



VILLAGE OF MAGDALENA
PO BOX 145, MAGDALENA, NM 87825
P. 575.854.2261 F. 575.854.2273
WWW.VILLAGEOFMAGDALENA.COM

AGENDA
NOTICE OF REGULAR MEETING OF THE VILLAGE OF MAGDALENA BOARD OF TRUSTEES
TUESDAY, OCTOBER 10, 2017
VILLAGE HALL 108 N. MAIN STREET 6:00 PM

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF AGENDA
5. APPROVAL OF MINUTES
 - a. REGULAR MEETING – SEPTEMBER 25, 2017
6. APPROVAL OF CASH BALANCE REPORT
7. APPROVAL OF BILLS
8. MAYOR'S REPORT
9. CLERK'S REPORT
10. DEPARTMENT REPORTS
 - a. EMS
 - b. FIRE
 - c. MARSHAL
 - d. JUDGE
 - e. PUBLIC WORKS
 - f. LIBRARY
11. FINAL CONSIDERATION -- DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL OF ORDINANCE NO. 2017-04, AN ORDINANCE ADOPTING THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE BY REFERENCE
12. DISCUSSION & POSSIBLE DECISION REGARDING CARD BOARD
13. DISCUSSION & POSSIBLE DECISION REGARDING APPROVAL TO PAY OUT VACATION TIME FOR EMPLOYEE
14. PUBLIC INPUT – 1 TOPIC PER PERSON – 3 MINUTE LIMIT
15. ADJOURNMENT

NOTE: THIS AGENDA IS SUBJECT TO REVISION UP TO 72 HOURS PRIOR TO THE SCHEDULED MEETING DATE AND TIME (NMSA 10-15-1 F). A COPY OF THE AGENDA MAY BE PICKED UP AT THE VILLAGE OFFICE, 108 N. MAIN STREET, MAGDALENA, NM 8725. IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE MEETING, PLEASE CONTACT THE VILLAGE CLERK AT 575-854-2261 AT LEAST ONE WEEK PRIOR TO THE MEETING OR AS SOON AS POSSIBLE.

**Minutes of the Regular Meeting of the Village of Magdalena
Board of Trustees
Held Monday, September 25, 2017 at 6:00 p.m.**

DRAFT

Mayor Richard Rumpf called the meeting to order at 6:00 p.m.

Present: Mayor Richard Rumpf, Lynda Middleton, James Nelson,
Jose "Artie" Castanon, Attorney Kathy Riley, Stephanie Finch -
Clerk/Treasurer

Absent: Donna Dawson

Guests: Diane Allen, John Larson, Larry Cearley, Carleen Gomez
- Deputy Clerk

Mayor Richard Rumpf requested that Marshal Larry Cearley lead
the gallery in reciting the Pledge of Allegiance.

Approval of Agenda: Mrs. Middleton motioned to approve the
agenda, seconded by Mr. Castanon. The motion carried
unanimously.

Approval of Minutes: Mr. Nelson motioned to approve the minutes
of the Regular Meeting of August 28, 2017, as presented,
seconded by Mrs. Middleton. The motion carried unanimously.

Approval of Cash Balance Report: Mrs. Middleton motioned to
approve the cash balance report as presented, seconded by Mr.
Castanon. The motion carried unanimously.

Approval of Bills: Mrs. Middleton motioned to approve the
bills, as presented, seconded by Mr. Castanon. The motion
carried unanimously.

Amazon Credit Plan	\$850.34	JV Professional Auto	\$80.30
El Air, LLC	\$297.31	Konica Minolta	\$232.84
Gall's	\$324.86	NM Rural Water Assoc.	\$1500.00
NM Tax & Rev	\$85.02	Purchase Power	\$320.99
Rak's Bldg. Supply	\$184.10	Rice & Associates	\$2757.49
Socorro Electric	\$4293.93	Tire Shop	\$16.05
Uline, Inc.	\$578.23		

Mayor's Report

Mayor Rumpf stated that he had attended a Workforce Solutions

Meeting in Las Cruces. Mrs. Middleton requested that Mayor Rumpf ask Workforce Solutions about the Village receiving their demographic share of summer youth money next time he attends one of these meetings.

Clerk's Report

Clerk Finch stated that on the September 2017 distribution received for gross receipts tax that we finally received our food distribution which made our distribution larger. She also stated that it looks like things may have been worked out with the gas tax distribution as the Village received nearly \$2700 in gas tax for the distribution month of September 2017. Clerk Finch stated that she will continue to monitor and make sure that the Village receives the taxes due to them.

Discussion & Possible Decision Regarding Approval of Appointment Of Mayor Pro-Tem

Mayor Rumpf brought forth the name of Lynda Middleton for Mayor Pro Tem until the next election in March of 2018. Mr. Nelson motioned to approve Mrs. Middleton as Mayor Pro Tem, seconded by Mr. Castanon. The motion carried unanimously.

Discussion & Possible Decision Regarding Rescheduling October 9, 2017 Board Meeting

Clerk Finch stated that October 9th is Columbus Day and although the Village Offices are open on Monday, October 9, 2017 a few members of the Board are going to be out of town for Columbus Day. Mrs. Middleton motioned to change the regular meeting from October 9, 2017 at 6:00 pm to Tuesday, October 10, 2017 at 6:00 pm in lieu of the holiday, seconded by Mr. Nelson. The motion carried unanimously.

Discussion & Possible Decision Regarding Approval to authorize CDBG Public Hearing

Clerk Finch stated there is a letter in the Board's packet from Lisa Baca at the South Central Council of Governments laying out the process that needs to be taken if the Village is interested in applying for the CDBG grant. She stated that the Mayor and Board cannot be present at this public hearing. The public hearing would be for the public to give input on projects they would like to see in the Village.

Mrs. Middleton motioned to hold and public hearing, leaving it up to the Clerk and Lisa Baca of SCCOG to find a date and time that works for both of them and to make sure word gets out the community that the hearing is taking place, seconded by Mr. Nelson. The motion carried unanimously.

Discussion & Possible Decision Regarding Approval of Bid for Street Repairs

Clerk Finch stated that the Village has two grants from the NMDOT for street repair. She stated that the first grant had been put out to bid for pot hole repair, crack seal and fog seal for Elm, Pine and Spruce Streets. She said the lowest bid came in at \$95,004.20 which was about \$35,000.00 more than the budget. She stated that the lowest bidder, Franklin Earthmoving, LLC guaranteed their prices until spring. She stated that she spoke to Debra Hudson at NMDOT to find out if the Village could combine the two grants for a total of \$77,711.00 of NMDOT share and a total of \$25,904.00 for the Villages share with a grand total of \$103,615.00 to maybe chip seal these three streets which would have a longer life span than that of fog sealing and crack sealing. NMDOT authorized putting the two grants together to chip seal. Clerk Finch stated that to chip seal Elm, Spruce and Pine Streets, the oil could be purchased from a state price agreement, the rock could be purchased from a different entity and the actual construction of laying the rock could be done separately as well for an approximate grand total of \$101,902.32. All this could be done if the Village's Utility Workers fixed all the pot holes on the pot holes on these streets before they were to be chip sealed. Mrs. Middleton stated that labor of Village employees filling the pot holes would count as part of the Villages match.

