

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 334

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING A LAW ENFORCEMENT OFFICER
OR DEPARTMENT OF TRANSPORTATION EMPLOYEE TO MOVE A HAZARD.

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

SECTION 1. Section 66-3-852 NMSA 1978 (being Laws 1953,
Chapter 139, Section 158.1) is amended to read:

"66-3-852. STOPPED VEHICLES NOT TO INTERFERE WITH OTHER
TRAFFIC.--

A. No motor vehicle shall be stopped, parked or
left standing, whether attended or unattended, upon the
traveled portion of any highway outside of a business or
residence district when it is practicable to stop, park or
leave ~~[such]~~ the vehicle off the traveled portion of the
highway. In the event that conditions make it impracticable to
move ~~[such]~~ the motor vehicle from the traveled portion of the

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underscoring material = new
[bracketed material] = delete

1 highway, the driver shall make every effort to leave all
2 possible width of the highway opposite the standing vehicle for
3 the free passage of other vehicles, and ~~[he]~~ the driver shall
4 take care to provide a clear view of the standing vehicle as
5 far as possible to the front and rear.

6 B. When a law enforcement officer or department of
7 transportation employee finds a motor vehicle, vehicle, cargo
8 or debris, attended or unattended, standing upon any portion of
9 a roadway or a highway right of way in such a manner as to
10 constitute an immediate public safety hazard, the officer or
11 department of transportation employee may move the motor
12 vehicle, vehicle, cargo or debris off the roadway or move the
13 obstruction that constituted an immediate public safety hazard
14 within the highway right of way so the motor vehicle, vehicle,
15 cargo or debris is no longer an immediate public safety hazard.

16 C. The state, a county, a municipality or a law
17 enforcement officer, a department of transportation employee or
18 anyone acting under the direction of the officer or employee
19 shall not be liable for any damage to a motor vehicle, vehicle,
20 cargo or debris occasioned by the removal of the obstruction
21 that constituted an immediate public safety hazard.

22 D. As used in this section, "law enforcement
23 officer" means a state or municipal police officer, county
24 sheriff, deputy sheriff, public safety aide or other state
25 employee authorized by state law to enforce criminal statutes."

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