

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR A SAFETY BELT WAIVER PLACARD; AMENDING SECTIONS OF THE NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 66-1-4.14 NMSA 1978 (being Laws 1990, Chapter 120, Section 15, as amended) is amended to read:

"66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading;

B. "parking lot" means a parking area provided for the use of patrons of any office of state or local government or of any public accommodation, retail or commercial establishment;

C. "parts car" means a motor vehicle generally in nonoperable condition that is owned by a collector to furnish parts that are usually nonobtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of historic or special interest;

D. "pedestrian" means any natural person on foot;

E. "person" means a natural person, firm,

copartnership, association, corporation or other legal entity;

F. "personal information" means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address other than zip code, telephone number and medical or disability information, but "personal information" does not include information on vehicles, vehicle ownership, vehicular accidents, driving violations or driver status;

G. "placard" or "parking placard" means a card-like device that identifies the vehicle as being currently in use to transport a person with severe mobility impairment and issued pursuant to Section 66-3-16 NMSA 1978 to be displayed inside a motor vehicle so as to be readily visible to an observer outside the vehicle; provided that "parking placard" does not include a safety belt waiver placard issued pursuant to Section 66-7-372 NMSA 1978;

H. "pneumatic tire" means a tire in which compressed air is designed to support the load;

I. "pole trailer" means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes and structural members

capable, generally, of sustaining themselves as beams between the supporting connections;

J. "police or peace officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of the Motor Vehicle Code;

K. "private road or driveway" means a way or place in private ownership used for vehicular travel by the owner and those persons having express or implied permission from the owner, but not other persons; and

L. "property owner" means the owner of a piece of land or the agent of that property owner."

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

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

A. "safety belt waiver placard" means a device developed by the division that is issued pursuant to the provisions of Section 66-7-372 NMSA 1978 to the operator of a motor vehicle to enable law enforcement personnel to identify a driver who has received a medical waiver from compliance with the safety belt requirements of that section;

B. "safety glazing materials" means glazing materials constructed, treated or combined with other materials to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to

persons by objects from exterior sources or by these safety glazing materials when they are cracked and broken;

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

D. "salvage vehicle" means a vehicle:

(1) other than a nonrepairable vehicle, of a type subject to registration that has been wrecked, destroyed or damaged excluding, pursuant to rules issued by the department, hail damage, to the extent that the owner, leasing company, financial institution or insurance company that insured or is responsible for repair of the vehicle considers it uneconomical to repair the vehicle and that is subsequently not repaired by or for the person who owned the vehicle at the time of the event resulting in damage; or

(2) that was determined to be uneconomical to repair and for which a total loss payment is made by an insurer, whether or not the vehicle is subsequently repaired, if, prior to or upon making payment to the claimant, the insurer obtained the agreement of the claimant to the amount of the total loss settlement and informed the claimant that, pursuant to rules of the department, the title must be branded and submitted to the department for issuance of a salvage

certificate of title for the vehicle;

E. "school bus" means a commercial motor vehicle used to transport preprimary, primary or secondary school students from home to school, from school to home or to and from school-sponsored events, but not including a vehicle:

(1) operated by a common carrier, subject to and meeting all requirements of the public regulation commission but not used exclusively for the transportation of students;

(2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the public regulation commission but is not used exclusively for the transportation of students; or

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

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

G. "secretary" means the secretary of taxation and revenue, and, except for the purposes of Sections 66-2-3 and 66-2-12 NMSA 1978, also includes the deputy secretary and any division director delegated by the secretary;

H. "semitrailer" means a vehicle without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some significant part of its weight and

that of its load rests upon or is carried by another vehicle;

I. "sidewalk" means a portion of street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians;

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

K. "solid tire" means a tire of rubber or other resilient material that does not depend upon compressed air for the support of the load;

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

M. "specially constructed vehicle" means a vehicle of a type required to be registered under the Motor Vehicle Code not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction;

N. "state" means a state, territory or possession of the United States, the District of Columbia or a province of the Dominion of Canada;

O. "state highway" means a public highway that has been designated as a state highway by the legislature, the state transportation commission or the secretary of transportation;

P. "stop", when required, means complete cessation from movement;

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

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

S. "subsequent offender" means a person who was previously a first offender and who again, under state law, federal law or a municipal ordinance or a tribal law, has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug that rendered the person incapable of safely driving a motor vehicle, regardless of whether the person's sentence was suspended or deferred; and

T. "suspension" means that a person's driver's

license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn."

Section 3. Section 66-7-372 NMSA 1978 (being Laws 1985, Chapter 131, Section 3, as amended) is amended to read:

"66-7-372. SAFETY BELT USE REQUIRED--EXCEPTIONS--SAFETY BELT WAIVER PLACARD.--

A. Except as provided by Section 66-7-369 NMSA 1978 and in Subsection B of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about the occupant's body at all times when the vehicle is in motion on any street or highway.

B. This section shall not apply to:

(1) an occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less who possesses a written statement signed by a licensed physician that the occupant of the vehicle is unable for medical reasons to wear a safety belt;

(2) an individual who has been issued a safety belt waiver placard by the division that is displayed pursuant to rules of the division; or

(3) a rural letter carrier of the United States postal service while performing the duties of a rural



letter carrier.

C. The division shall develop:

- (1) a safety belt waiver placard;
- (2) rules regarding the placement of safety belt waiver placards on vehicles; and
- (3) rules regarding issuance, renewal and replacement of lost safety belt waiver placards.

D. The division may issue a safety belt waiver placard only to an individual who has presented to the division a written statement signed by a licensed physician that the individual is unable for medical reasons to wear a safety belt.

E. A safety belt waiver placard issued pursuant to this section shall expire on the earlier of the expiration date of the eligible individual's motor vehicle operator's license issued by the division or four years after issuance of the safety belt waiver placard.

F. The division shall not issue and an individual shall not possess more than one current safety belt waiver placard at any time.

G. A safety belt waiver placard issued pursuant to this section:

- (1) shall be placed in a position specified by the division that ensures that the placard is readily visible to law enforcement officers passing or following the

vehicle driven by an individual who has been issued a safety belt waiver placard;

(2) may be moved from one vehicle to another for use by the driver or passenger to whom the placard is issued;

(3) shall not be assigned to a specific vehicle; and

(4) shall indicate that only the person to whom the safety belt waiver placard is issued is permitted to drive or ride as a passenger without using a safety belt.

H. The division shall:

(1) maintain records of all safety belt waiver placards issued;

(2) maintain copies of the documentation provided to support the need for issuance of the safety belt waiver placard; and

(3) numerically identify for tracking and verification purposes each safety belt waiver placard issued."

Section 4. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

---

---