



*New Mexico* DEPARTMENT OF  
**TRANSPORTATION**  
MOBILITY FOR EVERYONE

# New Mexico Driver Education Curriculum

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# Introduction

The direct purpose of this manual is to help New Mexico driving instructors teach their students that driving is a privilege not a right. Driving places an enormous responsibility on everyone who operates a motor vehicle including experienced drivers. The indirect purpose of this manual is to prevent traffic crashes and reduce the number of injuries and fatalities when crashes do occur. To comprehend what a daunting task that is, let's review the 2011 New Mexico Crash Facts, courtesy of the UNM New Mexico Geospatial and Population Studies Traffic Research Unit. (See: <http://www.unm.edu/~dgrint/reports/annual/ar2011.pdf>)

## **2011 New Mexico Crash Facts**

- 5% of New Mexico's population was in a crash.
- 5% of all New Mexico's registered vehicles were in a crash.
- 4% of all New Mexico's licensed drivers were in a crash.
- 1% of crashes resulted in a fatality.
- 29% of crashes resulted in an injury.
- 98% of motorcyclists who died in a crash were not wearing a helmet.
- 8.9% of unbelted passenger vehicle occupants in crashes were killed compared to only 0.1% of belted passenger vehicle occupants in crashes.
- Alcohol-involved drivers in crashes were 2.6 times more likely to be male than female.

## **The top contributing factors to crashes were:**

- Driver inattention (24%)
- Failure to yield (14%)
- Following too closely (11%)

## **The top contributing factors to fatalities were:**

- Alcohol/Drug-involved (42%)
- Driver inattention (12%)
- Excessive speed (9%)

**In an average day in New Mexico, there were 118 crashes that involved 309 people, with 51 people injured and 1 person killed.**

- A motor vehicle crash occurred every 12 minutes.
- A crash occurred in Bernalillo County every 30 minutes.
- A person was injured in a crash every 30 minutes.
- A distracted driver crash occurred every hour.
- An alcohol-involved crash occurred every 4 hours.
- A person was killed or injured in an alcohol-involved crash every 5 hours.
- A semi/large truck was in a crash every 6 hours.
- A motorcycle was involved in a crash every 7 hours.
- A bicyclist was hit by a vehicle every 24 hours.
- A pedestrian was hit by a vehicle every 24 hours.
- A person was killed in a crash every 24 hours.

Driving instructors not only teach motor skills and the rules of the road, but the culture of the road as well. By helping their students develop respect for other drivers and road users and an attitude of cooperation rather than competition, new drivers may become safer, more courteous drivers, and end up in fewer crashes.

Like many skills that we learn, good driving habits can only become ingrained by practice, practice and more practice. We'd like for you, the driving instructor, to be that voice in your student drivers' heads that keeps them calm, gives them confidence, and advises them on the right way to make that turn or drive through that construction zone long after class is over. You can have a tremendous influence on how your students will behave once they've gotten their licenses. We hope that you will use this opportunity to make future generations of New Mexican drivers better than the last, until drunk driving and driving without a seat belt are a thing of the past.

Good luck and carry on!



# New Mexico Driver Education Curriculum

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## Unit 1 - The Driving Task

### Chapter 1 - The Basics: Equipment and Car Control

#### Objectives

**Section One:** Students will be familiar with and able to name dashboard instruments, steering wheel/column, stick shift/gear lever, adjusting mirrors, air bags, safety belts and know to use them. Students also will become familiar with new technology in their vehicles.

**Section Two:** Students will review and understand the different styles and requirements of driving power and non-power steering, regular brakes and anti-lock brakes, two-wheel and four wheel drive. Students will understand the car's basic safety features: air bags, where to place child passengers, and daytime running lights.

#### Course Outline

#### Section One: The basics of car control

##### Introduction:

Many of us have spent some time at an amusement park and driven around in a bumper car. All you really need to know is how to steer and how to stop. It's easy; a child can do it. So why do we expect teenagers to wait so long for their first driver's license? It's because driving requires maturity and good judgment. A good driver is a careful, responsible individual who knows the vehicle, the route, and is awake and alert. A good driver can make split second decisions when conditions demand. A good driver does not allow the potential power of an automobile to become a destructive weapon to be used against another. All of this figures into car control. In addition, the driver of the vehicle is responsible for the safety of the passengers in the car. Knowing where an air bag is located and seating small children away from it are part of that responsibility. In this chapter, we will cover the workings of the interior instruments on the vehicle, the exterior instruments, the



effects of steering and braking and the relationship of the vehicle to the outside surroundings.

**a. Who should drive?**

The driver of a car should be alert, sober and free from drugs, especially those that cause drowsiness. Over-the-counter drugs, including common pain relievers have been known to impair driving (check the label). Impaired drivers should never take the wheel, whether it's from alcohol, sleepiness, headaches, drugs or other medical reasons. Call someone, stay where you are, rearrange your plans, but **do not drive**. (See Chapter 2.3 on Impaired Driving)

**b. Know your vehicle: Questions to ask before you drive:**

Are the tires properly inflated?

Are the mirrors (rear and side view) clean and adjusted?

Is the seat positioned appropriately in order to reach all controls?

Where are the buttons for the emergency lights, the exterior lights, and the windshield wiper/washer fluid? The horn? Are there two pedals (automatic) or three (standard) on the floor?

Can you see clearly out of the windshield?

Is there gas in the gas tank? What kind does it take? Where is the gas cap and how is it opened?

Does the vehicle come equipped with an air bag for the driver and the front passenger? Is the vehicle equipped with other airbags as well?

Do the seatbelts work? Always buckle up before you drive.

You will know the answers to these questions as an experienced driver, but starting out as a novice driver; ask yourself these questions every time you drive a car. If you do not know the answer, find out -- check the tires, find the owner's manual, and be sure you know where the air bags are located.

**c. Other controls**

In addition to the controls necessary for the operation of the car, there are adjustable steering wheels and seats, heating and cooling, radios and sounds systems, air vents, sun roofs and GPS systems. Of this group, only the defrost mechanism of the heating and cooling dial is a safety feature, but all add to the comfort of the driver and passengers. Use them wisely and only adjust them when the car is not in motion, or if you can do so without pulling your attention from the road. A special note about sound: although drivers use sight as the primary sense, hearing is very important: horns, sirens, and utility back up indicators are all ways that use sound as the communication tool on the road. Do not tune your interior sound so high that the exterior sound is lost to you.

**d. Air bags**

Like seat belts, the concept of the airbag -- a soft pillow to land against in a crash -- has been around for many years. The first patent on an inflatable crash-landing device for airplanes was filed during World War II. In the 1980s, the first commercial airbags appeared in automobiles. Since 1998, all new cars sold in the United States have been required to have airbags on both driver and passenger sides. Light trucks came under the rule in 1999. Statistics show that airbags reduce the risk of dying in a direct frontal crash by about 30 percent.

**How airbags work**

When a car crashes, the force required to stop an object moving forward inside it is immense. The car's momentum has changed instantly while the object's has not. Airbags attempt to slow a passenger's forward movement to zero with little or no damage to the occupant. Airbags do this in the space between the driver and the steering wheel, as well as with dashboard or vehicle side panel airbags for passengers. And they do it in one-twenty-fifth of a second.

There are three parts to an airbag that help to accomplish this feat:

- i. The **bag** itself is made of a thin, nylon fabric, which is folded into the steering wheel or dashboard or, more recently, the seat or door.
- ii. The **sensor** is the device that tells the bag to inflate. Inflation happens when there is a collision force equal to running into a brick wall at 10 to 15 miles per hour.
- iii. The airbag's **inflation system** uses sodium azide ( $\text{NaN}_3$ ) to react with potassium nitrate ( $\text{KNO}_3$ ) to produce **nitrogen gas**. Hot blasts of the nitrogen inflate the airbag at about 200mph. A second later, the gas quickly deflates through tiny holes in the bag, so you can move.
- iv. The **powdery substance** released from the airbag is cornstarch or talcum powder, which is used by the airbag manufacturers to keep the bags pliable and lubricated while they're in storage.

### **Airbag Safety Concerns**

Airbags are only effective when used with seatbelts. An airbag can hurt those who are too close to it. There should be at least 10 inches between the airbag and a person's breastbone. An airbag can seriously injure or even kill an unbuckled child who is sitting too close to it or is thrown toward the dash during emergency braking. Experts agree that the following safety points are important:

- i. Children 12 and under should ride buckled up in a properly installed, age-appropriate car seat in the rear seat.
- ii. Infants in rear-facing child seats (under one year old and weighing less than 20 pounds) should never ride in the front seat of a car that has a passenger-side airbag.
- iii. If a child over one year old must ride in the front seat with a passenger-side airbag, he or she should be in a front-facing child safety seat, a booster seat or a properly fitting lap/shoulder belt, and the seat should be moved as far back as possible.

In certain special cases, car owners can request the ability to deactivate their airbags. These situations include: people with medical conditions, smaller people, individuals who need to transport a baby in a rear-facing child restraint in the front seat or a child from one to 12 in the front seat because (a) the car has no rear seat, (b) the vehicle owner must carry more children than can fit into the back seat or (c) because it's necessary to constantly monitor a child's health.

Many vehicles also have side airbags in the doors and first responders and emergency personnel need special training to deal with them in the event of a crash rescue. For more information, see:

<http://www.nhtsa.gov/people/injury/alcohol/Archive/Archive/safesobr/16qp/procedures.html> .

### **e. Lights**

The use of headlights is mandated by New Mexico statute (Section 66-3-802). Drivers must turn the lights on from a half-hour before sundown to a half-hour before sunrise.

- a. For safety, lights can be turned on when visibility on the road is poor, especially during rain and dust storms. Many cars are equipped with daytime running lights, which increase vehicle visibility

to other drivers by automatically turning the lights on when the ignition is started. The lights are low intensity, and headlights override the running lights when they are turned on. Because they make it easier to detect an oncoming car from farther away, daytime running lights are a low-cost way to reduce crashes. (In some states, motorcyclists are required to ride with their motorcycle headlight on to ensure that other drivers are better able to see them. It's not the law in New Mexico, but it is a good idea.)

- b. Light knobs have two positions. The intermediate setting usually is just parking lights. Never drive with your parking lights on. Parking lights are for parking.
  - i. Headlights are adjustable with two levels, normal and brights (high and low beam). The dimmer switch may be in a variety of positions, usually on the wiper control or the turn signal. Older cars have the dimmer switch on the floor to the left of the foot pedals.
  - ii. Not all cars automatically switch off the lights when the car is turned off. The dead battery lesson may be avoided by checking the light switch, especially when lights are in use during the day-- bad weather is often the reason for using lights during the day.
- c. Drivers often flash brights at an oncoming car when its bright lights are glaring in their eyes or when there is danger ahead. A quick, friendly tap is all that's required, even if the other vehicle does not dim their lights in response.
- d. Funeral processions use headlights to keep cars together. With daytime running lights on some cars, it can be difficult to tell when you are indeed seeing a funeral procession. It is sometimes illegal and always in poor form to cut into a funeral procession.

