HOUSE BILL 282

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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AN ACT

RELATING TO MOTOR VEHICLES; EXCLUDING ELECTRIC FOOT SCOOTERS FROM CERTAIN PROVISIONS OF THE MOTOR VEHICLE CODE.

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

SECTION 1. Section 66-1-4.5 NMSA 1978 (being Laws 1990, Chapter 120, Section 6, as amended) is amended to read:

"66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "electric foot scooter" means a device weighing less than one hundred pounds with two or three wheels, handlebars and a floorboard that can be stood upon while riding and that is solely powered by an electric motor capable of propelling the device with or without human propulsion at a speed of no more than twenty miles per hour on a paved level surface;
[A.] B. "electric personal assistive mobility device" means a self-balancing device having two nontandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when powered solely by its propulsion system and while being ridden by an operator who weighs one hundred seventy pounds;

[B.] C. "essential parts" means all integral and body parts of a vehicle of a type required to be registered by the provisions of the Motor Vehicle Code, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation;

[C.] D. "established place of business", for a dealer or auto recycler, means a place:

(1) devoted exclusively to the business for which the dealer or auto recycler is licensed and related business;

(2) identified by a prominently displayed sign giving the dealer's or auto recycler's trade name used by the business;

(3) of sufficient size or space to permit the display of one or more vehicles or to permit the parking or storing of vehicles to be dismantled or wrecked for recycling;
(4) on which there is located an enclosed
building on a permanent foundation, which building meets the
building requirements of the community and is large enough to
accommodate the office or offices of the dealer or auto
recycler and large enough to provide a safe place to keep the
books and records of the dealer or auto recycler;

(5) where the principal portion of the
business of the dealer or auto recycler is conducted and where
the books and records of the business are kept and maintained;
and

(6) where vehicle sales are of new vehicles
only, such as a department store or a franchisee of a
department store, as long as the department store or franchisee
keeps the books and records of its vehicle business in a
general office location at its place of business; as used in
this paragraph, "department store" means a business that offers
a variety of merchandise other than vehicles, and sales of the
merchandise other than vehicles constitute at least eighty
percent of the gross sales of the business; and

[D-] E. "explosives" means any chemical compound or
mechanical mixture that is commonly used or intended for the
purpose of producing an explosion and that contains any
oxidizing and combustive units or other ingredients in such
proportions, quantities or packing that an ignition by fire,
friction, concussion, percussion or detonator of any part of
the compound or mixture may cause such a sudden generation of
highly heated gases that the resultant gaseous pressures are
capable of producing destructive effects on contiguous objects
or of destroying life or limb."

SECTION 2. Section 66-1-4.11 NMSA 1978 (being Laws 1990,
Chapter 120, Section 12, as amended) is amended to read:

"66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "mail" means any item properly addressed with
postage prepaid delivered by the United States postal service
or any other public or private enterprise primarily engaged in
the transport and delivery of letters, packages and other
parcels;

B. "manufactured home" means a movable or portable
housing structure that exceeds either a width of eight feet or
a length of forty feet, constructed to be towed on its own
chassis and designed to be installed with or without a
permanent foundation for human occupancy;

C. "manufacturer" means every person engaged in the
business of constructing or assembling vehicles of a type
required to be registered under the Motor Vehicle Code;

D. "manufacturer's certificate of origin" means a
certification, on a form supplied by or approved by the
department, signed by the manufacturer that the new vehicle or
boat described in the certificate has been transferred to the
New Mexico dealer or distributor named in the certificate or to a dealer duly licensed or recognized as such in another state, territory or possession of the United States and that such transfer is the first transfer of the vehicle or boat in ordinary trade and commerce;

E. "moped" means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, that is capable of propelling the vehicle at a maximum speed of not more than thirty miles an hour on level ground, at sea level, excluding an electric foot scooter;

F. "motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles and excluding a tractor and excluding an electric foot scooter;

G. "motor home" means a camping body built on a self-propelled motor vehicle chassis so designed that seating for driver and passengers is within the body itself;

H. "motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails; but for the purposes of the Mandatory Financial Responsibility Act, "motor vehicle" does not include "special mobile equipment" or an electric foot scooter.
scooter; and

I. "motor vehicle insurance policy" means a policy of vehicle insurance that covers self-propelled vehicles of a kind required to be registered pursuant to New Mexico law for use on the public streets and highways. A "motor vehicle insurance policy":

(1) shall include:

(a) motor vehicle bodily injury and property damage liability coverages in compliance with the Mandatory Financial Responsibility Act; and

(b) uninsured motorist coverage, subject to the provisions of Section 66-5-301 NMSA 1978 permitting the insured to reject such coverage; and

(2) may include:

(a) physical damage coverage;

(b) medical payments coverage; and

(c) other coverages that the insured and the insurer agree to include within the policy."

