

1 SENATE BILL 332

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 James P. White

5
6
7
8
9
10 AN ACT

11 RELATING TO MOTOR VEHICLES; ADDING DEFINITIONS TO THE MOTOR
12 VEHICLE CODE; PROVIDING FOR AUTONOMOUS MOTOR VEHICLES; ALLOWING
13 PLATOONING OF AUTONOMOUS MOTOR VEHICLES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
17 Chapter 120, Section 2, as amended) is amended to read:

18 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
19 Code:

20 A. "abandoned vehicle" means a vehicle or motor
21 vehicle that has been determined by a New Mexico law
22 enforcement agency:

23 (1) to have been left unattended on either
24 public or private property for at least thirty days;

25 (2) not to have been reported stolen;

.211961.3

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
~~[bracketed material] = delete~~

1 (3) not to have been claimed by any person
2 asserting ownership; and

3 (4) not to have been shown by normal record-
4 checking procedures to be owned by any person;

5 B. "access aisle" means a space designed to allow a
6 person with a significant mobility limitation to safely exit
7 and enter a motor vehicle that is immediately adjacent to a
8 designated parking space for persons with significant mobility
9 limitation and that may be common to two such parking spaces of
10 at least sixty inches in width or, if the parking space is
11 designed for van accessibility, ninety-six inches in width, and
12 clearly marked and maintained with blue striping and, after
13 January 1, 2011, the words "NO PARKING" in capital letters,
14 each of which shall be at least one foot high and at least two
15 inches wide, placed at the rear of the access aisle so as to be
16 close to where an adjacent vehicle's rear tires would be
17 placed;

18 C. "actual empty weight" means the weight of a
19 vehicle without a load;

20 D. "additional place of business", for dealers and
21 auto recyclers, means locations in addition to an established
22 place of business as defined in Section 66-1-4.5 NMSA 1978 and
23 meeting all the requirements of an established place of
24 business, except Paragraph (5) of Subsection C of Section
25 66-1-4.5 NMSA 1978, but "additional place of business" does not

.211961.3

underscoring material = new
~~[bracketed material] = delete~~

1 mean a location used solely for storage and that is not used
2 for wrecking, dismantling, sale or resale of vehicles;

3 E. "alcoholic beverages" means any and all
4 distilled or rectified spirits, potable alcohol, brandy,
5 whiskey, rum, gin, aromatic bitters or any similar alcoholic
6 beverage, including all blended or fermented beverages,
7 dilutions or mixtures of one or more of the foregoing
8 containing more than one-half percent alcohol but excluding
9 medicinal bitters;

10 F. "authorized emergency vehicle" means any fire
11 department vehicle, police vehicle and ambulance and any
12 emergency vehicles of municipal departments or public utilities
13 that are designated or authorized as emergency vehicles by the
14 director of the New Mexico state police division of the
15 department of public safety or local authorities;

16 G. "autocycle" means a three-wheeled motorcycle on
17 which the driver and all passengers ride in a completely or
18 partially enclosed seating area and that is manufactured to
19 comply with all applicable federal standards, regulations and
20 laws and is equipped with:

- 21 (1) non-straddle seating;
- 22 (2) rollover protection;
- 23 (3) safety belts for all occupants;
- 24 (4) antilock brakes;
- 25 (5) a steering wheel; and

.211961.3

underscored material = new
[bracketed material] = delete

1 (6) pedals; [~~and~~]

2 H. "automated driving system" means the hardware
3 and software that are collectively capable of performing the
4 entire dynamic driving task on a sustained basis, regardless of
5 whether it is limited to a specific operational design domain;

6 I. "autonomous motor vehicle" means a motor vehicle
7 that is being controlled by an automated driving system;

8 J. "autonomous motor vehicle operator" means the
9 person who engages the automated driving system of an
10 autonomous motor vehicle and is responsible for the safe
11 movement of that motor vehicle. The person may be the operator
12 of the vehicle, an observer within the vehicle or a person in a
13 location remote from the vehicle; and

14 [~~H.-~~] K. "auto recycler" means a person engaged in
15 this state in an established business that includes acquiring
16 vehicles that are required to be registered under the Motor
17 Vehicle Code for the purpose of dismantling, wrecking,
18 shredding, compacting, crushing or otherwise destroying
19 vehicles for reclaimable parts or scrap material to sell."