**f. Vehicle High Technology**

- i. Each year, our vehicles become more and more complicated. Cars today have as many as 50 microprocessors embedded in them. Although these microprocessors make it more difficult for you to work on your own car, they actually make your car easier to drive and service. A few reasons for this increase in the number of microprocessors include:
  - The need for sophisticated engine controls to meet emissions and fuel-economy standards
  - Advanced diagnostics
  - Simplification of the manufacture and design of cars
  - Reduction of the amount of wiring in cars (multiplexing)
  - New safety features
  - New comfort and convenience features
- ii. Before emissions laws were enacted, it was possible to build a car engine without microprocessors. With the enactment of increasingly stricter emissions laws, sophisticated control schemes were needed to regulate the air/fuel mixture so that the catalytic converter could remove a lot of the pollution from the exhaust.
- iii. Controlling the engine is the most processor-intensive job on your car, and the engine control unit (ECU) is the most powerful computer on most cars. The ECU uses closed-loop control, a control scheme that monitors outputs of a system to control the inputs to a system, managing the emissions and fuel economy of the engine (as well as a host of other parameters). Gathering data from dozens of different sensors, the ECU knows everything from the coolant temperature to the amount of oxygen in the exhaust. With this data, it performs millions of calculations per second, calculating the results to decide on the best spark timing and determining how long the fuel injector is open. The ECU does all of this to ensure the lowest emissions and best mileage.
- iv. **Multiplexing** is a technique that can simplify the wiring in a car. In older cars, the wires from each switch run to the device they power. With more and more devices at the driver's command each year, multiplexing is necessary to keep the wiring from getting out of control. In a multiplexed system, a module containing at least one microprocessor consolidates inputs and

outputs for an area of the car. For instance, cars that have lots of controls on the door may have a driver's-door module. Some cars have power-window, power-mirror, power-lock and even power-seat controls on the door.

Some of the other controller modules are:

- Airbag module - controls air bag deployment
- Body controller - controls interior lights, windows, seats, door locks
- Driver's door module - communicates commands from switches on the driver's door to the body controller
- Cruise control module - regulates speed while in cruise mode
- Instrument panel - controls gauges and indicator lights using data from the communications bus
- Climate control module - monitors interior temperature and controls heating and cooling systems
- ABS module - controls anti-lock brakes and may handle traction control and stability control systems
- Transmission controller - controls automatic transmissions
- Power distribution box module - controls relays in the power distribution box
- Tire pressure monitoring system (TPMS) - monitors the air pressure inside the tires. In the US, as of 2008, all new passenger cars must be equipped with a TPMS. Note: TPMS are sensitive to cold weather and can give false low pressure warnings in the winter months.

#### **g. Global Positioning System**

The Global Positioning System (GPS) is a space-based satellite navigation system that provides location and time information in all weather conditions, anywhere on or near the earth where there is an unobstructed line of sight to four or more of the 32 earth orbiting GPS satellites. It is maintained by the United States government and is freely accessible to anyone with a GPS receiver. The GPS receiver calculates its position by precisely timing the signals sent by GPS satellites high above the Earth. These distances and satellites' locations are used to compute the location of the receiver using the navigation equations. This location is then displayed, perhaps with a moving map display or latitude and longitude. GPS technology integrated with computers and mobile communications technology in automotive navigation systems is called telematics.

#### **h. Telematics**

Telematics can be used to track and time vehicles, trailers, cold storage, wireless vehicle safety data communications (ex. OnStar), vehicle emergency warning systems, driver behavior for auto insurance companies, and unmanned intelligent vehicles.

Systems such as OnStar provide car owners and their families with peace of mind in case of a crash or a catastrophic event. But the systems also offer conveniences like remote door unlocking or flashing a car's lights and sounding the horn in a crowded parking lot to help you find it.

Motor vehicle infotainment technology has come a long way in recent years. Microsoft, Apple and Google are working with the major automotive manufacturers to develop navigation and information systems that allow the driver and passengers to use applications compatible with smart phones. Doing so also ensures that the infotainment systems enjoy the regular updates and improvements that smart phone users have become accustomed to. High-speed broadband will allow fast streaming of detailed maps as part of the navigation system, as well as instant updates from social media accounts, a wireless LAN hotspot for all passengers and even HD video streaming for passengers.

### **i. Can Your Car Be Hacked?**

The short answer is ‘Yes!’ according to writer Kim Boatman. Recently, several news reports raised the issue of car-hacking risks, including:

- Vehicle disablement. After a disgruntled former employee took over a Web-based vehicle-immobilization system at an Austin, Texas, car sales center, more than 100 drivers found their vehicles had been disabled or their horns were honking out of control.
- Tire pressure system hacking. Researchers from the University of South Carolina and Rutgers University were able to hack into tire pressure monitoring systems. Using readily available equipment and free software, the researchers triggered warning lights and remotely tracked a vehicle through its unique monitoring system.
- Disabling brakes. Researchers at the University of Washington and University of San Diego created a program that would hack into onboard computers to disable brakes and stop the engine. The researchers connected to onboard computers through ports for the cars’ diagnostic system.

Most of the danger right now comes from hackers who want to demonstrate their prowess and enhance their reputations. The increased reliance on wireless systems -- such as the tire pressure monitoring system -- makes your car more vulnerable to these attacks.

### **j. Protect your car from hacking**

Security is largely in the hands of auto manufacturers, who are working to address concerns. In the meantime, you can take these steps to protect your vehicle:

- Ask about wireless systems. Familiarize yourself with the wireless systems if you’re purchasing a new car. For a car you already own, you can review your manual or check online. Find out if any of the systems can be operated remotely.
- Ask about remote shutdown. If you’re financing through the company from which you purchased the vehicle, ask about remote shutdown related to repossession. Make sure the seller has security measures in place that control access to the system.
- Go to reputable dealers and repair shops. It’s possible for unscrupulous garages to manipulate your car’s computer systems, making it appear you need repairs that aren’t actually warranted. Don’t cut corners when it comes to choosing a dealer or repair shop.
- Protect your information. Of course, locking your car is always wise. If you use OnStar -- the GM-owned auto security and information service -- make sure you don’t leave OnStar-related documents or your password in the car. Since OnStar can remotely shut off your engine if you report the vehicle stolen, there’s the potential for mischief if your password falls in the wrong hands.
- Be cautious about after-market devices. After-market car systems may not be as rigorously tested or designed.

Hacking personal computers exploded when the Internet evolved, making it easy to access computers via networks. Wireless connections mean your car is no longer a closed system. Once you have a connection to a vehicle, you have an entry point for people to try to access. See:

[http://us.norton.com/yoursecurityresource/detail.jsp?aid=car\\_computer](http://us.norton.com/yoursecurityresource/detail.jsp?aid=car_computer) for more information.

### **k. Black Boxes**

Black boxes or event recorders are buried deep inside 96 percent of all new vehicles sold in the US. This number will rise to 100 percent when NHTSA regulations go into effect in September 2014. Data stored in the recorders is used by car companies to assess the performance of vehicles, identify safety problems, and as evidence in traffic and criminal cases. Unlike black boxes on

airplanes which continually record audio and system performance data, car recorders only capture the few seconds surrounding a crash or air bag deployment. The boxes, which are the size of two decks of cards, are located under the center console.

### **l. Bluetooth**

Many drivers use Bluetooth to communicate while driving. Bluetooth is a wireless technology for exchanging data over short distances (ex. garage door opener, baby monitors) and also allows mobile phones users to communicate by hands-free technology in vehicles.

In New Mexico, it is illegal for learner's permit and intermediate license holders to text while driving or talk on a cell phone while driving.

### **m. Ignition interlock**

An ignition interlock device or breath alcohol ignition interlock device (IID and BAIID) is a mechanism, like a breathalyzer, installed on a motor vehicle's dashboard. Before the vehicle's motor can be started, the driver first must exhale into the device; if the resultant breath-alcohol concentration analyzed result is greater than the programmed blood alcohol concentration, the device prevents the engine from being started.

At random times after the engine has been started, the IID will require another breath sample. The purpose of this is to prevent someone other than the driver from providing a breath sample. If the breath sample isn't provided or the sample exceeds the ignition interlock's preset blood alcohol level, the device will log the event, warn the driver and then start up an alarm (lights flashing, horn honking) until the ignition is turned off, or a clean breath sample has been provided. A common misconception is that interlock devices will simply turn off the engine if alcohol is detected; this would, however, create an unsafe driving situation and expose interlock manufacturers to considerable liability.

In New Mexico, ignition interlocks are required for at least one year for all first-time DWI offenders; subsequent offenses require longer periods of installation.

### **n. Electric vehicles**

An electric vehicle (EV) is a vehicle that is propelled by electric motors, using electrical energy stored in batteries. Electric motors give electric cars instant torque, creating strong and smooth acceleration. EVs were popular in the late 19th century and early 20th century, until advances in internal combustion engine technology and mass production of cheaper gasoline vehicles led to a decline in their use. The energy crises of the 1970s and 80s, concerns about increasing oil prices, and the need to reduce greenhouse gas emissions has brought a renewed interest in electric cars. Since 2008, a renaissance in electric vehicle manufacturing has occurred due to advances in battery and power management technologies.

Benefits of electric cars over conventional internal combustion engine automobiles include a significant reduction of local air pollution (no tailpipe pollutants), a large reduction in total greenhouse gas and other emissions and less dependence on foreign oil. Widespread adoption of electric cars faces several hurdles and limitations, however, including the higher cost of electric vehicles, the lack of recharging infrastructure (other than home charging) and the driver's fear of the batteries running out of energy before reaching their destination (range anxiety) due to the limited range of most existing electric cars.

The purchase price of electric cars is higher than for conventional cars, even after considering government incentives, primarily because of the high cost of car batteries.

The range of an electric car depends on the number and type of batteries used. The weight and type of vehicle, and the performance demands of the driver, also have an impact just as they do on the range of traditional vehicles.

As of September 2013, more than 180,000 highway-capable all-electric passenger cars and light utility

vehicles have been sold worldwide since 2008.

#### **o. Hybrid Vehicles**

When the term hybrid vehicle is used, it most often refers to a Hybrid electric vehicle. These encompass such vehicles as the Saturn Vue, Toyota Prius, Toyota Camry Hybrid, Ford Escape Hybrid, Toyota Highlander Hybrid, Honda Insight, Honda Civic Hybrid, Lexus RX 400h and 450h and others. A petroleum-electric hybrid most commonly uses internal combustion engines (generally gasoline or Diesel engines) and electric batteries to power the vehicle. As of October 2013, over three million hybrid vehicles have been sold in the United States.

