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SENATE BILL 76

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

James P. White and Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING THAT DRIVERS MOVE OVER OR SLOW DOWN FOR ALL STATIONARY VEHICLES DISPLAYING FLASHING EMERGENCY OR HAZARD LIGHTS.

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

SECTION 1. Section 66-7-332 NMSA 1978 (being Laws 1978, Chapter 35, Section 436, as amended) is amended to read:

"66-7-332. OPERATION OF VEHICLES ON APPROACH OF MOVING AUTHORIZED EMERGENCY VEHICLES--OPERATION OF VEHICLES ON APPROACH OF STATIONARY VEHICLES.--

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, [~~exhaust whistle or bell~~] the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel

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1 to, and as close as possible to, the right-hand edge or curb of
2 the roadway clear of any intersection and shall stop and remain
3 in that position until the authorized emergency vehicle has
4 passed, except when otherwise directed by a police officer.

5 B. Upon approaching a stationary [~~authorized~~
6 ~~emergency~~] vehicle, including a recovery or repair vehicle,
7 displaying flashing emergency or hazard lights, unless
8 otherwise directed, the driver of a vehicle shall:

9 (1) if reasonably safe to do so, drive in a
10 lane not adjacent to [~~where~~] the [~~authorized emergency~~]
11 stationary vehicle [~~is stopped~~], decrease the speed of the
12 vehicle to a speed that is reasonable and prudent under the
13 circumstances and proceed with caution; or

14 (2) if it is not reasonably safe to drive in a
15 lane not adjacent to [~~where~~] the [~~authorized emergency~~]
16 stationary vehicle [~~is stopped~~], decrease the speed of the
17 vehicle to a speed that is reasonable and prudent under the
18 circumstances, proceed with caution and be prepared to stop.

19 C. This section shall not operate to relieve the
20 driver of an authorized emergency vehicle or the driver of any
21 other vehicle from the duty to drive and park with due regard
22 for the safety of all persons using the highway."