New Mexico
Uniform Traffic Ordinance
2010 Compilation

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New Mexico Municipal League
P.O. Box 846
Santa Fe, New Mexico 87504
(505) 982-5573 or 1-800-432-2036
www.nmml.org
ARTICLE VI

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12-6-1 SPEED REGULATIONS

12-6-1.1 BASIC RULE

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding street and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (*)

12-6-1.2 SPEED LIMITS

A. No person shall drive a vehicle on a street or detour at a speed greater than:

(1) fifteen (15) miles per hour on all streets when passing a school while children are going to, or leaving school, and when the school zone is properly posted:
(2) thirty (30) miles per hour in any business or residence district (66-7-301 NMSA 1978); or

(3) the lawfully posted speed limit when signs are erected giving notice of the speed limit. (*)

(4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the municipality or highway and transportation department, provided that the posted speed limit be determined by an engineering study performed by the state highway and transportation department.

B. In every event, speed shall be so controlled as may be necessary:

(1) to avoid colliding with any person, vehicle or other conveyance on, or entering, the street;

(2) to comply with legal requirements as may be established by the municipality, the state highway department or the New Mexico state police, and the duty of all persons to use due care; and

(3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the municipality or highway and transportation department. (66-7-301 NMSA 1978)

12-6-1.3 ESTABLISHMENT OF SPEED ZONES

A. Whenever the administrator determines, upon the basis of an engineering survey and traffic investigation, that any speed limit permitted under state law or local ordinance is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street within his jurisdiction, he may declare a speed limit for that part which is effective at times determined, when appropriate signs giving notice thereof are erected at the particular part of the street.

B. Alteration of speed limits on state highways by the administrator are not effective until approved by the state highway commission. (66-7-303 NMSA 1978)

C. The administrator shall adhere to and abide by all applicable state statutes in making his determination of speed limits in the municipality.

D. Whenever the administrator declares a speed limit, he shall submit a schedule of the speed limit to the police department, the municipal judge, the municipal clerk and the municipal attorney. (*)

E. Speed zones may be marked by a sign containing a flashing yellow light and, when the light is in operation, the speed limit, instructions or regulations on the sign are in effect.
F. The provisions of Subsection A of this section shall not apply to changes of speed limit in construction zones authorized pursuant to 12-6-1.3 G through K of this section.

G. When construction, repair or reconstruction of any street or highway is being done, the administrator or other governmental authority with jurisdiction over that street or highway is authorized to designate as a construction zone that portion of the street or highway where construction, reconstruction or repair is being done and to close the construction zone to traffic or to provide for a single lane of traffic on any two-lane or four-lane highway in the construction zone. (66-7-303.1 NMSA 1978)

H. The administrator or other governmental authority closing all or a portion of a street or highway or providing for a single lane of traffic on any two-lane or four-lane street or highway pursuant to Subsection G of this section shall erect or cause to be erected traffic-control devices or barricades to warn and notify the public of any change in speed limit and that such street or highway is closed or limited to a single lane of traffic. (66-7-303.1 NMSA 1978)

I. Every pedestrian or person who operates a vehicle on any street or highway shall obey all signs, signals, markings, flagmen or other traffic-control devices which are placed to regulate, control and guide traffic through a construction zone.

J. No person shall remove, change, modify, deface or alter any traffic-control device or barricade which has been erected on any street or highway pursuant to this section.

K. Any person who violates any provision of Subsection I or J of this section is guilty of a petty misdemeanor and upon conviction shall be sentenced in accordance with this code. (66-7-303.1 NMSA 1978)

12-6-1.4 REGULATION OF SPEED BY TRAFFIC SIGNALS

The administrator is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (*)

12-6-1.5 MINIMUM SPEED REGULATION

A. No person shall drive a motor vehicle at such slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with this ordinance.

B. Whenever the administrator determines on the basis of an engineering and traffic investigation that slow speeds on any part of a street consistently impede the normal and reasonable movement of traffic, the administrator may determine and declare a minimum speed limit below which no person shall drive a vehicle except when
necessary for safe operation or in compliance with this ordinance. (66-7-305 NMSA 1978)

C. Police officers may enforce this section by directions to drivers. In the event of apparent willful disobedience to this section and refusal to comply with directions of an officer in accordance herewith, the continued slow operation by a driver is a violation of this section. (*)

12-6-1.6 CHARGING VIOLATIONS

A. In every charge of violation of any speed regulation under this ordinance, the complaint and the uniform traffic citation shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. Provisions of this ordinance for maximum speed limitations shall not be construed to relieve the plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident. (66-7-307 NMSA 1978)

12-6-1.7 SPECIAL SPEED LIMITATIONS

A. Subject to the requirements of Section 12-10-1.15 E of this ordinance, no person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than a maximum of ten miles per hour. (66-7-306 NMSA 1978)

B. No person shall drive a vehicle over any bridge or other elevated structure constituting a part of a street at a speed which is greater than the maximum speed which can be maintained with safety to such bridge or structure, when such structure is signposted as provided in Section 66-7-306 (B) NMSA 1978.

12-6-2 DRIVING ON RIGHT SIDE OF STREET--OVERTAKING AND PASSING--USE OF STREET

12-6-2.1 DRIVE ON RIGHT SIDE OF STREET--EXCEPTIONS

A. Upon all streets of sufficient width, a vehicle shall be driven upon the right half of the street, and where practicable, entirely to the right of the center thereof, except as follows:

(1) when overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement (66-7-308 NMSA 1978);

(2) when an obstruction exists making it necessary to drive to the left of the center of the street, provided that any person driving to the left shall yield the right of way to all vehicles traveling in the proper direction on the unobstructed portion of the street (*);
(3) when the right half of the street is closed to traffic while under construction or repair (66-7-308 NMSA 1978)

(4) upon a street divided into three marked lanes for traffic under the rules applicable thereon; or

(5) upon a street designated and signposted for one-way traffic.

B. Upon all streets any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the street except when overtaking and passing another car proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway. (66-7-308 NMSA 1978)

C. Upon any street having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the street, except when authorized by official traffic-control devices designating certain lanes to the left side of the center of the street for use by traffic not otherwise permitted to use such lanes, or except as permitted under Subsection 12-6-2.1A(2). However, this section shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. (*)

12-6-2.2 PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION

Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and upon streets having width for not more than one (1) line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the street as nearly as possible. (66-7-309 NMSA 1978).

12-6-2.3 OVERTAKING A VEHICLE ON THE LEFT

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) the driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the street until safely clear of the overtaken vehicle; and

(2) except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. (66-7-310 NMSA 1978)

12-6-2.4 LIMITATIONS ON OVERTAKING ON THE LEFT

No vehicle shall be driven to the left side of the center of the street in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such
overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the street before coming within one hundred feet of any vehicle approaching from the opposite direction. (66-7-312 NMSA 1978)

12-6-2.5 **FURTHER LIMITATIONS ON DRIVING ON LEFT OF CENTER OF STREET**

A. No vehicle shall at any time be driven to the left side of the street under the following conditions:

   (1) when approaching the crest of a grade or upon a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

   (2) when approaching within one hundred feet of or traversing any intersection or railroad grade crossing; or

   (3) when the view is obstructed upon approaching within one hundred feet of any bridge, viaduct, or tunnel. (66-7-313 NMSA 1978)

B. The foregoing limitations shall not apply:

   (1) upon a one-way street;

   (2) under the conditions described in 12-6-2.1A(2); nor

   (3) to the driver of a vehicle turning left into or from an alley, private road or driveway. (*)

12-6-2.6 **WHEN OVERTAKING ON THE RIGHT IS PERMITTED**

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

   (1) when the vehicle overtaken is making or about to make a left turn;

   (2) upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or

   (3) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the street is free from obstructions and of sufficient width for two or more lines of moving vehicles.

B. The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such
movement be made by driving off the pavement or main-traveled portion of the street. (66-7-311 NMSA 1978)

12-6-2.7 NO PASSING ZONES AND RESTRICTIONS ON PASSING

A. The administrator may determine those portions of any street or highway under his jurisdiction where overtaking and passing or driving on the left of the street would be especially hazardous and may, by appropriate signs or markings on the street indicate the beginning and end of such zones. When the signs or markings are in place and clearly visible to an ordinarily observant person, every driver of a vehicle shall obey the direction thereof.

B. Where signs or markings are in place to define a no-passing zone as set forth in Subsection A of this section, no driver shall at any time drive on the left side of the street within the no-passing zone or on the left side of any pavement striping designed to mark the no-passing zone throughout its length. This section does not apply under the conditions described in Section 12-6-2.1A(3) or to the driver of a vehicle turning left into or from an alley, private road or driveway. (66-7-315 NMSA 1978)

C. When double yellow lines are painted on a pavement, no driver shall drive any vehicle across the lines except the driver of a vehicle turning left into or from an alley, private road or driveway.

D. No driver shall overtake and pass any other vehicle proceeding in the same direction in a school zone when the school zone signs are in place.

E. Whenever a vehicle is stopped at a marked crosswalk or an unmarked crosswalk at an intersection to permit a pedestrian to cross the street, the driver of the vehicle approaching from the rear shall not overtake and pass the stopped vehicle. (*)

12-6-2.8 AUTHORITY TO DESIGNATE ONE-WAY STREETS AND ALLEYS

A. The administrator may designate and sign streets and alleys as one-way streets and alleys. The designation shall be made only upon the basis of engineering and traffic investigation.

B. Signs indicating the direction of lawful traffic movement shall be placed at every intersection, where movement of traffic in the opposite direction is prohibited. No regulation as to one-way traffic shall be effective unless signs are in place indicating the direction of the flow of traffic.

C. The administrator shall maintain a schedule of all streets and alleys which have been established as one-way and shall provide copies of the schedule to the police department, municipal clerk, municipal judge and municipal attorney. (*)
12-6-2.9  **OBEEDIENCE TO SIGNS DESIGNATING ONE-WAY STREETS AND ALLEYS**

A. Upon those streets and parts of streets and in those alleys restricted to movement in one direction, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

B. Failure to comply with such signs is a violation of this ordinance. (*)

12-6-2.10  **ROTARY TRAFFIC ISLANDS.** A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (66-7-316 NMSA 1978)

12-6-2.11  **RESTRICTED DIRECTION OF MOVEMENT ON STREETS DURING CERTAIN PERIODS.**

A. The administrator may determine and designate streets, parts of streets or specific lanes upon which vehicular traffic shall proceed in one direction during one period of the day and the opposite direction during another period of the day. This designation shall be made only upon the basis of engineering and traffic investigation.

B. Appropriate markings, signs, barriers or other devices shall be placed to give notice of the restricted movement.

C. Signs may be placed temporarily designating lanes to be used by traffic moving in particular direction, regardless of the center line of the street. (*)

12-6-2.12  **DRIVING ON STREETS LANED FOR TRAFFIC**

Whenever any street has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety;

(2) upon a street which is divided into three lanes a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the street is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation;

(3) official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the street and drivers of vehicles shall obey the directions of every such sign (66-7-317 NMSA 1978); and
(4) official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device. (*)

12-6-2.13 FOLLOWING TOO CLOSELY

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

B. The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a street outside of a business or residence district shall not follow another motor truck or motor vehicle drawing another vehicle within three hundred (300) feet, except that this shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

C. Motor vehicles being driven upon any street outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall not follow the preceding vehicle closer than three hundred (300) feet. This provision shall not apply to funeral processions, nor shall it apply within or outside of a business or residence district to motor vehicle escort vehicles of a motor vehicle escort service, which may, if necessary to maintain the continuity of the escorted unit or units, precede or follow at a distance closer than three hundred (300) feet to the escorted unit or units. (66-7-318 NMSA 1978)

12-6-2.14 DRIVING ON DIVIDED STREETS

A. Whenever any street has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand segment of the divided street (66-7-319 NMSA 1978), unless directed or permitted to use another segment by official traffic-control devices or police officers. (*)

B. No vehicle shall be driven over, across, or within any such dividing space, barrier, or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority. (66-7-319 NMSA 1978)

C. Where recessed cut-outs are provided in dividers to facilitate left turns, all vehicles, except those having a turning radius precluding use of such recessed cut-outs, shall execute a left turn by occupying the recess or cut-out prior to entering the intersection. (*)

12-6-2.15 CONTROLLED ACCESS

No person shall drive a vehicle onto or from any controlled-access street except at such entrances and exits as are established by public authority. (66-7-320 NMSA 1978)
12-6-2.16  RESTRICTIONS ON USE OF CONTROLLED-ACCESS STREETS

A. No pedestrian, bicycle or other non-motorized traffic shall use any controlled-access street, but notwithstanding this provision, drivers of vehicles using the controlled-access street are not relieved of responsibility for exercising due care.

B. In addition to the provisions of paragraph A, the local governing body may, by ordinance, regulate or prohibit the use of any controlled-access street within its jurisdiction by any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic. (66-7-321 NMSA 1978)

C. No driver shall stop a vehicle upon any controlled-access street for the purpose of taking on or discharging passengers, freight or merchandise.

D. The administrator has the authority to erect and maintain official traffic-control devices on the controlled-access street on which the restrictions are applicable, and when such traffic-control devices are in place, no person shall disobey the restrictions stated on the devices. (66-7-321 NMSA 1978)

12-6-3  DESIGNATING STOP AND YIELD INTERSECTIONS

12-6-3.1  THROUGH STREETS DESIGNATED

A. The administrator, upon traffic and engineering study and investigation, may designate which streets shall be through streets.

B. A schedule of the through streets shall be prepared by the administrator with copies furnished to the police department, municipal clerk, municipal judge and municipal attorney. (*)

12-6-3.2  AUTHORITY TO ERECT STOP AND YIELD SIGNS AT THROUGH STREETS

A. Whenever the administrator designates and describes a through street, the city traffic engineer shall place and maintain a stop sign, or on the basis of an engineering and traffic investigation at any intersection a yield sign, on each and every street intersecting the through street unless traffic at any such intersection is controlled at all times by traffic-control signals.

B. However, at the intersection of two through streets or at the intersection of a through street and heavy traffic street not so designated, stop signs shall be erected at the approaches to both of said streets in a manner determined by the administrator upon the basis of an engineering and traffic study. (*)
12-6-3.3 **AUTHORITY TO ERECT STOP OR YIELD SIGNS AT OTHER INTERSECTIONS**

The administrator may determine and designate intersections other than through streets where particular hazards exist and determine:

(1) whether vehicles shall stop at one or more entrances to the intersection, in which event he shall have erected a stop sign at every place where a stop is required; or

(2) whether vehicles shall yield the right of way to vehicles on a different street at the intersection, in which event he shall have erected a yield sign at every place where obedience thereto is required. (*)

12-6-4 **RIGHT OF WAY**

12-6-4.1 **VEHICLE APPROACHING OR ENTERING INTERSECTION**

A. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different street.

B. When two vehicles enter an intersection from different streets at approximately the same time the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

C. The right of way rules declared in Subsections A and B are modified at through streets and otherwise as provided in this ordinance. (66-7-328 NMSA 1978)

D. The driver of a vehicle approaching or entering an interstate highway shall yield the right of way to the vehicles on the interstate highway. (*)

12-6-4.2 **VEHICLES TURNING LEFT AT INTERSECTION**

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by this ordinance, may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right of way to the vehicle making the left turn. (66-7-329 NMSA 1978)

12-6-4.3 **VEHICLE ENTERING STOP OR YIELD INTERSECTION**

A. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in this ordinance.

B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign
shall stop as required by Section 12-6-4.3(D) and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

C. The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and shall yield the right of way to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right of way. (66-7-330 NMSA 1978)

D. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop completely before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting street before entering the intersection.

E. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street. (66-7-345 NMSA 1978)

12-6-5 TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

12-6-5.1 REQUIRED POSITION AND METHOD OF TURNING AT INTERSECTION

The driver of a vehicle intending to turn at an intersection shall do so as follows:

A. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the street.

B. At any intersection where traffic is permitted to move in both directions on each street entering the intersection, an approach for a left turn, except where left-turn provisions are made, shall be made in that portion of the right half of the street nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the street being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

C. Upon a street with two (2) or more lanes for through traffic in each direction, where a center lane has been provided by distinctive pavement markings for the
use of vehicles turning left from both directions, no vehicle shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. Any maneuver other than a left turn from this center lane will be deemed a violation of this section.

D. A: any intersection where traffic is restricted to one (1) direction on one (1) or more of the streets, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the street being entered. (66-7-322 NMSA 1978)

E. No person shall drive across any private or public property, including but not limited to parking areas, driveways and service station areas, for the purpose of avoiding any traffic control device or sign. (*)

12-6-5.2 AUTHORITY TO PLACE DEVICES ALTERING NORMAL COURSE FOR TURNS

The administrator may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in Section 12-6-5.1 be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons or signs. (66-7-322 NMSA 1978)

12-6-5.3 AUTHORITY TO PLACE RESTRICTED TURN SIGNS

A. The administrator may determine those intersections at which drivers of vehicles shall not make a right, left or U-turn and shall place proper signs at the intersections.

B. The making of the turns may be prohibited between certain hours of the day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when the turns are permitted. (*)

12-6-5.4 OBEDIENCE TO NO-TURN SIGNS

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of the sign. (*)

12-6-5.5 LIMITATIONS ON TURNING AROUND

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless the movement can be made in safety and without interfering with other traffic. (*)
12-6-5.6   TURNING ON CURVE OR CREST OF GRADE PROHIBITED

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within one thousand feet. (66-7-323 NMSA 1978)

12-6-5.7   STARTING PARKED VEHICLE

A. No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety. (66-7-324 NMSA 1978)

B. No person shall move any parked vehicle without giving appropriate signals as prescribed in Sections 12-6-5.8 through 12-6-5.10. (*)

12-6-5.8   TURNING AND STOPPING MOVEMENTS AND REQUIRED SIGNALS

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the street as required in Section 12-6-5.1 or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a street unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal. (66-7-325 NMSA 1978)

D. The signals provided for in this section shall be used to indicate an intention to turn, change lanes or start from a parked position and shall not be flashed on one side only on a parked or disabled car or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. (*)

12-6-5.9   SIGNALS BY HAND AND ARM OR SIGNAL DEVICE

A. Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamp or lamps or mechanical signal device except as otherwise provided in Subsection B.