### **Section Two: Moving down the road**

- a. The Smith System** of driving was developed in 1948 by Harold Smith, who opened the Smith System Driver Improvement Institute in 1952. This program teaches safe driving methods to people who drive all types of vehicles, including average cars, trucks, and government vehicles. The common sense principles designed to create safer and more defensive driving include:
- Aim high and look ahead to better search the roadway.
  - Keep eyes moving because conditions are always changing.
  - Getting the big picture requires scanning the whole scene.
  - Make sure others can see you so you can communicate better on the roadway.
  - Leave yourself a way out. Leave yourself a path of escape in order to avoid a collision.
- b. Starting the car**
- i. Make sure your foot is pressed down on the brake pedal or the parking brake is set before starting the car.
  - ii. The steering wheel is usually locked in place until the car is started.
  - iii. Automatic Transmission: the car must be in Park. (Neutral is an option, but is not recommended since vehicles can roll.) Turn the ignition to “start”. (If your car does not have fuel injection [older models], gently depress the accelerator [gas pedal] and pump the gas while turning the key). Let go of the key, keeping your foot pressed down on the brake, and move the shift lever to Drive or Reverse. Some cars are equipped with a button where the key would be inserted. Follow the same instructions but push the button instead of turning the key.
  - iv. Standard (manual) transmission: although this is most graphically demonstrated during the behind-the-wheel portion of driver education, students should be given some information about shifting and clutches.
    - a) The third pedal, the clutch, disengages the driveshaft from the motor and allows driver to change gears manually. In most cars, the car will not start unless the driver depresses the clutch when turning the ignition.
    - b) Once the engine is engaged, the car can be shifted into first gear. Refer to your owner's manual or diagram on the shifting lever for the correct shifting pattern, which can vary from vehicle to vehicle.
    - c) Standard transmissions require more effort to drive but allow added control in climbing hills and dealing with difficult terrain.
  - v. While the car is idling, take a moment to check the gauges on the dashboard. These include warning lights such as oil pressure, battery, temperature, and gas gauge. If any warning lights appear, refer to the owner's manual for more information.

#### **c. The facts on four-wheel drive**

Most cars have two-wheel drive; that is the drive train turns the two front or rear wheels. Four-wheel

drive and all-wheel drive allow for more control in rough terrain. Sport-utility vehicles, pickups, some minivans, and several cars now offer four-wheel or all-wheel drive. Many systems have a center differential that allows the axles to turn at different speeds through curves. Many also include a "low" range with very low gearing for steep hills and other serious off-roading. The following is an overview of the major systems as outlined by Consumer Reports:

- i. **All-wheel drive.** Easiest to use, since power goes to all wheels as needed. And there's no two-wheel-drive mode to think about. The center differential locks and unlocks automatically, yoking the front and rear axles together as needed for added traction. All-wheel drive is found on cars, minivans, and SUVs. However, it is unsuited for serious off-roading, since there's no low range.
- ii. **Permanent four-wheel drive.** Works like all-wheel drive, but includes a low range for sand, deep snow, mud, and off-road driving. Offered on some SUVs. The downside is, it may cost the most.
- iii. **Selectable full-time four-wheel drive.** Lets the driver stay in four-wheel drive all the time or shift into two-wheel drive, though doing so helps neither handling nor fuel economy. Includes a low range and lockable differential. Found on some SUVs and pickup trucks. However, you must lock and unlock the center differential manually on most. And if you don't leave the system in four wheel drive, shifting into it as quickly as conditions demand can prove challenging.
- iv. **Part-time four-wheel drive.** Useful only in sand, deep snow, or mud. Includes low range and is, relatively speaking, inexpensive. However, you shouldn't engage four-wheel drive on dry pavement. Lack of a differential means both axles turn at the same speed, causing binding around curves. Found on many pickups and SUVs.

(See Consumer Reports for comparative information about vehicle design and user features, or visit the website at <http://www.ConsumerReports.org/>.)

#### d. Steering the car

- a. Adjust the mirrors: there should be one on either side of the car, and the rear view mirror. The rear view mirror should provide a complete picture of rear windshield. Your side mirrors will help you determine when vehicles are on either side of you. Mirrors are an aid to driving, but do not substitute for looking over your shoulder when making sure the way is clear for a lane change.
- b. When backing out of a parking space or driveway, press down on the brake pedal and shift into reverse (standard transmissions require pressing down on both the brake and the clutch before shifting). Disengage the parking brake if it was used. Reverse steering can be tricky for novice drivers. As the car moves, the driver checks mirrors several times for clearance between objects or pedestrians that will suddenly appear when backing out. The amount of clearance can be difficult to judge for inexperienced drivers who shouldn't be afraid to ask for help or direction when trying to judge distances. This can prevent an expensive repair. Even low speed collisions can cause damage.
- c. Both hands should be on the steering wheel.
  - i. The National Highway Traffic Safety Administration (NHTSA) and many driving instructors say you should grip the wheel at 9 and 3 o'clock. A few go even further, suggesting 8 and 4 to avoid the airbag mechanism as much as possible. Recommendations relative to hand position on the steering wheel have become more flexible to avoid an injury called degloving (amputations of fingers or hands) which results from improper placement of the hands when an airbag deploys. AAA also recommends the lower hand position because deploying airbags can slam your hands into your head, causing broken noses and concussions. The downside to the 8 and 4 position include less range of turning motion and that the position of the elbow next to the abdomen can cause injuries during a



frontal collision.

- ii. Most cars have power steering, making it much easier to turn the car, although it also makes it much easier to lose control of the car. Hand over hand steering while turning was once recommended but not anymore. State Farm's auto insurance division says in its guidelines for beginning drivers: "Hand-over-hand maneuvers during turning should be avoided to prevent arms from being in front of a deploying airbag in the event of a crash. Serious injuries may result during such occurrences."

**g. Signaling**

Always signal to indicate lane changes and turns.

Turn indicators are yellow lights at the front and rear of most cars. (Hint for new drivers: UPRIGHT drivers remember turn signals go UP for RIGHT turns and down for left turns.)

Brake lights automatically show braking-- newer cars have a high brake light near the back windshield for greater visibility and safety.

Reverse or back-up lights appear as white lights behind the vehicle.

Driver checks the blind spots (see below) around the vehicle by looking over shoulder in the planned direction before moving there.

- h. Blind spots.** Each vehicle has a blind spot that extends out from the car parallel with the driver on either side of the vehicle. Drivers must quickly turn their heads to check the blind spots before any lane change. When there is a bicycle lane, pull in behind bicyclists to make a right turn; check the mirror and look over right shoulder for bicyclists behind car before making a right turn.

- i. Cruise control.** For highway driving, vehicles may be equipped with cruise control, allowing the driver to take a foot off the accelerator and maintain a constant rate of speed. Complete instructions are in the vehicle manual. Caution: This feature can cause skidding if driver brakes suddenly on a slick surface.

- j. Speeding.** It is the driver's responsibility to always be aware of the speed limit. The speed limit signs indicate the highest speed allowed or speed limit for that section of road. See Chapter 1.2 for more on street signs and marking. Sometimes, there are road signs giving the minimum and maximum speeds, or night speeds and daytime speeds. You, as the driver, are responsible for following all the postings on the road. (Note that in Canada and Mexico, and most of the rest of the world for that matter, speeds are listed in kilometers rather than miles. Most speedometers on the dashboard show both systems or provide a button to switch from one to the other. If your vehicle does not, convert kilometers per hour to miles per hour, multiply kph by .62 for a rough estimate of mph.) For more information about speeding, see Chapter 1.2 Defensive Driving Procedures.

- k. Braking.** There are several ways to slow down a car. The driver can remove his/her foot from the accelerator, downshift into a lower gear, or apply the brakes. It's important to know what type of braking system the car has, and to understand the differences between them.

Drum brakes stop the car by a steady pressure downward. The amount of time it takes to stop differs with each car, as does the braking distance. In an emergency stop on ice, the driver pumps the brakes to keep the wheels from locking. Slamming on the brakes may only lock the wheels, rendering them useless. This can cause a skid which in turn can flip the vehicle (see Chapter 3.1).

If a car with drum brakes begins to skid, the driver turns the wheels in the direction of the skid while pumping the brakes. Drum brakes are less powerful than disk brakes, but can be more easily activated via a mechanical linkage, such as the cable on emergency brakes. However, antilock brakes require a different procedure.

Antilock Brakes Systems are designed to avoid the wheel lock described above. Also known as ABS brakes, the "Stomp and Stay" system works with sensors which monitor the rotations of the wheels when the brakes are applied. If a brake is close to locking, the pressure is reduced on that brake, preventing lock-up. Antilock brakes should NOT be pumped, and have a pulsing sensation and hear a

clicking sound when they are working. They don't make a lot of difference when used on dry surfaces, though they do add to the stability of the vehicle in a stop. The stopping distance may actually be greater than with drum brakes on a slick surface.

One dangerous situation has been reported where improper steering in vehicles equipped with ABS brakes can cause the vehicle to veer out of control. "When drivers are about to hit something, they often panic, jamming on the brakes, and jerk the wheel," says David K. Willis, president of the AAA Foundation for Traffic Safety. "If the car has antilock brakes it will respond to the extreme steering and run off the road. In a study of crash records, the National Highway Traffic Safety Administration (NHTSA) found that ABS cars had more single-vehicle, run-off-the-road crashes than cars without ABS." The Foundation recommends all drivers who have antilock brakes practice using them in an empty parking lot or another place with no obstructions. Bear down on the brakes and practice steering on both wet and dry pavement.

- i. Emergency braking.** Emergency brakes are a secondary braking system installed in motor vehicles. Also known as e-brakes, hand brakes and parking brakes, emergency brakes are not powered by hydraulics and are independent of the service brakes used to slow and stop vehicles. Using the emergency brake to stop a moving vehicle outside of a total brake failure brake is not recommended and can damage your brake system. There are four types of emergency brakes:
  - Stick lever, which is found under the instrument panel in older-model vehicles.
  - Center lever, which is found in between separated front seats.
  - Pedal, which is found to the left of the floor pedals.
  - Electric or push button, found among the other console controls.
- i.** Because most modern braking systems have failsafe measures and warning systems, such as on-dash brake-warning lights and low-fluid sensors, the emergency brake is most often used as a parking brake device, especially on a hill where rolling might occur. But the e-brake is called an emergency brake for a reason - using it can save your life.
- ii.** Is using the emergency brake safe when the other brakes fail? Yes and no. Pulling the brake lever quickly will cause the vehicle to fishtail, lock up or skid, essentially removing control of the vehicle from the driver. But if you're ever in the highly unlikely but extremely serious situation of having your regular brakes fail to function, try to stay calm and pull the emergency brake lever up slowly and steadily, bringing the vehicle to a longer but more controlled stop.
- iii.** Be aware that in some vehicles, the emergency brake engages the front brakes, not the rear brakes. Knowing which brakes are set and properly chocking your vehicle wheels will protect you in situations where you must jack up the vehicle. Refer to your service manual before you raise the car. Believing the rear brakes are engaged when they aren't can be extremely dangerous.
- iv.** Periodic use of the emergency brake as a parking brake is a good thing, to ensure that it is working. If the brake is untested, then the cable can stick, rust, or become brittle due to lack of lubrication, and it may not be usable in an actual emergency situation.
- v.** Electronic stability control (ESC), also referred to as electronic stability program (ESP) or dynamic stability control (DSC), is a computerized technology that improves the safety of a vehicle's stability by detecting and reducing loss of traction (skidding). When ESC detects loss of steering control, it automatically applies the brakes to help "steer" the vehicle where the driver intends to go. Braking is automatically applied to wheels individually, such as the outer front wheel to counter oversteer or the inner rear wheel to counter understeer. Some ESC systems also reduce engine power until

control is regained. ESC does not improve a vehicle's cornering performance; instead, it helps to minimize the loss of control. According to the Insurance Institute for Highway Safety and the NHTSA, one-third of fatal accidents could be prevented by the use of the technology

## Suggested Review Questions

**Question #1: Name two dashboard gauges to check before you drive.**

**Answer:** Any of the following: Oil, gas, battery.

**Question #2: What crucial protective measure must you always do before driving away?**

**Answer:** Buckle safety belt and make sure all passengers also restrained.

**Question #3: How many mirrors do you check and adjust when preparing to drive?**

**Answer:** Three: rear view and one on each side of car.

**Question #4: What time of the day do you turn on your lights? What other times might you want to use them?**

**Answer:** One half hour before sunset to one half hour before sunrise. Also use lights when visibility is poor.

**Question #5: Where is the safest place for a child to ride in a vehicle? Where is the most dangerous?**

**Answer:** The safest place is the back seat in an age-appropriate restraint. The most dangerous place for a child to ride is the front passenger seat, especially if there is an air bag and no on/off switch.