Mr. Castanon motioned to reject all bids for the street repair, seconded by Mrs. Middleton.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Mr. Castanon AYE

The motion carried unanimously.

Discussion & Possible Decision Regarding Approval To Put Sinks At Dorms Up To Bid

Clerk Finch stated that the public has shown interest in commercial stainless steel sinks that the Village currently owns. Mrs. Middleton requested that before the Village puts the sinks out to bid that we see what they are worth.

Mrs. Middleton motioned to postpone until there is more information, seconded by Mr. Castanon. The motion carried unanimously.

First Consideration - Discussion & Possible Decision Regarding

Approval to Publish Ordinance No. 2017-04, Registration of Business Activities

Clerk Finch stated that the ordinance that was approved in 2015 for Business Licenses was wrong, it should be Business Registrations. Attorney Kathy Riley stated that she agrees, it should be called license if the Village oversees the business it is licensing. Clerk Finch stated that late fees come after March 15th of every year. Add if they are a new business the late fee is waived.

Mrs. Middleton motioned to publish the ordinance with changes, seconded by Mrs. Middleton.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mr. Nelson AYE

Mrs. Middleton AYE

Mr. Castanon AYE

The motion carried unanimously.

First Consideration - Discussion & Possible Decision Regarding Approval to Publish Ordinance No. 2017-05, Imposing Municipal License Tax Upon Holders of Liquor Licenses

Failed for lack of a motion.

Public Input - 1 Topic Per Person - 3 Minute Limit

No public input was given.

Executive Session

Mrs. Middleton motioned to go into Executive Session at 7:01 p.m. to discuss the items on the agenda, seconded by Mr. Nelson.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mrs. Middleton AYE

Mr. Nelson AYE

Mr. Castanon AYE

The motion carried unanimously.

a. 10-15-1(H) (7) - Potential Litigation

- i. Settlement Concerning Claimed Debt To Contractor Stericycle**

b. 10-15-1(H) (7) - Potential Litigation

- ii. Settlement Concerning Claimed Debt To First Data Global Leasing**

Mrs. Middleton motioned to go back into regular session at 7:17 p.m. and certified that only Potential Litigation was discussed and no decisions were made, seconded by Mr. Castanon.

Mayor Rumpf suggested that Clerk Finch request a roll call vote:

Mrs. Middleton AYE

Mr. Nelson AYE

Mr. Castanon AYE

The motion carried unanimously.

Mr. Castanon motioned to adjourn the meeting at 7:18 p.m., seconded by Mr. Nelson. The motion carried unanimously.

Respectfully Submitted,

Stephanie Finch, CPO
Clerk/Treasurer

Richard Rumpf
Mayor

Stephanie Finch

From: Michael Bisbee <michael_bisbee@yahoo.com>
Sent: Friday, October 06, 2017 9:38 AM
To: Stephanie Finch
Subject: VILLAGE of MAGDALENA FIRE / EMS REPORT September 2017

VILLAGE of MAGDALENA FIRE / EMS REPORT September 2017

FIRE

9/2/2017 - Extinguished grass fire Mile Marker 127, Hwy 80
9/16/2017 - Checked alarm at Magdalena schools
9/24-25/2017 - Extinguished house fire on 3rd Street with assist by Hop Canyon VFD

EMS

8/2017 - EMS responded to 3 calls for service

Best Regards, Michael Bisbee Chief Magdalena VFD / EMS

Magdalena Marshal's Office

<i>Monthly Report</i>	<i>Month: September</i>	<i>Year: 2017</i>
Marshal's		
Total Miles Driven: 4667		
<u>GENERAL CALLS:</u>	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	40	Court/\$2586.00
TRAFFIC CITATIONS: State Statutes	5	Court
CRIMINAL CITATIONS	3	Court
ANIMAL CONTROL	2	Closed
TRAFFIC ACCIDENTS	2	Closed
D.W.I. ARRESTS		
FELONY ARRESTS	3	Closed
MISDEMEANOR ARRESTS	11	Closed
12 HOUR HOLD ARRESTS		
CRIMINAL INVESTIGATIONS	21	2 Open/19 Closed
JUVENILE CASES	1	
DOMESTIC CASES		
CRIMINAL DAMAGE / PROPERTY	4	Closed
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE	7	
PUBLIC SERVICE	22	
NM STATE POLICE	5	
SHERIFF'S OFFICE	3	
NM FISH & GAME		
US BORDER PATROL		
FOREST SERVICE		
<u>OTHER:</u>		
ALARM CALLS	7	
FINGERPRINTING	2	
DRIVING TESTS	2	
MISCELLANEOUS SERVICE	24	
<u>TOTALS:</u>	164	\$2,586.00

Jay Caily

Magdalena Marshal's Office

<i>Monthly Report</i>	<i>Month: Sept</i>	<i>Year: 2017</i>
Larry Cearley	ID#:Mag-1	
Total Miles Driven: 839		
<u>GENERAL CALLS:</u>	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	3	\$154.00/Court
TRAFFIC CITATIONS: State Statutes	4	Court
CRIMINAL CITATIONS	2	Court
ANIMAL CONTROL	2	Closed
TRAFFIC ACCIDENTS		
D.W.I. ARRESTS		
FELONY ARRESTS	1	
MISDEMEANOR ARRESTS	3	
12 HOUR HOLD ARREST		
CRIMINAL INVESTIGATIONS	10	2 Open/8 Closed
JUVENILE CASES	1	Closed
DOMESTIC CASES		
CRIMINAL DAMAGE / PROPERTY	2	Closed
<u>ASSISTANCE CALLS:</u>		
AMBULANCE/FIRE	3	
PUBLIC SERVICE	9	
NM STATE POLICE	4	
SHERIFF'S OFFICE	2	
NM FISH & GAME		
US BORDER PATROL		
US FOREST SERVICE		
<u>OTHER:</u>		
ALARM CALLS	3	
FINGERPRINTING	2	
Driving Tests	2	
Misc. Cases	10	
TOTALS:	63	\$154.00



MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
For the month of : September year: 2017

License Number: G-93062
Make and Model: 2015 Ford Expedition

Report due in NO LATER THAN THE 10th OF THE MONTH

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1	36029							01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5								05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9								10 Tire Repair
10								11 Wash and Wax
11								(Attach Copy of Invoices)
12	36029	36220	191	15.8				Invoice No.: Amt.\$
13								Date:
14								Invoice No.: Amt.\$
15	36220	36327	107	12.5				Date
16								Invoice No.: Amt.\$
17								Code: Date:
18								Invoice No.: Amt.\$
19								Code: Date:
20	36327	36499	172	13.2				Invoice No.: Amt.\$
21								Code: Date:
22								Invoice No.: Amt.\$
23								Code: Date:
24								Invoice No.: Amt.\$
25	36499	36741	242	17.7				Code: Date:
26								Invoice No.: Amt.\$
27	36741	36868	127	12.3				Code: Date:
28								Invoice No.: Amt.\$
29								Code: Date:
30								Invoice No.: Amt.\$
31								
Totals			839	71.5			0	

I certify that the above is correct to the best of my knowledge.

