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HOUSE BILL 278

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

INTRODUCED BY

Debbie A. Rodella

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING COOPERATIVE AGREEMENTS
FOR EXCHANGE OF MOTOR VEHICLE OFFENSE INFORMATION BETWEEN
TRIBES 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 a tribal court has been adjudicated guilty of the charge
10 of driving a motor vehicle while under the influence of
11 intoxicating liquor or any other drug that renders the person
12 incapable of safely driving a motor vehicle, regardless of
13 whether the person's sentence was suspended or deferred;

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

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

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

24 G. "freight trailer" means any trailer, semitrailer
25 or pole trailer drawn by a truck tractor or road tractor, and

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

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

9 "66-1-4.16. DEFINITIONS. --As used in the Motor Vehicle
10 Code:

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

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

22 C. "school bus" means any motor vehicle operating
23 under the authority of the state board of education or private
24 school or parochial school interests that is used to transport
25 children, students or teachers to and from schools or to and

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1 from any school activity, but not including any vehicle:

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

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

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

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

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

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

24 G. "sidewalk" means that portion of street between
25 the curb lines, or the lateral lines of a roadway, and the

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1 adjacent property lines, intended for the use of pedestrians;

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

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

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

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

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

23 M "state highway" means any public highway that
24 has been designated as a state highway by the legislature, the
25 state ~~[highway]~~ transportation commission or the secretary of

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1 highway and transportation;

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

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

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

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

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

25 Section 3. Section 66-1-4.17 NMSA 1978 (being Laws 1990,

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1 Chapter 120, Section 18, as amended) is amended to read:

2 "66-1-4.17. DEFINITIONS.--As used in the Motor Vehicle
3 Code:

4 A. "tank vehicle" means a motor vehicle that is
5 designed to transport any liquid or gaseous material within a
6 tank that is either permanently or temporarily attached to the
7 vehicle or the chassis and that has either a gross vehicle
8 weight rating of twenty-six thousand one or more pounds or is
9 used in the transportation of hazardous materials requiring
10 placarding of the vehicle under applicable law;

11 B. "taxicab" means a motor vehicle used for hire in
12 the transportation of persons, having a normal seating capacity
13 of not more than seven persons;

14 C. "through highway" means every highway or portion
15 thereof at the entrance to which vehicular traffic from
16 intersecting highways is required by law to stop before
17 entering or crossing it when stop signs are erected as provided
18 in the Motor Vehicle Code;

19 D. "title service company" means a person, other
20 than the department, an agent of the department, a licensed
21 dealer or the motor transportation division of the department
22 of public safety, who for consideration issues temporary
23 registration plates or prepares and submits to the department
24 on behalf of others applications for registration of or title
25 to motor vehicles;

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1 E. "traffic" means pedestrians, ridden or herded
2 animals, vehicles and other conveyances either singly or
3 together using any highway for purposes of travel;

4 F. "traffic-control signal" means any device,
5 whether manually, electrically or mechanically operated, by
6 which traffic is alternately directed to stop and to proceed;

7 G. "traffic safety bureau" means the traffic safety
8 bureau of the state highway and transportation department;

9 H. "trailer" means any vehicle without motive
10 power, designed for carrying persons or property and for being
11 drawn by a motor vehicle, and so constructed that no
12 significant part of its weight rests upon the towing vehicle;

13 I. "transporter of manufactured homes" means a
14 commercial motor vehicle operation engaged in the business of
15 transporting manufactured homes from the manufacturer's
16 location to the first dealer's location. A "transporter of
17 manufactured homes" may or may not be associated with or
18 affiliated with a particular manufacturer or dealer;

19 J. "travel trailer" means a trailer with a camping
20 body and includes recreational travel trailers and camping
21 trailers;

22 K. "trial court" means the magistrate, municipal or
23 district court that tries the case concerning an alleged
24 violation of a provision of the Motor Vehicle Code;

25 L. "tribal court" means a court created by a tribe

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1 or a court of Indian offense created by the United States
2 secretary of the interior;

3 M "tribe" means an Indian nation, tribe or pueblo
4 located wholly or partially in New Mexico;

5 [~~L-~~] N. "truck" means every motor vehicle designed,
6 used or maintained primarily for the transportation of
7 property;

8 [~~M-~~] O. "truck camper" means a camping body
9 designed to be loaded onto, or affixed to, the bed or chassis
10 of a truck. A camping body, when combined with a truck or
11 truck cab and chassis, even though not attached permanently,
12 becomes a part of the motor vehicle, and together they are a
13 recreational unit to be known as a "truck camper"; there are
14 three general types of truck campers:

15 (1) "slide-in camper" means a camping body
16 designed to be loaded onto and unloaded from the bed of a
17 pickup truck;

18 (2) "chassis-mount camper" means a camping
19 body designed to be affixed to a truck cab and chassis; and

20 (3) "pickup cover" or "camper shell" means a
21 camping body designed to provide an all-weather protective
22 enclosure over the bed of a pickup truck and to be affixed
23 thereto; and

24 [~~N-~~] P. "truck tractor" means every motor vehicle
25 designed and used primarily for drawing other vehicles and not

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1 so constructed as to carry a load other than a part of the
2 weight of the vehicle and load so drawn. "

3 Section 4. A new section of the Motor Vehicle Code,
4 Section 66-5-27.1 NMSA 1978, is enacted to read:

5 "66-5-27.1. [NEW MATERIAL] RECOGNITION OF CONVICTIONS FOR
6 MOTOR VEHICLE OFFENSES COMMITTED ON TRIBAL LAND--COOPERATIVE
7 AGREEMENTS--INFORMATION SHARING WITH TRIBAL COURTS.--

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

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

22 (2) the division has received notice from the
23 tribal court that the driver has been convicted of a motor
24 vehicle offense, which if committed within the jurisdiction of
25 the state would be grounds for suspension or revocation of the

1 driver's license or driving privilege of the offender."

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

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