**Question #6: What are the different types of brakes? How do you use each type?**

**Answer:** Drum: pump in case of sudden stop. Antilock: steadily depress without pumping and use caution when steering.

**Question #7: What three things will you do before making a lane change?**

**Answer:** Turn on signal, check rear view and side mirrors, and look over shoulder in the direction of lane change.

**Question #8: What should you do if you're unsure of how a device works in the vehicle?**

**Answer:** Find the vehicle manual and read up on it. This is especially important before beginning a road trip.

**Question #9: True or False: When a driver approaching on the opposite side of the road has on her bright lights, the correct procedure is to turn up yours until she lowers hers.**

**Answer:** False. This increases the possibility that there will be two drivers trying to steer through blinding lights. A short flash of your bright lights as a reminder is all that is necessary.

**Question #10: How does the driver avoid wrist injury from driver's side air bag during a collision?**

**Answer:** If a driver grips the wheel in the 4 o'clock and 8 o'clock positions, his hands will be under the air bag if there is a collision that deploys it.

## Resources

### New Mexico Driver Manual

<http://www.mvd.newmexico.gov/SiteCollectionDocuments/assets/dlm.pdf>

### AAA

<https://aaastartsmart.biz/startsmart/TYTTDExcerpts/templates/index.html>

### State Farm

<http://teendriving.statefarm.com/teaching-a-teen-to-drive?locale=en>

## New Mexico Laws

### **66-3-801. Equipment; prohibited acts. (1991)**

A. Except as otherwise provided in this section, it is a misdemeanor for any person to drive or move or for the owner to cause or permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as is required by Sections 66-3-801 through 66-3-887 NMSA 1978 or which is equipped in any manner that is in violation of those sections or for any person to do any act forbidden or fail to perform any act required under those sections.

B. Nothing contained in Sections 66-3-801 through 66-3-887 NMSA 1978 shall be construed to prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with the provisions of those sections.

C. The provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as made applicable in those sections.

D. The provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 apply to vehicles subject to the provisions of the Motor Carrier Safety Act only to the extent that the provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 do not conflict with the provisions of the Motor Carrier Safety Act and regulations promulgated under that act.

### **66-3-802. When lighted lamps are required. (1978)**

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

### **66-3-803. Visibility distance and mounted height of lamps. (1978)**

A. Whenever requirement is hereinafter declared as to the distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in Section 66-3-802 NMSA 1978 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly

stated.

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

**66-3-804. Headlamps on motor vehicles. (1978)**

A. Every motor vehicle other than a motorcycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in Sections 66-3-801 through 66-3-887 NMSA 1978.

B. Every motorcycle shall be equipped with at least one and not more than two headlamps which shall comply with the requirements and limitations of Sections 66-3-801 through 66-3-887 NMSA 1978.

C. Every headlamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches nor less than twenty inches to be measured as set forth in Subsection B of Section 66-3-803 NMSA 1978. The provisions of this subsection shall apply only to new motor vehicles sold after July 1, 1953.

**66-3-805. Tail lamps. (1978)**

A. Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required, shall emit a red light plainly visible from a distance of five hundred feet to the rear; provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above-mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required shall comply with the provisions of this section.

B. Every tail lamp upon every vehicle shall be located at [a] height of not more than seventy-two inches nor less than twenty inches.

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

**66-3-806. New motor vehicles to be equipped with reflectors. (1981)**

A. Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in Section 66-3-809 NMSA 1978 shall be equipped with reflectors as required in those sections applicable thereto.

B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in Subsection B of Section 66-3-803 NMSA 1978, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

**66-3-807. Stop lamps and turn signals required on designated vehicles. (1981)**

A. From and after January 1, 1954, it shall be unlawful for any person to sell any new motor vehicle, including any motorcycle, in this state or for any person to drive such vehicle on the highways unless it is equipped with at least one stop lamp meeting the requirements of Section 66-3-828 NMSA 1978.

B. No person shall sell or offer for sale or operate on the highways any motor vehicle, trailer, semitrailer or house trailer registered in this state which was manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electric turn signals meeting the requirements of Section 66-3-828 NMSA 1978. This subsection shall not apply to any motorcycle.

**66-3-831. Use of multiple-beam road-lighting equipment. (1978)**

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 66-3-802 NMSA 1978, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a 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 66-3-830B NMSA 1978 shall be deemed to avoid glare at all times, regardless of road contour and loading; and

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.

**66-3-835. Special restrictions on lamps. (1978)**

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 candlepower shall be directed so that no part of the high-intensity portion of the beam strikes the level of the roadway 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 highway, 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 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 a turn.

D. Tow cars standing on highways 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 Motor Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible.

**66-3-840. Brakes. (2007)**

A. Brake equipment is required as follows:

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

(2) Every motorcycle when operated upon a highway shall be equipped with at least two brakes that may be operated by hand or foot;

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

(a) Trailers, semitrailers and pole trailers of a gross vehicle weight of less than three thousand pounds;

(b) Any vehicle being towed in a driveaway-towaway operation; provided, the combination of vehicles

is capable of complying with the performance requirements of Subsection B of this section;

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

(d) House-moving dollies subject to regulations adopted by the secretary of transportation under the Motor Transportation Act [65-1-1 NMSA 1978]; and

(e) Motor vehicles of the types named in Paragraphs (1) through (3) of this subsection manufactured prior to July 1, 1963;

(4) Every house trailer of a gross vehicle weight in excess of three thousand pounds registered in this state shall be equipped with brakes on at least two wheels in contact with road surfaces. Every house trailer of a gross vehicle weight of three thousand pounds or more when operated upon a highway or roadway shall be equipped with brakes adequate to control the movement of and to stop and to hold the vehicle and so designed as to be applied by the driver of the towing motor vehicle;

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

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

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

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

	Feet to stop from 20 miles per hour	Deceleration in feet per second
Vehicles or combinations of vehicles having brakes on all wheels . . .	30	14
Vehicles or combinations of vehicles not having brakes on all wheels . . .	40	10.7

C. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle.

**66-3-843. Horns and warning devices. (1978)**

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

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

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

D. Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting



sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the division, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

**66-3-844. Mufflers; prevention of noise; emission control devices. (1978)**

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

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

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

**66-3-845. Mirrors. (1978)**

Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

**66-3-846. Windshields must be unobstructed and equipped with wipers; windows must be transparent; exception. (1997)**

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon or in the front windshield, windows to the immediate right and left of the driver or in the rearmost window if the latter is used for driving visibility, except as provided in Section 66-3-846.1 NMSA 1978. The rearmost window is not necessary for driving visibility where outside rearview mirrors are attached to the vehicle.

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

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

**66-3-846.1. Sun screening material on windshields and windows; requirements; violation; penalty. (1997)**

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

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

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

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

C. Each manufacturer shall:

(1) Certify to the division that a sun screening material used by that manufacturer is in compliance with the nonreflectivity and light transmission requirements of this section;

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

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

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

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

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

D. No person shall:

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

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

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

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

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

H. As used in this section:

(1) "Light transmission" means the ratio of the amount of total light that passes through a product or material, expressed in percentages, to the amount of the total light falling on the product or material;

(2) "Manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

(3) "Nonreflective" means designed to absorb light rather than [than] to reflect it; and

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

I. Any person who violates any provision of this section is guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00).

#### **66-3-847. Restrictions as to tire equipment. (2007)**

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

B. No person shall operate or move on any highway any motor vehicle, trailer or semitrailer having any metal tire in contact with the roadway, except that for the purposes of the Motor Vehicle Code a snow tire with metal studs designed to increase traction on ice or snow shall not be considered a metal tire.

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

D. The state highway commission and local authorities, in their respective jurisdictions, may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other

farm machinery, the operation of which upon a highway would otherwise be prohibited under the Motor Vehicle Code.

E. No vehicle equipped with solid rubber or cushion tires shall be permitted upon any highway of this state without special permission first being granted by the state highway commission or the local authority having jurisdiction over the highway affected, and in no event may any such vehicle be operated at a speed in excess of that specified by law.

**66-3-848. Safety glazing materials in motor vehicles. (1978)**

A. No motor vehicle sold as new on or after January 1, 1954, shall be registered in this state on or after that date unless it is equipped with safety glazing material of a type approved by the director wherever glazing material is used in doors, windows or windshields; nor shall any new motor vehicle be sold in this state after such date unless it complies with this requirement. The foregoing provisions shall apply to all passenger-type motor vehicles including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the driver's compartments of such vehicles.

B. The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

C. The director shall compile and publish a list of types of glazing material by name approved by him as meeting the requirements of this section and the director shall not register after January 1, 1954, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

D. On and after January 1, 1954, it shall be unlawful for any person to replace any glass in any vehicle or portion thereof, which under the provisions of Subsection A of this section must be equipped with safety glazing material, with any material other than safety glazing material of a type approved by the director.

**66-3-874. Safety belts required. (1978)**

It is unlawful for any person to buy, sell, lease, trade or transfer from or to New Mexico residents at retail an automobile, which is manufactured or assembled commencing with the 1964 models, unless the vehicle is equipped with safety belts installed for use in the left front and right front seats.

**66-3-901. Vehicles without required equipment or in unsafe condition. (1985)**

No person shall drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer or any combination thereof unless the equipment upon every vehicle is in good working order and adjustment as required in the Motor Vehicle Code, and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

**66-7-369. New Mexico Child Passenger Restraint Enforcement. (2005)**

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

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

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

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

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

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

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

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



## **Unit 1 - The Driving Task**

### **Chapter 2 - Defensive Driving Techniques**

#### **Objectives**

Students should know how to evaluate road conditions (including reading and understanding signs), what actions to take to avoid collisions, to anticipate other drivers' actions, and to monitor their own driving behavior.

The National Highway Transportation Administration reports that motor vehicle crashes and fatalities increased in 2012 after six consecutive years of declining fatalities on our nation's highways. The nation lost 33,561 people in crashes on roadways during 2012, compared to 32,479 in 2011. At 365 traffic fatalities, New Mexico showed an increase over the previous three years.

Motor vehicle crashes are the leading cause of death for U.S. teens. In 2010, seven teens ages 16 to 19 died every day (about 2700 teens) from motor vehicle injuries and almost 282,000 were treated and released from emergency departments for injuries suffered in motor vehicle crashes. Drivers over age 65 also have an increased risk for death or injury on the highway. An average of 500 older adults are injured every day in crashes. Coupled with that, the increasing number of drivers and vehicles on the road creates a continuing need for defensive driving training across all age groups.