Signature:

Title:

[Handwritten Signature]

[Handwritten Title]

Magdalena Marshal's Office

Monthly Report	Month: September	Year: 2017
Marshal's Office - M. Apachito ID#:Mag-2		
Total Miles Driven: 1789		
GENERAL CALLS:	AMOUNT	REVENUE
TRAFFIC CITATIONS: Village Ordinances	20	\$1,444.00
TRAFFIC CITATIONS: State Statutes	1	
CRIMINAL CITATIONS	0	
ANIMAL CONTROL CITATIONS	0	
TRAFFIC ACCIDENTS	1	
D.W.I. ARRESTS	0	
FELONY ARRESTS	2	
MISDEMEANOR ARRESTS	6	
12 HOUR HOLD ARREST	0	
CRIMINAL INVESTIGATIONS	10	
JUVENILE CASES	0	
DOMESTIC CASES	0	
CRIMINAL DAMAGE / PROPERTY	1	
ASSISTANCE CALLS:		
AMBULANCE/FIRE	3	
PUBLIC SERVICE	10	
NM STATE POLICE	0	
SHERIFF'S OFFICE	0	
NM FISH & GAME	0	
US BORDER PATROL	0	
US FOREST SERVICE	0	
OTHER:		
ALARM CALLS	2	
FINGERPRINTING	0	
Driving Tests	0	
Misc. Cases	7	
TOTALS:	63	1444

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
For the month of : Sept year: 2017

License Number: _ G97490
Make and Model: _ 2016 Silverado

Report due in NO LATER THAN THE 10th OF THE MONTH

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1	28333	28625	292	20.8				01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5								05 Interior Maintenance
6								06 Lubrication
7								07 Miscellaneous
8								09 Tire Purchase
9								10 Tire Repair
10								11 Wash and Wax
11								(Attach Copy of Invoices)
12								Invoice No.: _____ Amt.\$ _____
13								Date: _____
14								Invoice No.: _____ Amt.\$ _____
15								Date: _____
16	28625	28888	263	18.1				Invoice No.: _____ Amt.\$ _____
17								Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19	28888	29111	223	17				Code: _____ Date: _____
20								Invoice No.: _____ Amt.\$ _____
21	29111	29404	293	21.9				Code: _____ Date: _____
22								Invoice No.: _____ Amt.\$ _____
23	29404	29641	237	19.3				Code: _____ Date: _____
24								Invoice No.: _____ Amt.\$ _____
25								Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$ _____
27	29641	29906	265	20.3				Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29	29906	30122	216	17.4				Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals			1789	134.8			0	

I certify that the above is correct to the best of my knowledge

Signature:

Title:

Deputy Marshal

Magdalena Marshal's Office

<i>Monthly Report</i>	<u>Month: Sept</u>	<u>Year: 2017</u>
Marshal's Office - A.Brookins Magdalena-3		
Total Miles Driven: 2039		
GENERAL CALLS:	<u>AMOUNT</u>	<u>REVENUE</u>
TRAFFIC CITATIONS: Village Ordinances	17	\$988
TRAFFIC CITATIONS: State Statutes	0	
CRIMINAL CITATIONS	1	
ANIMAL CONTROL CITATIONS	0	
TRAFFIC ACCIDENTS	1	
D.W.I. ARRESTS	0	
FELONY ARRESTS	0	
MISDEMEANOR ARRESTS	2	
12 HOUR HOLD ARREST	0	
CRIMINAL INVESTIGATIONS	1	
JUVENILE CASES	0	
DOMESTIC CASES	0	
CRIMINAL DAMAGE / PROPERTY	1	
ASSISTANCE CALLS:		
AMBULANCE/FIRE	1	
PUBLIC SERVICE	3	
NM STATE POLICE	1	
SHERIFF'S OFFICE	1	
NM FISH & GAME	0	
US BORDER PATROL	0	
US FOREST SERVICE	0	
OTHER:		
ALARM CALLS	2	
FINGERPRINTING	0	
Driving Tests	0	
Misc. Cases	7	
TOTALS:	38	

MAGDALENA MARSHAL DEPARTMENT
MONTHLY VEHICLE EXPENDITURE REPORT
For the month of : September year: 2017

License Number: _ G97489
Make and Model: _ Chevy Silverado

Report due in NO LATER THAN THE 10th OF THE MONTH

Date	Beginning Mileage	Ending Mileage	Miles Traveled	Fuel Gallons	Amount	Motor Oil Quarts	Amount	Maintenance Section
1	25883							01 Chassis Maintenance
2								02 Electrical Maintenance
3								03 Engine Maintenance
4								04 General Supplies
5								05 Interior Maintenance
6	25883	26415	532	22.2				06 Lubrication
7								07 Miscellaneous
8	26415	26672	257	18				09 Tire Purchase
9								10 Tire Repair
10								11 Wash and Wax
11								(Attach Copy of Invoices)
12	26672	26898	226	17.1				Invoice No.: _____ Amt.\$ _____
13								Date: _____
14	26898	27205	307	18.7				Invoice No.: _____ Amt.\$ _____
15								Date: _____
16								Invoice No.: _____ Amt.\$ _____
17								Code: _____ Date: _____
18								Invoice No.: _____ Amt.\$ _____
19								Code: _____ Date: _____
20								Invoice No.: _____ Amt.\$ _____
21								Code: _____ Date: _____
22	27205	27394	189	15.5				Invoice No.: _____ Amt.\$ _____
23	27394	27495	101	10.7				Code: _____ Date: _____
24	27495	27665	170	13.9				Invoice No.: _____ Amt.\$ _____
25	27665	27773	108	9.2				Code: _____ Date: _____
26								Invoice No.: _____ Amt.\$ _____
27								Code: _____ Date: _____
28								Invoice No.: _____ Amt.\$ _____
29								Code: _____ Date: _____
30								Invoice No.: _____ Amt.\$ _____
31								
Totals			1890	125.3		0	0	

I certify that the above is correct to the best of my knowledge.

Signature:  Title: Deputy Brookins

Public Works

- Weekly Residuals
- Kept screens clean
- Trash route
- Read water meters
- Monthly shut offs and turn on
- Cut weeds
- Started spraying elm trees/weeds.
- Monthly water sample
- Fixed roof on Benjamin well house
- Hung OSB inside Benjamin
- Started painting inside of Benjamin well house (needs more cotes)
- Fixed leak on Trujillo water line
- Took card board down to landfill
- Put new window in at clinic
- Sold trash bins to Steve troy
- Cut down elm tree next to spears well
- Cleaned out Booster station and mounted new door sweeps on doors.
- Fixed chlorine pump at Benjamin well
- Fixed driver side window on tahoe
- Installed PRV valve at Mike Comiskey's house
- Washed new trash truck
- Trained with Fred Black on water and waste water.
- Maped out plan for new water line for to replace Trujillo
- Pulled the fire extinguishers to have them serviced
- Mowed and sprayed weeds behind Marshals office

- Wacked weeds around booster station and steer tank
- Safety meeting on trenching and excavating
- Wired up sprayer on Kubota tractor
- Fixed flat tire on Kubota tractor
- Cleaned office and bathrooms
- Got Von and Nehemiah signed up for water training along with myself
- Got Nehemiah signed up for CDL Driving test.
- Used Backhoes to pull out big elm trees along Kelly Rd next to dorms
- Hauled trees to burn pile
- Emptied all the old trash bins that still had trash and organized them next to the transfer station
- Filled pot holes on main street
-

Librarian's Report

Report for SEPTEMBER 2017

Days open: **22 ie. 121 hours.** (22 ie.: 128 hours.)

