

HOUSE BILL 334

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Greg Nibert

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING A LAW ENFORCEMENT OFFICER  
OR DEPARTMENT OF TRANSPORTATION EMPLOYEE TO MOVE A MOTOR  
VEHICLE OBSTRUCTING TRAFFIC.

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

**SECTION 1.** Section 66-3-852 NMSA 1978 (being Laws 1953,  
Chapter 139, Section 158.1) is amended to read:

"66-3-852. STOPPED VEHICLES NOT TO INTERFERE WITH OTHER  
TRAFFIC.--

A. No motor vehicle shall be stopped, parked or  
left standing, whether attended or unattended, upon the  
traveled portion of any highway outside of a business or  
residence district when it is practicable to stop, park or  
leave ~~such~~ the vehicle off the traveled portion of the  
highway. In the event that conditions make it impracticable to

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underscored material = new  
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underscored material = new  
[bracketed material] = delete

1 move [~~such~~] the motor vehicle from the traveled portion of the  
2 highway, the driver shall make every effort to leave all  
3 possible width of the highway opposite the standing vehicle for  
4 the free passage of other vehicles, and [~~he~~] the driver shall  
5 take care to provide a clear view of the standing vehicle as  
6 far as possible to the front and rear.

7 B. When a law enforcement officer or department of  
8 transportation employee finds a motor vehicle, vehicle, cargo  
9 or debris, attended or unattended, standing upon any portion of  
10 a highway right of way in such a manner as to constitute an  
11 obstruction to traffic or proper highway maintenance, the  
12 officer or department of transportation employee may move the  
13 motor vehicle, vehicle, cargo or debris off the highway.

14 C. The state, a county, a municipality or a law  
15 enforcement officer, a department of transportation employee or  
16 anyone acting under the direction of such officer or employee  
17 shall not be liable for any damage to a motor vehicle, vehicle,  
18 cargo or debris occasioned by the removal.

19 D. As used in this section, "law enforcement  
20 officer" means a state or municipal police officer, county  
21 sheriff, deputy sheriff, public safety aide or other state  
22 employee authorized by state law to enforce criminal statutes."