The National Safety Council's Defensive Driving Course was the first driver improvement program in the nation, training more than 1.7 million participants annually and more than 67 million since 1964. Beginning with the original Defensive Driving Course, the NSC has expanded to more than 30 defensive driving courses offered in all 50 states and many foreign countries. As the death and injury counts from traffic crashes have mounted over the years, many companies and agencies have implemented safe driving classes as a regular part of their safety training.

## Course Outline

### Defensive Driving

Smart drivers drive defensively. The National Safety Council says that the goal of defensive driving is to save lives, time and money by training drivers in collision prevention techniques, regardless of road and weather conditions or the actions of other drivers. It is designed to heighten drivers' awareness of everything happening around them while driving. In teaching these techniques, defensive driving also promotes an attitude of mutual understanding, courtesy and cooperation on the road. See also chapter 2.1, Characteristics of Good Drivers.

#### 1. Ten Common driving errors:

- a. **Speeding**
- b. **Failure to wear a seat belt**
- c. **Inattentiveness**
- d. **Distraction inside the vehicle** (i.e., cell phones, texting, changing cd/radio, eating/drinking, adjusting GPS, talking with passengers)
- e. **Incorrect assumptions about other drivers** (i.e., assuming the other driver will yield right-of-way)
- f. **Tailgating**, following too closely
- g. **Failure to yield right-of-way**, including not checking for traffic before changing lanes or entering a traffic flow, improper turning procedures, etc.
- h. **Failure to obey traffic signals and signs**
- i. **Driving while fatigued**
- j. **Driving a vehicle that is not well maintained** (i.e., poor tires, brakes, etc.)

#### 2. Defensive driving concepts and techniques.

Space and time to maneuver and react. Critical to defensive driving is the concept that the driver must have enough space to maneuver and time to react.

- a. **Following distance.** Of all the unsafe driving practices, tailgating is one of the most often cited as aggressive or hostile behavior. In a study of aggressive driving on the Capital Beltway in Washington D.C., it was listed as one of the unsafe driving behaviors most likely to cause a crash.
- b. **The three-second rule** says there must be at least three seconds between the back of one vehicle and the front bumper of the following vehicle. Drivers can gauge this distance by watching the vehicle in front pass a stationary point, such as a pole or mile marker. As the rear bumper passes the mark, the driver begins counting, "one thousand and one, one thousand and two, one thousand and three." If the front bumper of the following car reaches the marker before the count is complete, the driver is following too closely and should back off.
- c. **Add seconds for adverse road conditions**, such as wet pavement or limited visibility due to dust or fog -- one second should be added for each adverse condition (see Chapter 3.1, Adverse Driving Conditions).
- d. **Visual lead time** -- space cushion. The driver should be anticipating traffic movements and possible hazards as far away as the car will reach in twelve seconds. Other vehicles, pedestrians, animals may suddenly move into the car's path and require that the driver respond quickly. A defensive driver avoids allowing to be taken by surprise and *forced* to react to a situation, instead, s/he anticipates potential conflicts and provides a "space cushion" around his/her vehicles (see information on the Smith System and IPDE process in Chapter 2.1, Characteristics of Good Drivers).
- e. **Always leave an "out."** By scanning ahead and maintaining a safe distance between vehicles and potential hazards, drivers will have the time to determine a path to avoid a collision. This may be by stopping or moving into another lane or open space beside the road. A driver can also practice a

“what-if” technique, “What will I do if the car in front of me stops suddenly,” “What will I do if that bicyclist suddenly swerves in front of me.”

### 3. Communicate with other drivers.

Drivers need to let others know where they are and what they are going to do. All vehicles are equipped with devices to assist in communication. Turn signals should be used every time the driver is about to make a turn or move into another lane. The horn should be used to gain attention and alert others of the driver’s location (not for road rage!). Headlights allow others to know where the car is in poor lighting conditions. Flashers are used to indicate that the car is stopped on the road or that there is an emergency situation. In addition, drivers can communicate with each other through eye contact and hand gestures (courteous ones please!).

#### a. Traffic laws as social contract.

- i. Traffic laws are a socially agreed upon set of standards for behavior on the roadways, whether or not an individual agrees with any specific law. By following the traffic laws, drivers can anticipate and react effectively to each others’ actions. When laws are disregarded, such as in speeding, running traffic lights and stop signs, tailgating, etc., the social contract is broken and it becomes more difficult for drivers to predict another’s actions behind the wheel.
- ii. It can also be dangerous to override traffic laws in an attempt to be helpful. Sometimes a driver who has the legal right-of-way will stop for cross traffic or wave another driver through a stop sign, or will stop the car to allow a pedestrian to cross a street away from a crosswalk. These actions cause confusion for other drivers and can result in a crash. It is safer to follow the established laws and procedures. Police officers, not drivers, are authorized to direct traffic, and a driver “waving another driver through” could also be liable in a civil lawsuit if their actions result in a collision. (For further information on penalties for breaking the motor vehicle laws, see Chapter 2.3 Driving Under the Influence and Chapter 2.4 Licensing.)

#### b. Signals and Traffic Signal Procedures

According to the Insurance Institute for Highway Safety, **Red light running happens frequently and is often deadly.** In 2011, 714 people were killed and an estimated 118,000 were injured in crashes that involved red light running.

- i. Steady Red indicates that the driver must come to a full stop behind the crosswalk or stop bar and not proceed until the signal changes to green and it is safe to do so. In New Mexico, drivers can turn right on red after coming to a complete stop and yielding right-of-way to oncoming traffic and pedestrians in the crosswalk, unless the intersection is marked “No Turn on Red.” Drivers may turn left on red only from a one-way street onto a one-way street after coming to a complete stop and yielding to pedestrians.
- ii. Steady Yellow indicates an alert that the signal is about to turn red. Drivers should stop before the crosswalk if possible to do so safely. If not, drivers should proceed cautiously through the intersection before the signal turns red. Do not speed up to go through the intersection before the signal turns red.
- iii. Steady Green indicates that the driver should proceed through the intersection with caution, staying alert for other drivers who might run the red signal and for pedestrians who are still in the crosswalk. If turning left on a green signal, drivers must yield to oncoming traffic and pedestrians in the turn path.
- iv. Flashing Yellow indicates that the driver should slow down and proceed with caution. Traffic coming in the other direction will have a flashing red light.
- v. Flashing Red indicates that the drivers must come to a full stop behind the crosswalk, then proceed cautiously. Drivers should be alert to the color of the signal the drivers on the intersecting road are seeing. If the crossing signal is also flashing red, the intersection should be treated as a four-way stop sign. If the crossing signal is flashing yellow, the drivers in the

crossing traffic have the right-of-way, and drivers with the flashing red signal should wait until all cross traffic is clear before proceeding.

- vi. **Arrows** indicate in what directions drivers may proceed. Green indicates that a driver may turn in that directions, red indicates that they may not move in that direction. Drivers should yield right-of-way to traffic with a green arrow.
  - vii. **Photo enforcement.** Enforcement is the best way to get people to comply with any law, but it's impossible for police to be at every intersection. Cameras can fill the void. An Insurance Institute for Highway Safety study comparing large cities with red light cameras to those without found the devices reduced the fatal red light running crash rate by 24 percent and the rate of all types of fatal crashes at signalized intersections by 17 percent. The IIHS also asserts that there is no reason to expect privacy on a public road. Driving is a regulated activity, and people who obtain licenses agree to abide by certain rules. Red light cameras are a mechanism to catch people who break those rules, just like traditional enforcement.
  - viii. **Hand signals.** Hand and arm signals are given as follows:
    - (1) Left turn: hand and arm extended horizontally
    - (2) Right turn: hand and arm extended upward
    - (3) Stop or decrease speed: hand and arm extended downward.
- c. Right-of-way.**
- i. According to the National Safety Council, more than half of all urban collisions occur at intersections and are usually the result of right-of-way violations. Rural intersections can be more dangerous because speed limits tend to be higher in rural areas.
  - ii. Right-of-way indicates which driver has the privilege of *going first*. The right-of-way is given by other drivers, not taken; the law only states who should *yield* right-of-way, it does not *give* anyone the right-of-way. *Drive Right*, (Scott Foresman, 1993 edition) outlines the following considerations for yielding:
    - (1) Your action should not cause those to whom you should yield the right-of-way to slow or stop.
    - (2) Traffic signs and signals only show who should yield the right-of-way. *They do not stop traffic for you.*
    - (3) Others can give you the right-of-way. *Never assume others will yield to you.*
    - (4) Failure to yield the right-of-way is one of the most frequent violations in fatal collisions.
- d. Yielding at stop signs and yield signs.**
- i. **Two-way stop signs** Drivers are to come to a full stop and yield right-of-way to:
    - (1) All traffic on the through street.
    - (2) If turning left, yield to facing traffic going straight.
    - (3) Pedestrians in or near the crosswalk or in the turn path.
  - ii. **Four-way stop signs** Drivers are to come to a full stop and yield right-of-way to:
    - (1) All pedestrians in the crosswalks.
    - (2) Vehicles that arrive first.
    - (3) If two or more vehicles arrive at the stop sign at the same time, yield to the vehicle on the right. If they are facing each other, a left-turning driver yields to one going straight.
  - iii. **Yield signs** Drivers are to yield right-of-way to:
    - (1) All traffic on the cross street.
    - (2) All pedestrians in or near crosswalks.
    - (3) It is not necessary to come to a complete stop unless required to avoid a collision.
    - (4) Yielding in other situations.
      - (a) Alleys, driveways, private roadways. Drivers are to yield right-of-way to all vehicles on the street and all pedestrians.



- (b) Emergency vehicles. Drivers are to immediately yield to all emergency vehicles (such as ambulance, police, fire trucks, etc.) when the emergency vehicle is using flashing lights or sounding a siren. Drivers should move out of an intersection and close to the curb and wait for the emergency vehicle to pass. (If the driver is on a divided highway, and the emergency vehicle is *on the other side*, pulling over to the side of the road is not required.)
  - (c) School buses. If the amber lights on a bus are flashing the bus is about to stop and drivers should slow down and anticipate where the bus will stop. If the red lights are flashing and the bus is stopped, drivers are not to pass the bus from any direction. (Unless, drivers are on the other side of a divided street, then this would not apply, as per NMSA 66-7-347 C.)
  - (d) Trains. Drivers should approach any railroad crossing with caution and never drive around lowered gates or rely totally on warning signals. A crash with a train is 11 times more likely to be fatal than any other collision.
  - (e) Uncontrolled intersections. Drivers should yield right-of-way as at a four-way stop sign. It is not necessary to come to a complete stop unless required to avoid a collision.
  - (f) Pedestrians at green lights. When a signal first changes to green, drivers should yield to pedestrians in the crosswalk or turn path, or vehicles that are still in the intersection.
- e. **Traveling through intersections.**

Drivers must be able to predict how long it will take to pass through intersections or enter a flow of traffic. The gap (distance) between vehicles is the space that the driver has to enter traffic or move through an intersection. The time available to move through the gap depends on this distance between vehicles and the speed at which they are moving.