SECTION 3. Section 66-1-4.19 NMSA 1978 (being Laws 1990, Chapter 120, Section 20, as amended) is amended to read:

"66-1-4.19. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "validating sticker" means the tab or sticker issued by the division to signify, upon a registration plate, renewed registration;
B. "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except electric foot scooters and other devices moved exclusively by human power or used exclusively upon stationary rails or tracks;

C. "vehicle-business number" means the distinctive registration number given by the division to any manufacturer, auto recycler or dealer; and

D. "vehicle plate" means a plate, marker, sticker or tag similar to a registration plate, but that is issued by the department for vehicles that are exempted from registration under the Motor Vehicle Code.

SECTION 4. Section 66-3-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 21, as amended) is amended to read:

"66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

A. With the exception of vehicles identified in Subsection B of this section, every motor vehicle, manufactured home, trailer, semitrailer and pole trailer when driven or moved upon a highway and every off-highway motor vehicle is subject to the registration and certificate of title provisions of the Motor Vehicle Code except:

(1) any such vehicle driven or moved upon a highway in conformance with the provisions of the Motor Vehicle Code relating to manufacturers, dealers, lien-holders or..."
nonresidents;

(2) any such vehicle that is driven or moved
upon a highway only for the purpose of crossing the highway
from one property to another;

(3) an implement of husbandry that is only
incidentally operated or moved upon a highway;

(4) special mobile equipment;

(5) a vehicle that is propelled exclusively by
electric power obtained from overhead trolley wires though not
operated upon rails;

(6) a freight trailer if it is:

    (a) properly registered in another
    state;

    (b) identified by a proper base
registration plate that is properly displayed; and

    (c) identified by other registration
documents that are in the possession of the operator and
exhibited at the request of a police officer;

(7) a freight trailer or utility trailer owned
and used by:

    (a) a nonresident solely for the
transportation of farm products purchased by the nonresident
from growers or producers of the farm products and transported
in the trailer out of the state;

    (b) a farmer or a rancher who transports
to market only the produce, animals or fowl produced by that farmer or rancher or who transports back to the farm or ranch supplies for use thereon; or

(c) a person who transports animals to and from fairs, rodeos or other places, except racetracks, where the animals are exhibited or otherwise take part in performances, in trailers drawn by a motor vehicle or truck of less than ten thousand pounds gross vehicle weight rating bearing a proper registration plate, but in no case shall the owner of an unregistered trailer described in this paragraph perform such uses for hire;

(8) a moped;

(9) an electric personal assistive mobility device;

(10) a vehicle moved on a highway by a towing service as defined in Section 59A-50-2 NMSA 1978; [and]

(11) an off-highway motor vehicle exempted pursuant to Section 66-3-1005 NMSA 1978; and

(12) an electric foot scooter.

B. A certificate of title required pursuant to Subsection A of this section is not required for a vehicle of a type subject to registration owned by:

(1) the government of the United States; or

(2) a carrier that is from a jurisdiction that is not a participant in the International Fuel Tax Agreement,
that is authorized by the United States government or an agency of the United States government to conduct cross-border operations beyond the commercial border zone pursuant to the provisions of the North American Free Trade Agreement and that identifies New Mexico as the carrier's base jurisdiction.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. A person charged with violating this section shall not be convicted if the person produces, in court, evidence of compliance valid at the time of issuance of the citation."

SECTION 5. A new section of the Motor Vehicle Code, Section 66-3-1104 NMSA 1978, is enacted to read:

"66-3-1104. [NEW MATERIAL] ELECTRIC FOOT SCOOTERS.--

A. Every person operating an electric foot scooter on a highway or bicycle lane or bicycle path shall be granted all of the rights and shall be subject to all of the duties applicable to the rider of a bicycle, except as provided in this section and provisions that by their nature can have no application, including Subsection A of Section 66-3-703 NMSA 1978. No other provisions of law relating to vehicles, motor vehicles or motorcycles shall apply to an electric foot scooter unless specifically made applicable to electric foot scooters.

B. Electric foot scooters shall be permitted to park on sidewalks in a manner that does not impede the lawful movement of pedestrians or other traffic.
C. An electric foot scooter shall comply with the equipment provisions applicable to bicycles by Section 66-3-707 NMSA 1978."