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AN ACT
RELATING TO TRANSPORTATION; AMENDING THE CHILD HELMET SAFETY
ACT; DEFINING "ELECTRIC-ASSISTED BICYCLE"; PROVIDING
STANDARDS FOR THE REGULATION AND USE OF ELECTRIC-ASSISTED
BICYCLES; AMENDING AND ENACTING SECTIONS OF THE MOTOR VEHICLE
CODE.

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

SECTION 1. Section 32A-24-2 NMSA 1978 (being Laws 2007,
Chapter 66, Section 2) is amended to read:

"32A-24-2. DEFINITIONS.--As used in the Child Helmet
Safety Act:

A. "bicycle" means a human-powered vehicle with
two wheels in tandem designed to transport, by the act of
pedaling, one or more persons seated on one or more saddle
seats on its frame and includes an electric-assisted bicycle
and a human-powered vehicle designed to transport by the act
of pedaling, which has more than two wheels when the vehicle
is used on a public roadway, public bicycle path or other
public road or right of way, including a tricycle;

B. "electric-assisted bicycle" means a bicycle
with fully operable pedals and an electric motor not
exceeding seven hundred fifty watts of power;

C. "minor" means a person under eighteen years of
age;

1 D. "operator" means a person under eighteen years
2 of age who travels on a bicycle seated on a saddle seat from
3 which that person is intended to and can pedal the bicycle,
4 or who propels the person's self by way of using inline
5 skates, roller skates, a skateboard or a scooter;

6 E. "passenger" means a person under eighteen years
7 of age who travels on a bicycle or scooter in any manner
8 except as an operator;

9 F. "protective helmet" means a piece of headgear
10 that meets or exceeds the impact standard for protective
11 helmets set by the United States consumer product safety
12 commission federal safety standard and those standards
13 developed by the American national standards institute, the
14 Snell memorial foundation or the American society for testing
15 and materials;

16 G. "public bicycle path" means a right of way
17 under the jurisdiction and control of the state or a local
18 political subdivision for use primarily by bicyclists and
19 pedestrians;

20 H. "public roadway" means a right of way under the
21 jurisdiction and control of the state or a local political
22 subdivision for use primarily by motor vehicular traffic;

23 I. "public skateboard park" means an area of
24 public property set aside, designed and maintained for
25 recreation by persons using bicycles, scooters, skateboards

1 or skates;

2 J. "scooter" means a wheeled vehicle, regardless
3 of the number or placement of those wheels, that has
4 handlebars, designed to be stood on by the operator or
5 passenger and used to glide or propel the operator or
6 passenger over the ground;

7 K. "skateboard" means a set of wheels attached to
8 a platform or flat surface, regardless of the number or
9 placement of those wheels, and used to glide or propel the
10 operator over the ground; and

11 L. "skates" means a pair of devices worn on the
12 feet with a set of wheels attached and used to glide or
13 propel the user over the ground and may be either inline or
14 roller, but "skates" does not include a pair of devices,
15 similar to a pair of common shoes, that has one or more
16 wheels embedded in the sole of each device."

17 SECTION 2. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
18 Chapter 120, Section 6, as amended) is amended to read:

19 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

21 A. "electric-assisted bicycle" means a vehicle
22 having two or three wheels, fully operable pedals and an
23 electric motor. Electric-assisted bicycles are further
24 required to conform to one of three classes as follows:

25 (1) "class 1 electric-assisted bicycle"

1 means an electric-assisted bicycle equipped with a motor that
2 provides assistance only when the rider is pedaling and that
3 ceases to provide assistance when the bicycle reaches a speed
4 of twenty miles per hour;

5 (2) "class 2 electric-assisted bicycle"

6 means an electric-assisted bicycle equipped with a motor that
7 provides assistance regardless of whether the rider is
8 pedaling but ceases to provide assistance when the bicycle
9 reaches a speed of twenty miles per hour; and

10 (3) "class 3 electric-assisted bicycle"