B. Any motor vehicle in use on a street shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the
distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (66-7-326 NMSA 1978)

12-6-5.10  METHOD OF GIVING HAND AND ARM SIGNALS

All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signal shall indicate as follows:

(1) left turn: hand and arm extended horizontally;

(2) right turn: hand and arm extended upward; and

(3) stop or decrease speed: hand and arm extended downward. (66-7-327 NMSA 1978)

12-6-6  STOPPING, STANDING AND PARKING

12-6-6.1  STOPPING, STANDING OR PARKING PROHIBITED IN SPECIFIED PLACES

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:

(1) on a sidewalk;

(2) in front of a public or private driveway;

(3) within an intersection;

(4) within fifteen feet of a fire hydrant;

(5) on a crosswalk;

(6) within twenty feet of a crosswalk at an intersection;

(7) within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a street;

(8) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless the traffic authority indicates a different length by signs or markings;

(9) within fifty feet of the nearest rail of a railroad crossing;
(10) within twenty feet of the driveway entrance to any fire station and
on the side of a street opposite the entrance to any fire station within seventy-five feet of
said entrance, when properly signposted;

(11) alongside or opposite any excavation or obstruction when stopping,
standing or parking would obstruct traffic;

(12) on the street side of any vehicle stopped or parked at the edge or
curb of a street;

(13) upon any bridge or other elevated structure upon a street or within a
street tunnel;

(14) at any place where official signs prohibit stopping (66-7-351
NMSA 1978);

(15) on any railroad track; or

(16) between a curb and sidewalk or between a curb or lateral line of a
roadway, and the adjacent property line. (*)

B. No person shall move a vehicle not lawfully under his control into any such
prohibited area or away from a curb such distance as is unlawful. (66-7-351 NMSA 1978)

C. The foregoing provisions may be modified by the administrator or his
designated representative upon the basis of an engineering and traffic investigation study
by the use of appropriate markings, signs or parking meters. (*)

12-6-6.2 ADDITIONAL PARKING REGULATIONS

A. Except as otherwise provided in this ordinance every vehicle stopped or
parked upon a street where there are adjacent curbs shall be so stopped or parked with the
right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand
curb. (66-7-352 NMSA 1978)

B. Except when otherwise provided in this ordinance, every vehicle stopped
or parked on a one-way street shall be so stopped or parked parallel to the curb or edge of
the street with its right-hand wheels within 18 inches of the right-hand curb or edge of the
street or its left-hand wheels within 18 inches of the left-hand curb or edge of the street.
(*)

12-6-6.3 STOPPED OR PARKED VEHICLES NOT TO INTERFERE WITH
OTHER TRAFFIC

No motor vehicle shall be stopped, parked, or left standing, whether attended or
unattended, upon the traveled portion of any street outside of a business or residence
district, when it is practicable to stop, park, or leave such vehicle off the traveled portion
of the street. In the event that conditions make it impracticable to move such motor
vehicle from the traveled portion of the street, the driver shall make every effort to leave
all possible width of the highway opposite the standing vehicle for the free passage of
other vehicles and he shall take care to provide a clear view of the standing vehicles as far
as possible to the front and rear. (66-3-852 NMSA 1978)

12-6-6.4 PARKING IN ALLEYS

No person shall park a vehicle within an alley in such a manner or under such conditions
as to leave available less than 10 feet of the width of the alley for the free movement of
vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such a
position as to block the driveway entrance to any abutting property. (*)

12-6-6.5 ALL-NIGHT PARKING PROHIBITED

No person shall park a vehicle on any street in a non-residential area for a period of time
longer than 30 minutes between the hours of 2:00 A.M. and 5:00 A.M. of any day, except
physicians on emergency calls. (*)

12-6-6.6 PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park a vehicle on any street for the principal purpose of:

(1) displaying the vehicle for sale; or

(2) washing, greasing or repairing the vehicle except repairs
necessitated by an emergency. (*)

12-6-6.7 PARKING ADJACENT TO SCHOOLS PROHIBITED

A. The administrator may erect signs indicating no parking on either or both
sides of any street adjacent to any school property when parking would, in his opinion,
interfere with traffic or create a hazardous situation.

B. When official signs are erected indicating no parking on either side of a
street adjacent to any school property as authorized in this section, no person shall park a
vehicle in any such designated place. (*)

12-6-6.8 PARKING PROHIBITED ON NARROW STREETS

A. The administrator may erect signs indicating no parking on any street when
the width of the street does not exceed 24 feet or no parking upon one side of a street as
indicated by such signs when the width of the street does not exceed 32 feet.

B. When official signs prohibiting parking are erected on narrow streets as
authorized in this section, no person shall park a vehicle on any such street in violation of
the sign. (*)
12-6-9 STANDING OR PARKING ON ONE-WAY STREETS

A. The administrator may erect signs on the left-hand side of any one-way street to prohibit the standing or parking of vehicles.

B. When such signs are in place, no person shall stand or park a vehicle on such left-hand side in violation of any such sign. (*)

12-6-10 STANDING OR PARKING ON DIVIDED STREETS

A. In the event a divided street includes two or more segments for vehicular traffic, and traffic is restricted to one direction on any such segment, no person shall stand or park a vehicle on the left-hand side of the one-way segment unless signs are erected to permit such standing or parking.

B. The administrator may determine where standing or parking may be permitted on the left-hand side of any such one-way portion of a divided street and to erect signs giving notice thereof. (*)

12-6-11 NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES

A. The administrator may determine and designate by proper signs, places at intervals not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.

B. When official signs are erected at hazardous or congested places as authorized in paragraph A, no person shall stop, stand or park a vehicle in any such designated place. (*)

12-6-12 STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

A. The provisions of this section prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this section imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.

C. The administrator may impose restrictions or prohibitions on standing, stopping or parking and they shall apply as follows:
(1) when signs are erected prohibiting parking at all times on certain streets, no person shall park a vehicle at any time upon any of the streets so designated;

(2) when signs are erected in each block giving notice that stopping, standing or parking is prohibited during certain hours on certain streets, no person shall stop, stand or park a vehicle between the hours specified on the sign on any day, except Sundays and public holidays, within the district or on any of the streets so designated; or

(3) when signs are erected in each block giving notice that parking time is limited on certain streets, no person shall park a vehicle for longer than the time indicated on such signs between the hours of 8:00 A.M. and 6:00 P.M. of any day, except Sundays and public holidays, within the district or on any of the streets so designated.

D. Whenever by this or any other ordinance of this municipality, any parking time limit is imposed or parking is prohibited on designated streets, it is the duty of the administrator to erect appropriate signs giving notice of the restrictions or limitations.

E. No regulation authorized in this section shall be effective unless signs giving notice of prohibitions or limitations are erected and in place at the time of any alleged offense. (*)

12-6-6.13 ANGLE PARKING AND PERMITS FOR LOADING OR UNLOADING AT AN ANGLE TO THE CURB

A. The administrator may determine upon what streets angle parking is permitted and shall mark or sign such streets:

(1) any designation of angle parking shall be made on the basis of engineering and traffic study and investigation; (*)

(2) the administrator may permit angle parking on any street, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or order entered in its minutes that the street is of sufficient width to permit angle parking without interfering with the free movement of traffic; (66-7-352 NMSA 1978)

(3) angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive on the left side of the street; and

(4) on those streets which have been signed or marked by the administrator for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the street indicated by signs or markings. (*)
B. The administrator may issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of the permit:

   (1) the permits may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to the permit holder the privilege stated in the permit and authorized in this ordinance; and

   (2) no permittee or other person shall violate any of the special terms or conditions of a permit. (*)

12-6-6.14 STOPPING, STANDING OR PARKING OUTSIDE OF BUSINESS OR RESIDENCE DISTRICTS

A. Upon any street outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park, or leave such vehicle off such part of said street, but in every event an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such street.

B. This section shall not apply to the driver of any vehicle which is disabled while on the paved or main-traveled portion of a street in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (66-7-349 NMSA 1978)

C. The state department of transportation, unless otherwise directed by an investigating police officer, or a police officer may remove or cause to be removed a vehicle or other obstruction from the paved or main-traveled part of a highway to the nearest place of safety if the vehicle or other obstruction obstructs traffic or poses a traffic hazard. (66-7-349 C NMSA 1978)

12-6-7 SPECIAL STOPS REQUIRED

12-6-7.1 EMERGING FROM ALLEY, BUILDING, DRIVEWAY OR PRIVATE ROAD

A. The driver of a vehicle within a business or residence district emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the street shall yield the right of way to all vehicles approaching on said street. (66-7-346 NMSA 1978)

B. The driver of a vehicle about to enter or cross a street from a private road or driveway shall yield the right of way to all vehicles approaching on said street. (66-7-331 NMSA 1978)
12-6-7.2 STOP WHEN TRAFFIC OBSTRUCTED

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed. (*)

12-6-7.3 STOPPING FOR SCHOOL BUS

A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the street, with special school bus signals in operation, for the purpose of receiving or discharging any school children, shall stop the vehicle at least ten feet before reaching the school bus and shall not proceed until the special school bus signals are turned off, the school bus resumes motion or until signaled by the driver to proceed.

B. Every bus used for the transportation of school children shall bear upon the front and rear thereof a plainly visible sign containing the words "School Bus" in letters not less than eight inches in height.

C. The driver of a vehicle upon a street with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled access street and the school bus is stopped in a loading zone which is a part of or adjacent to such street and where pedestrians are not permitted to cross the roadway. (66-7-347 NMSA 1978)

D. It is unlawful to operate any flashing warning signal light on any school bus on any street except when the school bus is stopped or is about to stop on a street for the purpose of permitting school children to board or alight from the school bus. (66-7-348 NMSA 1978)

12-6-7.4 OPERATION OF VEHICLE ON APPROACH OF MOVING AUTHORIZED EMERGENCY VEHICLE; OF ONCOMING VEHICLE--YIELD RIGHT OF WAY

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the street clear of any intersection and shall stop and remain in that position, until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. (66-7-332 NMSA 1978)

B. Upon approaching a stationary authorized emergency vehicle or a recovery or repair vehicle displaying flashing emergency or hazard lights, unless otherwise directed, the driver of the vehicle shall:
(1) if reasonably safe to do so, drive in a lane not adjacent to the stationary vehicle, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or

(2) if it is not reasonably safe to drive in a lane not adjacent to the stationary vehicle [is stopped], decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop. (66-7-332 NMSA 1978)

C. Upon the immediate approach of an oncoming vehicle overtaking or attempting to overtake a vehicle proceeding in the same direction, the driver of that vehicle shall yield the right of way and shall drive to a position to and as close as possible to the right hand edge or curb of the roadway and shall remain as close as possible to the right hand edge or curb of the roadway until the oncoming vehicle has passed. (66-7-332.1 NMSA 1978)

D. This section shall not operate to relieve the driver of an authorized emergency vehicle or the driver of any other vehicle from the duty to drive with due regard for the safety of all persons using the highway. (66-7-322 and 66-7-322.1 NMSA 1978)

12-6-7.5. RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--ALL DRIVERS

A. A person driving a vehicle approaching a railroad-highway grade crossing shall:

(1) obey traffic control devices, crossing gates or barriers or the directions of an enforcement official at the crossing;

(2) stop not more than fifty feet and not less than fifteen feet from the nearest rail of a crossing if:
   (a) a train is moving through or blocking the crossing;
   (b) a train is plainly visible and approaching the crossing within hazardous proximity to the crossing;
   (c) the sound of a train's warning signal can be heard; or
   (d) a traffic control device, crossing gate, barrier or light or an enforcement official signals the driver to stop; and

(3) proceed through the railroad-highway grade crossing only if it is safe to completely pass through the entire railroad-highway grade crossing without stopping.

B. A person shall not:

(1) drive a vehicle through, around or under a crossing gate or barrier at a railroad-highway grade crossing while the gate or barrier is closed or being opened or closed;

(2) drive onto the railroad-highway grade crossing and stop; or

(3) enter a crossing if the vehicle being driven has insufficient
undercarriage clearance to pass over the crossing.

C. The penalty assessment for violation of this section is included in the penalty assessment schedule.

12-6-7.6 ALL VEHICLES MUST STOP AT CERTAIN RAILROAD GRADE CROSSINGS

The administrator, with the approval of the state highway commission, may designate particularly dangerous highway grade crossings of railroads and erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care. (66-7-342 NMSA 1978)

12-6-7.7 RAILROAD-HIGHWAY GRADE CROSSING VIOLATIONS--CERTAIN VEHICLES REQUIRED TO ALWAYS STOP--EXCEPTIONS

A. Except as set forth in Subsection D of this section, a driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo, before entering a railroad-highway grade crossing, is required to stop no more than fifty feet and no less than fifteen feet from the nearest rail of the railroad.

B. While stopped, the driver shall:

1. look and listen in both directions along the track for an approaching train and for signals indicating that a train is approaching;
2. determine it is safe to proceed completely through the railroad-highway grade crossing before entering it; and
3. set the vehicle in a gear sufficiently low that gears will not need to be shifted before exiting the railroad-highway grade crossing.

C. A driver shall not shift gears while in a railroad-highway grade crossing.

D. A driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo is not required to stop at:

1. a railroad-highway grade crossing where a police officer directs traffic to proceed;
2. a railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;
3. a railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;
4. a railroad-highway grade crossing where use of the railroad has
been abandoned and there is a sign indicating that the railroad has been abandoned; or (5) an industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.

E. Penalties for violation of this section are included in the penalty assessment schedule. (66-7-343 NMSA 1978)

12-6-7.8 MOVING HEAVY EQUIPMENT AT RAILROAD GRADE CROSSINGS

A. No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a street, upon or across any tracks at a railroad grade crossing without first complying with this section.

B. Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time be given to such railroad to provide proper protection at such crossing.

C. Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

D. No such crossing shall be made when warning is given by automatic signal or crossing gates or flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction.

E. This section shall not apply to the normal movement of farm equipment in the regular course of farm operation. (66-7-344 NMSA 1978)

12-6-8 PASSENGER AND FREIGHT CURB LOADING ZONES

12-6-8.1 AUTHORITY TO DESIGNATE CURB LOADING ZONES

The administrator may determine the location of passenger and freight curb loading zones, and he shall place and maintain appropriate signs indicating the zones and stating the hours during which the provisions of sections 12-6-8.1 through 12-6-8.4 are applicable. (*)
12-6-8.2 PERMITS FOR CURB LOADING ZONES

A. The administrator shall not designate or sign any curb loading zone upon special request of any person unless the person makes application for a permit for the zone and for two signs to indicate the ends of each zone.

B. After the administrator has granted a permit and before signs and markings as may be necessary are installed, the applicant shall pay to the city treasurer a service fee of twenty-five dollars ($25) per 22-foot stall plus twenty-five cents ($ .25) per foot for additional space per year or fraction thereof.

C. The administrator may impose conditions and general regulations for the use of the signs and for reimbursement of the city for the value thereof in the event of loss or damage and their return in the event of misuse or upon expiration of permit.

D. Every permit shall expire at the end of each calendar year. (*)

12-6-8.3 STOPPING, STANDING OR PARKING IN PASSENGER CURB LOADING ZONES

No person shall stop, stand or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger curb loading zone during hours when the regulations applicable to the curb loading zone are effective and then only for a period not to exceed three minutes. (*)

12-6-8.4 STOPPING, STANDING OR PARKING IN FREIGHT CURB LOADING ZONES

A. No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading of materials in any place marked as a freight curb loading zone during hours when the provisions applicable to freight curb loading zones are in effect. In no case shall the stop for loading and unloading of material exceed 30 minutes.

B. The driver of a passenger vehicle may stop temporarily at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers, when such stopping does not interfere with any motor vehicle used for the transportation of materials which is waiting to enter or about to enter the zone. (*)

12-6-9 PUBLIC CARRIER STOPS AND STANDS

12-6-9.1 AUTHORITY TO DESIGNATE PUBLIC CARRIER STOPS AND STANDS

A. The administrator may establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public
streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public.

B. Every designated bus stop, bus stand, taxicab stand or other stand shall be designated by appropriate signs. (*)

12-6-9.2 FEES AND PERMITS FOR PUBLIC CARRIER STOPS AND STANDS

The following fees shall be charged to each person, firm or corporation for the use of taxicab stands, and permits for the stands shall expire at the end of each calendar year:

(1) one hundred dollars ($100.00) per year or fraction thereof for each stand located within the central business district; and

(2) twenty-five dollars ($25.00) per year or fraction thereof for each stall located in any area outside the central business district. (*)

12-6-9.3 STOPPING, STANDING AND PARKING OF BUSES AND TAXICABS REGULATED

The stopping, standing and parking of buses and taxicabs is regulated as follows:

A. The operator of a bus shall not stand or park the vehicle on any street at any place other than a bus stand so designated as provided in this ordinance.

B. The operator of a bus shall not stop the vehicle on any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in cases of emergency.

C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of the vehicle not farther than 18 inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

D. The operator of a taxicab shall not stand or park the vehicle upon any street at any place other than in a taxicab stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers. (*)

12-6-9.4 RESTRICTED USE OF BUS AND TAXICAB STANDS

A. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed.
B. However, the driver of a passenger vehicle may temporarily stop in a bus stop or taxicab stand for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (*)

12-6-10 SCHOOL CROSSINGS

A. Crosswalks may be established over streets abutting a school or the grounds adjacent thereto, and all children crossing the streets shall be required to do so within the marked crosswalks. The administrator, with advice of the local superintendent of schools, shall establish and mark, or cause to be marked, these street crossings.

B. Crosswalks over streets not abutting on school grounds may be established by the administrator, with advice of the local superintendent of schools and after adequate assurance has been given that proper safety precautions, pursuant to regulations of the administrator, will be maintained at the crossings by the school authorities to enforce their use by children.

C. At all school crossings except as provided in this section, appropriate signs shall be provided as prescribed by the administrator indicating the crossings and regulating traffic movement within the school zones.

D. School crossings are not required to be specifically posted when they are located:

(1) at a signalized intersection;
(2) at an intersection where traffic is controlled by a stop sign; or
(3) at a point where a pedestrian tunnel or overhead crossing is provided. (66-7-336 NMSA 1978)

12-6-11 EXCESSIVE SIZE AND WEIGHT, SLOW-MOVING AND HAZARDOUS VEHICLES

12-6-11.1 PERMIT FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES

A. The department and local highway authorities may, in their discretion, upon application in writing and good cause being shown, issue a special permit in writing authorizing the applicant to operate or move a vehicle or load of a size or weight exceeding the maximum specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on any highway under the jurisdiction of the state transportation commission or local authorities. Except for the movement of manufactured homes, a permit may be granted, in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year, and the permit shall contain the route to be traversed, the type of load to be transported and any other restrictions or conditions deemed necessary by the body granting the permit. In every
other case, the permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit shall be carried in the vehicle to which it refers and shall be opened for inspection by any peace officer. It is a misdemeanor for any person to violate any of the conditions or terms of the special permit.

B. The department shall charge and collect, when the movement consists of any load of a width of twenty feet or greater for a distance of five miles or more, the sum of three hundred dollars ($300) a day or fraction thereof to defray the cost of state or local police escort. The permit issued and the fee charged shall be based upon the entire movement at one time requiring police escort and not upon the number of vehicles involved.

C. The department shall promulgate regulations in accordance with the State Rules Act pertaining to safety practices, liability insurance and equipment for escort vehicles provided by the motor carrier himself and for escort vehicles provided by a private business in this state.

(1) If a motor carrier provides his own escort vehicles and personnel, the department shall not charge an escort fee but shall provide the motor carrier escort personnel with a copy of applicable regulations and shall inspect the escort vehicles for the safety equipment required by the regulations. If the escort vehicles and personnel meet the requirements set forth in the regulations and if the motor carrier holds a valid certificate of public convenience and necessity or permit, as applicable, issued pursuant to Chapter 65, Article 2 NMSA 1978, the department shall issue the special permit.

(2) If the escort service is a private business, the business shall have applied to the public regulation commission for and been issued a permit or certificate to operate as a contract or common motor carrier pursuant to Chapter 65, Article 2 NMSA 1978. The public regulation commission shall supply copies of applicable regulations to the business by mail and shall supply additional copies upon request. If the escort vehicles and personnel meet the requirements set forth in the regulations and if the escort service holds a certificate, the special permit shall be issued and the department shall not charge an escort fee.

(3) The movement of vehicles upon the highways of this state requiring a special permit and required to use an escort of the type noted in Paragraphs (1) and (2) of this subsection is subject to department authority and inspection at all times.

(4) The state transportation department shall conduct engineering investigations and engineering inspections to determine which four-lane highways are safe for the operation or movement of manufactured homes without an escort. After making that determination, the state transportation department shall hold public hearings in the area of the state affected by the determination, after which it may adopt regulations designating those four-lane highways as being safe for the operation or movement of manufactured homes without an escort. If any portion of such a four-lane highway lies within the boundaries of a municipality, the state highway and transportation department,
after obtaining the approval of the municipal governing body, shall include such portions in its regulations.

