of the  
16 state who has been convicted of a motor vehicle offense by the  
17 Navajo Nation tribal court; provided that:

18                   (1) the department has entered into a  
19 cooperative agreement with the governing body of the Navajo  
20 Nation that permits the exchange of information on motor  
21 vehicle offense convictions between the Navajo Nation tribal  
22 court and the division; and

23                   (2) the division has received notice from the  
24 Navajo Nation tribal court that the driver has been convicted  
25 of a motor vehicle offense, which if committed within the

1 jurisdiction of the state would be grounds for suspension or  
2 revocation of the driver's license or driving privilege of the  
3 offender. "

4 Section 4. EFFECTIVE DATE. --The effective date of the  
5 provisions of this act is July 1, 2003.

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