11 means an electric-assisted bicycle equipped with a motor that
12 provides assistance only when the rider is pedaling and that
13 ceases to provide assistance when the bicycle reaches a speed
14 of twenty-eight miles per hour;

15 B. "electric personal assistive mobility device"

16 means a self-balancing device having two nontandem wheels
17 designed to transport a single person by means of an electric
18 propulsion system with an average power of one horsepower and
19 with a maximum speed on a paved level surface of less than
20 twenty miles per hour when powered solely by its propulsion
21 system and while being ridden by an operator who weighs one
22 hundred seventy pounds;

23 C. "essential parts" means all integral and body

24 parts of a vehicle of a type required to be registered by the
25 provisions of the Motor Vehicle Code, the removal, alteration

1 or substitution of which would tend to conceal the identity
2 of the vehicle or substantially alter its appearance, model,
3 type or mode of operation;

4 D. "established place of business", for a dealer
5 or auto recycler, means a place:

6 (1) devoted exclusively to the business for
7 which the dealer or auto recycler is licensed and related
8 business;

9 (2) identified by a prominently displayed
10 sign giving the dealer's or auto recycler's trade name used
11 by the business;

12 (3) of sufficient size or space to permit
13 the display of one or more vehicles or to permit the parking
14 or storing of vehicles to be dismantled or wrecked for
15 recycling;

16 (4) on which there is located an enclosed
17 building on a permanent foundation, which building meets the
18 building requirements of the community and is large enough to
19 accommodate the office or offices of the dealer or auto
20 recycler and large enough to provide a safe place to keep the
21 books and records of the dealer or auto recycler;

22 (5) where the principal portion of the
23 business of the dealer or auto recycler is conducted and
24 where the books and records of the business are kept and
25 maintained; and

1 (6) where vehicle sales are of new vehicles
2 only, such as a department store or a franchisee of a
3 department store, as long as the department store or
4 franchisee keeps the books and records of its vehicle
5 business in a general office location at its place of
6 business; as used in this paragraph, "department store" means
7 a business that offers a variety of merchandise other than
8 vehicles, and sales of the merchandise other than vehicles
9 constitute at least eighty percent of the gross sales of the
10 business; and

11 E. "explosives" means any chemical compound or
12 mechanical mixture that is commonly used or intended for the
13 purpose of producing an explosion and that contains any
14 oxidizing and combustive units or other ingredients in such
15 proportions, quantities or packing that an ignition by fire,
16 friction, concussion, percussion or detonator of any part of
17 the compound or mixture may cause such a sudden generation of
18 highly heated gases that the resultant gaseous pressures are
19 capable of producing destructive effects on contiguous
20 objects or of destroying life or limb."

21 SECTION 3. Section 66-1-4.11 NMSA 1978 (being Laws
22 1990, Chapter 120, Section 12, as amended) is amended to
23 read:

24 "66-1-4.11. DEFINITIONS.--As used in the Motor Vehicle
25 Code:

1 A. "mail" means any item properly addressed with
2 postage prepaid delivered by the United States postal service
3 or any other public or private enterprise primarily engaged
4 in the transport and delivery of letters, packages and other
5 parcels;

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

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

14 D. "manufacturer's certificate of origin" means a
15 certification, on a form supplied by or approved by the
16 department, signed by the manufacturer that the new vehicle
17 or boat described in the certificate has been transferred to
18 the New Mexico dealer or distributor named in the certificate
19 or to a dealer duly licensed or recognized as such in another
20 state, territory or possession of the United States and that
21 such transfer is the first transfer of the vehicle or boat in
22 ordinary trade and commerce;

23 E. "moped" means a two-wheeled or three-wheeled
24 vehicle with an automatic transmission and a motor having a
25 piston displacement of less than fifty cubic centimeters,

1 that is capable of propelling the vehicle at a maximum speed
2 of not more than thirty miles an hour on level ground, at sea
3 level;

4 F. "motorcycle" means every motor vehicle having a
5 seat or saddle for the use of the rider and designed to
6 travel on not more than three wheels in contact with the
7 ground, including autocycles and excluding an
8 electric-assisted bicycle and a tractor;