D. Except for the movement of manufactured homes, special permits may be issued for a single vehicle or combination of vehicles by the department for a period not to exceed one year for a fee of sixty dollars ($60). The permits may allow excessive height, length and width for a vehicle or combination of vehicles or load thereon and may include a provision for excessive weight if the operation is to be within the vicinity of a municipality. Utility service vehicles, operating with special permits pursuant to this subsection, shall be exempt from prohibitions or restrictions relating to hours or days of operation or restrictions on movement because of poor weather conditions. (66-7-413 D NMSA 1978)

E. Special permits for a single trip for a vehicle or combination of vehicles or load thereon of excessive weight, width, length and height may be issued for a single vehicle for a fee of fifteen dollars ($15).

F. If the vehicle for which a permit is issued under this section is a manufactured home, the department or local highway authority issuing the permit shall furnish the following information to the property tax division of the department, which shall forward the information:

1. to the county assessor of any county from which a manufactured home is being moved, the date the permit was issued, the location being moved from, the location being moved to if within the same county, the name of the owner of the manufactured home and the identification and registration numbers of the manufactured home;

2. to the county assessor of any county in this state to which a manufactured home is being moved, the date the permit was issued, the location being moved from, the location being moved to, the name of the owner of the manufactured home and the registration and identification numbers of the manufactured home; and

3. to the owner of a manufactured home having a destination in this state, notification that the information required in Paragraphs (1) and (2) of this subsection is being given to the respective county assessors and that manufactured homes are subject to property tax.

G. Except as provided in Subsection H of this section, if the movement of a manufactured home originates in this state, no permit shall be issued under Subsection F of this section until the owner of the manufactured home or his authorized agent obtains and presents to the department proof that a certificate has been issued by the county assessor or treasurer of the county in which the manufactured home movement originates showing that either:
(1) all property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid, except for manufactured homes located on an Indian reservation; or

(2) no liability for property taxes on the manufactured home exists for the current tax year or any past tax years, except for manufactured homes located on an Indian reservation.

H. The movement of a manufactured home from the lot or business location of a manufactured home dealer to its destination designated by an owner-purchaser is not subject to the requirements of Subsection G of this section if the manufactured home movement originates from the lot or business location of the dealer and the manufactured home was part of his inventory prior to the sale to the owner-purchaser; however, the movement of a manufactured home by a dealer or his authorized agent as a result of a sale or trade-in from a nondealer-owner is subject to the requirements of Subsection G of this section whether the destination is the business location of a dealer or some other destination.

I. No permit shall be issued under this section for movement of a manufactured home whose width exceeds eighteen feet with no more than a six-inch roof overhang on the left side or twelve inches on the right side in addition to the eighteen-foot width of the manufactured home. Manufactured homes exceeding the limitations of this section shall only be moved on dollies placed on the front and the rear of the structure.

J. The secretary may by regulation provide for movers of manufactured homes to self-issue permits for certain sizes of manufactured homes over specific routes; however, in no case may the cost of each permit be less than fifteen dollars ($15.00).

K. The secretary may provide by regulation for dealers of implements of husbandry to self-issue permits for the movement of certain sizes of implements of husbandry from the lot or business location of the dealer over specific routes with specific escort requirements, if necessary, to a destination designated by an owner-purchaser or for purposes of a working demonstration on the property of a proposed owner-purchaser. The department shall charge a fee for each self-issued permit not to exceed fifteen dollars ($15.00).

L. Any private motor carrier requesting an oversize or overweight permit shall provide proof of insurance in at least the following amounts:

(1) bodily injury liability, providing:

(a) fifty thousand dollars ($50,000) for each person; and

(b) one hundred thousand dollars ($100,000) for each accident; and
(2) property damage liability, providing twenty-five thousand dollars ($25,000) for each accident.

M. Any common motor carrier requesting an oversize permit shall produce a copy of a form "e" or other acceptable evidence that the common motor carrier maintains the insurance minimums prescribed by the public regulation commission. (66-7-413 NMSA 1978)

N. Farm carriers, as defined in Sections 65-2-82 and 65-1-116 NMSA 1978, may transport loads up to twelve feet in width on highways that are not national network highways without acquiring permits or escorts only if the load consists of hay tied in bales over five feet in either length or width and the load is not transported for any distance greater than fifty miles; provided that the farm carriers display a sign across the front and rear stating "WIDE LOAD" in large visible letters. (66-7-413.1 NMSA 1978)

O. No permit or fee required under this section is necessary for implements of husbandry, including farm tractors and farm trailers when not more than two such farm trailers are towed in tandem, being moved during daylight hours within a county or an adjacent county for a total distance, one way, of not more than fifty miles on any highway:

(1) crossing the farm property of the owner; or

(2) running between separate farm property of the owner. Any person responsible for the movement of implements of husbandry under the provisions of this section shall comply with all safety precautions set forth in this ordinance and in regulations of the state highway commission. (66-7-414 NMSA 1978)

12-6-11.2 SLOW-MOVING VEHICLE IDENTIFICATION

A. As used in this section, "slow-moving vehicle" means any vehicle which is ordinarily moved, operated or driven at a speed less than twenty-five miles an hour.

B. Each slow-moving vehicle moved, operated or driven on a highway which is open for vehicular travel shall display a slow-moving vehicle emblem or flashing amber light as required by Section 66-3-887 NMSA 1978.

C. Use of the emblem is confined to slow-moving vehicles, and its use on any other type of vehicle or on any stationary object is prohibited. This section does not prohibit the use on slow-moving vehicles of red flags or lawful lighting devices in addition to the slow-moving vehicle emblem.

D. No person shall sell, lease, rent or operate any slow-moving vehicle unless the slow-moving vehicle is equipped with a slow-moving vehicle emblem. (66-3-887 NMSA 1978)
12-6-11.3 ESCORT TO BE FURNISHED FOR MOVEMENT OF HAZARDOUS VEHICLES

A. When, in the judgment of the administrator, the movement of any vehicle is deemed a hazard to traffic upon a street over which the vehicle is to travel, the granting of permission for the movement thereof may be conditioned upon a special escort accompanying the hazardous vehicle.

B. The special police car escort to safeguard traffic during the movement of the hazardous vehicle shall conform to the provisions of Section 66-7-314 NMSA 1978. (66-7-314 NMSA 1978)

12-6-12 DRIVING REGULATIONS AND OFFENSES

12-6-12.1 OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; CHEMICAL TESTING; OFFICER TO FILE STATEMENT; IMMEDIATE LICENSE REVOCATION

A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this municipality.

B. It is unlawful for:

(1) a person to drive a vehicle in this state if the person has an alcohol concentration of eight one-hundredths or more in the person’s blood or breath within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle; or

(2) a person to drive a commercial motor vehicle in this state if the person has an alcohol concentration of four one hundredths or more in the person’s blood or breath within three hours of driving the commercial motor vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle.

C. It is unlawful for a person who is under the influence of any drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this municipality. The fact that any person charged with a violation of this subsection is or has been entitled to use such drug under the laws of this state is not a defense against the charge.

D. Aggravated driving while under the influence of intoxicating liquor or drugs consists of a person who:

1) drives a vehicle in this state and has an alcohol concentration of sixteen one-hundredths or more in the person’s blood or breath within
three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle;

(2) has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or

(3) refused to submit to chemical testing, as provided for in the Implied Consent Act (66-8-105 to 66-8-112 NMSA 1978), and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs. (66-8-102 NMSA 1978).

E. Any person who operates a motor vehicle within this municipality shall be deemed to have given consent, subject to the provisions of the Implied Consent Act, to chemical tests of his breath or blood or both, approved by the scientific laboratory division of the Department of Health pursuant to the provision of Section 24-1-22 NMSA 1978 as determined by a law enforcement officer, or for the purpose of determining the drug or alcoholic content of his blood, if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or any drug. (66-8-107 NMSA 1978)

F. A test of blood or breath or both, approved by the scientific laboratory division of the department of health pursuant to Section 24-1-22 NMSA 1978, shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this municipality, while under the influence of intoxicating liquor or drug. (66-8-107 NMSA 1978)

G. Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by Section 12-6-12.1E, and the test or tests designated by the law enforcement officer may be administered. (66-8-108 NMSA 1978)

H. Only the persons authorized by Section 66-8-103 NMSA 1978 shall withdraw blood from any person for the purpose of determining its drug or alcoholic content. This limitation does not apply to the taking of samples of breath.

I. The person tested shall be advised by the law enforcement officer of the person's right to be given an opportunity to arrange for a physician, licensed professional or practical nurse, or laboratory technician or technologist who is employed by a hospital or physician, of his own choosing to perform a chemical test in addition to any test performed at the direction of a law enforcement officer.

J. Upon the request of the person tested, full information concerning the test or tests performed at the direction of the law enforcement officer shall be made available to him as soon as it is available from the person performing the test.
K. The law enforcement agency represented by the law enforcement officer at whose direction the chemical test is performed shall pay for the chemical test.

L. If a person exercises his right under Subsection I to have a chemical test performed upon him by a person of his own choosing, then the cost of that test shall be paid by the law enforcement agency represented by the law enforcement officer at whose direction a chemical test was administered under Subsection E. (66-8-109 NMSA 1978)

M. The results of a test performed pursuant to the Implied Consent Act may be introduced into evidence in any civil action or criminal action arising out of the acts alleged to have been committed by the person tested for driving a motor vehicle while under the influence of intoxicating liquor or drug.

N. When the blood or breath of the person tested contains:

(1) an alcohol concentration of less than four one-hundredths or less, it shall be presumed that the person was not under the influence of intoxicating liquor;

(2) an alcohol concentration of at least four one-hundredths but less than eight one-hundredths, no presumption shall be made that the person either was or was not under the influence of intoxicating liquor unless the person is driving a commercial vehicle and the amount of alcohol in the person's blood or breath may be considered with other competent evidence in determining whether or not the person was under the influence of intoxicating liquor;

(3) an alcohol concentration of eight one-hundredths or more, the arresting officer shall charge him with a violation of this section; or

(4) an alcohol concentration of four one-hundredths or more and the person is driving a commercial vehicle, it shall be presumed that the person is under the influence of intoxicating liquor. (66-8-110 NMSA 1978)

O. If the test performed pursuant to the Implied Consent Act is administered more than three hours after the person was driving a vehicle, the test result may be introduced as evidence of the alcohol concentration in the person's blood or breath at the time of the test and the trier of fact shall determine what weight to give the test result for the purpose of determining a violation of Sec. 12-6-12.1. (66-8-110 NMSA 1978)

P. The determination of alcohol concentration shall be based on the grams of alcohol in one hundred milliliters of blood or the grams of alcohol in two hundred ten liters of breath.

Q. The presumptions in Subsection N of this section do not limit the introduction of other competent evidence concerning whether or not a person was under the influence of intoxicating liquor. (66-8-110 NMSA 1978)
R. Nothing in this section is intended to authorize any police officer, or any judicial or probation officer, to make any arrest or to direct the performance of a blood-alcohol test, except in the performance of his official duties and as otherwise authorized by law. (66-8-104 NMSA 1978)

S. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 12-6-12.1 E and F, none shall be administered, except when a municipal judge, magistrate or district judge issues a search warrant authorizing chemical tests as provided in Section 12-6-12.1 E and F, upon his finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of intoxicating alcohol or drug thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of intoxicating alcohol or drug and that chemical tests as provided in Section 12-6-12.1 E and F will produce material evidence in a felony prosecution. (66-8-111 NMSA 1978)

T. If a law enforcement officer has reasonable grounds to believe that a person arrested for violation of Subsections A, B, C or D of this section had been driving a motor vehicle within this municipality while under the influence of intoxicating liquor or drug and that upon his request, the person refused to submit to a chemical test, after being advised that failure to submit could result in revocation of his privilege to drive, then the law enforcement officer shall transmit to the director a statement signed under penalty of perjury stating what such reasonable grounds were and stating that the person refused to submit to a chemical test after being advised of the consequences of such refusal.

U. On behalf of the director, a law enforcement officer requesting a chemical test or directing the administration of a chemical test pursuant to Section 12-6-12.1 E and F shall serve immediate written notice of revocation and of right to a hearing on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of eight one-hundredths or more if the person is twenty-one years of age or older, four one-hundredths or more if the person is driving a commercial vehicle or two one-hundredths or more if the person is less than twenty-one years of age. Upon serving notice of revocation, the law enforcement officer shall take the license or permit of the driver, if any, and issue a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the department issues the order following that hearing; provided that a temporary license shall not be issued to a driver without a valid license or permit. The law enforcement officer shall send the person's driver's license to the director along with the signed statement required pursuant to Subsection S of this section. (66-8-111.1 NMSA 1978)
12-6-12.2 OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES; SENTENCING; FEES Amended June, 2010

A. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor or drug (12-6-12.1A through D) the trial judge shall be required to inquire into the past driving record of the person before sentence is entered in the matter. (66-8-110 NMSA 1978)

B. When a person is charged with a violation of 12-6-12.1A through D, any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea of guilty to violation 12-6-12.1A, B, C or D and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized if:

(1) the results of a test performed pursuant to the Implied Consent Act discloses that the blood of the person charged contains an alcohol concentration of eight one-hundredths or more; (66-8-102 NMSA 1978 as amended)

(2) four one-hundredths or more if the person is driving a commercial vehicle; or

(3) the defendant has refused to submit to a chemical test or tests of his breath or blood. (66-8-102 NMSA 1978)

C. A person under first conviction pursuant to this section shall be punished by imprisonment for not more than ninety days or by a fine of not more than nine hundred ninety-nine dollars ($999.00), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. Upon a first conviction pursuant to this section, an offender shall be sentenced to not less than twenty-four hours of community service. In addition, the offender may be required to pay a fine of three hundred dollars ($300.00). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection F of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school," approved by the traffic safety bureau of the state transportation department and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or fails to comply with any other condition of parole, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Any jail sentence imposed pursuant to this section for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving while under the influence of intoxicating liquor or drugs shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, time spent in jail for the offense prior to the conviction for that offense shall be credited to any to any term of imprisonment fixed by
the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

D. A second or third conviction pursuant to this section shall be punished by imprisonment for not more than one hundred seventy-nine days or by a fine of not more than nine hundred ninety-nine dollars ($999.00), or both; provided that if the sentence is suspended in whole or part, the period of probation may extend beyond one hundred seventy-nine days but shall not exceed one year. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

1. upon a second conviction, each offender shall be sentenced to a jail term of not less than ninety-six consecutive hours, not less than forty-eight hours of community service and a fine of five hundred dollars ($500.00). In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than ninety-six consecutive hours. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional seven consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement; and

2. upon a third conviction, an offender shall be sentenced to a jail term of not less than thirty consecutive days, not less than ninety-six hours of community service and a fine of nine hundred ninety-nine dollars ($999.00). In addition to those penalties, when an offender commits aggravated driving under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than sixty consecutive days. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

E. Fourth and subsequent offenses shall be prosecuted under state law in magistrate or district court. (66-8-102 NMSA 1978)

F. Upon any conviction pursuant to this section, an offender shall be required to participate in and complete, with a time specified by the court, an alcohol or drug abuse screening program approved by the Department of Finance and Administration and if necessary, a treatment program approved by the court. The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

G. Upon a second or third conviction pursuant to this section, an offender shall be required to participate in and complete, within a time specified by the court:

1. not less than a twenty-eight-day inpatient, residential or in-custody substance abuse program approved by the court;
2. not less than a ninety-day outpatient treatment program approved by the court;

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(3) a drug court program approved by the court; or
(4) any other substance abuse treatment approved by the court.
The requirement imposed pursuant to this section shall not be suspended, deferred or
taken under advisement. (66-8-102 NMSA 1978)

H. Upon a conviction pursuant to section 12-6-12.1, an offender shall
be required to obtain an ignition interlock license and have an ignition interlock device
installed and operating on all motor vehicles driven by the offender, pursuant to rules
adopted by the Traffic Safety Bureau of the Department of Transportation. Unless
determined by the Traffic Safety Bureau to be indigent, the offender shall pay all costs
associated with having an ignition interlock device installed on the appropriate motor
vehicles. The offender shall operate only those vehicles equipped with ignition interlock
devices for:

(1) a period of one year, for a first offender;
(2) a period of two years, for a second conviction pursuant to this
section;
(3) a period of three years, for a third conviction pursuant to this
section; or
(4) the remainder of the offender’s life, for a fourth or subsequent
conviction pursuant to this section.

I. A person who is issued an ignition interlock license and operates a
vehicle that is not equipped with an ignition interlock device is driving with a license that
was revoked for driving under the influence of intoxicating liquor or drugs or a violation
of the Implied Consent Act and may be subject to the penalties provided in section 12-6-
12.6.

J. A person who is issued an ignition interlock license and who
knowingly and deliberately tampers or interferes or causes another to tamper or interfere
with the proper and intended operation of an ignition interlock device may be subject to
the penalties for driving with a license that was revoked for driving under the influence of
intoxicating liquor or drugs or a violation of the Implied Consent Act as provided in
Section 12-6-12.6. (66-5-504 NMSA 1978)

K. Five years from the date of conviction and every five years
thereafter, a fourth or subsequent offender may apply to a district court for removal of the
ignition interlock device requirement provided in this section and for restoration of a
driver’s license. A district court may, for good cause shown, remove the ignition interlock
device requirement and order restoration of the license; provided that the offender has not
been subsequently convicted of driving a motor vehicle while under the influence of
intoxicating liquor or drugs. Good cause may include an alcohol screening and proof
from the interlock vendor that the person has not had violations of the interlock device.
(66-8-102 NMSA 1978)
L. An offender who obtains an ignition interlock license and installs an ignition interlock device prior to conviction shall be given credit at sentencing for the time period the ignition interlock device has been in use. (66-8-102 NMSA 1978)

M. Except as otherwise prohibited in this section, a municipal judge may suspend in whole or in part the execution of sentence or place the defendant on probation for a period not exceeding one year on terms and conditions that municipal judge deems best, or both, or defer sentence. If the municipal judge decides to defer the execution of a sentence, such deferral shall be granted only as allowed in Subsection N of this section. A suspension of execution of sentence or probation, or both, as allowed pursuant to this section, shall be granted only when the municipal judge is satisfied it will serve the ends of justice and of the public, and that the defendant's liability for any fine or other punishment imposed is fully discharged upon successful completion of the terms and conditions of probation.

N. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of 12-6-12.1A, B, C or D, a first offender, at the discretion of a trial court after a presentence investigation, including an inquiry to the motor vehicle division of the transportation department concerning the driver's driving record, may receive a deferred sentence on the condition that the driver attend a driver rehabilitation program, also known as the "driving-while-intoxicated-school," approved by the court and the division and such other rehabilitative services as the court may determine to be necessary; however, imposition of a deferred sentence shall classify the person as a first offender. The municipal court shall forward to the division the abstract of all proceedings and the report of the disposition of the case. For the purpose of this subsection, marijuana, as defined in the Controlled Substance Act, shall be classified as a drug. (*)

O. A person convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of 12-6-12.1A, B, C or D shall be assessed, in addition to any other fee or fine, a fee of eighty-five dollars ($85.00) to defray the cost of chemical and other tests used to determine the influence of alcohol or drugs. Additionally, the person shall be assessed a fee of seventy-five dollars ($75.00) to fund comprehensive community programs for the prevention of driving while under the influence of intoxicating liquor or drugs or for other traffic safety purposes. The municipal court shall collect the fees and maintain the fees in separate funds and transfer the fees along with other funds collected by the court per 35-14-7 NMSA 1978. The municipality shall maintain the fees pursuant to this subsection in separate funds and transfer the fees collected pursuant to this subsection to the administrative office of the courts for credit to the crime laboratory fund and the traffic safety fund. (31-12-7 through 31-12-9 NMSA 1978)

P. With respect to this section and notwithstanding any provision of law to the contrary, if an offender's sentence was suspended or deferred in whole or in part and the offender violates any condition of probation, the court may impose any sentence that the court could have originally imposed and credit shall not be given for time served by the offender on probation. (66-8-102 NMSA 1978)
Q. As used in this section and in 12-6-12.1:

(1) "bodily injury" means an injury to a person not likely to cause death or great bodily harm to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body; and

(2) "conviction" means adjudication of guilt and does not include imposition of a sentence.

