

1 HOUSE BILL 270

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; ADDING DEFINITIONS TO THE MOTOR
12 VEHICLE CODE; PROVIDING FOR AUTONOMOUS MOTOR VEHICLES;
13 REQUIRING PERMITS; ALLOWING PLATOONING OF MOTOR VEHICLES.
14

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

16 SECTION 1. Section 66-1-4.1 NMSA 1978 (being Laws 1990,
17 Chapter 120, Section 2, as amended) is amended to read:

18 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
19 Code:

20 A. "abandoned vehicle" means a vehicle or motor
21 vehicle that has been determined by a New Mexico law
22 enforcement agency:

23 (1) to have been left unattended on either
24 public or private property for at least thirty days;

25 (2) not to have been reported stolen;

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1 (3) not to have been claimed by any person
2 asserting ownership; and

3 (4) not to have been shown by normal record-
4 checking procedures to be owned by any person;

5 B. "access aisle" means a space designed to allow a
6 person with a significant mobility limitation to safely exit
7 and enter a motor vehicle that is immediately adjacent to a
8 designated parking space for persons with significant mobility
9 limitation and that may be common to two such parking spaces of
10 at least sixty inches in width or, if the parking space is
11 designed for van accessibility, ninety-six inches in width, and
12 clearly marked and maintained with blue striping and, after
13 January 1, 2011, the words "NO PARKING" in capital letters,
14 each of which shall be at least one foot high and at least two
15 inches wide, placed at the rear of the access aisle so as to be
16 close to where an adjacent vehicle's rear tires would be
17 placed;

18 C. "actual empty weight" means the weight of a
19 vehicle without a load;

20 D. "additional place of business", for dealers and
21 auto recyclers, means locations in addition to an established
22 place of business as defined in Section 66-1-4.5 NMSA 1978 and
23 meeting all the requirements of an established place of
24 business, except Paragraph (5) of Subsection C of Section
25 66-1-4.5 NMSA 1978, but "additional place of business" does not

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1 mean a location used solely for storage and that is not used
2 for wrecking, dismantling, sale or resale of vehicles;

3 E. "alcoholic beverages" means any and all
4 distilled or rectified spirits, potable alcohol, brandy,
5 whiskey, rum, gin, aromatic bitters or any similar alcoholic
6 beverage, including all blended or fermented beverages,
7 dilutions or mixtures of one or more of the foregoing
8 containing more than one-half percent alcohol but excluding
9 medicinal bitters;

10 F. "authorized emergency vehicle" means any fire
11 department vehicle, police vehicle and ambulance and any
12 emergency vehicles of municipal departments or public utilities
13 that are designated or authorized as emergency vehicles by the
14 director of the New Mexico state police division of the
15 department of public safety or local authorities;

16 G. "autocycle" means a three-wheeled motorcycle on
17 which the driver and all passengers ride in a completely or
18 partially enclosed seating area and that is manufactured to
19 comply with all applicable federal standards, regulations and
20 laws and is equipped with:

- 21 (1) non-straddle seating;
- 22 (2) rollover protection;
- 23 (3) safety belts for all occupants;
- 24 (4) antilock brakes;
- 25 (5) a steering wheel; and

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1 (6) pedals; ~~and~~

2 H. "automated driving system" means the hardware
3 and software that are collectively capable of performing the
4 entire dynamic driving task on a sustained basis, regardless of
5 whether it is limited to a specific operational design domain;
6 "automated driving system" is used specifically to describe a
7 level three, four or five driving automation system as defined
8 in society of automotive engineers standard J3016, as published
9 in the Taxonomy and Definitions for Terms Related to Driving
10 Automation Systems for On-Road Motor Vehicles;

11 I. "autonomous commercial motor vehicle" means a
12 commercial motor vehicle, as defined in Subsection J of Section
13 66-1-4.3 NMSA 1978, that is being controlled by an automated
14 driving system;

15 J. "autonomous motor vehicle" means a motor vehicle
16 that is being controlled by an automated driving system;

17 K. "autonomous motor vehicle operator" means the
18 person who engages the automated driving system of an
19 autonomous motor vehicle or autonomous commercial motor vehicle
20 and is responsible for the safe movement of that motor vehicle.
21 The person may be the operator of the vehicle, an observer
22 within the vehicle or a person in a location remote from the
23 vehicle; and

24 ~~[H.]~~ L. "auto recycler" means a person engaged in
25 this state in an established business that includes acquiring
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1 vehicles that are required to be registered under the Motor
2 Vehicle Code for the purpose of dismantling, wrecking,
3 shredding, compacting, crushing or otherwise destroying
4 vehicles for reclaimable parts or scrap material to sell."

