

HOUSE TRANSPORTATION AND PUBLIC WORKS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 176

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING CERTAIN MOTOR VEHICLES
TO BE EQUIPPED WITH MUDGUARD FLAPS; CREATING A PENALTY.

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

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

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

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

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

. 166153. 3

underscored material = new
[bracketed material] = delete

1 establishment;

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

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

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

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

18 G. "pickup truck" means a motor vehicle with four
19 wheels and an open bed or cargo area that may be covered with
20 a camper, camper shell, tarp, removable or opening lid or
21 similar structure;

22 [~~G-~~] H. "placard" or "parking placard" means a
23 card-like device that identifies the vehicle as being
24 currently in use to transport a person with severe mobility
25 impairment and issued pursuant to Section 66-3-16 NMSA 1978 to
. 166153. 3

1 be displayed inside a motor vehicle so as to be readily
2 visible to an observer outside the vehicle;

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

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

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

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

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

22 Section 2. Section 66-1-4.16 NMSA 1978 (being Laws 1990,
23 Chapter 120, Section 17, as amended) is amended to read:

24 "66-1-4.16. DEFINITIONS. --As used in the Motor Vehicle
25 Code:

. 166153. 3

1 A. "safety glazing materials" means glazing
2 materials constructed, treated or combined with other
3 materials to reduce substantially, in comparison with ordinary
4 sheet glass or plate glass, the likelihood of injury to
5 persons by objects from exterior sources or by these safety
6 glazing materials when they are cracked and broken;

7 B. "safety zone" means the area or space that is
8 officially set apart within a highway for the exclusive use of
9 pedestrians and that is protected or is so marked or indicated
10 by adequate signs as to be plainly visible at all times while
11 set apart as a safety zone;

12 C. "salvage vehicle" means a vehicle:

13 (1) other than a nonrepairable vehicle, of a
14 type subject to registration that has been wrecked, destroyed
15 or damaged excluding, pursuant to rules issued by the
16 department, hail damage, to the extent that the owner, leasing
17 company, financial institution or the insurance company that
18 insured or is responsible for repair of the vehicle considers
19 it uneconomical to repair the vehicle and that is subsequently
20 not repaired by or for the person who owned the vehicle at the
21 time of the event resulting in damage; or

22 (2) that was determined to be uneconomical to
23 repair and for which a total loss payment is made by an
24 insurer, whether or not the vehicle is subsequently repaired,
25 if, prior to or upon making payment to the claimant, the

underscored material = new
[bracketed material] = delete

1 insurer obtained the agreement of the claimant to the amount
2 of the total loss settlement and informed the claimant that,
3 pursuant to rules of the department, the title must be branded
4 and submitted to the department for issuance of a salvage
5 certificate of title for the vehicle;

6 D. "school bus" means a commercial motor vehicle
7 used to transport preprimary, primary or secondary school
8 students from home to school, from school to home or to and
9 from school-sponsored events, but not including a vehicle:

10 (1) operated by a common carrier, subject to
11 and meeting all requirements of the public regulation
12 commission, but not used exclusively for the transportation of
13 students;

14 (2) operated solely by a government-owned
15 transit authority, if the transit authority meets all safety
16 requirements of the public regulation commission but is not
17 used exclusively for the transportation of students; or

18 (3) operated as a per capita feeder as
19 defined in Section 22-16-6 NMSA 1978;

20 E. "seal" means the official seal of the taxation
21 and revenue department as designated by the secretary;

22 F. "secretary" means the secretary of taxation and
23 revenue, and, except for the purposes of Sections 66-2-3
24 and 66-2-12 NMSA 1978, also includes the deputy secretary and
25 any division director delegated by the secretary;

. 166153. 3

1 G. "semitrailer" means a vehicle without motive
2 power, other than a pole trailer, designed for carrying
3 persons or property and for being drawn by a motor vehicle and
4 so constructed that some significant part of its weight and
5 that of its load rests upon or is carried by another vehicle;

6 H. "sidewalk" means a portion of street between
7 the curb lines, or the lateral lines of a roadway, and the
8 adjacent property lines, intended for the use of pedestrians;

9 I. "slow-moving vehicle" means a vehicle that is
10 ordinarily moved, operated or driven at a speed less than
11 twenty-five miles per hour;

12 J. "solid tire" means every tire of rubber or
13 other resilient material that does not depend upon compressed
14 air for the support of the load;