(3) "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

   (a) has a gross combination weight rating of more than twenty-six thousand pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds;

   (b) has a gross vehicle weight rating of more than twenty-six thousand pounds;

   (c) is designed to transport sixteen or more passengers, including the driver; or

   (d) is of any size and is used in the transportation of hazardous materials, which requires the motor vehicle to be placarded under applicable law.

R. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory, or possession of the United States or of a tribe where that ordinance is equivalent to New Mexico law for driving while under the influence of intoxicating liquor or drugs, prescribing penalties for driving while under the influence of intoxicating liquor or drugs shall be deemed to be a conviction pursuant to this section for purposes of determining whether a conviction is a second or subsequent conviction. (66-8-102. NMSA 1978)

S. A law enforcement officer making an arrest for a violation of the provisions of 12-6-12.2 or of similar municipal or county ordinances shall use standard arrest reports and procedures developed and approved by the Department of Public Safety in accordance with Section 8 of Laws of 2005, Chapter 269.

12-6-12.3 DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE

A. Driving while intoxicated with a minor in the vehicle consists of a person committing a violation of Section 66-8-102 NMSA 1978 when a minor is in the vehicle and when the minor does not suffer great bodily harm or death. Whoever commits driving while intoxicated with a minor in the vehicle is guilty of a misdemeanor.
B. A charge for a violation of Subsection A of this section shall be in addition to a charge for the violation of Section 66-8-102 NMSA 1978 and shall be punished as a separate offense.

C. As used in this section, "minor" means an individual who is younger than thirteen years of age.

12-6-12.4 RECKLESS DRIVING

A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

B. Every person convicted of reckless driving shall be punished:

(1) Upon a first conviction by imprisonment for not less than five days nor more than ninety days, or by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00), or both; and

(2) On a second or subsequent conviction by imprisonment for not less than ten days nor more than ninety days, or by a fine of not less than fifty dollars ($50.00) nor more than three hundred dollars ($300.00), or both. (66-8-113 NMSA, 1978)

12-6-12.5 CARELESS DRIVING

A. Any person operating a vehicle on the street shall give his full time and entire attention to the operation of the vehicle.

B. Any person who operates a vehicle in a careless, inattentive or imprudent manner, without due regard for the width, grade curves, corners, traffic, weather and road conditions and all other attendant circumstances is guilty of careless driving. (66-8-114 NMSA 1978)

12-6-12.6 OPERATORS AND CHAUFFEURS MUST BE LICENSED

A. Except those expressly exempted by Section 66-5-4 NMSA 1978, no person shall drive any motor vehicle or moped upon a street in this municipality unless he holds a valid license issued under the provisions of the New Mexico Motor Vehicle Code.

B. Any person licensed under the provisions of the New Mexico Motor Vehicle Code, or expressly exempted from licensure, may exercise the privilege granted upon all streets and highways in this municipality. (66-5-2 NMSA 1978)
C. No person, whether a resident or non-resident of the State of New Mexico, shall operate a motor vehicle or moped upon a street in this municipality in violation of any restrictions with respect to the type of, or special mechanical devices required on, a motor vehicle which the licensee may operate or any other restrictions applicable to the licensee. (*)

D. Every licensee shall have the licensee’s driver's license in the licensee’s immediate possession at all times when operating a motor vehicle or moped, and shall display the license upon demand of a magistrate or police officer or a field deputy or inspector of the division. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor; however, a person charged with violating this section shall not be convicted if the person produces in court a driver's license issued to the person and valid at the time of the person’s citation his arrest. (66-5-16 NMSA 1978)

12-6-12.7 UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO SO HAS BEEN SUSPENDED OR REVOKED

No person shall:

A.

(1) display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit;

(2) lend his driver's license or permit to any other person or knowingly permit the use thereof by another;

(3) display or represent as one's own any driver's license or permit not issued to him;

(4) fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked or canceled;

(5) permit any unlawful use of driver's license or permit issued to him; (66-5-37 NMSA 1978)

(6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended and who knows or should have known that his the persons license was suspended. Upon conviction, the person shall maybe punished by imprisonment for not less than four days Pursuant to Subsection B of Section 66-8-7 NMSA 1978 or for no more than ninety days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than five hundred dollars ($500.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Any municipal ordinance prohibiting driving with a suspended license shall provide penalties no less stringent than provided in this section. (66-5-39 NMSA 1978)
(7) drive a motor vehicle on a highway of this state at a time when
the person’s privilege to do so is revoked and who knows or should have known that the
person’s license was revoked is guilty of a misdemeanor and shall be charged with a
violation of this section. Upon conviction, the person shall be punished, notwithstanding
the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days
or more than ninety days or by participation for an equivalent period of time in a certified
alternative sentencing program, and there may be imposed in addition a fine of not more
than $500. When a person pays any or all of the cost of participating in a certified
alternative sentencing program, the court may apply that payment as a deduction to any
fine imposed by the court; and

(8) notwithstanding any other provision of law for suspension or
derer of execution of a sentence, if the person’s privilege to drive was revoked for
driving under the influence of intoxicating liquor or drugs or a violation of the Implied
Consent Act, upon conviction shall be punished by imprisonment for not less than seven
consecutive days and shall be fined not less than three hundred dollars ($300) and not
more than five hundred dollars ($500) and the fine and imprisonment shall not be
suspended, deferred or taken under advisement. No other disposition by plea of guilty to
any other charge in satisfaction of a charge under this section shall be authorized if the
person’s privilege to drive was revoked for driving under the influence of intoxicating
liquor or drugs or a violation of the Implied Consent Act. (66-5-39.1 NMSA 1978)

B. In addition to any other penalties imposed pursuant to the
provisions of this section, when a person is convicted pursuant to the provisions of this
section, or a municipal ordinance that prohibits driving on a suspended license, the motor
vehicle the person was driving shall be immobilized by an immobilization device for
thirty days, unless immobilization of the motor vehicle poses an imminent danger to the
health, safety or employment of the convicted person’s immediate family or the family of
the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing
the motor vehicle. (66-5-39.1 NMSA 1978)

12-6-12.8 DRIVING WHILE LICENSE ADMINISTRATIVELY SUSPENDED

A. The division may issue an administrative suspension of the instruction permit,
driver’s license or provisional license of a driver without preliminary hearing upon
a showing by its records or other sufficient evidence, including information
provided to the state pursuant to an intergovernmental agreement authorized by
Section 66-5-27.1 NMSA 1978, that the license has failed to:

(1) Fulfill a signed promise to appear or notice to appear in court as evidenced
by notice from a state court or tribal court, whenever appearance is
required by law or by the court as a consequence of a charge or conviction
under the Motor Vehicle Code of pursuant to the laws of the tribe:

(2) Pay a penalty assessment within thirty days of the date of issuance by the
state or a tribe; or

(3) Comply with the terms of a citation issued in a foreign jurisdiction that is a
party to the Nonresident Violator Compact and that has notified the
department of the failure in accordance with the Nonresident Violator
Compact.
B. If a person whose license was issued by a jurisdiction outside New Mexico that is a party to the Nonresident Violator Compact fails to comply with the terms of a citation issued in New Mexico, the department shall notify that other jurisdiction of the failure and that jurisdiction shall initiate a license suspension action in accordance with the provisions of Article IV of the Nonresident Violator Compact

12-6-12.9 FLEEING OR ATTEMPTING TO ELUDE A POLICE OFFICER

No driver of a motor vehicle shall willfully fail or refuse to bring his vehicle to a stop, or otherwise flee or attempt to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop.

A. The signal given by the police officer may be by hand, voice, emergency light or siren.

B. The officer giving the signal shall be in uniform, prominently displaying his badge of office, and his vehicle shall be appropriately marked showing it to be an official police vehicle. (*)

12-6-12.8 UNATTENDED MOTOR VEHICLE

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key, and effectively setting the brake, or placing the transmission in parking position, thereon and, when standing upon any grade, turning the front wheels in such a manner that the vehicle will be held by the curb or will leave the street if the brake fails. (66-7-353 NMSA 1978)

12-6-12.9 LIMITATIONS ON BACKING

A. The driver of a vehicle shall not back it:

(1) unless the movement can be made with reasonable safety and without interfering with other traffic;

(2) upon any shoulder or roadway of any controlled-access street, or upon the exit or entry road of any controlled-access street; (66-7-354 NMSA 1978)

(3) into an intersection or around a corner unless preceded by an observer to safely direct the movement; or

(4) from a private driveway into any street unless the movement can be made with safety and without interfering with other traffic on the street. (*)

B. In no case shall a vehicle be backed more than 60 feet unless preceded by an observer to safely direct the movement. (*)
12-6-12.10  OBSTRUCTION TO DRIVER’S VIEW OR DRIVING MECHANISM

A. No person shall drive a vehicle when it is so loaded or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

B. No passenger in a vehicle shall ride in such position as to interfere with driver’s view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. (66-7-357 NMSA 1978)

12-6-12.11  RESTRICTION ON USE OF VIDEO IN MOTOR VEHICLES

A. It is unlawful to operate in this municipality any motor vehicle equipped with a video screen, of whatever type, upon which images may be projected or shown, if the screen is within the normal view of the driver of the motor vehicle unless the video screen is solely used as an aid to the driver in the operation of the vehicle.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor.

C. As used in this section "video screen" does not include closed circuit monitors or computer terminal monitors used by law enforcement agencies in law enforcement motor vehicles. (66-7-358 NMSA 1978)

12-6-12.12  COASTING PROHIBITED

A. The driver of any motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-360 NMSA 1978)

12-6-12.13  FOLLOWING FIRE APPARATUS PROHIBITED

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (66-7-361 NMSA 1978)

12-6-12.14  CROSSING FIRE HOSE

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, without the consent of the fire department official in command. (66-7-362 NMSA 1978)
12-6-12.15  DRIVING THROUGH SAFETY ZONES PROHIBITED

No vehicle shall at any time be driven through or within a safety zone. (66-7-361 NMSA 1978)

12-6-12.16  VEHICLES SHALL BE DRIVEN ONLY ON STREETS, PRIVATE ROADS AND DRIVEWAYS

No driver of a vehicle shall operate or be in control of a vehicle on other than the portions of streets improved, designed and ordinarily used for vehicular traffic, private roads, driveways or alleys in this municipality, except as otherwise provided by this ordinance or as otherwise authorized or designated by the administrator or his designated representative. (*)

12-6-12.17  DRIVING ON SIDEWALK AND PRIVATE PROPERTY

A. No person shall drive any vehicle, or across a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

B. No person shall drive on private property, except upon a permanent or authorized temporary driveway or parking area, without the express authorization of the owner, lessee or other person authorized by the owner to control the use of the private property. (*)

12-6-12.17  PROHIBITED ACTIVITIES WHILE DRIVING

No person shall:

(1) drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle;

(2) drive while having in his lap any person, adult or minor, or any animal;

(3) drive while seated in the lap of another person while the vehicle is in motion;

(4) drive a vehicle while having either arm around another person; or

(5) operate a motor vehicle's equipment, including but not limited to the vehicle horn or lights, in such manner as to distract other motorists on the public way or in such a manner as to disturb the peace. (*)

12-6-12.19  RACING ON STREETS  Amended July, 2007
A. Unless written permission setting out pertinent conditions is obtained from the chief of the municipal police, and then only in accordance with such conditions (*) no person shall drive a vehicle on a street in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record, whether or not the speed is in excess of the maximum speed prescribed by law, and no person shall in any manner participate in any such race, drag race, competition, contest, test or exhibition.

B. As used in this section:

(1) "drag race" means the operation of two (2) or more vehicles from a point side by side at accelerating speeds in a competitive attempt to outdistance each other, or the operation of one (1) or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speeds or power of acceleration of the vehicle or vehicles within a certain distance or time limit;

(2) "race" means the use of one (1) or more vehicles in a manner to outgain or outdistance another vehicle, prevent another vehicle from passing, arrive at a given destination ahead of another vehicle or test the physical stamina or endurance of drivers over long-distance routes. (66-8-115 NMSA 1978)

(3) "exhibition driving" consists of intentionally fish-tailing, peeling-out, losing traction, and burning of rubber while operating a motorcycle or motor-driven vehicle, includes intentionally operating the vehicle on a single tire (commonly known as a "wheelie"); operating a vehicle from a standing position; or operating the vehicle without at least one hand gripping the handlebars. (*)

12-6-12.20 PROCESSIONS

A. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while the procession is in motion and when the vehicles in the procession are conspicuously designated as required in this section. This provision shall not apply at intersections where traffic is controlled by police officers.

B. Each driver in a funeral or other procession shall drive as near to the right-hand edge of the street as practicable and shall follow the vehicle ahead as closely as is practicable and safe.

C. A funeral composed of a procession of vehicles shall be identified by the display upon the outside of each vehicle of a pennant or other identifying insignia or by such other method as may be determined and designated by the traffic division.

D. No funeral, procession or parade containing 200 or more persons or 50 or more vehicles, except the Armed Forces of the United States, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. (*)
12-6-12.21 DRIVER TO TAKE PRECAUTIONS APPROACHING THE BLIND

A. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to the blind pedestrian. Any driver who fails to take necessary precautions shall be liable in damages for any injury caused to the pedestrian.

B. A totally blind or partially blind pedestrian not carrying a cane or using a guide dog shall have all the rights and privileges conferred by law on other persons, and the failure of a totally blind pedestrian to carry a cane or to use a guide dog shall not be held to constitute nor be evidence of contributory negligence. (28-7-4 NMSA 1978)

12-6-12.22 OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES

It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle to require or to permit the operation of such vehicle upon a street in this municipality in any manner contrary to this ordinance. (66-8-121 NMSA 1978)

12-6-12.23 PERMITTING UNAUTHORIZED PERSONS TO DRIVE

A. No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any street when such minor is not authorized under state law or is in violation of any of the provisions of the New Mexico Motor Vehicle Code. (66-5-40 NMSA 1978)

B. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any street by any person who is not authorized under state law or is in violation of any of the provisions of the New Mexico Motor Vehicle Code. (66-5-41 NMSA 1978)

12-6-12.24 PARTIES TO UNLAWFUL ACTS

Every person who commits, attempts to commit, conspires to commit or aids or abets in the commission of any act declared herein to be unlawful, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcibly or willfully induces, causes, coerces, requires, permits or directs another to violate any provision of this ordinance or of the Motor Vehicle Code is likewise guilty of such offense. (66-8-120 NMSA 1978)

12-6-13 MISCELLANEOUS TRAFFIC REGULATIONS
12-6-13.1 OFFENSES RELATING TO DRIVING UNDER THE INFLUENCE

A. No owner or person in control of a motor vehicle shall permit it to be driven or operated by any person who is a habitual user of narcotic drugs or by any person who is under the influence of intoxicating liquor, narcotic drugs or any other drug to a degree which renders him incapable of safely driving the vehicle.

B. No person under the influence of intoxicating liquor, narcotic drug or other drug to a degree which renders him incapable of driving safely shall start or attempt to operate a vehicle. (*)

12-6-13.2 UNLAWFUL RIDING

A. No person shall ride or permit another person to ride in or on any portion of a vehicle not designated or intended for the use of passengers.

B. This provision shall not apply to any employee engaged in the necessary discharge of a duty or to persons riding within truck bodies in space intended for merchandise. (*)

12-6-13.3 UNHITCHED TRAILER ON STREET

No person shall leave any type of trailer unhitched upon a street. (*)

12-6-13.4 MOVING OR MOLESTING UNATTENDED VEHICLES

A. No person shall individually or in association with one or more others do any of the following:

(1) purposely, and without authority from the owner, start or cause to be started the engine of any motor vehicle;

(2) purposely and maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which they were left by the owner or driver of said motor vehicle;

(3) purposely scratch or damage the chassis, running gear, body, sides, tip covering or upholstering of a motor vehicle which is the property of another;

(4) purposely destroy any part of a motor vehicle or purposely cut, mash, mark, or in any other way, destroy or damage any part, attachment, fastening or appurtenance of a motor vehicle, without the permission of the owner;

(5) purposely drain or start the drainage of any radiator, oil tank or gas tank upon a motor vehicle, without the permission of the owner;

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(6) purposely put any metallic or other substance or liquid in
the radiator, carburetor, oil tank, grease cup, oilers, lamps, gas tanks or machinery of the
motor vehicle with the intent to injure or damage the same or impede the working of the
machinery thereof;

(7) maliciously tighten or loosen any bracket, bolt, wire, nut,
screw or other fastening on a motor vehicle; or

(8) purposely release the brake upon a standing motor vehicle
with the intent to injure said machine. (66-3-506 NMSA 1978)

B. The foregoing provisions shall not apply to a police officer or
member of the fire department or street maintenance department who in discharge of his
duty legally moves or causes to be moved any unattended vehicle, nor to any person who
moves the vehicle at the direction of or in compliance with orders from a police officer or
member of the fire department or street maintenance department who in the discharge of
his duties legally orders or directs the moving of the unattended vehicle. (*)

12-6-13.5 DESTRUCTIVE OR INJURIOUS MATERIAL ON ROADWAY

A. No person shall throw or deposit upon any street any glass bottle,
glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or
vehicle upon such street.

B. Any person who drops, or permits to be dropped or thrown, upon
any street any destructive or injurious material shall immediately remove the same or
cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a street
shall remove any glass or other injurious substance dropped upon the street from such
vehicle. (66-7-364 NMSA 1978)

D. No vehicle shall be driven or moved on any street unless such
vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting,
leaking, or otherwise escaping therefrom, except that sand may be dropped for the purpose
of securing traction, or water or other substance may be sprinkled on a street in cleaning
or maintaining such street.

E. No person shall operate on any street any vehicle or combination of
vehicles with any load unless said load and any covering thereon is securely fastened so as
to prevent said covering or load from becoming loose, detached, or in any manner a
hazard to other users of the street. (66-7-407 NMSA 1978)

12-6-13.6 TRAINS AND BUSES NOT TO OBSTRUCT STREETS

No person or corporation shall direct the operation of or operate any railroad train or bus
in such manner to prevent the use of any street for purposes of travel for a period of time
longer than five minutes. (*)
12-6-13.7    BOARDING OR ALIGHTING FROM VEHICLES

A. No person shall board or alight from any moving vehicle or any vehicle which is stopped in traffic.

B. No person shall alight or enter a vehicle except when it is stopped at a curb or in a passenger loading zone. (*)

12-6-13.8    IMPROPER OPENING OF DOORS.

No person shall:

(1) open the door of a vehicle on the side near moving traffic unless it is reasonably safe to do so, and the door can be opened without interfering with the movement of traffic; or

(2) leave a door of a vehicle open on the side of the vehicle near moving traffic for a period of time longer than necessary to load or unload passengers. (66-7-367 NMSA 1978)

12-6-13.9    OCCUPIED MOVING HOUSE TRAILER

No person shall:

(1) occupy a house trailer while it is being towed upon a street; or

(2) tow a house trailer on any street when the house trailer is occupied by any person. (66-7-366 NMSA 1978)

12-6-13.10    ANIMALS ON STREET

A. It is unlawful for any person, during the hours of darkness to ride a horse or other animal upon the traveled portion of any street which is normally used by motor vehicles.

B. It is unlawful for any person negligently to permit livestock to wander or graze upon any fenced street at any time or, during the hours of darkness, to drive livestock along or upon any street which is normally used by motor vehicles.