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

12 H. "motor vehicle" means every vehicle that is
13 self-propelled and every vehicle that is propelled by
14 electric power obtained from batteries or from overhead
15 trolley wires, but not operated upon rails, but does not
16 include an electric-assisted bicycle; but for the purposes of
17 the Mandatory Financial Responsibility Act, "motor vehicle"
18 does not include "special mobile equipment"; and

19 I. "motor vehicle insurance policy" means a policy
20 of vehicle insurance that covers self-propelled vehicles of a
21 kind required to be registered pursuant to New Mexico law for
22 use on the public streets and highways. A "motor vehicle
23 insurance policy":

24 (1) shall include:

25 (a) motor vehicle bodily injury and

1 property damage liability coverages in compliance with the
2 Mandatory Financial Responsibility Act; and

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

6 (2) may include:

7 (a) physical damage coverage;

8 (b) medical payments coverage; and

9 (c) other coverages that the insured
10 and the insurer agree to include within the policy."

11 SECTION 4. Section 66-1-4.13 NMSA 1978 (being Laws
12 1990, Chapter 120, Section 14, as amended) is amended to
13 read:

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

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

20 B. "off-highway motor vehicle" means any motor
21 vehicle operated or used exclusively off the highways of this
22 state and that is not legally equipped for operation on the
23 highways of this state, but does not include an electric-
24 assisted bicycle;

25 C. "official printout" means any record supplied

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

7 D. "official traffic-control devices" means all
8 signs, signals, markings and devices consistent with the
9 Motor Vehicle Code placed or erected, by authority of a
10 public body or official having jurisdiction, for the purpose
11 of regulating, warning or guiding traffic;

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

15 F. "operator" means driver, as defined in Section
16 66-1-4.4 NMSA 1978; and

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

1 conditional vendee or lessee or mortgagor."

2 SECTION 5. Section 66-3-1 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 21, as amended) is amended to read:

4 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
5 EXCEPTIONS.--

6 A. With the exception of vehicles identified in
7 Subsection B of this section, every motor vehicle,
8 manufactured home, trailer, semitrailer and pole trailer when
9 driven or moved upon a highway and every off-highway motor
10 vehicle is subject to the registration and certificate of
11 title provisions of the Motor Vehicle Code except:

12 (1) any such vehicle driven or moved upon a
13 highway in conformance with the provisions of the Motor
14 Vehicle Code relating to manufacturers, dealers, lien-holders
15 or nonresidents;

16 (2) any such vehicle that is driven or moved
17 upon a highway only for the purpose of crossing the highway
18 from one property to another;

19 (3) an implement of husbandry that is only
20 incidentally operated or moved upon a highway;

21 (4) special mobile equipment;

22 (5) a vehicle that is propelled exclusively
23 by electric power obtained from overhead trolley wires though
24 not operated upon rails;

25 (6) a freight trailer if it is:

1 (a) properly registered in another
2 state;

3 (b) identified by a proper base
4 registration plate that is properly displayed; and

5 (c) identified by other registration
6 documents that are in the possession of the operator and
7 exhibited at the request of a police officer;

8 (7) a freight trailer or utility trailer
9 owned and used by:

10 (a) a nonresident solely for the
11 transportation of farm products purchased by the nonresident
12 from growers or producers of the farm products and
13 transported in the trailer out of the state;

14 (b) a farmer or a rancher who
15 transports to market only the produce, animals or fowl
16 produced by that farmer or rancher or who transports back to
17 the farm or ranch supplies for use thereon; or

18 (c) a person who transports animals to
19 and from fairs, rodeos or other places, except racetracks,
20 where the animals are exhibited or otherwise take part in
21 performances, in trailers drawn by a motor vehicle or truck
22 of less than ten thousand pounds gross vehicle weight rating
23 bearing a proper registration plate, but in no case shall the
24 owner of an unregistered trailer described in this paragraph
25 perform such uses for hire;

- 1 (8) a moped;
- 2 (9) an electric personal assistive mobility
- 3 device;
- 4 (10) a vehicle moved on a highway by a
- 5 towing service as defined in Section 59A-50-2 NMSA 1978;
- 6 (11) an off-highway motor vehicle exempted
- 7 pursuant to Section 66-3-1005 NMSA 1978; and
- 8 (12) an electric-assisted bicycle.