5 SECTION 2. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
6 Chapter 120, Section 5, as amended) is amended to read:

7 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
8 Code:

9 A. "day" means calendar day, unless otherwise
10 provided in the Motor Vehicle Code;

11 B. "dealer", except as specifically excluded, means
12 any person who sells or solicits or advertises the sale of new
13 or used motor vehicles, manufactured homes or trailers subject
14 to registration in this state; "dealer" does not include:

15 (1) receivers, trustees, administrators,
16 executors, guardians or other persons appointed by or acting
17 under judgment, decree or order of any court;

18 (2) public officers while performing their
19 duties as such officers;

20 (3) persons making casual sales of their own
21 vehicles;

22 (4) finance companies, banks and other lending
23 institutions making sales of repossessed vehicles; or

24 (5) licensed brokers under the Manufactured
25 Housing Act who, for a fee, commission or other valuable

1 consideration, engage in brokerage activities related to the
2 sale, exchange or lease purchase of pre-owned manufactured
3 homes on a site installed for a consumer;

4 C. "declared gross weight" means the maximum gross
5 vehicle weight or gross combination vehicle weight at which a
6 vehicle or combination will be operated during the registration
7 period, as declared by the registrant for registration and fee
8 purposes; the vehicle or combination shall have only one
9 declared gross weight for all operating considerations;

10 D. "department" means the taxation and revenue
11 department, the secretary of taxation and revenue or any
12 employee of the department exercising authority lawfully
13 delegated to that employee by the secretary;

14 E. "designated accessible parking space for persons
15 with significant mobility limitation" means any space,
16 including an access aisle, that is marked and reserved for the
17 parking of a passenger vehicle that carries registration plates
18 or a parking placard with the international symbol of access
19 issued in accordance with Section 66-3-16 NMSA 1978 and that is
20 designated by a conspicuously posted sign bearing the
21 international symbol of access and, if the parking space is
22 paved, by a clearly visible depiction of this symbol painted in
23 blue on the pavement of the space;

24 F. "director" means the secretary;

25 G. "disqualification" means a prohibition against

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1 driving a commercial motor vehicle;

2 H. "distinguishing number" means the number
3 assigned by the department to a vehicle whose identifying
4 number has been destroyed or obliterated or the number assigned
5 by the department to a vehicle that has never had an
6 identifying number;

7 I. "distributor" means a person who distributes or
8 sells new or used motor vehicles to dealers and who is not a
9 manufacturer;

10 J. "division", without further specification,
11 "division of motor vehicles" or "motor vehicle division" means
12 the department;

13 K. "driveaway-towaway operation" means an operation
14 in which any motor vehicle, new or used, is the item being
15 transported when one set or more of wheels of any such motor
16 vehicle is on the roadway during the course of transportation,
17 whether or not the motor vehicle furnishes the motive power;

18 L. "driver" means every person who drives or is in
19 actual physical control of a motor vehicle, including a
20 motorcycle, upon a highway, who is exercising control over or
21 steering a vehicle being towed by a motor vehicle or who
22 operates or is in actual physical control of an off-highway
23 motor vehicle; ~~and~~

24 M. "driver-assisted platoon" means a series of
25 motor vehicles platooning with a driver in the first vehicle;

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1 [M-] N. "driver's license" means any license,
2 permit or driving authorization card issued by a state or other
3 jurisdiction recognized under the laws of New Mexico pertaining
4 to the authorizing of persons to operate motor vehicles and
5 includes a REAL ID-compliant driver's license and a standard
6 driver's license; and

7 O. "dynamic driving task" means all of the
8 real-time operational and tactical functions required to
9 operate a vehicle in on-road traffic, excluding the strategic
10 functions such as trip scheduling and selection of destinations
11 and waypoints."

12 SECTION 3. Section 66-1-4.13 NMSA 1978 (being Laws 1990,
13 Chapter 120, Section 14) is amended to read:

14 "66-1-4.13. DEFINITIONS.--As used in the Motor Vehicle
15 Code:

16 A. "odometer" means a device for recording the
17 total mileage traveled by a vehicle from the vehicle's
18 manufacture and for so long as the vehicle is operable on the
19 highways;

20 B. "off-highway motor vehicle" means any motor
21 vehicle operated or used exclusively off the highways of this
22 state and that is not legally equipped for operation on the
23 highways of this state;

24 C. "official printout" means any record supplied by
25 the division or a similar agency or government entity that

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1 indicates the lienholders of record or owners of record of a
2 vehicle or motor vehicle registered within that government's
3 jurisdiction or indicates information about a driver's license
4 or identification card, including traffic violation history or
5 status;

6 D. "official traffic-control devices" means all
7 signs, signals, markings and devices [~~not inconsistent~~]
8 consistent with the Motor Vehicle Code placed or erected, by
9 authority of a public body or official having jurisdiction, for
10 the purpose of regulating, warning or guiding traffic;

11 E. "operational design domain" means the specific
12 conditions under which a given automated driving system or
13 feature of the system is designed to function;

14 [~~E.~~] F. "operator" means driver, as defined in
15 Section 66-1-4.4 NMSA 1978; and

16 [~~F.~~] G. "owner" means a person who holds the legal
17 title of a vehicle and may include a conservator, guardian,
18 personal representative, executor or similar fiduciary, or, in
19 the event that a vehicle is the subject of an agreement for
20 conditional sale or lease with the right of purchase upon
21 performance of the conditions stated in the agreement and with
22 an immediate right of possession vested in the conditional
23 vendee or lessee, or, in the event that a mortgagor of a
24 vehicle is entitled to possession, then such conditional vendee
25 or lessee or mortgagor."

