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HOUSE BILL 641

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

INTRODUCED BY

Janice E. Arnold-Jones

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING THE PEDESTRIAN SAFETY  
ENHANCEMENT ACT; REQUIRING CERTAIN MOTOR VEHICLES TO SIMULATE  
THE SOUND OF A MODERN INTERNAL COMBUSTION ENGINE.

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

Section 1. A new section of the Motor Vehicle Code is  
enacted to read:

"[NEW MATERIAL] SHORT TITLE.--This act may be cited as the  
"Pedestrian Safety Enhancement Act"."

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

"[NEW MATERIAL] FINDINGS AND PURPOSE.--

A. The legislature finds that:

(1) motor vehicles designed to provide the  
desirable benefits of reducing harmful pollutants and operating

1 with greater fuel efficiency include gasoline-electric hybrid  
2 and electric-only vehicles, and in the foreseeable future may  
3 include hydrogen fuel cell and other engine designs that rely  
4 on fuels and technologies other than the gasoline-powered  
5 internal combustion engine;

6 (2) these motor vehicle engine designs, as  
7 well as other potential designs, operate or are likely to  
8 operate with virtually no sound being produced by the motor  
9 vehicle;

10 (3) the total number of hybrid vehicles sold  
11 per year in this state is growing dramatically, and although  
12 the present number of hybrid vehicles constitutes a small  
13 overall percentage of vehicles, if this rate of growth  
14 persists, the number of hybrid vehicles will someday equal or  
15 exceed the number of internal combustion engine vehicles in  
16 this state;

17 (4) because visually impaired pedestrians  
18 cannot locate and evaluate traffic using their vision, they  
19 must listen to traffic to discern its speed, direction and  
20 other attributes in order to travel safely and independently;  
21 and other persons, including pedestrians who are not visually  
22 impaired, bicyclists, runners and small children, benefit from  
23 multi-sensory information available from vehicle traffic,  
24 including the sound of motor vehicle engines;

25 (5) when operating on their electric engines,

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1 hybrid motor vehicles sold in this state cannot be heard by  
2 visually impaired persons and others, rendering those vehicles  
3 extremely dangerous when driving on the street, emerging from  
4 driveways, moving through parking lots and in other situations  
5 where pedestrians and motor vehicles come into proximity with  
6 each other;

7 (6) failure of this state to take immediate  
8 action to ensure that visually impaired pedestrians can hear  
9 hybrid and other silent vehicles in all phases of their  
10 operation will lead to pedestrian injuries and fatalities; and

11 (7) injuries and fatalities are preventable  
12 through motor vehicle designs that take into account the  
13 multi-sensory nature of traffic detection and avoidance and  
14 that require motor vehicles to emit a minimum level of sound  
15 designed to alert all pedestrians, especially visually impaired  
16 pedestrians, to the presence of those vehicles.

17 B. The purpose of the Pedestrian Safety Enhancement  
18 Act is to establish a minimum sound level standard for all  
19 phases of motor vehicle operation, which is to be applicable to  
20 every new vehicle sold in this state and licensed for use on  
21 its public streets and roadways when sold and registered after  
22 a specified date."

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

25 "[NEW MATERIAL] TRAFFIC SAFETY BUREAU--RULES.--

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1           A. By July 1, 2010, the bureau shall promulgate  
2 rules establishing a minimum sound standard applicable to motor  
3 vehicles subject to registration in this state.

4           B. The standard promulgated shall have the  
5 following characteristics:

6                   (1) in all phases of operation, including  
7 times when a motor vehicle is at a full stop, the vehicle shall  
8 emit an omni-directional sound with similar spectral  
9 characteristics to those of a modern internal combustion  
10 engine; and

11                   (2) the sound shall vary in a way that is  
12 consistent with the sound of motor vehicles with combustion  
13 engines that indicate that the vehicle is idling, maintaining a  
14 constant speed, accelerating or decelerating.

15           C. The rules need not prescribe the apparatus,  
16 technology or method to be used by motor vehicle manufacturers  
17 to achieve the required minimum sound level.

18           D. When determining a minimum sound level, the  
19 bureau shall:

20                   (1) review all available research regarding  
21 the effect of traffic sounds on pedestrian safety; and

22                   (2) consult consumer groups representing  
23 individuals who are visually impaired, other pedestrians,  
24 cyclists and advocates for the safety of children."

25           Section 4. A new section of the Motor Vehicle Code is  
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1 enacted to read:

2 "[NEW MATERIAL] REQUIRED COMPLIANCE.--No later than July  
3 1, 2012, all new motor vehicles sold in this state subject to  
4 registration shall be in compliance with the bureau rules."

5 Section 5. A new section of the Motor Vehicle Code is  
6 enacted to read:

7 "[NEW MATERIAL] SAFETY INSPECTION--REGISTRATION.--  
8 Beginning on July 1, 2013, a motor vehicle safety inspection  
9 required in this state for registration shall include  
10 inspection of the sound-emitting components prescribed in the  
11 bureau rule to ensure that they are functioning properly in  
12 order to provide maximum safety to pedestrians in this state.  
13 Motor vehicles that fail to meet the minimum sound standard in  
14 the rule shall not be registered in this state."

15 Section 6. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2009.

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