Days closed besides Sundays, and Wednesdays.).1 / **September 4th. Labor Day. (0)**

EVENTS:

9/13/2017 Sunny Dooley 12 Postponed to day after advertised due to car problems 9/14.

Attendance would have been larger .

9/27/2017 Frances Zeller from Belen Harvey House 18

Library Usage: (previous month in parenthesis)

Number of people visiting Library: 365 (429)

Museum visits: Museum closed. Various visitors who visit the rest of the train station and then they get info to visit Ilfield Building and visitor center on Hwy60.

Books/DVDs checked out: 450 (**Books 225, DVD's 225 Digital 115. Total circ. 565**
(529: (221 Books, 308 DVD's Digital 107.) Total including eBooks. (636)

eBooks/audio books checked out: **Total: 115: 84 eBooks, 31 Audio** (107: 86
eBooks, 21 audio) Magdalena 15 out of 33 in checkouts in NMLibToGo consortium.

New membership cards issued: **5: 3 adults, 2 children.** (4 adults)

Inter Library Loan requests processed: **2** (4 and 10 digital)

Volunteers: **10** (12) volunteers helped in the library, shelving, moving books etc.,
Nelda & Russell Baker, Sarah & Anna Cearley, Judyth Shamosh, Gary Etter, Don
Phillips, Linda Montoya, Annie Danielson, Brian Romkey. Total of +- 50 hrs. (110
hrs). Judyth keeping count of her hours. .

Number of computer users and hours used: **88** (121) people signed in to use
computers. **223 hours used.** Various people using wireless inside and outside as well.

Maintenance:

Y fixed steps to deck... loose screws.

Respectfully submitted,
Yvonne Magener,
Library Director

From: Judyth Shamosh <greenfingersherbal@gmail.com>
Sent: Monday, October 02, 2017 5:05 PM
To: Stephanie Finch
Subject: Curator's Report

BOXCAR MUSEUM CURATOR'S REPORT

Village of Magdalena

October 2017

1. The renovations on the Boxcar are being done by the charitable efforts and expertise of Rich Esposito who is a former licensed contractor. He is being assisted by Bryan Romkey. Once the expenditures have been approved by Friends of the Library, the renovations will begin about October 15th.
2. The Boxcar has to have the remaining wood on the walls removed due to damage, stains, glue, nails, and staples. The salvageable wood will be saved.
3. B.W. Cox has generously donated the new wood for the walls.
4. New electric service will need to be installed since the Library protested the increased cost of the utility. The Village may partly or completely fund this.
5. We will be building a smaller replica of the Maggie locomotive made out of metal to be displayed west of current boxcar. It will also be built for children to climb in and on.
6. Once the renovations are complete, I (with volunteer help) will begin to install the exhibits. I do not expect the Museum to officially re-open till early spring.
7. I plan to have a museum gift shop to raise funds for up-grading exhibits and other expenditures. This will, hopefully, be through the non-profit, Friends of the Library. The mayor is checking on the legalities of this.
8. We will need docents, expectantly, Historical Society members, for the museum who would also attend to the gift shop when open. I will manage the gift shop unless someone else steps up.

9. Village will, optimistically, be moving the second boxcar to east-side of deck in about 6 months (per the mayor).

10. I logged 35 hours for September 2017.

Submitted by

Judyth Shamosh

2 October 2017

**VILLAGE OF MAGDALENA
ORDINANCE 2017-04**

**AN ORDINANCE ADOPTING THE NEW MEXICO UNIFORM TRAFFIC
ORDINANCE BY REFERENCE**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF
MAGDALENA, NEW MEXICO.**

SECTION 1. ADOPTION BY REFERENCE

The New Mexico Uniform Traffic Ordinance, and 2017 amendments, is herewith adopted by reference, pursuant to Section 3-17-6 NMSA 1978.

SECTION 2. EFFECTIVE DATE

This ordinance shall take effect on the 1st day of October 2017

PASSED, APPROVED AND ADOPTED THIS 25th day of September 2017

Richard Rumpf, Mayor

ATTEST:

Stephanie Finch, Clerk/Treasurer

**New Mexico
Uniform Traffic Ordinance
2010 Compilation**

**THIS DOCUMENT CONTAINS ALL REVISIONS
THROUGH JULY, 2017**

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

PREFACE TO 2010 COMPILATION
NEW MEXICO UNIFORM TRAFFIC ORDINANCE

This Uniform Traffic Ordinance consists of the 2010 Compilation, which replaces the 2004 Compilation, and amendments through July, 2017. The citations in parentheses are to the 1978 New Mexico Statutes Annotated (or as amended since 1979). These citations at the end of a paragraph indicate comparable provisions in the State law. The exact language in the State Motor Vehicle Code has been used in the Ordinance wherever possible. An asterisk (*) at the end of a paragraph indicates that there are no comparable provisions in the State Code. A reference includes any unreferenced paragraphs that precede it.

The 2010 Compilation has a new page numbering system. Each Article is numbered individually with the Article number first. Consequently, the previous Compilation will not necessarily match the 2010 Compilation's page numbers. The 2010 Compilation contains all amendments since July, 2004 enacted by the Legislature through July, 2017 with the 2017 changes.

ARTICLE I

DEFINITIONS

12-1-1	Definition of Words and Phrases
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12-1-1 DEFINITION OF WORDS AND PHRASES.

A. The following words and phrases when used in this ordinance shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in Sections 12-1-1 through 12-1-89. (*)

B. When in a specific section of this ordinance a different meaning is given for a term defined for general purposes in this section, the specific section's meaning and application of the term shall control. (66-1-4 NMSA 1978)

12-1-2 ABANDONED VEHICLE. "Abandoned Vehicle" means a vehicle or motor vehicle which has been determined by a New Mexico law enforcement agency:

- (1) to have been left unattended on either public or private property for at least thirty days;
- (2) not to have been reported stolen;
- (3) not to have been claimed by any person asserting ownership; and
- (4) not to have shown by normal record checking procedures to be owned by any person. (66-1-4.1 NMSA 1978)

12-1-2.1 ACCESS AISLE. "Access Aisle" means a space designed to allow a person with a significant mobility limitation to safely exit and enter a motor vehicle that is immediately adjacent to a designated parking space for persons with significant mobility limitations and that may be common to two such parking spaces of at least sixty inches in width or, if the parking space is designed for van accessibility, ninety-six inches in width, and clearly marked and maintained with blue striping, and after January 1, 2011 the words "NO PARKING" in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the access aisle so as to be close to where an adjacent vehicle's rear tires would be placed (66-1-4.1 NMSA 1978).