- i. Generally speaking, it takes approximately four seconds to cross an intersection from a full stop. If traffic is moving at 30 mph, there needs to be a gap of about 2/3 of a block in each direction in order to move through the intersection. This time is increased to six seconds (a one block gap) if the driver is making a right turn, and to 7 seconds (more than a one block gap) if the driver is making a left turn.
- ii. These times and distances increase even more for large intersections.  
*Activity:* Have students observe traffic on a street corner where the speed limit is 30 mph and measure the time it takes for vehicles to go through the intersection 1) from a full stop, 2) turning right, 3) turning left. As a car's front bumper enters the intersection, they should start counting, one-one thousand, two-one thousand, and continue until the car's rear bumper has cleared the intersection. Have them observe the length of the gap (2/3 block, 1 block, etc.) required to safely pass through the intersection. Suggest they use a similar technique by observing the driver of a car in which they are a passenger.

#### 4. Speeding.

Exceeding the posted speed limit or driving too fast for conditions is a serious threat to the motoring public. In New Mexico in 2011, there were over 5,800 crashes that listed excessive speed as a contributing factor to the crash. One-third of speeding drivers were below age 25. In general, male drivers were more than twice as likely as their female counterparts to be in a crash where their speeding was a contributing factor.

##### **Drivers speed for many reasons:**

- i. They are late and in a hurry.
- ii. It is a challenge to some drivers to drive at a speed in excess of the posted limit but below a level at which they believe they will be cited (as in, "*Police never cite anyone until they are 10 miles over the limit.*").

- iii. Their judgment is impaired by alcohol or other drugs.
  - iv. There is also inadvertent speeding (also called “velocitation” or “highway hypnosis) -- youth and/or inexperience leads some drivers to travel too fast for the roadway environment through neighborhoods, intersections, bridges, curves, and construction zones.
  - v. Similarly, drivers who have been traveling at a relatively high rate of speed for an extended time (on the Interstate for instance) become speed habituated -- they become so used to going fast on the highway that excessive speeds through slower road environments seem normal.
- f. Know your speed.** New Mexico’s interstates have a wide variation of speed limits: 55, 60, 65, 70 and even 75. Other state highways have even greater variation. The Highway and Transportation Dept. has an ongoing “Know Your Speed” campaign designed to reduce speeding by informing the public about the varied speed limits and their penalties, including license point penalties and fines. Along with this education, the Traffic Safety Division has funded a series of speed enforcement programs across the state to catch and punish speeders.
- i. **Points** In the state’s “Point System” speeding offenses receive the highest level of sanctions -- eight points for excessive speeding-- the maximum allowed in any 12 month period is 12. (The text of the Point System MVD Regulations is at the end of Chapter 2.4 Licensing.) Drivers with 12 points or more get their licenses suspended for 12 months and are usually ordered by the court to go to driver improvement school before their license will be returned. It is also possible to have your license revoked if you accumulate fewer than 12 points, should a municipal or magistrate judge order it. For a chart of the New Mexico Point System Regulations and a Schedule, see <http://www.mvd.newmexico.gov/SiteCollectionDocuments/assets/mvd11011.pdf>.
  - ii. **Fines** The fines for speeding vary, depending on how much over the limit a driver is. The lowest fine (including a series of extra fees and court costs) is \$54, and the highest is \$243. (See the Laws Section of Chapter 2.4 Licensing, Section 66-8-116 and 116.3 for the text of the laws on Penalty Assessment Misdemeanor fines and additional costs.)  
**Minimum speed** In New Mexico, it is also against the law to drive at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. (See Section 66-7-305 below for more on minimum speed regulation.)

**5. Parking.**

Drivers must park their vehicles with the right-hand wheels parallel to and within eighteen inches of the right-hand curb.

**a. Drivers should be able to proficiently perform the following maneuvers:**

- i. Parallel parking;
- ii. Angle parking;
- iii. Parking on hills.

**b. Parking is prohibited as follows:**

- i. On a sidewalk;
- ii. In front of a public or private driveway;
- iii. Within an intersection;
- iv. Within fifteen feet of a fire hydrant;
- v. On a crosswalk;
- vi. Within twenty feet of a crosswalk at an intersection;
- vii. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- viii. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end [ends] of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- ix. Within fifty feet of the nearest rail of a railroad crossing;

- x. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance, when properly signposted;
- xi. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- xii. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- xiii. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
- xiv. At any place where official signs prohibit stopping.

## 6. Road and weather conditions.

Drivers must always be prepared to respond safely to less-than-ideal road conditions. In all cases, the driver should reduce speed and increase the following distance in order to maintain a safe driving space.

- a. **Too much or too little light impacts safe driving.** A driver can mitigate the effects of too much light, such as glare, by properly using mirrors, sun visors, and sunglasses, and by keeping the windshield clean. When there is too little light, such as at night or during foggy or rainy conditions, the driver should turn on the car's headlights to see and be seen. Drivers should be cautious, however, of using their high beams in foggy or snowy conditions; high beams will simply reflect off the fog or snow and make it harder to see. Also, high beams can be dangerous to other drivers, creating increased glare that can blind drivers in oncoming traffic or when reflected in a driver's rear-view mirrors, even on divided highways. Drivers need to dim their lights to low beam when following other vehicles or when there is oncoming traffic. Dim high beams within 300 feet of following traffic and within 500 feet of an oncoming traffic.
- b. **Adverse weather conditions.** Rain, snow, fog, ice, dust, smoke and wind dangerously alter the state of the roadway and visibility and severely hamper a person's ability to drive safely. The road is always the slickest at the beginning of precipitation because it causes the oil and grease to float to the top of the road surface. See Chapter 3.1, Adverse Driving Conditions.
- c. **Road construction, roadside emergencies.** Highway crews often must block certain stretches of road in order to maintain or repair the roads and roadside emergencies usually involve emergency vehicles, such as ambulances, police cars, even helicopters. This can cause increased congestion, reduced visibility, and distractions for a driver. Defensive drivers will stay alert to unexpected actions of others and focused on their own driving task (see Chapter 1.3, Crashes and Other Roadside Emergencies).

## 7. Car safety measures.

All vehicles require regular maintenance to be safe. This maintenance is part of the driver's responsibility to ensure that the car operates properly and responds safely on the road.

- a. **Outside the vehicle.** All of the mechanical components of the car should be in good working condition to help ensure safety. Brakes, transmission, light system (including headlights, taillights, signals and brake lights) need to be regularly checked and serviced. Tires should be inspected for tread and air pressure and rotated and balanced on a regular basis. All fluids (oil, brake, transmission, anti-freeze, windshield washer, etc.) should be checked regularly and changed as recommended by the manufacturer. All glass should be kept clean to maintain visibility and avoid increased glare.
- b. **Inside the vehicle.** Drivers should check the position of the seat and mirrors each time they get into the vehicle. A properly adjusted seat helps a driver maintain concentration and reduces fatigue. Properly adjusted mirrors are critical in allowing a driver watch the road behind him/her. The single action inside the car that will save the most lives is using seatbelts, both driver and passengers. Infants and children should be strapped in the appropriate child safety seats for their age and size. People who use their safety belts have a 45% better chance of surviving a serious traffic crash and a 50% chance of avoiding serious injury (see also chapter 2.1, Characteristics of Good Drivers). Air bags are designed to be used *in addition* to safety belts, not instead of them.

c. **Collision prevention techniques**

i. The National Safety Council uses the following formula:

- (1) **Recognize the hazard.** A driver should continuously evaluate the conditions that may cause her/him to lose control of the car, such as bad weather or road conditions or distractions in the car (i.e., cell phone use, noisy passengers, “back seat drivers”), or other drivers’ or pedestrians’ inattention or risky behaviors. Drivers need to scan the road ahead, check their mirrors every three to five seconds, and keep their attention focused on driving.
- (2) **Understand the defense.** Drivers need always to be fine tuning their driving skills and learning how to deal with hazardous situations. Experience is one of the biggest factors in defensive driving. As a novice driver gains experience, s/he develops the “feel” of the car and gains more control, so that in responding to a threat, the driver is more able to stay in physical control of the car. Drivers will develop quicker reactions to potential hazards and learn to make decisions that decrease the risk to themselves and others. Another crucial element to defensive driving is the driver’s ability to control her/his emotional reaction and remain objective about other drivers’ behaviors. Impatience, anger, and stress can lead a driver into making bad driving decisions that risk their own and others’ lives (see chapter 2.2 Challenges to Good Driving).

*Activity:* Have students think about something other drivers do that upset them in a traffic situation. Have them explain the situation, how they feel and think, and then how they can control the situation.

- (3) **Act correctly, in time, before the situation gets out of control.** Avoid the hazard in time to prevent the collision. Always, the correct action is the one that is safest for everyone. That may mean reducing speed, increasing the following distance, taking a different route or refusing to drive at all if a situation is too risky (i.e., if the driver has been drinking, is too tired, or passengers are being disruptive).

*Activity:* Have students play a series of “what-if” scenarios, including situations where 1) friends or parents will not fasten their safety belt in the student’s car, 2) friends tease or ridicule the student for not speeding or driving after drinking, 3) the student is frustrated or angry at another driver’s actions, 4) the student is driving and is at risk from another driver’s risky behavior.

ii. **Three biggest mistakes.** According to the video Safe Driving Techniques, three situations account for more than 50% of all urban crashes - following too closely, backing, and intersections. They advocate a formula of:

- (1) **Anticipate.** Similar to “recognize the hazard”, the driver anticipates any possible hazards presented by other drivers’ inattention, carelessness, or risky behaviors, weather conditions, pedestrians, or any other potential threats.
- (2) **Adjust.** Drivers need to adjust their driving behavior to the circumstances in order to avoid a collision.
- (3) **Assume nothing.** Conditions change constantly on the road and the driver cannot assume that the situation will remain static. Just because the car ahead is moving forward at one moment does not mean that it will continue to do so. Circumstances may force the driver to slam on the brakes or take other evasive action. Drivers also cannot automatically assume others will follow traffic laws or act courteously while driving and need to be constantly alert.

8. **Signs and roadway markings**

The following is a brief summary of the traffic signs and roadway markings that a driver is likely to encounter while driving. Please see Chapter 3.2 Road and Highway Design for a more complete discussion of the issues and science involved in traffic design and engineering.

**a. Traffic signs** have four basic purposes: to warn, guide, inform, and regulate. The shape and color of the sign will give a quick identification for the purpose of the sign.

**i. Colors:**

- (1) Red: Stop or Prohibition, such as a stop sign
- (2) Green: Guide signs on freeways, such as “Next Exit 1 Mile”
- (3) Blue: Motorist information, such as signs showing the location of a hospital or rest area
- (4) Yellow: General warning, such as “Right Lane Ends”
- (5) Orange: Highway construction and maintenance warning
- (6) White: Regulation, such as a speed limit sign
- (7) Brown: Public recreation, scenic places, state and national parks

**ii. Shapes:**

- (1) Octagon: Used exclusively for Stop Signs
- (2) Horizontal Rectangle: Generally for guide signs
- (3) Equilateral Triangle: Used exclusively for Yield Signs
- (4) Pennant: Advance warning of No Passing Zones
- (5) Diamond: Used exclusively to warn of existing or possible hazards on the road or adjacent area
- (6) Vertical Rectangle: Generally used for regulatory signs, such as a Speed Limit sign or One Way sign
- (7) Pentagon: School Advance and School Crossing signs
- (8) Round: Railroad Advance Warning sign

*Activity:* Have students identify the purpose of various signs using flash cards with a sign’s shape and color. Using warning signs that have symbols only (no words) have students explain what the sign is warning of and what action they would take when they see the sign.