20 SECTION 2. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
21 Chapter 120, Section 5, as amended) is amended to read:

22 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
23 Code:

24 A. "day" means calendar day, unless otherwise
25 provided in the Motor Vehicle Code;

.211961.3

underscoring material = new
~~[bracketed material] = delete~~

1 B. "dealer", except as specifically excluded, means
2 any person who sells or solicits or advertises the sale of new
3 or used motor vehicles, manufactured homes or trailers subject
4 to registration in this state; "dealer" does not include:

5 (1) receivers, trustees, administrators,
6 executors, guardians or other persons appointed by or acting
7 under judgment, decree or order of any court;

8 (2) public officers while performing their
9 duties as such officers;

10 (3) persons making casual sales of their own
11 vehicles;

12 (4) finance companies, banks and other lending
13 institutions making sales of repossessed vehicles; or

14 (5) licensed brokers under the Manufactured
15 Housing Act who, for a fee, commission or other valuable
16 consideration, engage in brokerage activities related to the
17 sale, exchange or lease purchase of pre-owned manufactured
18 homes on a site installed for a consumer;

19 C. "declared gross weight" means the maximum gross
20 vehicle weight or gross combination vehicle weight at which a
21 vehicle or combination will be operated during the registration
22 period, as declared by the registrant for registration and fee
23 purposes; the vehicle or combination shall have only one
24 declared gross weight for all operating considerations;

25 D. "department" means the taxation and revenue

.211961.3

underscoring material = new
~~[bracketed material] = delete~~

1 department, the secretary of taxation and revenue or any
2 employee of the department exercising authority lawfully
3 delegated to that employee by the secretary;

4 E. "designated accessible parking space for persons
5 with significant mobility limitation" means any space,
6 including an access aisle, that is marked and reserved for the
7 parking of a passenger vehicle that carries registration plates
8 or a parking placard with the international symbol of access
9 issued in accordance with Section 66-3-16 NMSA 1978 and that is
10 designated by a conspicuously posted sign bearing the
11 international symbol of access and, if the parking space is
12 paved, by a clearly visible depiction of this symbol painted in
13 blue on the pavement of the space;

14 F. "director" means the secretary;

15 G. "disqualification" means a prohibition against
16 driving a commercial motor vehicle;

17 H. "distinguishing number" means the number
18 assigned by the department to a vehicle whose identifying
19 number has been destroyed or obliterated or the number assigned
20 by the department to a vehicle that has never had an
21 identifying number;

22 I. "distributor" means a person who distributes or
23 sells new or used motor vehicles to dealers and who is not a
24 manufacturer;

25 J. "division", without further specification,

.211961.3

underscoring material = new
[bracketed material] = delete

1 "division of motor vehicles" or "motor vehicle division" means
2 the department;

3 K. "driver" means every person who drives or is in
4 actual physical control of a motor vehicle, including a
5 motorcycle, upon a highway, who is exercising control over or
6 steering a vehicle being towed by a motor vehicle or who
7 operates or is in actual physical control of an off-highway
8 motor vehicle;

9 L. "driver-assisted platoon" means a series of
10 motor vehicles platooning with a driver in the first vehicle;

11 [~~L.~~] M. "driver's license" means a license or a
12 class of license issued by a state or other jurisdiction
13 pertaining to the authorizing of persons to operate motor
14 vehicles and that meets federal requirements to be accepted by
15 federal agencies for official federal purposes;

16 [~~M.~~] N. "driveaway-towaway operation" means an
17 operation in which any motor vehicle, new or used, is the item
18 being transported when one set or more of wheels of any such
19 motor vehicle is on the roadway during the course of
20 transportation, whether or not the motor vehicle furnishes the
21 motive power; [~~and~~

22 [~~N.~~] O. "driving authorization card" means a card
23 issued or recognized under the laws of New Mexico pertaining to
24 the authorizing of persons to operate motor vehicles and not
25 intended to be accepted by federal agencies for official

.211961.3

underscoring material = new
[bracketed material] = delete

1 federal purposes; and

2 P. "dynamic driving task" means all of the real-
3 time operational and tactical functions required to operate a
4 vehicle in on-road traffic."

5 SECTION 3. Section 66-1-4.13 NMSA 1978 (being Laws 1990,
6 Chapter 120, Section 14) is amended to read:

7 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

9 A. "odometer" means a device for recording the
10 total mileage traveled by a vehicle from the vehicle's
11 manufacture and for so long as the vehicle is operable on the
12 highways;

13 B. "off-highway motor vehicle" means any motor
14 vehicle operated or used exclusively off the highways of this
15 state and that is not legally equipped for operation on the
16 highways of this state;

17 C. "official printout" means any record supplied by
18 the division or a similar agency or government entity that
19 indicates the lienholders of record or owners of record of a
20 vehicle or motor vehicle registered within that government's
21 jurisdiction or indicates information about a driver's license
22 or identification card, including traffic violation history or
23 status;

24 D. "official traffic-control devices" means all
25 signs, signals, markings and devices [~~not inconsistent~~]

.211961.3

underscored material = new
[bracketed material] = delete

1 consistent with the Motor Vehicle Code placed or erected, by
2 authority of a public body or official having jurisdiction, for
3 the purpose of regulating, warning or guiding traffic;

4 E. "operational design domain" means the specific
5 conditions under which a given automated driving system or
6 feature thereof is designed to function;

7 [~~E.~~] F. "operator" means driver, as defined in
8 Section 66-1-4.4 NMSA 1978; and

9 [~~F.~~] G. "owner" means a person who holds the legal
10 title of a vehicle and may include a conservator, guardian,
11 personal representative, executor or similar fiduciary, or, in
12 the event that a vehicle is the subject of an agreement for
13 conditional sale or lease with the right of purchase upon
14 performance of the conditions stated in the agreement and with
15 an immediate right of possession vested in the conditional
16 vendee or lessee, or, in the event that a mortgagor of a
17 vehicle is entitled to possession, then such conditional vendee
18 or lessee or mortgagor."