C. Owners of livestock ranging in pastures through which unfenced roadways pass shall not be liable for damages by reason of injury or damage to persons or property occasioned by collisions of vehicles using said roadways and livestock or animals ranging in said pastures unless such owner of livestock is guilty of specific negligence other than allowing his animals to range in said pasture.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-363 NMSA 1978)
12-6-13.11  DRIVING ON MOUNTAIN STREETS

A. The driver of a motor vehicle traveling through defiles or canyons or on mountain streets shall hold such motor vehicle under control and as near the right-hand edge of the street as reasonably possible.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-359 NMSA 1978)

12-6-13.12  CHILD PASSENGER RESTRAINT; PENALTY; ENFORCEMENT

A. A person shall not operate a passenger car, van or pickup truck in this state except for an authorized emergency vehicle, public transportation or school bus unless all passengers less than eighteen years of age are properly restrained.

B. Each person less than eighteen years of age shall be properly secured in a child passenger restraint device or by a seat belt, unless all seating positions equipped with seat belts are occupied, as follows:

(1) children less than one year of age shall be properly secured in a rear-facing child passenger restraint device that meets federal standards, in the rear seat of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle if the passenger-side air bag is deactivated or if the vehicle is not equipped with a deactivation switch for the passenger-side air bag:

(2) children one year of age through four years of age, regardless of weight, or children who weigh less than forty pounds, regardless of age, shall be properly secured in a child passenger restraint device that meets federal standards;

(3) children five years of age through six years of age, regardless of weight, or children who weigh less than sixty pounds, regardless of age, shall be properly secured in either a child booster seat or an appropriate child passenger restraint device that meets federal standards; and

(4) children seven years of age through twelve years of age shall be properly secured in a child passenger device or by a seat belt.

C. A child is properly secured in an adult seat belt when the lap belt properly fits across the child’s thighs and hips and not the abdomen. The shoulder strap shall cross the center of the child’s chest and not the neck, allowing the child to sit all the way back against the vehicle seat with knees bent over the seat edge.

D. Failure to be secured by a child passenger restraint device or by a safety belt as required by this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages. (66-7-369 NMSA 1978)
E. Failure to be secured by a child passenger restraint device or by a safety belt as required by this section shall not in any instance constitute fault or negligence and shall not limit or apportion damages. (66-7-369 NMSA 1978)

12-6-13.13 MANDATORY USE OF SEATBELTS

A. Except as provided by Section 12-6-13.12 and in Subsection B of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway.

B. This section shall not apply to an occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less who possesses a written statement from a licensed physician that he is unable for medical reasons to wear a safety belt or to a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier. (66-7-372 NMSA 1978)

C. Each person violating Subsection A of Section 12-6-13.13 shall be fined an amount not less than twenty-five dollars ($25.00) or more than fifty dollars ($50.00) including court costs.

D. Failure to be secured by a child passenger restraint device or by a safety belt as required in this Section shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

E. The provisions of this Section shall be enforced whether or not associated with the enforcement of any other statute. (66-7-373 NMSA 1978)

12-6-13.14 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS IN A MOTOR VEHICLE PROHIBITED—EXCEPTIONS

A. No person shall knowingly drink any alcoholic beverage while in a motor vehicle upon any street within this municipality.

B. No person shall have in his possession on his person, while in a motor vehicle upon any street within this municipality, any bottle, can or other receptacle containing any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed.

C. It is unlawful for the registered owner of any motor vehicle, to knowingly keep or allow to be kept in a motor vehicle, when the vehicle is upon any street within this municipality, any bottle, can or other receptacle containing any alcoholic beverage which has been opened or had its seal broken or the contents of which have been partially removed, unless the container is kept in:

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(1) the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk;

(2) the living quarters of a motor home or recreational vehicle;

(3) a truck camper;

(4) the bed of a pick-up truck when the bed is occupied by passengers.

A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers. This section does not apply to the driver or owner of or any passenger in a bus, taxicab or limousine for hire licensed to transport passengers pursuant to the Motor Carrier Act or proper legal authority.

D. The provisions of this section do not apply to:

(1) any person who, upon the recommendation of a doctor, carries alcoholic beverages in that persons motor vehicle for medicinal purposes;

(2) any clergyman or his agent who carries alcoholic beverages for religious purposes in the clergyman's or his agent's motor vehicle; or

(3) any person who is employed by a person licensed by the Alcoholic Beverage Control Act, while discharging his duties as an employee (66-8-138)

E. Penalties

(1) Whoever is guilty of a second or subsequent violation of any provision of this ordinance shall be sentenced pursuant to this code.

(2) In addition to any other penalty or disposition ordered pursuant to law, upon conviction for a second or subsequent violation of the provisions of Section 12-6-13.14, the convicted person shall have his driver's license revoked for a period of three months upon a second violation and for one year upon a third or subsequent violation. (66-8-139 NMSA 1978)

F. "Alcoholic Beverages" Defined. As used in this ordinance "alcoholic beverages" means distilled or rectified spirits, potable alcohol, brandy, whisky, rum, gin, aromatic bitters bearing the federal internal revenue strip stamps or any similar alcoholic beverage, including all blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half of one percent alcohol but excluding medicinal bitters. (66-1-4.1 NMSA 1978)

12-6-13.15 LITTERING

A. Littering consists of discarding refuse:
(1) on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by the responsible governmental authorities, or otherwise in accordance with lawful direction; or

(2) on private property not owned or lawfully occupied or controlled by the person, except with the consent of the owner, lessee or occupant thereof. (30-8-4 NMSA 1978).

B. Whoever commits littering is guilty of a petty misdemeanor. The use of uniform traffic citations is authorized for the enforcement of this section. The court may to the extent permitted by law, as a condition to suspension of any other penalty provided by law, require a person who commits littering to pick up and remove from any public place or any private property, with prior permission of the legal owner, any litter deposited thereon.

C. Any jail sentence imposed pursuant to Subsection B of this section may be suspended, in the discretion of the magistrate or judge, upon conditions that the offender assist in litter clean-up in the jurisdiction for a period not to exceed the length of the suspended sentence. (*)

12-6-14 PEDESTRIANS' RIGHTS AND DUTIES

12-6-14.1 PEDESTRIAN OBEDIENCE TO TRAFFIC-CONTROL DEVICES AND TRAFFIC REGULATIONS

Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 12-5-6, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions provided in this ordinance. (66-7-333 NMSA 1978)

12-6-14.2 PEDESTRIANS RIGHT OF WAY IN CROSSWALKS Amended July, 2007

A. When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the street within a crosswalk when the pedestrian is in the crosswalk.

B. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

C. Subsection A shall not apply under the conditions stated in Section 12-6-14.4.

D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the street, the driver
of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-334 NMSA 1978)

12-6-14.3 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK

A. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-338 NMSA 1978)

12-6-14.4 CROSSING AT OTHER THAN CROSSWALKS

A. A pedestrian crossing a street at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the street.

B. Any pedestrian crossing a street at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the street.

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk. (66-7-335 NMSA 1978)

D. No pedestrian shall cross a street intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements. (*)

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-335 NMSA 1978)

12-6-14.5 PEDESTRIANS ON STREETS

A. Where sidewalks are provided it is unlawful for a pedestrian to walk along and upon an adjacent street.

B. Where sidewalks are not provided any pedestrian walking along and upon a street shall when practicable walk only on the left side of the street or its shoulder facing traffic which may approach from the opposite direction.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-339 NMSA 1978)
12-6-14.6 PEDESTRIANS SOLICITING RIDES OR BUSINESS

A. No person shall stand in a street for the purpose of soliciting a ride, employment or business from the occupant of any vehicle.

B. No person shall stand on or in proximity to a street for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street. (66-7-340 NMSA 1978)

12-6-14.7 OBEDIENCE OF PEDESTRIANS TO BRIDGE AND RAILROAD SIGNALS

A. No pedestrian shall enter or remain upon any bridge or approach thereto beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

B. No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed. (*)

12-6-14.8 DRIVERS TO EXERCISE DUE CARE

Notwithstanding the foregoing provisions of this ordinance every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any street and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street. (66-7-337 NMSA 1978)

12-6-15 REFERENCE TO VEHICLES UPON THE STREETS

A. The provisions of Article 6 of this ordinance relating to the operation of vehicles, refer exclusively to the operation of vehicles upon the streets or highways, except where a different place is specifically referred to in a given section.

B. The provisions of Article 4 of this ordinance and Sections 12-6-12.1 through 12-6-12.3 of this ordinance shall apply upon the streets and highways and elsewhere throughout this municipality. (66-7-2 NMSA 1978)

12-6-16 ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES

Amended July, 2007

A. As used in this section, "electric personal assistive mobility device" means a self-balancing device having two non-tandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when powered solely by its propulsion system and while being ridden by an operator who weighs one hundred seventy pounds.
B. An electric personal assistive mobility device shall be equipped with:

(1) front, rear and side reflectors;

(2) a braking system that enables the operator to bring the device to a controlled stop; and

(3) if operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the device.

C. The secretary of the state department of transportation shall by rule prescribe motor vehicle safety standards applicable to electric personal assistive mobility devices.

D. An operator of an electric personal assistive mobility device traveling on a sidewalk, roadway or bicycle path shall have the rights and duties of a pedestrian, and shall exercise due care to avoid colliding with pedestrians. An operator shall yield the right of way to pedestrians.

E. Except as provided in this section, no other provisions of the Uniform Traffic Ordinance shall apply to electric personal assistive mobility devices.

F. An operator who violates a provision of Subsection B, C or D of this section shall receive a warning for the first offense. For a second offense, the operator shall be punished by a fine of ten dollars ($10.00). For a third or subsequent offense, in addition to the fine, the electric personal assistive mobility device shall be impounded for up to thirty days.

G. This section does not apply to personal assistive mobility devices used by persons with disabilities." (66-3-1102 NMSA 1978)

12-6-16.1 NEIGHBORHOOD ELECTRIC CARS Added July, 2007

A. A neighborhood electric car means a four-wheeled electric motor vehicle that has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour, complies with the federal requirements specified in 49 CFR 571.500 and shall be equipped with head lamps, stop lamps, front and rear turn signals lamps, tail lamps, reflex reflectors, a parking brake, at least one interior and one exterior rear view mirror, a windshield, windshield wipers, a speedometer, an odometer, braking for each wheel, seat belts and a vehicle identification number.

B. Except as provided for in Subsection C or D of this section, a neighborhood electric car, properly registered pursuant to provisions of the Motor Vehicle Code, in compliance with the Mandatory Financial Responsibility Act and driven by an individual with a valid driver's license, may be operated on any street, roadway or highway under the jurisdiction of either the state or a local authority if the posted maximum speed limit is thirty-five miles per hour or less; provided, a neighborhood electric car may cross at an intersection or permitted crossing point at any street, roadway or highway that has a maximum speed limit higher than thirty-five miles an hour.
C. A local authority may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if the governing body of the local authority determines that the prohibition is necessary in the interest of safety.

D. The department of transportation may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if it determines that the prohibition is necessary in the interest of safety.

E. Neighborhood electric cars are exempt from the following provisions:

(1) the emblems or flashing light requirements for slow-moving vehicles in Section 66-3-887 NMSA 1987;

(2) any requirement for vehicle emission inspections adopted by a local authority pursuant to Subsection C of Section 74-2-4 NMSA 1978; and

(3) the minimum motor displacement requirements of Paragraph (2) of Subsection A of Section 66-7-405 NMSA 1978. (66-3-1103 NMSA 1978)

12-6-17 BOATING REGULATIONS AND OFFENSES
BOATING WHILE INTOXICATED ACT

12-6-17.1 DEFINITIONS

A. "bodily injury" means an injury to a person that is not likely to cause death or great bodily harm to the person, but does cause painful temporary disfigurement or temporary loss or impairment of the functions of any member or organ of the person's body;

B. "conviction" means an adjudication of guilt and does not include imposition of a sentence;

C. "motorboat" means any boat, personal watercraft or other type of vessel propelled by machinery, whether or not machinery is the principle source of propulsion. "Motorboat" includes a vessel propelled or designed to be propelled by a sail, but does not include a sailboard or a windsurf board. "Motorboat" does not include a houseboat or any other vessel that is moored on the water, but not moving on the water; and

D. "operate" means to physically handle the controls of a motorboat that is moving on the water.

12-6-17.2 OPERATING A MOTORBOAT WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS

A. It is unlawful for a person who is under the influence of intoxicating liquor to operate a motorboat.
B. It is unlawful for a person who is under the influence of any drug to a degree that renders him incapable of safely operating a motorboat to operate a motorboat.

C. It is unlawful for a person who has an alcohol concentration of eight one hundredths or more in his blood or breath to operate a motorboat.

D. Aggravated boating while under the influence of intoxicating liquor or drugs consists of a person who:
   (1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while operating a motorboat;
   (2) has caused bodily injury to a human being as a result of the unlawful operation of a motorboat while under the influence of intoxicating liquor or drugs; or
   (3) refused to submit to chemical testing, as provided for in the Boating While Intoxicated Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

E. Every person under first conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than ninety days or by a fine of not more than five hundred dollars ($500), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. The offender shall be ordered by the court to attend a boating safety course approved by the national association of state boating law administrators. An offender ordered by the court to attend a boating safety course shall provide the court with proof that the offender successfully completed the course within seven months of his conviction or prior to completion of his probation, whichever period of time is less. In addition to those penalties, when an offender commits aggravated boating while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail and may be fined not more than seven hundred fifty dollars ($750). On a first conviction under this section, any time spent in jail for the offense prior to the conviction for that offense shall be credited to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

F. A second or subsequent conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than three hundred sixty-four days or by a fine of not more than seven hundred fifty dollars ($750), or both; provided that if the sentence is suspended in whole or in part, the period of probation shall not exceed one year. In addition to those penalties, when an offender commits aggravated boating while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail and may be fined not more than one thousand dollars ($1,000).

12-6-17.3 GUILTY PLEAS--LIMITATIONS

A. When a complaint or information alleges a violation of 12-6-17.2 any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea
of guilty to the violation of one of the subsections of 12-6-17.2, and no other disposition
by plea of guilty to any other charge in satisfaction of the charge shall be authorized if the
results of a test performed pursuant to that act disclose that the blood or breath of the
person charged contains an alcohol concentration of eight one hundredths or more.

12-6-17.4 BLOOD-ALCOHOL TESTS—PERSONS QUALIFIED TO
PERFORM TESTS—RELIEF FROM CIVIL AND CRIMINAL
LIABILITY

A. Only a physician, licensed professional or practical nurse or laboratory
technician or technologist employed by a hospital or physician shall withdraw blood from
a person in the performance of a blood-alcohol or drug test. A physician, nurse,
technician or technologist who withdraws blood from a person in the performance of a
blood-alcohol or drug test that has been directed by a law enforcement officer, or by a
judicial or probation officer, shall not be held liable in a civil or criminal action for
assault, battery, false imprisonment or any conduct of a law enforcement officer, except
for negligence, nor shall a person assisting in the performance of the test, or a hospital
wherein blood is withdrawn in the performance of the test, be subject to civil or criminal
liability for assault, battery, false imprisonment or any conduct of a law enforcement
officer, except for negligence, in the performance of the test, be subject to civil or criminal
liability for assault, battery, false imprisonment or any conduct of a law enforcement
officer, except for negligence.

12-6-17.5 BLOOD-ALCOHOL TEST—LAW ENFORCEMENT, JUDICIAL OR
PROBATION OFFICER UNAUTHORIZED TO MAKE ARREST
OR DIRECT TEST EXCEPT IN PERFORMANCE OF OFFICIAL
DUTIES AUTHORIZED BY LAW

A. Nothing in this Act is intended to authorize a law enforcement officer,
or a judicial or probation officer, to make an arrest or direct the performance of a blood-
alcohol or drug test, except in the performance of his official duties or as otherwise
authorized by law.

12-6-17.6 IMPLIED CONSENT TO SUBMIT TO CHEMICAL TEST

A. A person who operates a motorboat within this state shall be deemed to
have given consent, subject to the provisions of the Boating While Intoxicated Act, to
chemical tests of his blood or breath or both, approved by the scientific laboratory division
of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978 as
determined by a law enforcement officer, or for the purposes of determining the drug or
alcohol content of his blood if arrested for any offense arising out of acts alleged to have
been committed while the person was operating a motorboat while under the influence of
an intoxicating liquor or drug.

B. The arrested person shall be advised by a law enforcement officer that
failure to submit to a chemical test may be introduced into evidence in court and that the
court, upon conviction, may impose increased penalties for the person's failure to submit to a chemical test.

C. A test of blood or breath or both, approved by the scientific laboratory division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978, shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been operating a motorboat while under the influence of an intoxicating liquor or drug.

D. A person who operates a motorboat in this state and who is involved in a fatal boating incident shall be deemed to have given consent, subject to the provisions of the Boating While Intoxicated Act, to mandatory chemical tests of his blood or breath or both, as determined by a law enforcement officer and approved by the scientific laboratory division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978.

12-6-17.7 CONSENT OF PERSON INCAPABLE OF REFUSAL NOT WITHDRAWN

A. A person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn the consent provided by the Boating While Intoxicated Act, and the test designated by the law enforcement officer may be administered.

12-6-17.8 ADMINISTRATION OF CHEMICAL TEST--PAYMENT OF COSTS--ADDITIONAL TESTS.

A. Only the persons authorized by the Boating While Intoxicated Act shall withdraw blood from a person for the purpose of determining its alcohol or drug content. This limitation does not apply to the taking of samples of breath.

B. The person tested shall be advised by the law enforcement officer of the person's right to be given an opportunity to arrange for a physician, licensed professional or practical nurse or laboratory technician or technologist who is employed by a hospital or physician of his own choosing to perform a chemical test in addition to a test performed at the direction of a law enforcement officer.

C. Upon the request of the person tested, full information concerning the test performed at the direction of the law enforcement officer shall be made available to him as soon as it is available from the person performing the test.

D. The agency represented by the law enforcement officer at whose direction the chemical test is performed shall pay for the chemical test.

E. If a person exercises his right under Subsection B of this section to have a chemical test performed upon him by a person of his own choosing, the cost of that test shall be paid by the agency represented by the law enforcement officer at whose direction a chemical test was administered pursuant to 12-6-17.6.

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12-6-17.9 USE OF TESTS IN CRIMINAL OR CIVIL ACTIONS--LEVELS OF INTOXICATION--MANDATORY CHARGING

A. The results of a test performed pursuant to the Boating While Intoxicated Act may be introduced into evidence in a civil action or criminal action arising out of the acts alleged to have been committed by the person tested for operating a motorboat while under the influence of intoxicating liquor or drugs.

B. When the blood or breath of the person tested contains:
   (1) an alcohol concentration of five one hundredths or less, it shall be presumed that the person was not under the influence of intoxicating liquor; or
   (2) an alcohol concentration of more than five one hundredths but less than eight one hundredths, no presumption shall be made that the person either was or was not under the influence of intoxicating liquor. However, the amount of alcohol in the person's blood or breath may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

C. When the blood or breath of the person tested contains an alcohol concentration of eight one hundredths or more, the arresting officer shall charge him with a violation of 12-7-17.2.

D. The determination of alcohol concentration shall be based on the grams of alcohol in one hundred milliliters of blood or the grams of alcohol in two hundred ten liters of breath.

E. The alcohol concentration in a person's blood or breath shall be determined by a chemical test administered to the person within three hours of the alleged boating while under the influence of intoxicating liquor. In a prosecution pursuant to the provisions of the Boating While Intoxicated Act, it is a rebuttable presumption that a person is in violation of the provisions of that act if he has an alcohol concentration of eight one hundredths or more in his blood or breath as determined by a chemical test administered to the person within three hours of the alleged boating while under the influence of intoxicating liquor. If the chemical test is administered more than three hours after the alleged boating while under the influence of intoxicating liquor, the test result is admissible as evidence of the alcohol concentration in the person's blood or breath at the time of the alleged boating and the trier of fact shall determine what weight to give the test result.