12-1-3 ADMINISTRATOR. "Administrator" means the chief executive employee of the municipality; including but not limited to the manager, clerk or administrator, or his designated representative. (*)

12-1-4 ALLEY. "Alley" means a street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (*)

12-1-5 AUTHORIZED EMERGENCY VEHICLE. "Authorized Emergency Vehicle" means any vehicle of the fire department, police vehicles, ambulances and such emergency vehicles of municipal departments or public service corporations as are

designated or authorized by the chief of the New Mexico state police or the administrator. (66-1-4.1 NMSA 1978)

12-1-5.1 **AUTOCYCLE.** "Autocycle" means a three-wheeled motorcycle on which the driver and all passengers ride in a completely or partially enclosed, seating area and is manufactured to comply with all applicable federal standards, regulations and laws and is equipped with:

- (1) non-straddle seating;
- (2) rollover protection;
- (3) safety belts for all occupants;
- (4) antilock brakes;
- (5) a steering wheel; and
- (6) pedals. (66-1-4.1 NMSA 1978)

12-1-6 **BICYCLE.** "Bicycle" means every device propelled by human power, upon which any person may ride, having two tandem wheels, except scooters and similar devices. (66-1-4.2 NMSA 1978)

12-1-7 **BUS.** "Bus" means every motor vehicle designed and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (66-1-4.2 NMSA 1978)

12-1-8 **BUSINESS DISTRICT.** "Business District" means the territory contiguous to and including a street and within three hundred feet from the street where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings which occupy at least fifty percent of the frontage on one side or fifty percent of the frontage collectively on both sides of the street. (66-1-4.2 NMSA 1978)

12-1-9 **CANCELLATION.** "Cancellation" means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation. (66-1-4.3 NMSA 1978)

12-1-10 **COMBINATION.** "Combination" means any connected assemblage of a motor vehicle and one or more semitrailers, trailers, or semitrailers converted to trailers by means of a converter gear. (66-1-4.3 NMSA 1978)

12-1-10.1 **COMMERCIAL MOTOR VEHICLE .** "Commercial motor vehicle" means a self-propelled or towed vehicle, other than special mobile equipment, used on public highways in commerce to transport passengers or property when the vehicle: is operated interstate and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of four thousand five hundred thirty-six kilograms, or ten thousand one pounds or more; or is operated only in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of twenty-six thousand one or more pounds; (66-1-4.3 J NMSA 1978)

12-1-11 CONTROLLED ACCESS STREET. "Controlled Access Street" means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over the highway, street or roadway. (66-1-4.3 NMSA 1978)

12-1-12 CONVERTER GEAR. "Converter Gear" means any assemblage of one or more axles with a fifth wheel mounted thereon, designed for use in a combination to support the front end of a semitrailer but not permanently attached thereto. A converter gear shall not be considered a vehicle, as that term is used in Chapter 66 NMSA 1978, but weight attributable thereto shall be included in declared gross weight. (66-1-4.3 NMSA 1978)

12-1-13 CROSSWALK. "Crosswalk" means:

A. That part of a street at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

B. Any portion of a street at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (66-1-4.3 NMSA 1978)

12-1-14 CURB LOADING ZONE. "Curb Loading Zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (*)

12-1-15 DAYTIME. "Daytime" means from a half hour before sunrise to a half hour after sunset. (*)

12-1-16 DEALER. "Dealer" means any person who sells or solicits or advertises the sale of new or used motor vehicles, house trailers or trailers subject to registration in this state. Dealer shall not include:

A. receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court;

B. public officers while performing their duties as such officers;

C. persons making casual sales of their own vehicles duly registered and licensed to them by the state of New Mexico;

D. finance companies, banks and other lending institutions covering sales of repossessed vehicles; or

E. licensed brokers under the Manufactured Housing Act who for a fee, commission or valuable consideration engage in brokerage activities related to the

sale, exchange or lease-purchase of pre-owned manufactured homes on a site installed for a consumer. (66-1-4.4 NMSA 1978)

12-1-17 **DIRECTOR.** "Director" means the secretary of the state taxation and revenue department. (66-1-4.4 NMSA 1978)

12-1-18 **DIVIDED STREET.** "Divided Street" means any street containing a physical barrier, intervening space or clearly indicated dividing section so construed to impede vehicular traffic and separating vehicular traffic traveling in opposite directions. (*)

12-1-19 **DIVISION.** "Division" without further specification, "division of motor vehicles" or motor vehicle division means the department. (66-1-4.4 NMSA 1978)

12-1-20 **DRIVEAWAY-TOWAWAY OPERATION.** "Driveaway-Towaway Operation" means any operation in which any motor vehicle, new or used, constitutes the commodity being transported, when one set or more of wheels of any such motor vehicle is on the street during the course of transportation, whether or not the motor vehicle furnishes the motive power. (66-1-4.4 NMSA 1978)

12-1-21 **DRIVER.** "Driver" means every person who drives or is in actual physical control of a motor vehicle, including a motor-driven cycle, upon a street or who is exercising control over, or steering, a vehicle being towed by a motor vehicle or who operates or is in actual physical control of an off-highway motor vehicle. (66-1-4.4 NMSA 1978)

12-1-22 **DRIVER'S LICENSE.** "Driver's License" means a license or a class of license issued by a State or other jurisdiction to an individual that authorizes the individual to drive a motor vehicle. (66-1-4.4 NMSA 1978)

12-1-23 **EXPLOSIVES.** "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and which contains any oxidizing and combustible units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. A further definition of explosives is contained in Section 66-3-861 NMSA 1978. (66-1-4.5 NMSA 1978)

12-1-24 **FARM TRACTOR.** "Farm Tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows and mowing machines and other implements of husbandry. (66-1-4.6 NMSA 1978)

12-1-25 **FIRST OFFENDER.** "First Offender" means a person who for the first time under state or federal law or municipal ordinance has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug which renders him incapable of safely driving a motor vehicle regardless of whether the person's sentence was suspended or deferred. (66-1-4.6 NMSA 1978)

12-1-26 FLAMMABLE LIQUID. "Flammable Liquid" means any liquid which has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-up test device. (66-1-4.6 NMSA 1978)

12-1-27 FREIGHT CURB LOADING ZONE. "Freight Curb Loading Zone" means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight. (*)

12-1-28 HOUSE TRAILER. "House Trailer" means a manufactured home. (66-1-4.8 NMSA 1978)

12-1-29 IMPLEMENT OF HUSBANDRY. "Implement of Husbandry" means every vehicle which is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations. (66-1-4.9 NMSA 1978)

12-1-30 INTERSECTION.

A. "Intersection" means:

(1) The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways or two streets which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different streets joining at any other angle may come in conflict.

