

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 381

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

AN ACT

RELATING TO PUBLIC SCHOOL TRANSPORTATION; AMENDING THE PUBLIC  
SCHOOL CODE TO ALLOW CERTAIN SCHOOL DISTRICTS TO TRANSPORT  
CERTAIN STUDENTS BY ALTERNATIVE MEANS OF TRANSPORTATION; MAKING  
CONFORMING CHANGES TO THE DEFINITION OF "SCHOOL BUS" IN THE  
MOTOR VEHICLE CODE.

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

**SECTION 1.** Section 22-16-4 NMSA 1978 (being Laws 1967,  
Chapter 16, Section 222, as amended) is amended to read:

"22-16-4. SCHOOL BUS ROUTES--LIMITATIONS--EXCEPTIONS--  
MINIMUM REQUIREMENTS.--

A. Bus routes shall be established by the local  
school district.

B. Except as provided in Subsections C and [D] E of  
this section, no school bus route shall be maintained for

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underscored material = new  
[bracketed material] = delete

1 distances less than:

2 (1) one mile one way for students in grades  
3 kindergarten through six;

4 (2) one and one-half miles one way for  
5 students in grades seven through nine; and

6 (3) two miles one way for students in grades  
7 ten through twelve.

8 C. In school districts having hazardous walking  
9 conditions as determined by the local school board and  
10 confirmed by the state transportation director, students of any  
11 grade may be transported a lesser distance than that provided  
12 in Subsection B of this section. General standards for  
13 determining hazardous walking conditions shall be established  
14 by the state transportation division of the department [~~of~~  
15 ~~education~~] with the approval of the [~~state board~~] department,  
16 but the standards shall be flexibly and not rigidly applied by  
17 the local school board and the state transportation director to  
18 prevent accidents and help ensure student safety.

19 D. Notwithstanding department rule, a school  
20 district with from one to six students enrolled in the school  
21 district whose residence, within the boundaries of the school  
22 district, is five or more miles from the student's or students'  
23 school or schools shall be able to provide transportation to  
24 and from school by means of a school-district-owned, minimum  
25 six-passenger, full-size, extended-length, sport utility

1 vehicle driven by a school district employee certified as an  
 2 activity driver by the district with both the vehicle and  
 3 driver insured by the public school insurance authority;  
 4 provided that the local superintendent is able to demonstrate a  
 5 need. The department shall adopt rules regarding daily  
 6 inspections of the vehicle by the driver and biannual safety  
 7 inspections of the vehicle by a third party.

8           ~~[D-]~~ E. Exceptional children whose handicaps  
 9 require transportation and three- and four-year-old children  
 10 who meet the ~~[state board approved]~~ department-approved  
 11 criteria and definition of developmentally disabled may be  
 12 transported a lesser distance than that provided in Subsection  
 13 B of this section."

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

16           "66-1-4.16. DEFINITIONS.--As used in the Motor Vehicle  
 17 Code:

18           A. "safety glazing materials" means glazing  
 19 materials constructed, treated or combined with other materials  
 20 to reduce substantially, in comparison with ordinary sheet  
 21 glass or plate glass, the likelihood of injury to persons by  
 22 objects from exterior sources or by these safety glazing  
 23 materials when they are cracked and broken;

24           B. "safety zone" means the area or space that is  
 25 officially set apart within a highway for the exclusive use of

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1 pedestrians and that is protected or is so marked or indicated  
2 by adequate signs as to be plainly visible at all times while  
3 set apart as a safety zone;

4 C. "salvage vehicle" means a vehicle:

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

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

23 D. "school bus" means a commercial motor vehicle  
24 used to transport preprimary, primary or secondary school  
25 students from home to school, from school to home or to and

1 from school-sponsored events, but not including a vehicle:

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

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

10 (3) operated as a per capita feeder as  
11 ~~[defined]~~ provided in Section 22-16-6 NMSA 1978; or

12 (4) that is a minimum six-passenger, full-  
13 size, extended-length, sport utility vehicle operated by a  
14 school district employee pursuant to Subsection D of Section  
15 22-16-4 NMSA 1978;

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

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

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

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

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

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

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

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

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

23 M. "state" means a state, territory or possession  
24 of the United States, the District of Columbia or any state of  
25 the Republic of Mexico or the Federal District of Mexico or a

1 province of the Dominion of Canada;

2 N. "state highway" means a public highway that has  
3 been designated as a state highway by the legislature, the  
4 state transportation commission or the secretary of  
5 transportation;

6 O. "stop", when required, means complete cessation  
7 from movement;

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

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

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

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