F. The presumptions in Subsection B of this section do not limit the introduction of other competent evidence concerning whether the person was under the influence of intoxicating liquor.

G. If a person is convicted of operating a motorboat while under the influence of intoxicating liquor or drugs, the trial judge shall be required to inquire into past convictions of the person for operating a motorboat while under the influence of intoxicating liquor or drugs before sentence is entered in the matter.
12-6-17.10 MOTORBOATS--INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--FEE UPON CONVICTION

A. A person convicted of a violation of the Boating While Intoxicated Act shall be assessed by the court, in addition to any other fee or fine, a fee of sixty-five dollars ($65.00) to defray the costs of chemical and other tests used to determine the influence of intoxicating liquor or drugs.

B. All fees collected pursuant to the provisions of this section shall be transmitted monthly to the crime laboratory fund. All balances in the crime laboratory fund collected pursuant to this section are appropriated to the administrative office of the courts for payment upon invoice to the scientific laboratory division of the department of health for the costs of chemical and other tests used to determine the influence of intoxicating liquor or drugs.

C. Payment of funds out of the crime laboratory fund of fees collected pursuant to this section shall be made upon vouchers issued and signed by the director of the administrative office of the courts upon warrants drawn by the department of finance and administration.

12-6-18 TEXTING WHILE DRIVING

A. A person shall not read or view a text message or manually type on a handheld mobile communication device for any purpose while driving a motor vehicle, except to summon medical or other emergency help or unless that device is an amateur radio and the driver holds a valid amateur radio operator license issued by the Federal Communications Commission.

B. The provisions of this section shall not be construed as authorizing the seizure or forfeiture of a handheld mobile communications device. Unless otherwise provided by law, the handheld mobile communication device used in the violation of the provisions of this section is not subject to search by a law enforcement officer during a traffic stop made pursuant to the provisions of this section.

C. As used in this section:

(1) "driving" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic light or stop sign or otherwise, but "driving" excludes operating a motor vehicle when the vehicle has pulled over to the side of or off an active roadway and has stopped at a location in which it can remain safely stationary;

(2) "handheld mobile communication device" means a wireless communications device that is designed to receive and transmit text or image messages, but "handheld mobile communications device" excludes global positioning or navigation systems,

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devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function; and

(3) "text message" means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but "text message" excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel.

D. A violation of provisions of this section is punishable by a fine of $25 for a first violation and $50 for a second or subsequent violation. Violations of provisions of this section may be included in a local penalty assessment ordinance.
ARTICLE IX

PARKING REGULATIONS

12-9-1 Authority to Establish Parking Meter Zones
12-9-2 Installation of Parking Meters
12-9-3 Parking Meter Spaces
12-9-4 Parking Time Limits
12-9-5 Deposit of Coins
12-9-6 Use of Slugs Prohibited
12-9-7 Tampering with Meter
12-9-8 Presumption of Unlawful Parking
12-9-9 Parking in Designated Disabled Parking Spaces
12-9-10 Parking Lots - Standards

12-9-1 AUTHORITY TO ESTABLISH PARKING METER ZONES.

A. The administrator may establish parking meter zones in which the parking of vehicles upon streets or parts of streets shall be regulated by parking meters between the hours of 8:00 a.m. and 6:00 p.m. of any day except Sunday and public holidays.

B. The administrator may limit the period of time for which parking is lawfully permitted in any parking meter zone in which meters are located regardless of the number of coins deposited in a meter.

C. The parking meter zone may be diminished or extended and enlarged, or other parking meter zones may be created. (*)

12-9-2 INSTALLATION OF PARKING METERS.

A. The administrator shall install parking meters in established parking meter zones.

B. Parking meters shall be placed on the curb immediately adjacent to each designated parking space.

C. Parking meters shall be capable of being operated, either automatically or mechanically, upon the deposit therein of a twenty-five cent coin, ten-cent coin, five-cent coin or one penny coin of United States currency as provided in this ordinance.

D. Each parking meter shall be designed, constructed, installed and set so that an appropriate signal will indicate expiration of the lawful parking meter period which was registered by the deposit of one or more coins as provided herein.
E. During the lawful parking meter period registered by the deposit of a coin or coins and prior to the expiration of the lawful parking meter period, the meter shall indicate the interval of time which remains of such period.

F. Each parking meter shall bear a legend indicating the days and hours when the requirement to deposit coins shall apply, the value of the coins to be deposited and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located. (*)

12-9-3 PARKING METER SPACES.

A. The administrator shall designate the parking space adjacent to each parking meter for which the meter is to be used by appropriate markings upon the curb or the pavement of the street or both.

B. Designated parking meter spaces shall be of appropriate length and width so as to be accessible from the traffic lanes of the street.

C. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which the meter is located so that any part of the vehicle occupies more than one space or protrudes beyond the markings designating the space. However, a vehicle which is of a size too large to be parked within a single designated parking meter zone shall be permitted to occupy two adjoining parking meter spaces when coins of the appropriate denominations have been deposited in the parking meter for each space so occupied. (*)

12-9-4 PARKING TIME LIMITS. Parking or standing a vehicle in a designated space in parking meter zones shall be lawful upon the deposit of legal coins as indicated on each parking meter. (*)

12-9-5 DEPOSIT OF COINS.

A. No person shall park a vehicle in any parking space regulated by a parking meter between the hours 8:00 a.m. and 6:00 p.m. on any day except Sundays and public holidays unless a coin or coins of the appropriate denomination as provided in this ordinance have been deposited therein and the meter has been placed in operation.

B. No person shall permit a vehicle within his control to be parked in any space regulated by a parking meter between the hours of 8 a.m. and 6 p.m. on any day except Sundays and public holidays while the parking meter for the space indicates by signal that the lawful parking time in the space has expired. This provision does not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in the meter.

C. No person shall park a vehicle in any parking meter space for a consecutive period of time longer than the limited period of time for which parking is lawfully permitted in the parking meter zone in which the meter is located, irrespective of the number or amounts of coins deposited in the meter.
D. Failure to deposit proper coin or coins constitutes a violation of this ordinance.

E. Upon expiration of the legal parking time, it is the duty of the owner or driver of the vehicle to remove the vehicle from the parking space.

F. It is unlawful for any person to cause, allow, permit or suffer a vehicle registered in his name to be parked or to stand overtime or remain in the parking space beyond the specified parking time limit.

G. The provisions of this section shall not apply in a period of emergency determined by an officer of the fire department or the police department or in compliance with the directions of a police officer or traffic-control device.

H. The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this ordinance prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. (*)

12-9-6 **USE OF SLUGS PROHIBITED.** No person shall deposit or attempt to deposit in any parking meter any slug, button or any other device or substance as substitutes for coins of United States currency. (*)

12-9-7 **TAMPERING WITH METER.** No person shall deface, injure, tamper with, open or willfully break, destroy or impair the usefulness of any parking meter. (*)

12-9-8 **PRESUMPTION OF UNLAWFUL PARKING.**

A. When the "violation" indicator is showing on a parking meter to indicate the expiration of the lawful parking meter period for which coins have been deposited, it shall be presumptive evidence that any vehicle found in a regulated parking space is parked in violation.

B. It is unlawful and an offense for any person to deposit or cause to be deposited in a parking meter covering a metered parking stall which he has already occupied for the meter specified time limit any coins for the purpose of extending parking time beyond the total lawful parking period designated for the parking meter zone in which the meter is located. (*)

12-9-9 **PARKING IN DESIGNATED DISABLED PARKING SPACES.**

Amended July, 2010

A. It is unlawful for any person to park a motor vehicle not carrying registration plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation or in such a manner as to block access to any part of a curb cut a designated accessible parking space for persons with significant mobility limitations. Any person who violates this section shall be subject to a fine of not less than two hundred fifty dollars ($250) or more than five hundred dollars ($500). Failure to properly display a
parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A of this section. (66-7-352.5 NMSA 1978)

B. As used in this section, "designated disabled parking space" means any space, including an access aisle, marked and reserved for the parking of a passenger vehicle that carries registration plates or a parking placard indicating disability in accordance with Section 66-3-16 NMSA 1978, and designated by a conspicuously posted sign bearing the international disabled symbol of a wheelchair and if paved, by a clearly visible depiction of this symbol painted in blue on the pavement of the space. "Curb cut" means a short ramp through a curb or built up to the curb designed for access by the handicapped.

C. A vehicle parked in violation of Subsection A of this section is subject to being towed at the expense of the vehicle owner upon authorization by law enforcement personnel or by the property owner or manager of a parking lot. (66-1-4.4E and 66-7-352.5 NMSA 1978).

D. State, county and municipal law enforcement personnel may issue citations for violations of §12-9-9 in their respective jurisdictions, whether the violation occurs on public property or private property. (*)

E. Parking enforcement personnel of each of the state educational institutions designated in Article 12, Section 11 of the Constitution of New Mexico may issue citations for violations of Subsection A of this section within the exterior boundaries of lands under the control of their respective institutions, except portions of those lands that are public highways or streets. (66-7-352.6 NMSA 1987).

F. A law enforcement officer may issue a citation or authorize towing of a vehicle for a violation of Section A of this section regardless of the presence of the driver (66-7-352.5 NMSA 1978).

12-9-10 PARKING LOTS – STANDARDS

A. Every parking lot coming under the provisions of the Accessible Parking Standards and Enforcement Act (66-7-352.1 NMSA 1978) shall have designated and maintained accessible parking spaces for persons with significant mobility limitation as provided in Subsection B of this section. No building permit shall be issued by any local government for the construction or substantial renovation of a commercial building inviting public access unless the parking lot has designated accessible parking spaces for persons with significant mobility limitation as delineated in Subsection B of this section.

B. The minimum number of designated accessible parking spaces for persons with significant mobility limitation are as follows:
TOTAL PARKING SPACES IN LOT

1 to 25
26 to 35
36 to 50
51 to 100
101 to 300
301 to 500
501 to 800
801 to 1,000
More than 1,000

REQUIRED MINIMUM NUMBER OF PARKING SPACES FOR PERSONS WITH SIGNIFICANT MOBILITY LIMITATIONS

1
2
3
4
8
12
16
20
20, plus 1 for each 100 over 1,000.

The designated accessible parking spaces for persons with significant mobility limitation shall be located so as to provide the most convenient access to entranceways or to the nearest curb cut. Every parking lot shall have at least one designated accessible parking space for persons with significant mobility limitation designed to accommodate a motor vehicle passenger van, and there shall be a minimum of one such space for every eight designated accessible parking spaces for persons with significant mobility limitations.

C. A sign or other designation posted after July 1, 2010 at an accessible parking space pursuant to this section shall include the language “Violators are subject to a fine and/or towing.” (66-7-352.4 NMSA 1978)
ARTICLE X

VEHICLE REGULATIONS

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12-10-1 EQUIPMENT

12-10-1.1 PROHIBITED ACTS

A. Except as otherwise provided in this section, it is a penalty assessment misdemeanor for any person to drive or move, or for the owner to cause or permit to be driven or moved, on any street, any vehicle, or combination of vehicles, which is in such unsafe condition as to endanger any person, or which does not contain those parts, or is not at all times equipped with such lamps and other equipment, in proper condition and adjustment, as is required by Sections 12-10-1.1 through 12-10-1.51, or which is equipped in any manner that is in violation of those sections, or for any person to do any act forbidden, or fail to perform any act required under those sections.

B. Nothing contained in Sections 12-10-1.1 through 12-10-1.51 shall be construed to prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with the provisions of such sections.
C. The provisions of Sections 12-10-1.1 through 12-10-1.51, with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as made applicable in those sections. (66-3-801 NMSA 1978)

12-10-1.2 VEHICLES TO BE IN SAFE CONDITION

A. No person shall drive or move on any street any motor vehicle, trailer, semi-trailer, or pole trailer, or any combination thereof unless the equipment upon any and every said vehicle is in good working order and adjustment as required in this ordinance, and said vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the street. (66-3-901 NMSA 1978)

B. Any police officer may at any time when having reasonable cause to believe that any vehicle is unsafe, or not equipped as required by this ordinance, or that its equipment is not in proper adjustment or repair, require the driver of the vehicle to stop and submit the vehicle to inspection and tests as may be appropriate and reasonable. (*)

12-10-1.3 WHEN LIGHTED LAMPS ARE REQUIRED

A. Every vehicle upon a street within this municipality at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the street at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter stated.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-802 NMSA 1978)

12-10-1.4 VISIBILITY DISTANCE AND MOUNTED HEIGHT OF LAMPS

A. Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Section 12-10-1.3 in respect to a vehicle without load when upon a straight, level, unlighted street under normal atmospheric conditions unless a different time or condition is expressly stated.

B. Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. (66-3-803 NMSA 1978)

12-10-1.5 HEAD LAMPS ON MOTOR VEHICLES

A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two headlamps with at least one on each side of the front of
the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in this ordinance.

B. Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of this ordinance.

C. Every headlamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty inches to be measured as set forth in Section 12-10-1.4B. The provisions of this paragraph shall apply only to new motor vehicles sold after July 1, 1953. (66-3-804 NMSA 1978)

D. For the purposes of Sections 12-10-1.1 through 12-10-1.5 parking lamps shall not be used in lieu of head lamps. (*)

E. No headlight shall emit a glaring or dazzling light. (66-3-828 NMSA 1978)

F. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-804 NMSA 1978)

12-10-1.6 DIMMING OF LIGHTS

A. Whenever a motor vehicle meets another motor vehicle on any street during nighttime when headlights are in use, the driver of the vehicle shall, when within 500 feet of the other vehicle, dim or tilt the beams of the headlights downward.

B. The driver of any motor vehicle in any business district at nighttime when headlights are required shall keep headlights dimmed.

C. Whenever the driver of a motor vehicle overtakes another vehicle proceeding in the same direction or follows another vehicle proceeding in the same direction or follows another vehicle proceeding in the same direction within 200 feet at nighttime when headlights are required, the driver shall dim or tilt the beam of the headlights downward. (*)

12-10-1.7 TAIL LAMPS

A. Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear; provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required shall comply with the provisions of this section.
B. Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

C. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted. (66-3-805 NMSA 1978)

D. No tail lamp shall emit a glaring or dazzling light. (66-3-828 NMSA 1978)

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-805 NMSA 1978)

12-10-1.8 VEHICLES TO BE EQUIPPED WITH REFLECTORS

A. Every new motor vehicle hereafter sold and operated upon a street, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle and every motor-driven cycle shall carry at least one reflector, meeting the requirements of this section.

B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in Section 12-10-1.4B, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of headlamps. (66-3-806 NMSA 1978)

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-806 NMSA 1978)

12.10-1.9 STOP LAMPS, SIGNAL LAMPS AND SIGNAL DEVICES

A. From and after January 1, 1954, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle or motor-driven cycle, in this municipality or for any person to drive such vehicle on the streets unless it is equipped with at least one stop lamp meeting the requirements of Subsection C(1).

B. No person shall sell or offer for sale or operate on the streets any motor vehicle, trailer, semi-trailer or house trailer registered in this state which was manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electric turn signals meeting the requirements of Subsection C(2). This subsection shall not apply to any motorcycle or motor-driven cycle. (66-3-807 NMSA 1978)

C. Any motor vehicle, trailer, semi-trailer and house trailer may be equipped and when required under this ordinance shall be equipped with the following stop lamps, signal lamps, or signal devices:
(1) stop lamp or stop lamps on the rear which shall emit a red, amber or yellow light and which shall be actuated upon application of the service brakes and which may but need not be incorporated with one or more other rear lamps; and

(2) lamp or lamps or mechanical signal device capable of clearly indicating any intention to turn either to the right or to the left and which shall be visible both from the front and rear.

D. Every stop lamp shall be plainly visible and understandable from a distance of one hundred feet to the rear both during normal sunlight and nighttime and a signal lamp or lamps indicating intention to turn shall be visible and understandable during daytime and nighttime from a distance of one hundred feet both to the front and rear. When a vehicle is equipped with a stop lamp or other signal lamps, such lamp or lamps shall at all times be maintained in good working condition. No stop lamp or signal lamp shall project a glaring or dazzling light.

E. All mechanical signal devices shall be self-illuminated when in use at the times mentioned in Section 12-10-1.3 of this ordinance. (66-3-828 NMSA 1978)

12-10-1.10 MUFFLERS--PREVENTION OF NOISE--EMISSION CONTROL DEVICES

A. Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cutout, bypass, or similar device upon a motor vehicle on a street in this municipality.

B. The muffler, emission control equipment or device, engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke.

C. Every registered gasoline-fueled motor vehicle manufactured or assembled, commencing with the 1968 models, shall at all times be equipped and maintained in good working order with the factory-installed devices and equipment or their replacements designed to prevent, reduce or control exhaust emissions or air pollution. (66-3-844 NMSA 1978)

12-10-1.11 LAMP OR FLAG ON PROJECTING LOAD

A. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in Section 12-10-1.3 hereof, a red light or lantern plainly visible from a distance of at least five hundred feet to the sides and rear. The red light or lantern required under this section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a red flag or cloth not less than twelve inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

B. If any part of a vehicle, or any load thereon, or any mechanical
device, whether a temporary or permanent part of the vehicle, extends beyond the front
bumpers thereof the extreme front corners of such projection shall at the times specified in
Section 12-10-1.3 be indicated by amber lights or lanterns visible from a distance of at
least five hundred feet to the sides and front. (66-3-824 NMSA 1978)

12-10-1.12 WINDSHIELD MUST BE UNOBSERVED AND EQUIPPED
WITH WIPERS; WINDOWS MUST BE TRANSPARENT;
EXCEPTIONS

A. No person shall drive any motor vehicle with any sign, poster or
other nontransparent material upon or in the front windshield, windows to the immediate
right and left of the driver or in the rear-most window if the latter is used for driving
visibility except as provided in Section 12-10-1.12A. The rear-most window is not
necessary for driving visibility where outside rear-view mirrors are attached to the vehicle.

B. The windshield on every motor vehicle, except a motorcycle, shall
be equipped with a device for cleaning rain, snow or other moisture from the windshield,
which device shall be so constructed as to be controlled or operated by the driver of the
vehicle.

C. Every windshield wiper upon a motor vehicle shall be maintained
in good working order.

D. A person who violates the provisions of this section is guilty of a
penalty assessment misdemeanor. (66-3-846 NMSA 1978)

12-10-1.12A SUN SCREENING MATERIAL ON WINDSHIELDS AND
WINDOWS; REQUIREMENTS; VIOLATION; PENALTY

A. A person shall not operate on any street or highway a motor vehicle
that is registered or required to be registered in this state if that motor vehicle has a sun
screening material on the windshield or any window that does not comply with the
requirements of this section.

B. Except as otherwise provided in this section, a sun screening
material:

(1) when used in conjunction with the windshield, shall be
nonreflective, shall not be red, yellow or amber in color and shall be used only along the
top of the windshield, not extending downward beyond the ASI line or more than five
inches from the top of the windshield, whichever is closer to the top of the windshield; and

(2) when used in conjunction with the safety glazing materials
of the side wings or the side windows located at the immediate right and left of the driver,
the side windows behind the driver and the rearmost window shall be nonreflective, shall
have a light transmission of not less than twenty percent and shall be used only on the
windows of a motor vehicle equipped with one right and one left outside rearview mirror.

C. Each manufacturer shall:
(1) certify to the division that a sun screening material used by
that manufacturer is in compliance with the nonreflectivity and light transmission
requirements of this section;

(2) provide a label not to exceed one and one-half square inches
in size that:

(a) is installed permanently and legibly between the sun
screening material and each glazing surface to which it is applied;

(b) contains the manufacturer's name, the date the sun
screening material was manufactured and the percentage of light transmission; and

(c) is placed in the left lower corner of each glazing
surface when facing the motor vehicle from the outside; and

(3) include instructions with the sun screening material for
proper installation, including the affixing of the label specified in this subsection.