15 K. "special mobile equipment" means a vehicle not
16 designed or used primarily for the transportation of persons
17 or property and incidentally operated or moved over the
18 highways, including but not limited to farm tractors, road
19 construction or maintenance machinery, ditch-digging
20 apparatus, well-boring apparatus and concrete mixers;

21 L. "specially constructed vehicle" means a vehicle
22 of a type required to be registered under the Motor Vehicle
23 Code not originally constructed under a distinctive name,
24 make, model or type by a generally recognized manufacturer of
25 vehicles and not materially altered from its original

1 construction;

2 M. "sport utility vehicle" means a motor vehicle
3 designed to carry ten or fewer persons that is constructed on
4 a truck chassis or that has special features for off-road use;

5 [~~M.~~] N. "state" means a state, territory or
6 possession of the United States, the District of Columbia or a
7 province of the Dominion of Canada;

8 [~~N.~~] O. "state highway" means a public highway
9 that has been designated as a state highway by the
10 legislature, the state transportation commission or the
11 secretary of transportation;

12 [~~O.~~] P. "stop", when required, means complete
13 cessation from movement;

14 [~~P.~~] Q. "stop, stopping or standing", when
15 prohibited, means any stopping or standing of a vehicle,
16 whether occupied or not, except when necessary to avoid
17 conflict with other traffic or in compliance with the
18 directions of a police officer or traffic-control sign or
19 signal;

20 [~~Q.~~] R. "street" or "highway" means a way or place
21 generally open to the use of the public as a matter of right
22 for the purpose of vehicular travel, even though it may be
23 temporarily closed or restricted for the purpose of
24 construction, maintenance, repair or reconstruction;

25 [~~R.~~] S. "subsequent offender" means a person who

. 166153. 3

1 was previously a first offender and who again, under state
2 law, federal law or a municipal ordinance or a tribal law, has
3 been adjudicated guilty of the charge of driving a motor
4 vehicle while under the influence of intoxicating liquor or
5 any drug that rendered the person incapable of safely driving
6 a motor vehicle, regardless of whether the person's sentence
7 was suspended or deferred; and

8 ~~[S.]~~ T. "suspension" means that a person's
9 driver's license and privilege to drive a motor vehicle on the
10 public highways are temporarily withdrawn. "

11 Section 3. A new section of the Motor Vehicle Code is
12 enacted to read:

13 "[NEW MATERIAL] MOTOR VEHICLES TO BE EQUIPPED WITH
14 MUDGUARD FLAPS. --

15 A. On and after July 1, 2007, every new truck,
16 pickup truck or sport utility vehicle sold or purchased in New
17 Mexico for operation on its streets and highways that has rear
18 tires larger than a tire with a service type "LT", a section
19 width of two hundred sixty-five millimeters, a sidewall aspect
20 ratio of seventy percent of the section width and a wheel
21 diameter rating of sixteen inches, or tires designed for off-
22 road use or use other than customary use on streets and
23 highways, shall be equipped by the seller with mudguard flaps
24 protecting the rear tires from ejecting material to the rear
25 of the truck, pickup truck or sport utility vehicle.

1 B. On and after July 1, 2012, a truck, pickup
2 truck or sport utility vehicle, other than a historic or
3 special interest vehicle or horseless carriage manufactured
4 before 1977, with tires the size or type described in
5 Subsection A of this section not otherwise equipped with
6 mudguard flaps as described in Subsection C of this section,
7 shall be equipped by the owner with mudguard flaps protecting
8 the rear tires from ejecting material to the rear of the
9 truck, pickup truck or sport utility vehicle.

10 C. The mudguard flaps required in Subsections A
11 and B of this section shall be:

12 (1) wide enough to cover the full tread width
13 of the tires being protected;

14 (2) installed as far to the rear of the motor
15 vehicle as practicable so that they extend from the underside
16 of the motor vehicle body in a vertical plane behind the rear
17 wheels to within eight inches of the ground; and

18 (3) constructed of a rigid material or a
19 flexible material that is of a sufficiently rigid character to
20 provide adequate protection when the motor vehicle is in
21 motion. "

22 Section 4. Section 66-8-116 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 524, as amended) is amended to read:

24 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
25 DEFINITION-- SCHEDULE OF ASSESSMENTS. --