(2) Where a street includes two roadways thirty feet or more apart, every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event the intersecting street also includes two roadways thirty feet or more apart, every crossing of two roadways of such highways shall be regarded as a separate intersection. (66-1-4.9 NMSA 1978)

B. The junction of an alley with a roadway shall not constitute an intersection. (*)

12-1-31 INTERSTATE HIGHWAY. "Interstate Highway" means any public highway which has been designated as an interstate highway by the government of the United States. (*)

12-1-32 LANED ROADWAY. "Laned Roadway" means a roadway which is divided into two or more clearly marked lanes for vehicular traffic. (66-1-4.10 NMSA 1978)

12-1-33 LICENSE OR LICENSE TO OPERATE A MOTOR VEHICLE. "License or License to Operate a Motor Vehicle" means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state including:

(1) any temporary license or instruction permit;

(2) the privilege of any person to drive a motor vehicle whether or not the person holds a valid license; and

(3) any nonresident's operating privilege as defined herein. (*)

12-1-34 METAL TIRE. "Metal Tire" means every tire the surface of which in contact with the street is wholly or partly of metal or other hard nonresilient material, 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. (66-1-4.11 NMSA 1978)

12-1-35 MOBILE HOME. "Mobile Home" means a house trailer, other than one held as inventory for sale or resale, that exceeds either a width of eight feet or a length of forty feet, when equipped for the road. (*)

12-1-36 MOPED. "Moped" means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, which is capable of propelling the vehicle at a maximum speed of not more than thirty miles an hour on level ground at sea level. (66-1-4.11 NMSA 1978)

12-1-37 MOTORCYCLES. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles and excluding a tractor. (66-1-4.11 NMSA 1978)

12-1-38 MOTOR DRIVEN CYCLE. "Motor Driven Cycle" means every motorcycle, motor scooter and moped having an engine with less than one hundred cubic centimeters displacement. (*)

12-1-39 MOTOR SCOOTER. "Motor Scooter" means a motor-driven cycle as defined in this section. (*)

12-1-40 MOTOR VEHICLE. "Motor Vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails; but for the purposes of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], "motor vehicle" does not include "special mobile equipment." (66-1-4.11 NMSA 1978)

12-1-41 NIGHTTIME. "Nighttime" means the hours from a half hour after sunset to a half hour before sunrise. (*)

12-1-42 NONRESIDENT. "Nonresident" means every person who is not a resident of this state. (66-1-4.12 NMSA 1978)

12-1-43 OFFICIAL TIME STANDARD. "Official Time Standard" means whenever certain hours are named in this ordinance they shall mean standard time or daylight-saving time as may be in current use in this municipality. (*)

12-1-44 OFFICIAL TRAFFIC-CONTROL DEVICES. "Official Traffic-Control Devices" means all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (66-1-14.13 NMSA 1978)

12-1-45 OPERATOR. "Operator" means driver, as defined in Section 12-1-21. (66-1-4.13 NMSA 1978)

12-1-46 OWNER. "Owner" means a person who holds the legal title of a vehicle and may include a conservator, guardian, personal representative, executor or similar fiduciary or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or, in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor. (66-1-4.13 NMSA 1978)

12-1-47 PARK OR PARKING. "Park or Parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading. (66-1-4.14 NMSA 1978)

12-1-48 PASSENGER CURB LOADING ZONE. "Passenger Curb Loading Zone" means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (*)

12-1-49 PEDESTRIAN. "Pedestrian" means any natural person on foot. (66-1-4.14 NMSA)

12-1-50 PERSON. "Person" means every natural person, firm, copartnership, association, corporation, or other legal entity. (66-1-4.14 NMSA 1978)

12-1-51 POLE TRAILER. "Pole Trailer" means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections. (66-1-4.14 NMSA 1978)

12-1-52 POLICE OR PEACE OFFICER. "Police or Peace Officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of this ordinance. (66-1-4.14 NMSA 1978)

12-1-53 PRIVATE ROAD OR DRIVEWAY. "Private Road or Driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. (66-1-4.14 NMSA 1978)

12-1-54 PUBLIC HOLIDAYS. "Public Holidays" means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, or any other day designated a holiday by the governing body of this municipality. (*)

12-1-55 **RAILROAD.** "Railroad" means a carrier of persons or property upon cars operated upon stationary rails. (66-1-4.15 NMSA 1978)

12-1-56 **RAILROAD SIGN OR SIGNAL.** "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (66-1-4.15 NMSA 1978)

12-1-57 **RAILROAD TRAIN.** "Railroad Train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. (66-1-4.15 NMSA 1978)

12-1-58 **RECREATIONAL VEHICLE.** "Recreational Vehicle" means a vehicle with a camping body that has its own motive power, is affixed to or is drawn by another vehicle and includes motor homes, travel trailers and truck campers. (66-1-4.15 NMSA 1978)

12-1-59 **REGISTRATION NUMBER.** "Registration Number" means the number assigned by the motor vehicle division to the owner of a vehicle or motor vehicle required to be registered by the Motor Vehicle Code. (66-1-4.15 NMSA 1978)

12-1-60 **REGISTRATION PLATE.** "Registration Plate" means the plate, marker, sticker or tag assigned by the motor vehicle division for the identification of the registered vehicle. (66-1-4.15 NMSA 1978)

12-1-61 **RESIDENCE DISTRICT.** "Residence District" means the territory contiguous to and including a street not comprising a business district when the property on the street for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business. (66-1-4.15 NMSA 1978)

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12-1-62 **REVOCATION.** "Revocation" means that the driver's license and privilege to drive a motor vehicle on the public streets are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the division after the expiration of at least one year after date of revocation. (66-1-4.15 NMSA 1978)

12-1-63 **RIGHT OF WAY.** "Right of Way" means the privilege of the immediate use of the roadway. (66-1-4.15 NMSA 1978)

12-1-64 **ROAD TRACTOR.** "Road Tractor" means every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon, either independently or as any part of the weight of a vehicle or load so drawn. (66-1-4.15 NMSA 1978)

12-1-65 **ROADWAY.** "Roadway" means that portion of a street improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two or more separate roadways, the term "roadway" as used in this

ordinance refers to any such roadway separately but not to all such roadways collectively. (66-1-4.15 NMSA 1978)

12-1-66 **SAFETY ZONE.** "Safety Zone" means the area or space officially set apart within a street for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (66-1-4.16 NMSA 1978)

12-1-67 **SCHOOL BUS.** "School Bus" means any motor vehicle operating under the jurisdiction of the state board of education or private school or parochial school interests which is used to transport children, students or teachers to and from schools or to and from any school activity, but not including any vehicle:

(1) operated by a common carrier, subject to and meeting all requirements of the state corporation commission but not used exclusively for the transportation of students;

(2) operated solely by a government-owned transit authority, if the transit authority meets all safety requirements of the state corporation commission but is not used exclusively for transportation of students; or

(3) operated as a per capita feeder as defined in Section 22-16-6 NMSA 1978; or

(4) that is a minimum six-passenger, full-size, extended-length, sport utility vehicle operated by a school district employee pursuant to Subsection D of Section 22-16-4 NMSA 1978. (66-1-4.16 NMSA 1978)

12-1-68 **SEMITRAILER.** "Semitrailer" means any vehicle, without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle. (66-1-4.16 NMSA 1978)

12-1-69 **SIDEWALK.** "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians. (66-1-4.16 NMSA 1978)

12-1-70 **SOLID TIRE.** "Solid Tire" means every tire of rubber or other resilient material which does not depend upon compressed air for the support of the load. (66-1-4.16 NMSA 1978)

12-1-71 **STAND OR STANDING.** "Stand or Standing" means the halting of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (*)

12-1-72 **STATE.** "State" means a state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. (66-1-4.16 NMSA 1978)

12-1-73 **STATE HIGHWAY.** "State Highway" means any public highway which has been designated as a state highway by the legislature, the state transportation commission or the secretary of the state transportation department. (66-1-4.16 NMSA 1978)

12-1-74 **STOP.** "Stop", when required, means complete cessation from movement. (66-1-4.16 NMSA 1978)