D. No person shall:

(1) offer for sale or for use any sun screening material for motor
vehicle use not in compliance with this section; or

(2) install any sun screening material on motor vehicles
intended for operation on any street or highway without permanently affixing the label
specified in subsection C of this section.

E. The provisions of this section do not apply to a motor vehicle
registered in this state in the name of a person, or the person's legal guardian, who has an
affidavit signed by a physician or an optometrist licensed to practice in this state that
states that the person has a physical condition that makes it necessary to equip the motor
vehicle with sun screening material that is in violation of this section. The affidavit shall
be in the possession of the person with such a physical condition, or the person's legal
guardian, at all times while being transported in the motor vehicle.

F. The light transmission requirement of this section does not apply to
windows behind the driver on truck tractors, buses, recreational vehicles, multipurpose
passenger vehicles and motor homes. The provisions of this section shall not apply to
motor vehicle glazing which complies with federal motor vehicle standards.

G. The provisions of this section do not apply to motor vehicles that
have sun screening material on the windshield or any window prior to July 1, 1997.

H. As used in this section:

(1) "light transmission" means the ration of the amount of total
light that passes through a product or material, expressed in percentages, to the amount of
total light falling on the product or material;
(2) "manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

(3) "nonreflective" means designed to absorb light rather than to reflect it; and

(4) sun screening material means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

I. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-3-846.1 NMSA 1978)

12-10-1.13 PROHIBITING LUGS

No person shall drive a tractor engine, tractor or vehicle with lugs on the wheels thereof over any paved street.(*)

12-10-1.14 PERMISSION TO USE EMERGENCY EQUIPMENT ON OTHER THAN OFFICIAL VEHICLES

No person shall operate a vehicle other than an official vehicle, equipped with any red lights mounted so as to project a beam in a forward direction, or a siren, unless written permission of the chief of police or his designated representative is first obtained.(*)

12-10-1.15 PROHIBITING METAL TIRES OR DRAGGING LOAD

A. When the use thereof is permitted, every solid rubber tire on a vehicle shall have rubber on its entire traction surface at least one-inch thick above the edge of the flange of the entire periphery.

B. No person shall operate or move on any street any motor vehicle, trailer, or semi-trailer having any metal tire in contact with the street, except that for the purposes of this ordinance a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire.

C. No tire on a vehicle moved on a street shall have on its periphery any block, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the street, and except also that it shall be permissible to use tire chains of reasonable proportions or snow tires with metal studs designed to increase traction on ice or snow upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

D. The administrator may, in his discretion, issue special permits authorizing the operation upon a street of traction engines or tractors having movable
tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a street would otherwise be prohibited under the provisions of this ordinance.

E. No vehicle equipped with solid rubber or cushion tires shall be permitted upon any street of this municipality without special permission first being granted by the administrator, and in no event may any such vehicle be operated at a speed in excess of that specified by law. (66-3-847 NMSA 1978)

F. No person shall operate or move on any street any motor vehicle, trailer or semi-trailer from which any object or load scrapes along or over any paved surface. (*)

12-10-1.16 BRAKES

A. Brake equipment is required as follows:

(1) every motor vehicle, other than a motorcycle, when operated upon a street shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels;

(2) every motorcycle when operated upon a street, shall be equipped with at least two brakes which may be operated by hand or foot;

(3) every bus, truck, truck tractor, road tractor, trailer and semi-trailer, and pole trailer shall be equipped with brakes on all wheels in contact with road surfaces except:

(a) trailers, semi-trailers and pole trailers of a gross weight of less than three thousand pounds;

(b) any vehicle being towed in a driveaway-towaway operation; provided, the combination of vehicles is capable of complying with the performance requirements of Subsection B of this section;

(c) trucks, truck tractors and road tractors having three or more axles need not have brakes on the front wheels, except when such vehicles are equipped with at least two steerable axles the wheels of one such axle need not be equipped with brakes;

(d) house-moving dollies subject to regulations adopted by the secretary of transportation under the Motor Transportation Act; and

(e) motor vehicles of the types named in this section hereinafter, heretofore manufactured prior to July 1, 1963;
(4) every house trailer of a gross weight in excess of three thousand pounds, registered in the state, shall be equipped with brakes on at least two wheels in contact with road surfaces. Every house trailer of a gross weight of three thousand pounds or more, when operated upon a highway or street, shall be equipped with brakes adequate to control the movement of, and to stop and to hold, such vehicle, and so designed as to be applied by the driver of the towing motor vehicle;

(5) every bus, truck, road tractor or truck tractor shall be equipped with parking brakes capable of locking the rear driving wheels and adequate under any condition of loading to hold, to the limit of traction of such braked wheels, such vehicle or combination of vehicles to which such motor vehicle may be attached. The operating controls of such parking brakes shall be independent of the operating controls of the service brakes;

(6) in any combination of motor-drawn vehicles, means shall be provided for applying the rearmost trailer brakes, of any trailer equipped with brakes, in approximate synchronism with brakes on the towing vehicle and developing the required braking effort on the rearmost wheels at the fastest rate; or means shall be provided for applying braking effort first on the rearmost trailer equipped with brakes; or both of the above means capable of being used alternatively may be employed; and

(7) the brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

B. Every motor vehicle or combination of motor-drawn vehicles shall be capable, at all times and under all conditions of loading, of being stopped on a dry, smooth, level road, free from loose material, upon application of the service brake, within the distance specified below, or shall be capable of being decelerated at a sustained rate corresponding to these distances:

<table>
<thead>
<tr>
<th>Feet to stop from 20 miles per hour</th>
<th>Deceleration in ft. per second</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicles or combinations of vehicles having brakes on all wheels</td>
<td>30</td>
</tr>
<tr>
<td>Vehicles or combinations of vehicles not having brakes on all wheels</td>
<td>40</td>
</tr>
</tbody>
</table>

C. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. (66-3-840 NMSA 1978)

12-10-1.17 HORNS AND WARNING DEVICES

A. Every motor vehicle when operated upon a street shall be equipped with a horn in good working order and capable of emitting sound audible under normal
conditions from a distance of not less than two hundred feet, but no horn or other warning
device shall be used which does not produce a harmonious sound. The driver of a motor
vehicle shall, when reasonably necessary to ensure safe operation, give audible warning
with his horn but shall not otherwise use such horn when upon a street.

B. No vehicle shall be equipped with nor shall any person use upon a
vehicle any siren, whistle or bell except as otherwise permitted in this section.

C. It is permissible, but not required, that any commercial vehicle be
equipped with a theft-alarm signal device which is so arranged that it cannot be used by
the driver as an ordinary warning signal.

D. Any authorized emergency vehicle may be equipped with a siren,
whistle or bell, capable of emitting sound audible under normal conditions from a distance
of not less than five hundred feet and of a type approved by the division, but such siren
shall not be used except when such vehicle is operated in response to an emergency call or
in the immediate pursuit of an actual or suspected violator of the law, in which said latter
events the driver of such vehicle shall sound said siren when reasonably necessary to warn
pedestrians and other drivers of the approach thereof. (66-3-843 NMSA 1978)

12-10-1.18 MIRRORS

Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a
view of the highway for a distance of at least two hundred feet to the rear of such vehicle.
(66-3-845 NMSA 1978)

12-10-1.19 APPLICATION OF SUCCEEDING SECTIONS

Sections 12-10-1.20, 12-10-1.21, 12-10-1.27, 12-10-1.33 and 12-10-1.34 shall apply in
lieu of Sections 12-10-1.5A,B,C, 12-10-1.7A,B,C and 12-10-1.8 as to passenger buses,
trucks, truck tractors, road tractors, and such trailers, semi-trailers and pole trailers
provided therein, when
operated upon any street, and said vehicles shall be equipped as required. All lamp
equipment required shall be lighted at the times mentioned in Section 12-10-1.3 of this
ordinance. (66-3-808 NMSA 1978)

12-10-1.20 ADDITIONAL EQUIPMENT REQUIRED

Every bus or truck less than eighty inches in over-all width shall be equipped as follows:

(1) on the front: two headlamps; and

(2) on the rear: one red tail lamp; one red or amber stop lamp;
two red reflectors, one at each side. (66-3-809 NMSA 1978)

12-10-1.21 COLOR OF CLEARANCE LAMPS, SIDE-MARKER LAMPS AND
REFLECTORS

Every bus or truck eighty inches or more in over-all width shall be equipped as follows:

X-12
(1) on the front: two headlamps; two amber clearance lamps, one at each side;

(2) on the rear: one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side.

(3) all lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber; and

(4) on each side: one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear. (66-3-810 NMSA 1978)

12-10-1.22 LAMPS AND REFLECTORS--TRUCK TRACTORS AND ROAD TRACTORS

Every truck tractor and road tractor shall be equipped as follows:

(1) on the front: two headlamps; two amber clearance lamps, one at each side; and

(2) on the rear: one red tail lamp; one red or amber stop lamp. (66-3-811 NMSA 1978)

12-10-1.23 LAMPS AND REFLECTORS--LARGE SEMI-TRAILERS, FULL TRAILERS AND HOUSE TRAILERS

A. Every semi-trailer, full trailer or house trailer eighty inches or more in over-all width shall be equipped as follows:

(1) on the front: two amber clearance lamps; one at each side;

(2) on the rear: one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side; and

(3) on each side: one amber side-marker lamp, located at or near the front; one red side-marker lamp, located at or near the rear; one amber reflector, located at or near the front; one red reflector, located at or near the rear.

B. Side-marker lamps may be in combination with clearance lamps and may use the same light source. (66-3-812 NMSA 1978)

12-10-1.24 LAMPS AND REFLECTORS--SMALL SEMI-TRAILERS, HOUSE TRAILERS AND TRAILERS

Every semi-trailer, house trailer or trailer less than eighty inches in over-all width shall be
equipped as follows: on the rear: one red tail lamp; two red reflectors, one at each side; one red or amber stop lamp, if the semi-trailer, house trailer or trailer obscures the stop lamp on the towing vehicle. (66-3-813 NMSA 1978)

12-10-1.25 LAMPS AND REFLECTORS—POLE TRAILERS

Every pole trailer shall be equipped as follows:

1) on the rear: one red tail lamp, two red reflectors, one at each side, placed to indicate extreme width of the pole trailer; and

2) on each side, on the rearmost support for the load: one combination marker lamp showing amber to the front and red to the side and rear, mounted to indicate the maximum width of the pole trailer; and red reflector, located at or near the rear; and on pole trailers thirty feet or more in over-all length, an amber marker lamp on each side near the center. (66-3-814 NMSA 1978)

12-10-1.26 LAMPS AND REFLECTORS—COMBINATIONS IN DRIVEAWAY-TOWAWAY OPERATIONS

Combinations of motor vehicles, as enumerated in Section 12-10-1.19 of this ordinance, engaged in driveaway-towaway operations shall be equipped as follows:

A. On towing vehicle;

1) on the front, two head lamps and two amber clearance lamps, one at each side;

2) on each side and near the front, one amber side-marker lamp;

3) on the rear, one red tail lamp; one red or amber stop lamp;

and

4) provided, however, that vehicles of less than eighty inches in width shall be equipped as provided in Section 12-10-1.20 of this ordinance.

B. On the towed vehicles of a tow-bar combination, the towed vehicle of a single saddle-mount combination and on the rearmost towed vehicle of a double saddle-mount combination:

1) on each side, and near the rear, one red side-marker lamp;

and

2) on the rear, one red tail lamp; two red clearance lamps, one at each side; one red or amber stop lamp; two red reflectors, one at each side.

C. On the first saddle-mount of a double saddle-mount combination: one each side and near the rear, one amber side-marker lamp.
D. Combinations of vehicles less than eighty inches in width in driveaway-towaway operations shall carry lamp and reflectors as required in Section 12-10-1.20 of this ordinance. (66-3-815 NMSA 1978)

12-10-1.27 MOUNTING OF REFLECTORS, CLEARANCE LAMPS AND SIDE-MARKER LAMPS

A. Reflectors required by Section 12-10-1.20 and 12-10-1.21 of this ordinance shall be mounted upon the motor vehicle at a height of not less than twenty-four inches nor more than sixty inches above the ground on which the motor vehicle stands, except that reflectors shall be mounted as high as practicable on motor vehicles which are so constructed as to make compliance with the twenty-four-inch requirements impractical. They shall be so installed as to perform their function adequately and reliably and, except for temporary reflectors required for vehicles in driveaway-towaway operations, all reflectors shall be permanently and securely mounted in workmanlike manner so as to provide the maximum of stability, and the minimum likelihood of damage. Required reflectors otherwise properly mounted may be securely installed with flexible strapping or belting provided that under conditions of normal operation they reflect light in the required directions. Required temporary reflectors mounted on motor vehicles during the time they are in transit in any driveaway-towaway operations must be firmly attached.

B. All reflectors on the rear and those nearest to the rear on the sides, except those referred to in Subsection C of this section, shall reflect a red color; all other reflectors, except those referred to in Subsection C of this section, shall reflect an amber color; provided that this requirement shall not be construed to prohibit the use of motor vehicles in combination if such motor vehicles are severally equipped with reflectors as required by Section 12-10-1.20 through 12-10-1.26 of this ordinance.

C. Retroreflective surface, other than required reflectors, may be used, provided:

(1) designs do not resemble traffic control signs, lights or devices, except that straight edge stripping resembling a barricade pattern may be used;

(2) designs do not tend to distort the length or width of the motor vehicle;

(3) such surfaces shall be at least three inches from any required lamp or reflector unless of the same color as such lamp or reflector;

(4) no red color shall be used on the front of any motor vehicle; and

(5) no provision of this subsection shall be so construed as to prohibit the use of retroreflective registration plates required by any state or local authorities. (66-3-816 NMSA 1978)
12-10-1.28  CLEARANCE LAMPS TO INDICATE EXTREME WIDTH, HEIGHT AND LENGTH

Clearance lamps shall, so far as is practicable, be mounted as to indicate the extreme width, height and length of the motor vehicle; except that clearance lamps on truck-tractors shall be so located as to indicate the extreme width of the truck-tractor cab. (66-3-817 NMSA 1978)

12-10-1.29  SIDE-MARKER LAMPS COMBINED WITH CLEARANCE LAMPS

Side-marker lamps may be combined with clearance lamps and may use the same light source. (66-3-818 NMSA 1978)

12-10-1.30  COMBINATION TAIL AND STOP LAMPS

Except as required by 12-10-1.29 of this ordinance tail lamps may be incorporated in the same housing with stop lamps so long as the requirements for each are fulfilled. (66-3-819 NMSA 1978)

12-10-1.31  LIGHTING DEVICES TO BE ELECTRIC

Lighting devices shall be electric, except that red liquid burning lanterns may be used on the end of load in the nature of poles, pipes, and ladders projecting to the rear of the vehicle. (66-3-820 NMSA 1978)

12-10-1.32  REQUIREMENTS FOR HEADLAMPS AND AUXILIARY ROADLIGHTING LAMPS

A. Headlamps and lamps or auxiliary road lighting lamps shall be mounted so that the beams are readily adjustable, both vertically and horizontally, and the mounting shall be such that the aim is not readily disturbed by ordinary conditions of service.

B. Every bus, truck or truck-tractor shall be equipped with two single-beam headlamps supplemented by two auxiliary single-beam headlamps furnishing, respectively, an upper and lower distribution of light, also selectable at the driver's will.

C. Headlamps shall be constructed and installed so as to comply with the provisions of Sections 12-10-1.39 through 12-10-1.41 of this ordinance. (66-3-821 NMSA 1978)

12-10-1.33  REQUIREMENTS FOR CLEARANCE, SIDE-MARKER AND OTHER LAMPS

A. Except for temporary side-marker and clearance lamps on motor vehicles, as enumerated in Section 66-3-808 NMSA 1978, being transported in driveaway-towaway operations, temporary electric lamps on projecting loads, and temporary marker lamps on pole trailers, all lamps shall be permanently and securely
mounted in workmanlike manner on a permanent part of the motor vehicle. All clearance lamps and side-marker lamps must be firmly attached.

B. Clearance, side-marker, tail and projecting load-marker lamps shall be so mounted as to be capable of being seen from a distance of at least five hundred feet under clear atmospheric conditions during the time lamps are required to be lighted. The light from front clearance lamps shall be visible to the front and that from side-marker lamps to the side, that from rear clearance and tail lamps to the rear. This section shall not be construed to apply to lamps which are obscured by another unit or a combination of vehicles.

C. Clearance, side-marker, tail and projecting load-marker lamps shall be constructed and installed so as to provide an adequate and reliable warning signal. (66-3-822 NMSA 1978)

12-10-1.34 OBSTRUCTED LIGHTS NOT REQUIRED

Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp, except tail lamps, need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination; but, this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. (66-3-823 NMSA 1978)

12-10-1.35 LAMPS ON PARKED VEHICLES

A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half-hour after sunset and half-hour before sunrise and in the event there is sufficient light to reveal any person of object within a distance of five hundred feet upon such street or highway no lights need to be displayed upon such parked vehicle.

B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half-hour after sunset and a half-hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: at least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and same lamp or at least one other lamp shall display a red light visible, from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (66-3-825 NMSA 1978)
12-10-1.36 LAMPS ON OTHER VEHICLES AND EQUIPMENT

A. All vehicles, including animal-drawn vehicles, not specifically required by the provisions of this ordinance to be equipped with lamps, shall at the time specified in 12-10-1.3 of this ordinance hereof be equipped with at least one lighted lamp or lantern exhibiting a white light visible from a distance of five hundred feet to the front of such vehicle and with a lamp or lantern exhibiting a red light visible from a distance of five hundred feet to the rear.

B. Every farm tractor not equipped with an electric lighting system shall at all times mentioned in Section 12-10-1.3 of this ordinance be equipped with lamps or lanterns meeting the requirements of Subsection A above. Every farm tractor equipped with an electric lighting system shall at all times mentioned in Section 12-10-1.3 of this ordinance display a red tail lamp and either multiple-beam or single-beam headlamps meeting the requirements of Sections 12-10-1.7, 12-10-1.39 and 12-10-1.41 of this ordinance.

C. All combinations of tractors and towed farm equipment shall, in addition to the lighting equipment required by Subsection B above, be equipped with a lamp or lamps displaying a white or amber light visible from a distance of five hundred feet to the front and red light visible from a distance of five hundred feet to the rear, and said lamp or lamps shall be installed or capable of being positioned so that visibility from the rear is not obstructed by the towed equipment and so as to indicate the furthest projection of said towed equipment on the side of the road used by other vehicles in passing such combinations. And further, all such towed farm equipment shall be equipped either with two tail lamps displaying a red light visible from a distance of the five hundred feet to the rear or two red reflectors visible from a distance of fifty to five hundred feet to the rear when illuminated by the upper beam of headlamps, and the location of such lamps or reflectors shall be such as to indicate as nearly as practicable the extreme left and right rear projections of said towed equipment on the street. (66-3-826 NMSA 1978)

12-10-1.37 SPOT LAMPS AND AUXILIARY LAMPS

A. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high-intensity portion of the beam will be directed to the left of the prolongation of the extreme left side of the vehicle nor more than one hundred feet ahead of the vehicle; provided, however, that lighted spot lamps shall be turned off at least five hundred feet from approaching motor vehicles.

B. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed, when the vehicle is not loaded, that none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in Section 12-10-1.39B of this ordinance.
C. Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of Section 12-10-1.39 of this ordinance shall apply to any combination of headlamps and auxiliary passing lamps.