9 B. A certificate of title required pursuant to
10 Subsection A of this section is not required for a vehicle of
11 a type subject to registration owned by:

- 12 (1) the government of the United States; or
- 13 (2) a carrier that is from a jurisdiction
- 14 that is not a participant in the International Fuel Tax
- 15 Agreement, that is authorized by the United States government
- 16 or an agency of the United States government to conduct
- 17 cross-border operations beyond the commercial border zone
- 18 pursuant to the provisions of the North American Free Trade
- 19 Agreement and that identifies New Mexico as the carrier's
- 20 base jurisdiction.

21 C. A person who violates the provisions of this
22 section is guilty of a penalty assessment misdemeanor. A
23 person charged with violating this section shall not be
24 convicted if the person produces, in court, evidence of
25 compliance valid at the time of issuance of the citation."

1 SECTION 6. A new section of the Motor Vehicle Code,
2 Section 66-3-708 NMSA 1978, is enacted to read:

3 "66-3-708. ELECTRIC-ASSISTED BICYCLES--LABELS--
4 STANDARDS.--

5 A. Every manufacturer or distributor of new
6 electric-assisted bicycles intended for sale or distribution
7 in New Mexico shall permanently affix to each electric-
8 assisted bicycle, in a prominent location, a label that
9 contains the classification number, top assisted speed and
10 motor wattage of the electric-assisted bicycle. The label
11 shall be printed in arial font in at least nine-point type.

12 B. A person shall not knowingly modify an
13 electric-assisted bicycle so as to change the speed
14 capability or motor engagement of the electric-assisted
15 bicycle without also appropriately replacing, or causing to
16 be replaced, the label indicating the classification required
17 by Subsection A of this section.

18 C. An electric-assisted bicycle shall comply with
19 the equipment and manufacturing requirements for bicycles
20 adopted by the United States consumer product safety
21 commission and codified at 16 CFR 1512 or its successor
22 regulation.

23 D. A class 2 electric-assisted bicycle shall
24 operate in a manner so that the electric motor is disengaged
25 or ceases to function when the brakes are applied. Class 1

1 and class 3 electric-assisted bicycles shall be equipped with
2 a mechanism or circuit that cannot be bypassed and that
3 causes the electric motor to disengage or cease to function
4 when the rider stops pedaling.

5 E. A class 3 electric-assisted bicycle shall be
6 equipped with a speedometer that displays, in miles per hour,
7 the speed that the electric-assisted bicycle is traveling."

8 SECTION 7. A new section of the Motor Vehicle Code,
9 Section 66-3-709 NMSA 1978, is enacted to read:

10 "66-3-709. OPERATION OF ELECTRIC-ASSISTED BICYCLES.--

11 A. A person may ride a class 1 electric-assisted
12 bicycle on a bicycle or pedestrian path where bicycles are
13 authorized to travel; provided that a political subdivision
14 of the state may prohibit the operation of a class 1
15 electric-assisted bicycle on a bicycle or pedestrian path
16 within its jurisdiction.

17 B. A person shall not ride a class 2 or class 3
18 electric-assisted bicycle on a bicycle or pedestrian path
19 unless:

20 (1) the path is within a street or highway;

21 or

22 (2) a political subdivision of the state
23 permits the operation of a class 2 or class 3 electric-
24 assisted bicycle on a path under its jurisdiction.

25 C. A person under sixteen years of age shall not

1 operate a class 3 electric-assisted bicycle upon any street,
2 highway or bicycle or pedestrian path, except that a person
3 under sixteen years of age may ride as a passenger on a class
4 3 electric-assisted bicycle that is designed to accommodate
5 passengers."

6 SECTION 8. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2023. _____

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