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HOUSE BILL 65

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Carl Trujillo

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING AND ENACTING SECTIONS OF THE MOTOR VEHICLE CODE TO DEFINE "AUTOCYCLE" AND PROVIDE FOR EXCEPTIONS TO ENDORSEMENT AND HELMET REQUIREMENTS FOR AUTOCYCLE OPERATION.

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] MOTORCYCLE ENDORSEMENT NOT REQUIRED FOR AUTOCYCLE OPERATION.--Autocycles shall be registered as motorcycles and proof of financial responsibility may characterize them as motorcycles, but a driver shall not be required to have a motorcycle endorsement to operate an autocycle."

SECTION 2. Section 66-1-4.1 NMSA 1978 (being Laws 1990, .197936.2

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1 Chapter 120, Section 2, as amended) is amended to read:

2 "66-1-4.1. DEFINITIONS.--As used in the Motor Vehicle
3 Code:

4 A. "abandoned vehicle" means a vehicle or motor
5 vehicle that has been determined by a New Mexico law
6 enforcement agency:

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

9 (2) not to have been reported stolen;

10 (3) not to have been claimed by any person
11 asserting ownership; and

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

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

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1 placed;

2 C. "actual empty weight" means the weight of a
3 vehicle without a load;

4 D. "additional place of business", for dealers and
5 auto recyclers, means locations in addition to an established
6 place of business as defined in Section 66-1-4.5 NMSA 1978 and
7 meeting all the requirements of an established place of
8 business, except Paragraph (5) of Subsection C of Section
9 66-1-4.5 NMSA 1978, but "additional place of business" does not
10 mean a location used solely for storage and that is not used
11 for wrecking, dismantling, sale or resale of vehicles;

12 E. "alcoholic beverages" means any and all
13 distilled or rectified spirits, potable alcohol, brandy,
14 whiskey, rum, gin, aromatic bitters or any similar alcoholic
15 beverage, including all blended or fermented beverages,
16 dilutions or mixtures of one or more of the foregoing
17 containing more than one-half percent alcohol but excluding
18 medicinal bitters;

19 F. "authorized emergency vehicle" means any fire
20 department vehicle, police vehicle and ambulance and any
21 emergency vehicles of municipal departments or public utilities
22 that are designated or authorized as emergency vehicles by the
23 director of the New Mexico state police division of the
24 department of public safety or local authorities; [~~and~~]

25 G. "autocycle" means a three-wheeled motorcycle on

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1 which the driver and all passengers ride in a completely
2 enclosed, tandem seating area, that is equipped with a roll
3 cage, safety belts for all occupants, airbag protection and
4 antilock brakes and that is designed to be controlled with a
5 steering wheel and pedals; and

6 H. "auto recycler" means a person engaged in this
7 state in an established business that includes acquiring
8 vehicles that are required to be registered under the Motor
9 Vehicle Code for the purpose of dismantling, wrecking,
10 shredding, compacting, crushing or otherwise destroying
11 vehicles for reclaimable parts or scrap material to sell."

12 SECTION 3. Section 66-1-4.11 NMSA 1978 (being Laws 1990,
13 Chapter 120, Section 12, as amended) is amended to read:

14 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
15 Code:

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

21 B. "manufactured home" means a movable or portable
22 housing structure that exceeds either a width of eight feet or
23 a length of forty feet, constructed to be towed on its own
24 chassis and designed to be installed with or without a
25 permanent foundation for human occupancy;

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

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

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

18 F. "motorcycle" means every motor vehicle having a
19 seat or saddle for the use of the rider and designed to travel
20 on not more than three wheels in contact with the ground,
21 including autocycles and excluding a tractor;

22 G. "motor home" means a camping body built on a
23 self-propelled motor vehicle chassis so designed that seating
24 for driver and passengers is within the body itself;

25 H. "motor vehicle" means every vehicle that is

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1 self-propelled and every vehicle that is propelled by electric
2 power obtained from batteries or from overhead trolley wires,
3 but not operated upon rails; but for the purposes of the
4 Mandatory Financial Responsibility Act, "motor vehicle" does
5 not include "special mobile equipment"; and

6 I. "motor vehicle insurance policy" means a policy
7 of vehicle insurance that covers self-propelled vehicles of a
8 kind required to be registered pursuant to New Mexico law for
9 use on the public streets and highways. A "motor vehicle
10 insurance policy":

11 (1) shall include:

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

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

18 (2) may include:

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

23 SECTION 4. Section 66-7-355 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 459, as amended) is amended to read:

25 "66-7-355. RIDING ON MOTORCYCLES.--

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1 A. A person operating a motorcycle, except for an
2 autocycle, shall ride only upon the permanent and regular seat
3 attached thereto, shall have [~~his~~] the person's feet upon the
4 footrests provided on the machine and shall not carry any other
5 person nor shall any other person ride on the motorcycle unless
6 it is designed to carry more than one person. If a motorcycle,
7 except for an autocycle, is designed to carry more than one
8 person, the passenger may ride upon the permanent and regular
9 seat if designed for two persons or upon another seat firmly
10 attached to the rear or side of the motorcycle. The passenger
11 shall have [~~his~~] the passenger's feet upon the footrests
12 attached for passenger use.

13 B. Any person operating a motorcycle, except for an
14 autocycle, not having a fixed windshield of a type approved by
15 regulation of the secretary shall wear an eye protective
16 device, which may be a faceshield attached to a safety helmet,
17 goggles or safety eyeglasses. All eye protective devices shall
18 be of a type approved by regulations promulgated by the
19 [~~director~~] secretary."

20 **SECTION 5.** Section 66-7-356 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 460, as amended) is amended to read:

22 "66-7-356. MANDATORY USE OF PROTECTIVE HELMETS.--

23 A. No person under the age of eighteen shall
24 operate a motorcycle, except for an autocycle, unless [~~he~~] the
25 person is wearing a safety helmet that is securely fastened on

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1 ~~[his]~~ the person's head in a normal manner as headgear and
2 ~~[meeting]~~ that meets the standards specified by the ~~[director]~~
3 secretary. The ~~[director]~~ secretary shall adopt rules and
4 regulations establishing standards covering the types of
5 helmets and the specifications therefor and shall establish and
6 maintain a list of approved helmets meeting the standards and
7 specifications of the ~~[director]~~ secretary. No dealer or
8 person who leases or rents motorcycles, except for an
9 autocycle, shall lease or rent a motorcycle to a person under
10 the age of eighteen unless the lessee or renter shows such
11 person a valid driver's license or permit and possesses the
12 safety equipment required of an operator who is under the age
13 of eighteen. No person shall carry any passenger under the age
14 of eighteen on any motorcycle, except for a autocycle, unless
15 the passenger is wearing a securely fastened safety helmet, as
16 specified in this section, meeting the standards specified by
17 the ~~[director]~~ secretary.

18 B. Failure to wear a safety helmet as required in
19 this section shall not constitute contributory negligence."