12-1-75 **STOP, STOPPING OR STANDING.** "Stop, Stopping or Standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (66-1-4.16 NMSA 1978)

12-1-76 **STREET OR HIGHWAY.** "Street or Highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction. (66-1-4.16 NMSA 1978)

12-1-77 **SUBSEQUENT OFFENDER.** "Subsequent Offender" means a person who was previously a first offender and who again, under state law, federal law, or municipal ordinance, has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug which rendered the person incapable of safely driving a motor vehicle regardless of whether the person's sentence is suspended or deferred. (66-1-4.16 NMSA 1978)

12-1-78 **SUSPENSION.** "Suspension" means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn. (66-1-4.16 NMSA 1978)

12-1-79 **TAXICAB.** "Taxicab" means a motor vehicle used in the transportation of persons for hire, having a normal seating capacity of not more than seven persons. (66-1-4.17 NMSA 1978)

12-1-80 **THROUGH STREET.** "Through Street" means every street or portion thereof at the entrance to which vehicular traffic from intersecting streets is required by law to stop before entering or crossing the same when stop signs are erected as provided in this ordinance. (66-1-4.17 NMSA 1978)

12-1-81 **TRAFFIC.** "Traffic" means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together using any street for purposes of travel. (66-1-4.17 NMSA 1978)

12-1-82 **TRAFFIC-CONTROL SIGNAL.** "Traffic-Control Signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (66-1-4.17 NMSA 1978)

12-1-83 **TRAILER.** "Trailer" means any vehicle, without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so

constructed that no part of its weight rests upon the towing vehicle. (66-1-4.17 NMSA 1978)

12-1-84 **TRIAL COURT.** "Trial Court" means the magistrate, municipal or district court which tries the case concerning an alleged violation of a provision of the Uniform Traffic Ordinance and the Motor Vehicle Code. (66-1-4.17 NMSA 1978)

12-1-84.1 **TRIBE.** "Tribe" means an Indian nation, tribe or pueblo that is located wholly or partially in New Mexico. For purposes of violations resulting in suspension or revocation of licenses and for DWI offenses (66-5-25, 26, 30 and 66-8-102), "tribe" is further defined as one that has executed an intergovernmental agreement with the state pursuant to Section 66-5-27.1 NMSA 1978. (66-1-4.17 and 66-5-1.2 NMSA 1978) (*)

12-1-85 **TRUCK.** "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (66-1-4.17 NMSA 1978)

12-1-86 **TRUCK TRACTOR.** "Truck Tractor" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn. (66-1-4.17 NMSA 1978)

12-1-87 **VALIDATING STICKER.** "Validating Sticker" means the tab or sticker issued by the division to signify, upon a registration plate, renewed registration. (66-1-4.19 NMSA 1978)

12-1-88 **VEHICLE.** "Vehicle" means every device in, upon, or by which, any person or property is or may be transported or drawn upon a street, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved by human power or used exclusively upon stationary rails or tracks. (66-1-4.19 NMSA 1978)

12-1-89 **ANY OTHER TERM.** "Any Other Term" used in this ordinance is used in its commonly accepted meaning except where such term has been defined elsewhere in this ordinance or defined in Sections 66-1-4.1 through 66-1-4.21 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:

registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978. (66-3-1003 NMSA 1978)

12-7-9.2 **OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON STREETS OR HIGHWAYS – PROHIBITED AREAS.**

A. No person shall operate an off-highway motor vehicle on any limited access street at any time or any paved street or highway except as provided in Subsection B, C, D or E of this section.

B. Off-highway motor vehicles may cross streets or highways, except limited access highways or freeways, if the crossings are made after coming to a complete stop prior to entering the street. Off-highway motor vehicles shall yield the right of way to oncoming traffic and shall begin a crossing only when it can be executed safely and then crossing in the most direct manner, as close to a perpendicular angle as possible.

C. If authorized by ordinance or resolution of a local authority or the State Transportation Commission, a recreational off-highway vehicle or an all-terrain vehicle may be operated on a paved street or highway owned and controlled by the authorizing authority if:

- (1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;
- (2) the vehicle has brakes, mirrors and mufflers;
- (3) the operator has valid driver's licenses or permits as required under the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the Off-Highway Motor Vehicle Act;
- (4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and
- (5) the operator of the vehicle is using eye protection that comply with the Off-Highway Motor Vehicle Act; and
- (6) if the operator is under eighteen years of age, the operator is wearing a safety helmet that complies with the Off-Highway Motor Vehicle Act.

D. Except for sections of the Motor Vehicle Code that are in conflict with the licensing and equipment requirements of the Off-Highway Motor Vehicle Act, any operator using an off-highway motor vehicle on a paved street or highway shall be subject to the requirements and penalties for operators of moving or parked vehicles under the Motor Vehicle Code.

E. By ordinance or resolution, a local authority or the State Transportation Commission may establish separate speed limits and operating restrictions

for off-highway vehicles where they are authorized to operate on paved streets or highways pursuant to Subsection C of this section.

F. A person shall not operate an off-highway motor vehicle on state game commission-owned, -controlled or -administered land except as specifically allowed pursuant to Chapter 17, Article 6 NMSA 1978.

G. A person shall not operate an off-highway motor vehicle on land owned, controlled or administered by the state parks division of the Energy, Minerals and Natural Resources Department, pursuant to Chapter 16, Article 2 NMSA 1978, except in areas designated by and permitted by rules adopted by the secretary of Energy, Minerals and Natural Resources.

H. Unless authorized, a person shall not:

- (1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or
- (2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA)

12-7-9.3 **DRIVING OF OFF-HIGHWAY MOTOR VEHICLES ADJACENT TO STREETS.**

A. Off-highway motor vehicles issued a validating sticker or nonresident permit may be driven adjacent to a street, yielding to all vehicles entering or exiting the street, in a manner so as not to interfere with traffic upon the street, only for the purpose of gaining access to, or returning from areas designed for the operation of off-highway motor vehicles, by the shortest route possible and when no other route is available or when the area adjacent to a street is being used as a staging area. Such use must occur between the street and fencing that separates the street from private or public lands.

B. When snow conditions permit, an off-highway motor vehicle may be operated on the right-hand side of a street, parallel, but not closer than ten feet, to the inside of the plow bank. (66-3-1012 NMSA 1978)

12-7-9.4 **OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON PRIVATE LANDS.** It is unlawful to operate an off-highway motor vehicle on private lands except with the express permission of the owner of the lands. (66-3-1013 NMSA 1978)

12-7-9.5.1.1 **ACCIDENTS AND ACCIDENT REPORTS.** The driver of an off-highway motor vehicle involved in an accident resulting in injuries to, or the death of, any person, or resulting in damage to public or private property to the extent of five hundred dollars (\$500) or more, shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency of the accident and the facts relating to the accident. (66-3-1014 NMSA)

12-7-9.6

ENFORCEMENT OF OFF-HIGHWAY MOTOR VEHICLE REGULATIONS.