19 **SECTION 4.** Section 66-1-4.14 NMSA 1978 (being Laws 1990,
20 Chapter 120, Section 15, as amended) is amended to read:

21 "66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle
22 Code:

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

.211961.3

underscoring material = new
~~[bracketed material] = delete~~

1 unloading;

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

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

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

12 E. "person" means every natural person, firm,
13 copartnership, association, corporation or other legal entity;

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

21 G. "placard" or "parking placard" means a card-like
22 device that identifies the vehicle as being currently in use to
23 transport a person with severe mobility impairment and issued
24 pursuant to Section 66-3-16 NMSA 1978 to be displayed inside a
25 motor vehicle so as to be readily visible to an observer

.211961.3

underscoring material = new
[bracketed material] = delete

1 outside the vehicle;

2 H. "platoon" means a series of motor vehicles that
3 are traveling in a unified manner by means of being connected
4 with wireless communications or other technology allowing for
5 coordinated movement;

6 [~~H.~~] I. "pneumatic tire" means every tire in which
7 compressed air is designed to support the load;

8 [~~I.~~] J. "pole trailer" means any vehicle without
9 motive power, designed to be drawn by another vehicle and
10 attached to the towing vehicle by means of a reach or pole or
11 by being boomed or otherwise secured to the towing vehicle and
12 ordinarily used for transporting long or irregularly shaped
13 loads such as poles, structures, pipes and structural members
14 capable, generally, of sustaining themselves as beams between
15 the supporting connections;

16 [~~J.~~] K. "police or peace officer" means every
17 officer authorized to direct or regulate traffic or to make
18 arrests for violations of the Motor Vehicle Code;

19 [~~K.~~] L. "private road or driveway" means every way
20 or place in private ownership used for vehicular travel by the
21 owner and those having express or implied permission from the
22 owner, but not other persons; and

23 [~~L.~~] M. "property owner" means the owner of a piece
24 of land or the agent of that property owner."

25 SECTION 5. Section 66-7-206 NMSA 1978 (being Laws 1953,

.211961.3

underscored material = new
[bracketed material] = delete

1 Chapter 139, Section 44, as amended) is amended to read:

2 "66-7-206. IMMEDIATE NOTICE OF ACCIDENTS.--The driver of
3 a vehicle or the autonomous motor vehicle operator, if
4 applicable, involved in an accident resulting in bodily injury
5 to or death of any person or property damage to an apparent
6 extent of five hundred dollars (\$500) or more shall
7 immediately, by the quickest means of communication, give
8 notice of the accident to the police department if the accident
9 occurs within a municipality; otherwise to the office of the
10 county sheriff or the nearest office of the New Mexico state
11 police. The driver of the vehicle or the autonomous motor
12 vehicle operator, if applicable, shall provide to the
13 investigating officer any and all information needed to
14 determine the cause of the accident. Vehicle manufacturers
15 shall cooperate with the investigation to the extent necessary
16 in determining the cause of the accident."

17 SECTION 6. A new section of the Motor Vehicle Code is
18 enacted to read:

19 "[NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--STANDARDS--
20 REPORTING--LOCAL REGULATION.--

21 A. Autonomous motor vehicles with any degree of
22 automation shall meet federal standards and regulations for a
23 motor vehicle. Additionally, a motor vehicle with any degree
24 of automation shall be capable of being operated in compliance
25 with applicable traffic and motor vehicle laws in New Mexico.

.211961.3

underscored material = new
[bracketed material] = delete

1 B. Autonomous motor vehicles with automated driving
2 systems that do not meet federal standards and regulations
3 regarding safety are considered "test vehicles", and
4 manufacturers of such vehicles must have demonstrated due
5 diligence in complying with the twelve safety assessment
6 elements included in the national highway traffic safety
7 administration's guidance for such vehicles. Additionally, the
8 use of test vehicles and the manner of testing shall be
9 reported to the taxation and revenue department, the department
10 of public safety and the department of transportation.

11 C. No political subdivision of the state may, by
12 ordinance, resolution or any other means, prohibit the use of
13 an autonomous motor vehicle within the jurisdictional
14 boundaries of the political subdivision solely on the basis of
15 the motor vehicle being equipped with an automated driving
16 system.

17 D. Vehicles within a driver-assisted platoon may
18 follow other connected vehicles within the same platoon closer
19 than permitted by Section 66-7-318 NMSA 1978."