**b. Roadway markings**

Often there will be lines, words or figures painted on the roadway itself or on curbs. These are designed to give the driver warning or direction.

**i. Yellow line markings**

- (1) A broken yellow line separates two-way traffic. A driver may pass other vehicles *only* when there is enough of a gap in oncoming traffic to pass without collision.
- (2) A solid yellow line on the driver’s side of the center line indicates that passing another vehicle is not allowed. A driver may make a left turn across a solid yellow line after yielding to oncoming traffic.
- (3) Two solid yellow lines indicate that any passing across the yellow lines is prohibited.

**ii. White line markings**

- (1) Broken white lines separate lanes of one-way traffic. Drivers may cross the broken lines when changing lanes.
- (2) Solid white lines can have several meanings, depending on the environment:
  - (a) To restrict lane changing: These are placed where changing lanes would be hazardous and should not be crossed.
  - (b) To mark the edge of the road along the side: These assist the driver in seeing the edge of the road, especially at night.
  - (c) To mark pedestrian crosswalks and stop lines at intersections: Drivers should stop behind these lines at intersections.
  - (d) To mark bicycle lanes at the right side of the road.

- (3) White arrows are used to indicate the direction the traffic is to proceed in that lane. If a driver is in a lane with an arrow and the word **ONLY**, the driver *must* follow the direction of the arrow, such as in a “Right Turn Only” lane.

**iii. Rumble strips and raised roadway markings**

- (1) Rumble strips are sections of corrugated roadway that alert the driver, through the noise the tires make, of a potential hazard, such as a dangerous intersection, bridge, or an unexpected need to stop or reduce speed. They are also used on the shoulder of roadway to warn the driver that s/he is about to drive off of the road. These can be especially useful when a driver is fatigued and is drifting off of the road.
- (2) Raised or lowered roadway markings are used on roadways where it may be difficult for the driver to see the driving lane. These are small reflectors that shine when the headlight beam strikes them and that define the driving lane.

**iv. Other roadway markings**

- (1) Roadways may be painted with a variety of words or universal symbols to give warning and guidance to drivers. Examples include “School Zone”, “Yield to Pedestrians”, “Bicycle Lane”, or symbols for a railroad crossing or handicapped parking.
- (2) Curbs may be painted yellow to indicate no parking zones, red to indicate fire lanes, or blue to indicate handicapped zones.

## Suggested Review Questions

**Question #1: If you see a yellow, diamond shape sign, what should you be alert for?**

**Answer:** Any hazards on the road or adjacent to it. Diamond shapes are used exclusively for warning.

**Question #2: True or False: A steady red signal and a flashing red signal should be treated in the same way by the driver.**

**Answer:** False. At a steady red signal the driver must wait until it turns green before proceeding (unless making a legal right turn on red). At a flashing red signal, the driver may proceed cautiously after coming to a complete stop and yielding right-of-way to cross traffic and pedestrians.

**Question #3: True or False: A driver may not make a left turn across a solid yellow line in his/her lane.**

**Answer:** False. Drivers may make a left turn after yielding to oncoming traffic.

**Question #4: List three (3) ways white line markings may be used on roadways.**

**Answer:** 1) Broken white lines separate lanes of one-way traffic. Drivers may cross the broken lines when changing lanes; 2) Solid white lines can have several meanings, depending on the environment: (a) To restrict lane changing: These are placed where changing lanes would be hazardous and should not be crossed; (b) To mark the edge of the road along the side: These assist the driver in seeing the edge of the road, especially at night; (c) To mark pedestrian crosswalks and stop lines at intersections: Drivers should stop behind these lines at an intersections; (d) To mark bicycle lanes at the right side of the road.

**Question #5: State the goal of defensive driving.**

**Answer:** To save lives, time and money by training drivers in collision prevention techniques, regardless of road and weather conditions or the actions of other drivers.

**Question #6: Name five of the most common driving errors.**

**Answer:** Any of the following: 1) speeding, 2) failure to wear a seat belt, 3) driving while impaired by alcohol, drugs or fatigue, 4) inattentiveness, 5) distraction inside the vehicle (i.e., manipulating infotainment system, texting, eating/drinking, talking with passengers), 6) incorrect assumptions about other drivers (i.e., assuming that the other driver will yield right-of-way), 7) tailgating, following too closely, 8) failure to yield right-of-way, including not checking for traffic before changing lanes or entering a traffic flow, 9) improper turning procedures, 10) failure to obey traffic signals and signs, 11) driving a vehicle that is not well maintained (i.e., poor tires, brakes, etc.).

**Question #7: What is the three-second rule?**

**Answer:** There must be at least three seconds between the back of one vehicle and the front bumper of the following vehicle. Drivers can gauge this distance by watching the vehicle in front pass a stationary point, such as a pole or mile marker. As the rear bumper passes the mark, the driver begins counting, “one thousand and one, one thousand and two, thousand and three.” If the front bumper of the following car reaches the marker before the count is complete, the driver is following too closely and should back off.

**Question #8: True or False: If the road is wet and it is night, drivers should increase their following distance by at least two seconds.**

**Answer:** True. One second of following time should be added for each adverse condition; one second for the wet road, one second for night time driving.

**Question #9: What does it mean to “leave yourself an out” in a driving situation?**

**Answer:** It means the driver has identified a path to follow to avoid a collision. This is determined by scanning ahead and maintaining a safe distance from other cars.

**Question #10: True or False: If you have a green light at the traffic signal, the law gives you the right-of-way.**

**Answer:** False. The law does not give the right-of-way to anyone; it only stipulates which driver should yield right-of-way. Right-of-way is given by other drivers, not taken. Drivers should know in what situations they are expected to yield right-of-way.

**Question #11: What is the difference in yielding right-of-way at a four-way stop and an uncontrolled intersection?**

**Answer:** You do not have to come to a complete stop at an uncontrolled intersection, unless necessary to avoid a collision.

**Question #12: What actions should a driver take when road conditions are poor?**

**Answer:** In all cases, the driver should reduce her/his speed and increase the following distance in order to maintain a safe driving space.

**Question #13: Name three conditions that can adversely affect road conditions.**

**Answer:** 1) Too much or too little light, 2) Poor weather conditions, 3) Road construction or emergencies.

**Question #14: What single action inside a vehicle can save the most lives in a collision?**

**Answer:** Properly fastening the safety belts of everyone in the car.

**Question #15: Explain the National Safety Council’s three-step formula for avoiding collisions.**

**Answer:** 1) Recognize the hazard. A driver should continuously evaluate the conditions that may cause her/him to lose control of the car: scan the road ahead, check their mirrors every three to five seconds, and keep their attention focused on driving. 2) Understand the defense. Drivers need always to be fine tuning their driving skills and learning how to deal with hazardous situations. Drivers also need to develop the ability to control emotional reactions and remain objective about other drivers’ behaviors; 3) Act correctly, in time, before the situation gets out of control. That may mean reducing speed, increasing the following distance, taking a different route or refusing to drive at all if a situation is too risky (i.e., if the driver has been drinking, is too tired, or passengers are being disruptive).



## Resources

*Traffic Safety Facts 2012 Motor Vehicle Crashes Overview* at <http://www-nrd.nhtsa.dot.gov/Pubs/811856.pdf>  
[http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/35\\_NM/2012/35\\_NM\\_2012.htm](http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/35_NM/2012/35_NM_2012.htm)

Traffic Safety Performance (Core Outcome) Measures\* For New Mexico at <http://www-nrd.nhtsa.dot.gov/Pubs/811856.pdf> [http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/35\\_NM/2012/35\\_NM\\_2012.htm](http://www-nrd.nhtsa.dot.gov/departments/nrd-30/ncsa/STSI/35_NM/2012/35_NM_2012.htm)

The Center for Disease Control Teen Drivers Fact Sheet at [http://www.cdc.gov/motorvehiclesafety/teen\\_drivers/teendrivers\\_factsheet.html](http://www.cdc.gov/motorvehiclesafety/teen_drivers/teendrivers_factsheet.html)

The Center for Disease Control Older Drivers Fact Sheet at [http://www.cdc.gov/motorvehiclesafety/older\\_adult\\_drivers/adult-drivers\\_factsheet.html](http://www.cdc.gov/motorvehiclesafety/older_adult_drivers/adult-drivers_factsheet.html)

The Highway Safety Desk Book at [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

*Safe Driving Techniques, The Blindfold Effect.* 17 minute video produced by Aurora Pictures for the Federated Insurance Companies

Learning to Drive...A guide for teenagers and their parents at [www.drivers.com](http://www.drivers.com)

National Safety Council, "Alive at 25" Program and Defensive Driving Course

*Drive Right.* 11<sup>th</sup> Edition, Teacher's Edition. Prentice Hall, 2008

*Handbook for Responsible Driving for Parents and Teens.* Cobb County Teen Driver Awareness Committee, Cobb County, Georgia. May be found on the web at: [www.nhtsa.dot.gov](http://www.nhtsa.dot.gov)

*Novice Driver Education Model Curriculum Outline.* Prepared for the AAA Foundation for Traffic Safety. May be found on the Web at [www.aaafoundation.org](http://www.aaafoundation.org)

### **PART 4 TRAFFIC LAWS GENERALLY**

#### **66-7-105. Traffic-control signal legend. (1978)**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, yellow and red shall be used, except for special pedestrian control signals carrying a word legend, and the lights indicate and apply to drivers of vehicles and pedestrians:

##### **A. green alone:**

- (1) vehicular traffic facing the signal may proceed straight through or turn right or left unless a sign at the place prohibits either turn. Vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time the signal is exhibited; and
- (2) pedestrians facing the signal may proceed across the roadway within any marked or unmarked crosswalk;

##### **B. yellow alone** when shown following the green signal:

- (1) vehicular traffic facing the signal is warned that the red signal will be exhibited immediately thereafter and the vehicular traffic shall not enter the intersection when the red signal is exhibited except to turn as hereinafter provided; and
- (2) no pedestrian facing the signal shall enter the roadway until the green is shown alone unless authorized to do so by a pedestrian "walk" signal;

##### **C. red alone:**

- (1) vehicular traffic facing the signal shall stop before entering the crosswalk on the near side of the intersection or, if there is no crosswalk, then before entering the intersection, and may turn right after standing until the intersection may be entered safely, provided that such vehicular traffic shall yield the right-of-way to all pedestrians and vehicles lawfully in or approaching the intersection. Whenever the local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that a turn as hereinabove provided should be prohibited at a particular intersection, such turn may be prohibited by the posting of signs at the intersection indicating that such a turn is prohibited;
- (2) vehicular traffic on a one-way street facing the signal shall stop before entering the crosswalk on the near side of the intersection or if there is no crosswalk, then before entering the intersection, and if a left turn onto a one-way street in the proper direction is intended, may turn left after stopping until the intersection may be entered safely, provided that such vehicular traffic shall yield the right-of-way to all pedestrians and vehicles lawfully in or approaching the intersection;
- (3) whenever the local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that a turn as hereinabove provided should be prohibited at a particular intersection, such turn may be prohibited by the posting of signs at the intersection indicating that such a turn is prohibited; and
- (4) no pedestrian facing the signal shall enter the roadway until the green is shown alone unless authorized to do so by a pedestrian "walk" signal;

##### **D. red with green arrow:**

- (1) vehicular traffic facing the signal may cautiously enter the intersection only to make the movement indicated by the arrow, but shall yield the right-of-way to pedestrians lawfully within a crosswalk and to other traffic lawfully using the intersection; and

(2) no pedestrian facing the signal shall enter the roadway unless he can do so safely and without interfering with any vehicular traffic;

E. if an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section apply except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking, the stop shall be made at the signal; and

F. when a sign is in place permitting a turn, vehicular traffic facing a steady red signal may cautiously enter the intersection to make the turn indicated by the sign after stopping as required by Paragraphs (1) and (2) of Subsection C of this section. Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

**66-7-301. Speed regulation. (2002)**

A. No person shall drive a vehicle on a highway at a speed greater than:

(1) Fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;

(2) Thirty miles per hour in a business or residence district;

(3) Seventy-five miles per hour; and

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

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

(1) To avoid colliding with a person, vehicle or other conveyance on or entering the highway;

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

(3) To protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department.

