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HOUSE BILL 282

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

INTRODUCED BY

Nathan P. Small

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;

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1 ~~[A.]~~ B. "electric personal assistive mobility
2 device" means a self-balancing device having two nontandem
3 wheels designed to transport a single person by means of an
4 electric propulsion system with an average power of one
5 horsepower and with a maximum speed on a paved level surface of
6 less than twenty miles per hour when powered solely by its
7 propulsion system and while being ridden by an operator who
8 weighs one hundred seventy pounds;

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

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

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

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

23 (3) of sufficient size or space to permit the
24 display of one or more vehicles or to permit the parking or
25 storing of vehicles to be dismantled or wrecked for recycling;

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1 (4) on which there is located an enclosed
2 building on a permanent foundation, which building meets the
3 building requirements of the community and is large enough to
4 accommodate the office or offices of the dealer or auto
5 recycler and large enough to provide a safe place to keep the
6 books and records of the dealer or auto recycler;

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

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

20 [~~D-~~] E. "explosives" means any chemical compound or
21 mechanical mixture that is commonly used or intended for the
22 purpose of producing an explosion and that contains any
23 oxidizing and combustive units or other ingredients in such
24 proportions, quantities or packing that an ignition by fire,
25 friction, concussion, percussion or detonator of any part of

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1 the compound or mixture may cause such a sudden generation of
2 highly heated gases that the resultant gaseous pressures are
3 capable of producing destructive effects on contiguous objects
4 or of destroying life or limb."

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

7 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

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

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

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

22 D. "manufacturer's certificate of origin" means a
23 certification, on a form supplied by or approved by the
24 department, signed by the manufacturer that the new vehicle or
25 boat described in the certificate has been transferred to the

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1 New Mexico dealer or distributor named in the certificate or to
2 a dealer duly licensed or recognized as such in another state,
3 territory or possession of the United States and that such
4 transfer is the first transfer of the vehicle or boat in
5 ordinary trade and commerce;

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

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

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

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

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1 scooter; and

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

7 (1) shall include:

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

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

14 (2) may include:

15 (a) physical damage coverage;

16 (b) medical payments coverage; and

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

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

21 "66-1-4.19. DEFINITIONS.--As used in the Motor Vehicle
22 Code:

23 A. "validating sticker" means the tab or sticker
24 issued by the division to signify, upon a registration plate,
25 renewed registration;

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1 B. "vehicle" means every device in, upon or by which
2 any person or property is or may be transported or drawn upon a
3 highway, including any frame, chassis, body or unitized frame
4 and body of any vehicle or motor vehicle, except electric foot
5 scooters and other devices moved exclusively by human power or
6 used exclusively upon stationary rails or tracks;

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

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

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

16 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

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

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

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1 nonresidents;

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

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

7 (4) special mobile equipment;

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

11 (6) a freight trailer if it is:

12 (a) properly registered in another
13 state;

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

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

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

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

25 (b) a farmer or a rancher who transports

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1 to market only the produce, animals or fowl produced by that
2 farmer or rancher or who transports back to the farm or ranch
3 supplies for use thereon; or

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

12 (8) a moped;

13 (9) an electric personal assistive mobility
14 device;

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

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

19 (12) an electric foot scooter.

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

23 (1) the government of the United States; or

24 (2) a carrier that is from a jurisdiction that
25 is not a participant in the International Fuel Tax Agreement,

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1 that is authorized by the United States government or an agency
2 of the United States government to conduct cross-border
3 operations beyond the commercial border zone pursuant to the
4 provisions of the North American Free Trade Agreement and that
5 identifies New Mexico as the carrier's base jurisdiction.

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

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

13 "66-3-1104. [NEW MATERIAL] ELECTRIC FOOT SCOOTERS.--

14 A. Every person operating an electric foot scooter
15 on a highway or bicycle lane or bicycle path shall be granted
16 all of the rights and shall be subject to all of the duties
17 applicable to the rider of a bicycle, except as provided in
18 this section and provisions that by their nature can have no
19 application, including Subsection A of Section 66-3-703 NMSA
20 1978. No other provisions of law relating to vehicles, motor
21 vehicles or motorcycles shall apply to an electric foot scooter
22 unless specifically made applicable to electric foot scooters.

23 B. Electric foot scooters shall be permitted to
24 park on sidewalks in a manner that does not impede the lawful
25 movement of pedestrians or other traffic.

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C. An electric foot scooter shall comply with the
equipment provisions applicable to bicycles by Section 66-3-707
NMSA 1978."