. 166153. 3

underscored material = new
[bracketed material] = delete

1 A. As used in the Motor Vehicle Code, "penalty
2 assessment misdemeanor" means violation of any of the
3 following listed sections of the NMSA 1978 for which, except
4 as provided in Subsection D of this section, the listed
5 penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
ASSESSMENT		
Permitting unlicensed		
minor to drive	66- 5- 40	\$ 10. 00
Failure to obey sign	66- 7- 104	10. 00
Failure to obey signal	66- 7- 105	10. 00
Speeding	66- 7- 301	
(1) up to and including		
ten miles an hour		
over the speed limit		15. 00
(2) from eleven up to		
and including fifteen		
miles an hour		
over the speed limit		30. 00
(3) from sixteen up to		
and including twenty		
miles an hour over the		
speed limit		
65. 00		
(4) from twenty-one up to		

underscored material = new
[bracketed material] = delete

1	and including twenty-five		
2	miles an hour		
3	over the speed limit		100.00
4	(5) from twenty-six up to		
5	and including thirty		
6	miles an hour over the		
7	speed limit		
8	125.00		
9	(6) from thirty-one up to		
10	and including thirty-five		
11	miles an hour over the		
12	speed limit		
13	150.00		
14	(7) more than thirty-five		
15	miles an hour over the		
16	speed limit		
17	200.00		
18	Unfastened safety belt	66-7-372	25.00
19	Child not in restraint device		
20	or seat belt	66-7-369	25.00
21	Minimum speed	66-7-305	10.00
22	Speeding	66-7-306	15.00
23	Improper starting	66-7-324	10.00
24	Improper backing	66-7-354	10.00
25	Improper lane	66-7-308	10.00

. 166153. 3

underscored material = new
[bracketed material] = delete

HTPWC/HB 176

1	Improper lane	66- 7- 313	10. 00
2	Improper lane	66- 7- 316	10. 00
3	Improper lane	66- 7- 317	10. 00
4	Improper lane	66- 7- 319	10. 00
5	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
6	Improper passing	66- 7- 315	10. 00
7	Controlled access		
8	violation	66- 7- 320	10. 00
9	Controlled access		
10	violation	66- 7- 321	10. 00
11	Improper turning	66- 7- 322	10. 00
12	Improper turning	66- 7- 323	10. 00
13	Improper turning	66- 7- 325	10. 00
14	Following too closely	66- 7- 318	10. 00
15	Failure to yield	66- 7- 328 through 66- 7- 331	
16	10. 00		
17	Failure to yield	66- 7- 332	50. 00
18	Failure to yield	66- 7- 332. 1	25. 00
19	Pedestrian violation	66- 7- 333	10. 00
20	Pedestrian violation	66- 7- 340	10. 00
21	Failure to stop	66- 7- 342 and 66- 7- 344	
22		through 66- 7- 346	10. 00
23	Railroad- highway grade		
24	crossing violation	66- 7- 341 and 66- 7- 343	10. 00
25	Passing school bus	66- 7- 347	100. 00

. 166153. 3

1	Failure to signal	66- 7- 325 through 66- 7- 327	10. 00
2	Failure to secure load	66- 7- 407	100. 00
3	Operation without oversize-		
4	overweight permit	66- 7- 413	50. 00
5	Improper equipment	66- 3- 801	10. 00
6	Improper equipment	66- 3- 901	20. 00
7	Improper emergency		
8	signal	66- 3- 853 through 66- 3- 857	10. 00
9	Operation interference	66- 7- 357	5. 00
10	Littering	66- 7- 364	300. 00
11	Improper parking	66- 7- 349 through 66- 7- 352	
12		and 66- 7- 353	5. 00
13	Improper parking	66- 3- 852	5. 00
14	Failure to dim lights	66- 3- 831	10. 00
15	Riding in or towing		
16	occupied house trailer	66- 7- 366	5. 00
17	Improper opening of doors	66- 7- 367	5. 00
18	No slow-moving vehicle		
19	emblem or flashing		
20	amber light	66- 3- 887	5. 00
21	Open container - first		
22	violation	66- 8- 138	25. 00
23	<u>Failure by owner to equip</u>	<u>Subsection B of</u>	
24	<u>with mudguard flaps</u>	<u>Section 3 of this</u>	
25		<u>2007 act</u>	<u>30. 00.</u>

. 166153. 3

underscored material = new
 [bracketed material] = delete

