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HOUSE BILL 294

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Rick Miera

AN ACT

RELATING TO MOTOR VEHICLES; AUTHORIZING MEDIUM-SPEED VEHICLES,  
UNDER CERTAIN CONDITIONS, TO BE DRIVEN ON CERTAIN STREETS,  
ROADWAYS AND HIGHWAYS.

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

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

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

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

B. "manufactured home" means a movable or portable

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1 housing structure that exceeds either a width of eight feet or  
2 a length of forty feet, constructed to be towed on its own  
3 chassis and designed to be installed with or without a  
4 permanent foundation for human occupancy;

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

8 D. "manufacturer's certificate of origin" means a  
9 certification, on a form supplied by or approved by the  
10 department, signed by the manufacturer that the new vehicle or  
11 boat described in the certificate has been transferred to the  
12 New Mexico dealer or distributor named in the certificate or to  
13 a dealer duly licensed or recognized as such in another state,  
14 territory or possession of the United States and that such  
15 transfer is the first transfer of the vehicle or boat in  
16 ordinary trade and commerce;

17 E. "medium-speed vehicle" means a self-propelled  
18 electrically powered four-wheeled motor vehicle, whose speed  
19 attainable in one mile is more than thirty miles per hour but  
20 not more than forty miles per hour, that otherwise meets or  
21 exceeds federal regulations set forth in 49 C.F.R. 571.500 and  
22 that is equipped with:

23 (1) a roll cage and substantially  
24 crush-resistant body design;

25 (2) a three point seat belt system for the

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1 driver and each passenger seat as designated by the  
2 manufacturer;

3 (3) a fully enclosed passenger compartment  
4 with all glass conforming to federal safety glass requirements  
5 for motor vehicles, including an "A-1" one-fourth inch  
6 laminated safety glass windshield or its equivalent; and

7 (4) drive-train, engine and battery components  
8 mounted in a forward engine compartment that is in front of the  
9 occupant;

10 [~~E-~~] F. "moped" means a two-wheeled or  
11 three-wheeled vehicle with an automatic transmission and a  
12 motor having a piston displacement of less than fifty cubic  
13 centimeters, that is capable of propelling the vehicle at a  
14 maximum speed of not more than thirty miles an hour on level  
15 ground, at sea level;

16 [~~F-~~] G. "motorcycle" means every motor vehicle  
17 having a seat or saddle for the use of the rider and designed  
18 to travel on not more than three wheels in contact with the  
19 ground, excluding a tractor;

20 [~~G-~~] H. "motor home" means a camping body built on  
21 a self-propelled motor vehicle chassis so designed that seating  
22 for driver and passengers is within the body itself;

23 [~~H-~~] I. "motor vehicle" means every vehicle that is  
24 self-propelled and every vehicle that is propelled by electric  
25 power obtained from batteries or from overhead trolley wires,

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1 but not operated upon rails; but for the purposes of the  
2 Mandatory Financial Responsibility Act, "motor vehicle" does  
3 not include "special mobile equipment"; and

4 ~~[F.]~~ J. "motor vehicle insurance policy" means a  
5 policy of vehicle insurance that covers self-propelled vehicles  
6 of a kind required to be registered pursuant to New Mexico law  
7 for use on the public streets and highways. A "motor vehicle  
8 insurance policy":

9 (1) shall include:

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

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

16 (2) may include:

17 (a) physical damage coverage;  
18 (b) medical payments coverage; and  
19 (c) other coverages that the insured and  
20 the insurer agree to include within the policy."

21 Section 2. A new section of the Motor Vehicle Code is  
22 enacted to read:

23 "[NEW MATERIAL] MEDIUM-SPEED VEHICLE.--

24 A. A medium-speed vehicle shall be equipped with  
25 headlamps, stop lamps, front and rear turn signal lamps, tail

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1 lamps, reflex reflectors, a parking brake, at least one  
2 interior and one exterior rear-view mirror, a windshield,  
3 windshield wipers, a speedometer, an odometer, braking for each  
4 wheel, seat belts and a vehicle identification number.

5 B. A medium-speed vehicle, properly registered  
6 pursuant to the provisions of the Motor Vehicle Code, in  
7 compliance with the Mandatory Financial Responsibility Act and  
8 driven by an individual with a valid driver's license, may be  
9 operated on any street, roadway or highway under the  
10 jurisdiction of either the state or a local authority if the  
11 posted maximum speed limit is forty-five miles per hour or  
12 less; provided that a medium-speed vehicle may cross an  
13 intersection or permitted crossing point at any street, roadway  
14 or highway that has a posted maximum speed limit higher than  
15 forty-five miles per hour.

16 C. Medium-speed vehicles are exempt from the  
17 following provisions:

18 (1) the emblems or flashing lights requirement  
19 for slow-moving vehicles in Section 66-3-887 NMSA 1978;

20 (2) any requirement for vehicle emission  
21 inspections adopted by a local authority pursuant to Subsection  
22 C of Section 74-2-4 NMSA 1978; and

23 (3) the minimum motor displacement requirement  
24 of Paragraph (2) of Subsection A of Section 66-7-405 NMSA  
25 1978."

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