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SENATE BILL 359

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

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO MOTOR VEHICLES; SETTING A MAXIMUM SPEED LIMIT FOR TRUCK TRACTORS ATTACHED TO A FREIGHT TRAILER; REQUIRING TRUCK TRACTORS ATTACHED TO A FREIGHT TRAILER TO DRIVE IN THE RIGHT-HAND LANE ON INTERSTATE HIGHWAYS.

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

SECTION 1. Section 66-7-301 NMSA 1978 (being Laws 1978, Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION.--

A. No person shall drive a vehicle on a highway at a speed greater than:

(1) fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;

(2) thirty miles per hour in a business or

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1 residence district;

2 (3) fifty-five miles per hour on a county
3 road, as defined in Section 66-7-304 NMSA 1978, without a
4 posted speed limit;

5 (4) sixty miles per hour if the vehicle is a
6 truck tractor attached to a freight trailer;

7 [~~4~~] (5) seventy-five miles per hour; and

8 [~~5~~] (6) the posted speed limit in
9 construction zones posted as double fine zones or other safety
10 zones posted as double fine zones as designated by the
11 department of transportation; provided that the posted speed
12 limit shall be determined by an engineering study performed by
13 the department of transportation.

14 B. In every event, speed shall be so controlled by
15 the driver as may be necessary:

16 (1) to avoid colliding with a person, vehicle
17 or other conveyance on or entering the highway;

18 (2) to comply with legal requirements as may
19 be established by the department of transportation or the New
20 Mexico state police division of the department of public safety
21 and the duty of all persons to use due care; and

22 (3) to protect workers in construction zones
23 posted as double fine zones or other safety zones posted as
24 double fine zones as designated by the department of
25 transportation.

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1 C. The speed limits set forth in Subsection A of
2 this section may be altered as authorized in Section 66-7-303
3 NMSA 1978."

4 SECTION 2. Section 66-7-303 NMSA 1978 (being Laws 1957,
5 Chapter 73, Section 2, as amended) is amended to read:

6 "66-7-303. ESTABLISHMENT OF SPEED ZONES.--

7 A. Whenever the secretary of [~~highway and~~]
8 transportation determines upon the basis of an engineering
9 survey and traffic investigation, a detailed report of which is
10 filed with the [~~traffic safety~~] bureau [~~of the state highway~~
11 ~~and transportation department~~], that any speed established by
12 law is greater or less than is reasonable or safe under the
13 conditions found to exist upon any part of a state highway, the
14 secretary of [~~highway and~~] transportation may declare the speed
15 limit for that part, and that speed limit shall be authorized
16 and effective when appropriate signs giving notice thereof are
17 erected at that particular part of the highway; provided that
18 no speed limit shall be declared greater than seventy-five
19 miles per hour or sixty miles per hour if the vehicle is a
20 truck tractor attached to a freight trailer. The declaration
21 of speed limits by the secretary of [~~highway and~~]
22 transportation shall not be considered rules for purposes of
23 the State Rules Act.

24 B. Whenever a local authority determines upon the
25 basis of an engineering survey and traffic investigation that

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1 any speed limit permitted under state law or local ordinance is
2 greater or less than is reasonable or safe under the conditions
3 found to exist upon any part of a highway within its
4 jurisdiction, it may declare a speed limit for that part, and
5 that speed limit shall be authorized and effective when
6 appropriate signs giving notice thereof are erected at that
7 particular part of the highway; provided that no speed limit
8 shall be declared greater than seventy-five miles per hour.

9 C. Engineering surveys and traffic investigations
10 made by local authorities shall be on a form approved by the
11 secretary of [~~highway and~~] transportation. If engineers are
12 not available to the local authorities, the [~~state highway and~~]
13 department of transportation [~~department~~] may make the surveys
14 and investigations for the local authorities.

15 D. Speed zones may be marked by a sign containing a
16 flashing yellow light and, when the light is in operation, the
17 speed limit, instructions or regulations on the sign are in
18 effect.

19 E. Alteration of speed limits on state highways by
20 local authorities is not effective until approved by the
21 secretary of [~~highway and~~] transportation.

22 F. The provisions of Subsections A and B of this
23 section shall not apply to changes of speed limit in
24 construction zones authorized pursuant to Section 66-7-303.1
25 NMSA 1978."

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SECTION 3. A new section of the Motor Vehicle Code is enacted to read:

"[NEW MATERIAL] TRUCK TRACTOR--RIGHT-HAND LANE TRAVEL REQUIRED.--A truck tractor attached to a freight trailer being operated on the interstate highway system shall drive in the right-hand lane except when overtaking another vehicle."