A wildlife conservation officer, state police officer or peace officer of this state or any of its political subdivisions, upon displaying his badge of office, has the authority to enforce the provisions of Sections 12-7-9.1 through 12-7-9.5 of this ordinance and may require the operator of any off-highway motor vehicle to produce the certificate of registration or nonresident permit, proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 12-7-9.8, and the personal identification of the operator, and may issue citations for violations of the provisions of Sections 12-7-9.1 through 12-7-9.9 of this ordinance. (66-3-1015 NMSA 1978)

12-7-9.7

EXEMPTIONS

The provisions of this Section shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

- A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;
- B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;
- C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;
- D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;
- E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;
- F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or
- G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current. (66-3-1005 NMSA 1978)

12-7-9.8

OFF-HIGHWAY MOTOR VEHICLE SAFETY PERMIT: REQUIREMENTS, ISSUANCE.

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the department. Upon

successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization. (66-3-1010.2 NMSA 1978)

12-7-9.9 OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS

A. A person shall not operate an off-highway motor vehicle:

(1) in a careless, reckless or negligent manner so as to endanger the person or property of another;

(2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;

(3) while in pursuit of and with intent to hunt or take a species of animal or bird protected by law unless otherwise authorized by the state game commission;

(4) in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition;

(5) on or within an earthen tank or other structure meant to water livestock or wildlife, unless the off-highway motor vehicle is on a route designated by the landowner or land management agency as an off-highway motor vehicle route;

(6) in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices;

(7) in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian or occupied dwelling, unless the person operates the vehicle on a closed course or track or a public roadway;

(8) unless in possession of the person's registration certificate or nonresident permit;

(9) unless the vehicle is equipped with a spark arrester approved by the United States forest service; provided that a snowmobile is exempt from this provision;

(10) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:

(a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet; and

(b) at least one taillight of sufficient intensity to exhibit a red or amber light at a distance of two hundred feet under normal atmospheric conditions; or

(11) that produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287; or

(12) where off-highway motor vehicle traffic is prohibited under local, state or federal rules or regulations.

B. A person under the age of eighteen shall not operate an off-highway motor vehicle:

(1) or ride upon an off-highway motor vehicle without wearing eye protection and a safety helmet that is securely fastened in a normal manner as headgear and that meets the standards established by the department ;

(2) without an off-highway motor vehicle safety permit; or

(3) while carrying a passenger.

C. A person under the age of eighteen but at least ten years of age shall not operate an off-highway motor vehicle unless the person is visually supervised at all times by a parent, legal guardian or a person over the age of eighteen who has a valid driver's license. This subsection shall not apply to a person who is at least:

(1) thirteen years of age and has a valid motorcycle license and off-highway motor vehicle safety permit; or

(2) fifteen years of age and has a valid driver's license, instructional permit or provisional license and off-highway motor vehicle safety permit.

D. A person under the age of ten shall not operate an off-highway motor vehicle unless:

(1) the all-terrain vehicle or recreational off-highway vehicle is an age-appropriate size-fit vehicle established by rule of the department ; and

(2) the person is visually supervised at all times by a parent, legal guardian or instructor of a safety training course certified by the department .

E. An off-highway motor vehicle may not be sold or offered for sale if the vehicle produces noise that exceeds ninety-six decibels when measured using test procedures established by the society of automotive engineers pursuant to standard J-1287. This subsection shall not apply to an off-highway motor vehicle that is sold or offered for sale only for organized competition. (66-3-1010.3 NMSA 1978)

12-7-9.10 PENALTIES

A. A person who violates the provisions of this Section is guilty of a penalty assessment misdemeanor. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of this Section is in violation of this Section and subject to the same penalty as the child operating the off-highway motor vehicle in violation of this section. (66-3-1020 NMSA 1987)

B. As used in the Off-Highway Motor Vehicle Act, "penalty assessment misdemeanor" means violation of any provision of the Off-Highway Motor Vehicle Act for which a violator may be subject to the following:

CLASS 1 VIOLATIONS

SECTION
VIOLATED

PENALTY
ASSESSMENT

failure to possess a

registration certificate or nonresident permit	66-3-1010.3	\$10.00
Violations involving headlights or taillights	66-3-1010.3	10.00
failure to possess an off-highway motor vehicle safety permit	66-3-1010.3	10.00
selling a vehicle that produces noise in excess of ninety-six decibels	66-3-1010.3	10.00
any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section	66-3-1010.3	10.00
CLASS 2 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
failure to complete a required off-highway motor vehicle safety training course	66-3-1010.2	\$50.00
operating a vehicle in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling	66-3-1010.3	50.00
a person under the age of eighteen but at least fifteen years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	50.00
operating an off-highway motor vehicle that produces noise that exceeds ninety-six decibels	66-3-1010.3	50.00
unauthorized installation, removal, destruction or defacing of a motor vehicle sign	66-3-1011	50.00

CLASS 3 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
operating a vehicle that is not equipped with an approved spark arrester	66-3-1010.3	\$100.00
operating an off-highway motor vehicle while in pursuit of and with intent to hunt or take a species of animal or bird protected by law, unless otherwise authorized by the state game commission	66-3-1010.3	100.00
operating an off-highway motor vehicle in pursuit of or harassment of livestock in any manner that negatively affects the livestock's condition	66-3-1010.3	100.00
operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water livestock or wildlife	66-3-1010.3	100.00
operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle without wearing eye protection and a safety helmet	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle while carrying a passenger	66-3-1010.3	100.00
a person under the age of fifteen but at least ten years of age who operates an off-highway motor vehicle		

in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	100.00
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a person under the age of ten operating an all-terrain vehicle or recreational off-highway motor vehicle that is not an age-appropriate size-fit or who operates an off-highway motor vehicle in violation of the supervision requirements of this section	66-3-1010.3	100.00
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CLASS 4 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
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operating an off-highway motor vehicle in a careless, reckless or negligent manner so as to endanger the person or property of another	66-3-1010.3	\$200.00
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operating an off-highway motor vehicle on any road or area closed to off-highway motor vehicle traffic under local, state or federal regulations	66-3-1010.3	200.00
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operating an off-highway motor vehicle on a limited-access highway or freeway.	66-3-1011	200.00
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C. The penalty for second, third and subsequent violations within a three-year time period shall be increased as follows:

(1) a second violation in a class 1 penalty category involving failure to possess a registration certificate or nonresident permit shall be increased to a Class 2 penalty category;

(2) any class 2 or class 3 violation for a second or greater infraction within a three-year period shall be increased to the next-highest penalty assessment category; and

(3) each subsequent violation in a Class 4 penalty category will result in an additional penalty of two hundred dollars (\$200).

D. Multiple violations for the same incident shall be treated as a single event and shall not result in graduated penalties.

E. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a person.

F. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

12-7-10

**MOPEDS--STANDARDS--OPERATOR REQUIREMENTS--
APPLICATION OF MOTOR VEHICLE CODE.**

A. Mopeds shall comply with those motor vehicle safety standards deemed necessary and prescribed by the director of motor vehicles.

B. Operators of mopeds shall have in their possession while operating a moped a valid operator's or restricted operator's license of any class issued to them.

C Except as provided in Subsections A and B of this section, none of the provisions of the New Mexico Motor Vehicle Code or of this ordinance relating to motor vehicles or motor-driven cycles as defined in these codes shall apply to a moped. (66-3-1101 NMSA 1978).

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 driveaway-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 as 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 legible.

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)

D. "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)

E. 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)

F. 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.

G. 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. (*)

H. 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)