D. Any motor vehicle may be equipped with not to exceed one auxiliary driving lamp mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. Any lighted auxiliary driving lamp shall be turned off at least five hundred feet from approaching motor vehicles. The provisions of Section 12-10-1.39 of this ordinance shall apply to any combination of headlamps and auxiliary driving lamp. (66-3-827 NMSA 1978)

12-10-1.38 ADDITIONAL LIGHTING EQUIPMENT

A. Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

B. Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

C. Any motor vehicle may be equipped with not more than two back-up lamps either separately or in combination with other lamps, but any such back-up lamp shall not be lighted when the motor vehicle is in forward motion. (66-3-829 NMSA 1978)

12-10-1.39 MULTIPLE BEAM ROAD LIGHTING EQUIPMENT

Except as hereinafter provided, the headlamps or the auxiliary driving lamps or the auxiliary passing lamp, or combinations thereof, on motor vehicles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may, in addition, be so arranged that such selection can be made automatically, subject to the following limitations:

A. There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least three hundred fifty feet ahead for all conditions of loading.

B. There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least one hundred feet ahead; and on a straight level road under any condition of loading none of the high-intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

C. Every new motor vehicle registered in this state after July 1, 1953, which has multiple beam road lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the headlamps is in use, and shall not otherwise be lighted. The indicator shall be so designed
and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. (66-3-830 NMSA 1978)

**12-10-1.40 USE OF MULTIPLE BEAM ROAD LIGHTING EQUIPMENT**

Whenever a motor vehicle is being operated on a street or shoulder adjacent thereto during the times specified in Section 12-10-1.3 of this ordinance, the driver shall use all distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at safe distance in advance of the vehicle, subject to the following requirements and limitations:

A. Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver.

B. The lowermost distribution of light specified in Section 12-10-1.39B of this ordinance shall be deemed to avoid glare at all times, regardless of road contour and loading.

C. Whenever the driver of a vehicle overtakes another vehicle proceeding in the same direction and within two hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected through the rear window of the overtaken vehicle. (66-3-831 NMSA 1978)

**12-10-1.41 SINGLE BEAM ROAD LIGHTING EQUIPMENT**

Headlamps arranged to provide a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to July 1, 1953, in lieu of multiple beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

A. The headlamps shall be so aimed that when the vehicle is not loaded none of the high-intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level of which the vehicle stands at a distance of seventy-five feet ahead.

B. The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. (66-3-832 NMSA 1978)

**12-10-1.42 ALTERNATE ROAD LIGHTING EQUIPMENT**

Any motor vehicle may be operated under the conditions specified in Section 12-10-1.3 of this ordinance when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in Sections 12-10-1.39 or 12-10-1.41 of this ordinance; provided, however, that at no time shall it be operated at a speed in excess of twenty miles an hour. (66-3-833 NMSA 1978)
12-10-1.43 NUMBER OF DRIVING LAMPS REQUIRED OR PERMITTED

A. At all times specified in Section 12-10-1.3 of this ordinance, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

B. Whenever a motor vehicle equipped with headlamps as herein required is also equipped with any auxiliary lamp or spot lamps or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candle power, not more than a total of four or any such lamps on the front of a vehicle shall be lighted at any one time when upon a street. (66-3-834 NMSA 1978)

12-10-1.44 SPECIAL RESTRICTIONS ON LAMPS

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, that project a beam of light of an intensity greater than three hundred candle power shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. A person shall drive or move upon a highway a vehicle or equipment with a lamp or device displaying a red light visible from directly in front of the center of the vehicle or equipment, except as expressly authorized or required by the New Mexico Motor Vehicle Code.

C. Flashing lights are prohibited except as provided in this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating turn.

D. A recovery or repair vehicle standing on a highway for the purpose of removing, and actually engaged in removing, a disabled vehicle, and while engaged in towing any disabled vehicle, may display flashing lights in any color except red. This provision shall not be construed as permitting the use of flashing lights by recovery or repair vehicles in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses may display flashing red lights visible from the front of the vehicle. All other vehicles authorized by the New Mexico Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible. (66-3-835 NMSA 1978)

12-10-1.44 SPECIAL RESTRICTIONS ON LAMPS

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle
warning lamps and school bus warning lamps, which project a beam of light of an
intensity greater than three hundred candle power shall be directed so that no part of the
high-intensity portion of the beam strikes the level of the street on which the vehicle
stands at a distance of more than seventy-five feet from the vehicle.

B. No person shall drive or move upon any street, any vehicle or
equipment with a lamp or device thereon displaying a red light visible from directly in
front of the center of the vehicle or equipment. This section does not apply to any vehicle
upon which a red light visible from the front is expressly authorized or required by the
New Mexico Motor Vehicle Code.

C. Flashing lights are prohibited except as provided in Subsection D of
this section and except on authorized emergency vehicles, school buses, snow-removal
equipment and highway-marking equipment. Flashing red lights may be used as warning
lights on disabled or parked vehicles and on any vehicle as a means of indicating turn.

D. Tow cars standing on streets for the purpose of removing, and
actually engaged in removing, disabled vehicles, and while engaged in towing any
disabled vehicle, may display flashing lights. This shall not be construed as permitting the
use of flashing lights by tow cars in going to or returning from the location of disabled
vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles,
ambulances and school buses shall display flashing red lights visible from the front of the
vehicle. All other vehicles authorized by the New Mexico Vehicle Code to display
flashing lights visible from the front of the vehicle may use any other color of light that is
visible. (66-3-835 NMSA 1978)

12-10-1.45 LIGHTS ON SNOW REMOVAL EQUIPMENT

It shall be unlawful to operate any snow removal equipment on any street unless the lamps
thereon comply with and are lighted when and as required by the standards and
specifications adopted by the State Highway Commission as provided in Section 66-3-836
NMSA 1978. (66-3-836 NMSA 1978)

12-10-1.46 MEANING OF THE TERM "MOTOR VEHICLE" AS USED IN
SECTIONS 12-10-1.47 THROUGH 12-10-1.51 OF THIS
ORDINANCE—UNATTENDED VEHICLES

A. For the purposes of Sections 12-10-1.47 through 12-10-1.51 of this
ordinance "motor vehicle" means every bus, truck tractor, road tractor,. and every driven
vehicle in driveway-towaway operations, required by Section 12-10-2 of this ordinance
to have emergency equipment thereon.

B. No motor vehicle shall be left unattended until the parking brake
has been securely set. All reasonable precautions shall be taken to prevent the movement
of any vehicle left unattended. (66-3-851 NMSA 1978)
12-10-1.47  STOPPED VEHICLES NOT TO INTERFERE WITH OTHER TRAFFIC

No motor vehicle shall be stopped, parked, or left standing, whether attended or unattended, upon the traveled portion of any street outside of a business or residence district, when it is practicable to stop, park, or leave such vehicle off the traveled portions of the street. In the event that conditions make it impracticable to move such motor vehicle from the traveled portion of the street, the driver shall make every effort to leave all possible width of the street opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear. (66-3-852 NMSA 1978)

12-10-1.48  EMERGENCY SIGNALS—DISABLED VEHICLE

Whenever any motor vehicle is disabled upon the traveled portion of any street or the shoulder thereof, when lighted lamps are required, except where there is sufficient street lighting to make it clearly discernible to persons and vehicles on the street at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the disabled vehicle, a lighted fuse and lighted red electric lantern, or a red emergency reflector.

B. Except as provided in Subsections C and D of this section, as soon thereafter as possible, but in any event within the burning period of the fuse, the driver shall place three liquid-burning flares or pot torches, or three red emergency reflectors on the traveled portion of the street in the following order:

(1) one at a distance of approximately one hundred feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) one at a distance of approximately one hundred feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) one at the traffic side of the disabled vehicle, not less than ten feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with Subsection A of this section, it may be used for this purpose.

C. If disablement of any motor vehicle shall occur within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the street, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle.

D. If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container of a motor vehicle disabled or otherwise stopped upon
a street, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion. (66-3-853 NMSA 1978)

12-10-1.49   NON-EMERGENCY SIGNALS--STOPPED OR PARKED VEHICLES

Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any street, or shoulder thereof, during the time lights are required, except where there is sufficient street lighting to make clearly discernible persons and vehicles on the street at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the vehicle, a lighted fuse and lighted red electric lantern, or a red emergency reflector.

B. If the stop is to exceed ten minutes, the driver shall place emergency signals as required and in the manner prescribed by Section 12-10-1.48 of this ordinance. (66-3-854 NMSA 1978)

12-10-1.50   EMERGENCY SIGNALS--FLAME PRODUCING

No driver shall attach or permit any person to attach a lighted fuse or other flame producing emergency signal to any part of a motor vehicle. (66-3-855 NMSA 1978)

12-10-1.51   EMERGENCY SIGNALS--DANGEROUS CARGOES

No driver shall use or permit the use of any flame producing emergency signal for protecting any motor vehicle transporting explosives, any cargo tank motor vehicle used for the transportation of any flammable liquid or flammable compressed gas, whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel. In lieu thereof, red electric lanterns or red emergency reflectors shall be used, the placement of which shall be in the same manner a prescribed in Section 12-10-1.48 of this ordinance. (66-3-856 NMSA 1978)

12-10-2   TRANSPORTING OR HANDLING EXPLOSIVES OR DANGEROUS ARTICLES

A. Any person operating any vehicle transporting explosives or other dangerous articles, as defined in the New Mexico Motor Vehicle Code, as cargo upon a street shall comply with the provisions of Sections 66-3-858 through 66-3-873 NMSA 1978 with respect to marking of vehicles. (66-3-858 NMSA 1978)

B. No motor vehicle transporting any explosive or any other dangerous article shall be left unattended upon any street in any residence or business district except when the driver is engaged in the performance of normal operations incident to his duties as an operator of the vehicle to which he is assigned; provided, however, the chief of police may except any street in any business district from the operation of this subsection.
C. Drivers of motor vehicles transporting explosives, inflammable liquids, or inflammable, noxious or toxic compressed gasses in cargo tanks, shall avoid, so far as practicable, driving into or through congested streets, places where crowds are assembled and dangerous crossings. So far as practicable this shall be accomplished by prearrangement of routes.

D. No blasting caps or other materials designed and used for detonating charges or explosives may be transported in or on a vehicle with any explosive.(*)

E. The administrator shall enforce such rules and regulations adopted and promulgated by the director with respect to the transportation of compressed gasses and corrosive liquids by tank vehicle upon the public street. (66-3-873 NMSA 1978)

12-10-3 REGULATING THE KINDS AND CLASSES OF TRAFFIC ON THE STREETS

12-10-3.1 RESTRICTIONS UPON USE OF STREETS BY CERTAIN VEHICLES

A. The administrator may determine and designate those heavily traveled streets upon which shall be prohibited the use of the street by motor driven cycles, bicycles, horse-drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

B. When signs are erected giving notice of the restrictions, no person shall disobey the restrictions stated on the signs.(*)

12-10-3.2 MINIMUM VEHICLE SIZE

A. It is unlawful to operate on the streets of this municipality any motor vehicle:

(1) with a wheelbase, between two axles, of less than three feet seven inches; (66-7-405 NMSA 1978)

(2) any motorcycle with less than a twenty-five (25) inch seat height measured from the ground to the lowest point on top of the seat cushion, without a rider.(*)

B. For the purpose of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles. (66-7-405 NMSA 1978)

12-10-3.3 PROJECTING LOADS ON PASSENGER VEHICLES

No passenger-type vehicle, except a motorcycle, shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side of the vehicle. (66-7-403 NMSA 1978)
12-10-3.4  SPECIAL PROJECTING LOAD LIMITS

The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than seven feet beyond the rear of the bed or body of such vehicle. (66-7-406 NMSA 1978)

12-10-3.5  TRAILERS AND TOWED VEHICLES

A.  When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. When a combination of vehicles are engaged in transporting poles, pipe, machinery or other objects of structural nature which cannot readily be dismembered, the load shall be distributed so as to equalize the weights on the axle of each vehicle insofar as possible.

B.  When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square. (66-7-408 NMSA 1978)

12-10-3.6  WIDTH OF VEHICLES

A.  The total outside width of any vehicle or its load, excepting mirrors, shall not exceed eight feet six inches. Safety devices up to three inches on either side of the vehicle are also excepted. (66-7-402 NMSA 1978)

12-10-3.7  HEIGHT AND LENGTH OF VEHICLES AND LOADS

A.  No vehicle, shall exceed a height of fourteen feet.

B.  No vehicle, shall exceed a length of forty feet extreme over-all dimension, exclusive of front and rear bumpers, except when operated in combination with another vehicle as provided in this section. No combination of vehicles, unless otherwise exempted in this section, shall exceed an overall length of sixty-five feet, exclusive of front and rear bumpers.

C.  No combination of vehicles coupled together shall consist of more than two units, except:

   (1) a truck tractor and semi-trailer shall be permitted to pull one trailer;

   (2) a vehicle shall be permitted to pull two units, provided that the middle unit is equipped with brakes and has a weight equal to or greater than the last unit and the total combined gross weight of the towed units does not exceed the manufacturer's stated gross weight of the towing units;

   (3) a double or triple saddle-mount or fifth wheel mount of vehicles in transit by driveway-towaway methods shall be permitted;

   (4) vehicles and trailers operated by or under contract for municipal refuse systems;

   (5) farm trailers, implements of husbandry and fertilizer trailers.
operated by or under contract to a farmer or rancher in his farming or ranching operations; and

(6) as provided in Subsection D and E of this section.

D. Exclusive of safety and energy conservation devices, refrigeration units and other devices such as coupling devices, vehicles operating a truck tractor semitrailer or truck tractor semitrailer-trailer combinations on the interstate highway system and those qualifying federal aid primary system highways designated by the secretary of the United States department of transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, and on those highways designated by the department by rule or regulation with the concurrence of the state transportation department may exceed an overall length limitation of sixty-five feet, provided that the length of the semitrailer in a truck tractor semitrailer combination does not exceed fifty-seven feet six inches and the length of the semitrailer or trailer in a truck tractor semitrailer-trailer combination does not exceed twenty-eight six inches. The department shall adopt rules and regulations granting reasonable access to terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers to vehicles operating in combination pursuant to this subsection. As used in this subsection, "truck tractor" means a non-cargo carrying power unit designed to operate in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the truck tractor.

E. Notwithstanding any other subsection of this section, any trailer or semitrailer combination of such dimensions as those that were in actual and lawful use in this state on December 1, 1982 may be lawfully operated on the highways of this state. (66-7-404 NMSA 1978)

12-10-3.8 EXCEPTIONS ON SIZE, WEIGHT AND LOAD

The provisions of Sections 12-10-3.1 through 12-10-3.7 of this ordinance governing size, weight and load shall not apply to fire apparatus, road machinery engaged in street construction or maintenance, or to implements of husbandry, including farm tractors, temporarily moved upon a street, or to a vehicle operated under the terms of a special permit issued as herein provided. (66-7-401 NMSA 1978)

12-10-4 DISPLAY OF CURRENT VALID REGISTRATION PLATE

A. It is a violation of this ordinance for any person to drive or park upon a public street or public parking area of this municipality any motor vehicle or trailer which does not display one or more visible current valid registration plates as required by state law. (*)

B. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front of a road tractor or truck tractor. The plate shall be securely fastened at all times, in a fixed horizontal position, at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as to be clearly visible, and it shall be maintained free from foreign material and in a condition to be clearly

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C. No vehicle, while being operated on the streets of this municipality, shall have displayed thereon, either on the front or the rear thereof, any license plate, including tab or sticker, other than one issued, or validated, for the current registration period, by the division or any other licensing authority having jurisdiction over the vehicle. No expired license plate, tab or sticker shall be displayed on such vehicle, other than an expired special license plate which may be exhibited on the front of the vehicle. (66-3-18 NMSA 1978)

D. Nothing contained herein shall be construed as prohibiting the use, on the front of the vehicle, of a promotional or advertising plate. (66-3-18 NMSA 1978)

E. Any police officer may, upon discovering that the registration plate of any vehicle is illegible because of wear or damage or other causes, issue a citation to the owner or operator of the vehicle. The citation shall provide that the owner shall, within thirty days from the date of the citation, apply for and obtain a duplicate or replacement plate from the division. (66-3-17 NMSA 1978)

F. Any motor vehicle owner who has been issued a citation for an illegible registration plate and who fails to comply with the terms of the citation requiring the acquisition of a duplicate or replacement plate within thirty days of the date of the citation is guilty of a misdemeanor. (66-8-10 NMSA 1978)

12-10-5 EVIDENCE OF REGISTRATION TO BE SIGNED AND EXHIBITED ON DEMAND

Every owner, upon receipt of registration evidence, shall write his signature thereon in a space provided. Every such registration evidence or duplicates thereof validated by the division shall be exhibited upon demand of any police officer. (66-3-13 NMSA 1978)

12-10-6 MANDATORY FINANCIAL RESPONSIBILITY.

A. No owner shall permit the operation of an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically exempted from the provisions of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978].

B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless he is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

C. For the purposes of the Mandatory Financial Responsibility Act, "uninsured motor vehicle" means a motor vehicle for which a motor vehicle insurance policy meeting the requirements of the laws of New Mexico and of the secretary is not in effect or a surety bond or evidence of a sufficient cash deposit with the state treasurer. (66-5-205 NMSA 1978)

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D. When financial responsibility is satisfied through coverage under a motor vehicle insurance policy, the owner's or operator's carrying of evidence in print or accessible through a portable electronic device is acceptable. An owner or operator of a vehicle who provides evidence of financial responsibility through a portable electronic device.

(1) assumes all liability for any resulting damage to the portable electronic evidence; and

(2) is presumed not to consent to provide access to a law enforcement officer to any other information stored in the portable electronic device.

E. "Evidence of Financial Responsibility", as used in this Section, means evidence of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:

(1) twenty-five thousand dollars ($25,000) because of bodily injury to or death of one person in any one accident;

(2) subject to this limit for one person, fifty thousand dollars ($50,000) because of bodily injury to or death of two or more persons in any one accident;

(3) ten thousand dollars ($10,000) because of injury to or destruction of property of others in any one accident; and

(4) if evidence is in the form of a surety bond or a cash deposit with the state treasurer, the total amount shall be sixty thousand dollars ($60,000). (66-5-208 NMSA 1978)

F. Exemptions--Exempted from the mandatory financial responsibility provisions of this Section are the following:

(1) a motor vehicle owned by the United States government, any state or any political subdivision of a state;

(2) an implement of husbandry or special mobile equipment which is only incidentally operated upon the streets or highways within the limits of the municipality;

(3) a motor vehicle operated upon a street or highway within the limits of the municipality only for the purpose of crossing such street or highway from one property to another;

(4) a commercial motor vehicle registered or proportionally registered in New Mexico and any other jurisdiction, provided such motor vehicle is covered by a motor vehicle insurance policy or equivalent coverage or other form of financial responsibility in compliance with the laws of any other jurisdiction in which it is registered;
(5) a motor vehicle approved as self-insured by the superintendent of insurance pursuant to Section 66-5-207.1 NMSA 1978; and

(6) any motor vehicle when the owner has submitted to the department a signed statement, in the form prescribed by the department, declaring that the vehicle will not be operated on the highways of New Mexico and explaining the reasons therefore. (66-5-207 NMSA 1978)

G. The office of the municipal court shall notify the Division of Motor Vehicles of the Transportation Department of the State of New Mexico of the conviction of any person violating the provisions of this Section.

H. Penalty. Any person found guilty of violating this Section shall be fined not more than three hundred dollars ($300) (66-5-205 E NMSA 1978); provided however, that no person charged with violating this section shall be convicted if he produces in court evidence of financial responsibility valid at the time of issuance of the citation. (*)

I. When a law enforcement officer issues a driver who is involved in an accident a citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act, the law enforcement officer shall at the same time:

(1) issue to the driver cited a temporary operation sticker, valid for thirty days after the date the sticker is issued, and forward by mail or delivery to the department a duplicate of the issued sticker; and

(2) remove the license plate from the vehicle and send it with the duplicate of the sticker to the department or, if it cannot be removed, permanently deface the plate. (66-5-205.1 NMSA 1978)