

1 HOUSE BILL 113

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 David M. Gallegos

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8 FOR THE TRANSPORTATION INFRASTRUCTURE REVENUE SUBCOMMITTEE

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; AMENDING A SECTION OF THE MOTOR  
12 VEHICLE CODE TO REQUIRE DRIVERS TO MOVE OVER FOR STATIONARY  
13 VEHICLES WHEN IT IS REASONABLY SAFE TO DO SO.

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

16 SECTION 1. Section 66-7-332 NMSA 1978 (being Laws 1978,  
17 Chapter 35, Section 436, as amended) is amended to read:

18 "66-7-332. OPERATION OF VEHICLES ON APPROACH OF MOVING  
19 AUTHORIZED EMERGENCY VEHICLES--OPERATION OF VEHICLES [~~ON~~  
20 ~~APPROACH OF CERTAIN~~] APPROACHING STATIONARY VEHICLES.--

21 A. Upon the immediate approach of an authorized  
22 emergency vehicle displaying flashing emergency lights or when  
23 the driver is giving audible signal by siren, the driver of  
24 every other vehicle shall yield the right of way and shall  
25 immediately drive to a position parallel to, and as close as

.211338.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 possible to, the right-hand edge or curb of the roadway clear  
2 of any intersection and shall stop and remain in that position  
3 until the authorized emergency vehicle has passed, except when  
4 otherwise directed by a police officer.

5 B. Upon approaching a stationary [~~authorized~~  
6 ~~emergency~~] vehicle or a [~~recovery or repair~~] vehicle displaying  
7 flashing emergency or hazard lights, unless otherwise directed,  
8 the driver of a vehicle shall:

9 (1) if reasonably safe to do so, drive in  
10 a lane not adjacent to the stationary vehicle, decrease the  
11 speed of the vehicle to a speed that is reasonable and prudent  
12 under the circumstances and proceed with caution; or

13 (2) if it is not reasonably safe to drive  
14 in a lane not adjacent to the stationary vehicle, decrease the  
15 speed of the vehicle to a speed that is reasonable and prudent  
16 under the circumstances, proceed with caution and be prepared  
17 to stop.

18 C. This section shall not operate to relieve the  
19 driver of [~~an authorized emergency vehicle or the driver of any~~  
20 ~~other~~] a vehicle from the duty to drive and park with due  
21 regard for the safety of all persons using the highway."