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1 SECTION 4. Section 66-1-4.14 NMSA 1978 (being Laws 1990,
2 Chapter 120, Section 15, as amended) is amended to read:

3 "66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle
4 Code:

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

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

13 C. "parts car" means a motor vehicle generally in
14 nonoperable condition that is owned by a collector to furnish
15 parts that are usually nonobtainable from normal sources, thus
16 enabling a collector to preserve, restore and maintain a motor
17 vehicle of historic or special interest;

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

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

21 F. "personal information" means information that
22 identifies an individual, including an individual's photograph,
23 social security number, driver identification number, name,
24 address other than zip code, telephone number and medical or
25 disability information, but "personal information" does not

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1 include information on vehicles, vehicle ownership, vehicular
2 accidents, driving violations or driver status;

3 G. "placard" or "parking placard" means a card-like
4 device that identifies the vehicle as being currently in use to
5 transport a person with severe mobility impairment and issued
6 pursuant to Section 66-3-16 NMSA 1978 to be displayed inside a
7 motor vehicle so as to be readily visible to an observer
8 outside the vehicle;

9 H. "platoon" means a series of motor vehicles that
10 are traveling in a unified manner by means of being connected
11 with wireless communications or other technology allowing for
12 coordinated movement;

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

15 [~~F.~~] J. "pole trailer" means any vehicle without
16 motive power, designed to be drawn by another vehicle and
17 attached to the towing vehicle by means of a reach or pole or
18 by being boomed or otherwise secured to the towing vehicle and
19 ordinarily used for transporting long or irregularly shaped
20 loads such as poles, structures, pipes and structural members
21 capable, generally, of sustaining themselves as beams between
22 the supporting connections;

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

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

5 ~~[L-]~~ M. "property owner" means the owner of a piece
6 of land or the agent of that property owner."

7 SECTION 5. A new section of the Motor Vehicle Code,
8 Section 66-2-8.1 NMSA 1978, is enacted to read:

9 "66-2-8.1. [NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--
10 PERMITS--REQUIREMENTS.--

11 A. A person who wishes to drive or test an
12 autonomous motor vehicle or an autonomous commercial motor
13 vehicle on a public roadway in New Mexico shall first obtain a
14 permit to do so issued by the division.

15 B. The department of transportation shall
16 promulgate rules regarding the process for obtaining permits
17 required pursuant to Subsection A of this section and establish
18 minimum standards and requirements that shall be satisfied by
19 applicants before such permits may be issued."

20 SECTION 6. Section 66-7-206 NMSA 1978 (being Laws 1953,
21 Chapter 139, Section 44, as amended) is amended to read:

22 "66-7-206. IMMEDIATE NOTICE OF ACCIDENTS.--The driver of
23 a vehicle, the autonomous motor vehicle operator or the
24 autonomous commercial motor vehicle operator, if applicable,
25 involved in an accident resulting in bodily injury to or death

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1 of any person or property damage to an apparent extent of five
2 hundred dollars (\$500) or more shall immediately, by the
3 quickest means of communication, give notice of the accident to
4 the police department if the accident occurs within a
5 municipality; otherwise to the office of the county sheriff or
6 the nearest office of the New Mexico state police. The driver
7 of the vehicle, the autonomous motor vehicle operator or the
8 autonomous commercial motor vehicle operator, if applicable,
9 shall provide to the investigating officer any and all
10 information needed to determine the cause of the accident.
11 Vehicle manufacturers shall cooperate with the investigation to
12 the extent necessary in determining the cause of the accident."

13 SECTION 7. A new section of the Motor Vehicle Code is
14 enacted to read:

15 "[NEW MATERIAL] AUTONOMOUS MOTOR VEHICLES--STANDARDS--
16 REPORTING--LOCAL REGULATION.--

17 A. Autonomous motor vehicles and autonomous
18 commercial motor vehicles shall meet federal standards and
19 regulations for a motor vehicle. Additionally, autonomous
20 motor vehicles and autonomous commercial motor vehicles shall
21 be capable of being operated in compliance with applicable
22 traffic and motor vehicle laws in New Mexico.

23 B. No political subdivision of the state may, by
24 ordinance, resolution or any other means, prohibit the use of
25 an autonomous motor vehicle or autonomous commercial motor

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1 vehicle within the jurisdictional boundaries of the political
2 subdivision solely on the basis of the motor vehicle being
3 equipped with an automated driving system.

4 C. Vehicles within a driver-assisted platoon may
5 follow other connected vehicles within the same platoon closer
6 than permitted by Section 66-7-318 NMSA 1978."

7 SECTION 8. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is January 1, 2022.

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