C. The speed limits set forth in Subsection A of this section may be altered as authorized in Section 66-7-303 NMSA 1978.

**66-7-302.1. Speed limit; conviction; use limited. (2013)**

A. The division shall not use a violation of Section 66-7-301 NMSA 1978, where the posted speed limit is designated as fifty-five or sixty-five miles an hour, for the purpose of suspending or revoking a driver's license unless the driver was exceeding the speed of seventy-five miles an hour.

B. An insurer shall not consider a violation of Section 66-7-301 NMSA 1978, where the posted speed limit is designated as fifty-five or sixty-five miles an hour, as a moving traffic violation against a person unless the person was exceeding the speed of seventy-five miles an hour for the purpose of establishing rates of motor vehicle insurance charged by the insurer, and the insurer shall not cancel or refuse to renew any policy of insurance for such a violation.

**66-7-302.2. Certain speeding convictions to be disregarded in the development or application of a point system. (2002)**

A. Except as provided in Subsection B of this section, in developing and applying a point system that is used as a basis for suspension or revocation of driving privileges, the division shall not assign points for convictions for speeding on rural highways of the state. As used in this section, "rural highway" means that part of a highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. The two-mile distance shall be measured:

- (1) From the point where the highway crosses the boundary, and if there is more than one such intersection, from the intersection most distant from the geographic center of the city, town or village; or
  - (2) If there are milepost markers on the highway, to the first milepost marker indicating two or more miles.
- B. The provisions of this section do not apply to:
- (1) Rural highways in Bernalillo County;
  - (2) A conviction for speeding if the citation out of which the conviction arises indicated that excessive speed of the motorist cited was a factor in the accident; or
  - (3) Motor vehicles weighing twelve thousand pounds or more.

**66-7-303. Establishment of speed zones. (2002)**

A. Whenever the secretary of highway and transportation determines upon the basis of an engineering survey and traffic investigation, a detailed report of which is filed with the traffic safety bureau of the state highway and transportation department, that any speed established by law is greater or less than is reasonable or safe under the conditions found to exist upon any part of a state highway, the secretary of highway and transportation may declare the speed limit for that part, and that speed limit shall be authorized and effective when appropriate signs giving notice thereof are erected at that particular part of the highway; provided that no speed limit shall be declared greater than seventy-five miles per hour. The declaration of speed limits by the secretary of highway and transportation shall not be considered rules for purposes of the State Rules Act [Chapter 14, Article 4 NMSA 1978].

B. Whenever a local authority determines upon the basis of an engineering survey and traffic investigation that any speed limit permitted under state law or local ordinance is greater or less than is reasonable or safe under the conditions found to exist upon any part of a highway within its jurisdiction, it may declare a speed limit for that part, and that speed limit shall be authorized and effective when appropriate signs giving notice thereof are erected at that particular part of the highway; provided that no speed limit shall be declared greater than seventy-five miles per hour.

C. Engineering surveys and traffic investigations made by local authorities shall be on a form approved by the secretary of highway and transportation. If engineers are not available to the local authorities, the state highway and transportation department may make the surveys and investigations for the local authorities.

D. Speed zones may be marked by a sign containing a flashing yellow light and, when the light is in operation, the speed limit, instructions or regulations on the sign are in effect.

E. Alteration of speed limits on state highways by local authorities is not effective until approved by the secretary of highway and transportation.

F. The provisions of Subsections A and B of this section shall not apply to changes of speed limit in construction zones authorized pursuant to Section 66-7-303.1 NMSA 1978.

**66-7-303.1. Construction zones; traffic control devices; penalty. (1991)**

A. When construction, repair or reconstruction of any street or highway is being done, the state highway department or the local authority with jurisdiction over that street or highway is authorized to designate as a construction zone that portion of the street or highway where construction, reconstruction or repair is being done and to close the construction zone to traffic or to provide for a single lane of traffic on any two-lane or four-lane highway in the construction zone.

B. The state highway department or any local authority closing all or a portion of a street or highway or providing for a single lane of traffic on any two-lane or four-lane street or highway pursuant to Subsection A of this section shall erect or cause to be erected traffic-control devices or barricades to warn and notify the public of any change in speed limit and that such street or highway is closed or limited to a single lane of traffic.

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

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

E. Any person who violates any provision of Subsection C or D of this section is guilty of a misdemeanor and upon conviction shall be sentenced in accordance with Section 66-8-7 NMSA 1978.

**66-7-304. County roads; authority to regulate speed limits. (2003)**

A. The board of county commissioners of a county may alter and establish speed limits lower than those established by law on county roads within its county, provided that:

(1) The speed limit is deemed to be reasonable and safe under local conditions on the basis of an engineering survey and traffic investigation;

(2) The alteration of a speed limit is approved by the state transportation commission; and

(3) The county posts speed limit signs that conform to the specifications as set forth in the manual adopted by the state transportation commission before enforcing the speed limit.

B. As used in this section, "county roads" means any streets, roads or highways built and maintained by the county or the control of which has been given to the county by the state transportation commission.

**66-7-305. Minimum speed regulation. (2003)**

A. A person shall not drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or to be in compliance with law.

B. Whenever the state transportation commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway consistently impede the normal and reasonable movement of traffic, the commission or the local authority may determine and declare a minimum speed limit below which no person shall drive a vehicle except when necessary for safe operation or to be in compliance with law; provided that local authorities in municipalities of more than one hundred thousand population may prohibit vehicles that by virtue of weight or design are slow moving on local arterials during peak hours of traffic.

**66-7-306. Special speed limitations. (2003)**

A. Subject to the requirements of Section 66-3-847 NMSA 1978, no person shall drive any vehicle equipped with solid rubber or cushion tires at a speed greater than ten miles per hour.

B. A person shall not drive a vehicle over any bridge or other elevated structure constituting a part of a highway at a speed that is greater than the maximum speed that can be maintained with safety to the bridge or structure when such structure is signposted as provided in this section.

C. The state transportation commission upon request from a local authority shall, or upon its own initiative may, conduct an investigation of any bridge or other elevated structure constituting a part of a highway, and if it finds that the structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under the Motor Vehicle Code, the commission shall determine and declare the maximum speed of vehicles that the structure can withstand and shall cause or permit suitable signs stating the maximum speed to be erected and maintained at a minimum distance of three hundred feet before each end of the structure.

D. Upon the trial of a person charged with a violation of this section, proof of determination of the maximum speed by the state transportation commission and the existence of suitable signs constitutes conclusive evidence of the maximum speed that can be maintained with safety to the bridge or structure.

**66-7-308. Drive on right side of roadway; exceptions. (1978)**

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

(1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(2) When the right half of a roadway is closed to traffic while under construction or repair;

(3) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(4) Upon a roadway designated and signposted for one-way traffic.

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

**66-7-310. Overtaking a vehicle on the left. (1978)**

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

A. The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle; and

B. Except when overtaking and passing on the right is permitted; the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**66-7-311. When overtaking on the right is permitted. (1978)**

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

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

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

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

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

**66-7-312. Limitations on overtaking on the left. (1978)**

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

**66-7-313. Further limitations on driving to left of center of roadway. (1978)**

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

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

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

(3) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

B. The foregoing limitations shall not apply upon a one-way roadway.

**66-7-317. Driving on roadways laned for traffic. (1978)**

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

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

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

C. Official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such sign.

**66-7-318. Following too closely. (1978)**

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

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

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

**66-7-319. Driving on divided highways. (1978)**

Whenever any highway has been divided into two roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand roadway and no vehicle shall be driven over, across or within any such dividing space, barrier or section, except through an opening in such physical barrier or dividing section or space or at a crossover or intersection established by public authority.

**66-7-320. Restricted access. (1978)**

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

**66-7-321. Restrictions on use of controlled-access roadway. (2003)**

A. The state transportation commission, by resolution or order entered in its minutes, and local authorities, by ordinance, may regulate or prohibit the use of any controlled-access roadway within their respective jurisdictions by any class or kind of traffic that is found to be incompatible with the normal and safe movement of traffic.

B. The state transportation commission or the local authority adopting any such prohibition shall erect and maintain official traffic-control devices on the controlled-access roadway on which the prohibitions are applicable, and, when in place, no person shall disobey the restrictions stated on the devices. Are applicable, and when in place, no person shall disobey the restrictions stated on the devices.

**66-7-322. Required position and method of turning at intersections. (1978)**

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

- A. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway;
- B. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn, except where left-turn provisions are made, shall be made in that portion of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;
- C. Upon a roadway with two or more lanes for through traffic in each direction, where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicle shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. Any maneuver other than a left turn from this center lane will be deemed a violation of this section;
- D. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered; and
- E. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons or signs.

**66-7-323. Turning on curve or crest or [of] grade prohibited. (1978)**

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

**66-7-324. Starting parked vehicle. (1978)**

No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

**66-7-325. Turning movements and required signals. (1978)**

- A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 66-7-322 NMSA 1978, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.
- B. A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.
- C. No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

**66-7-326. Signals by hand and arm or signal device. (1978)**

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



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

**66-7-327. Method of giving hand and arm signals. (1978)**

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

- A. Left turn: hand and arm extended horizontally;
- B. Right turn: hand and arm extended upward; and
- C. Stop or decrease speed: hand and arm extended downward.

**66-7-328. Vehicle approaching or entering intersection. (1978)**

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

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

C. The right-of-way rules declared in Subsections A and B are modified at through highways and otherwise as hereinafter stated in Sections 66-7-328 through 66-7-332 NMSA 1978.

**66-7-329. Vehicles turning left at intersection. (1978)**

The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but said driver, having so yielded and having given a signal when and as required by the Motor Vehicle Code [Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978], may make such left turn and the drivers of all other vehicles approaching the intersection from said opposite direction shall yield the right-of-way to the vehicle making the left turn.

**66-7-330. Vehicles entering stop or yield intersection. (1978)**

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in the Motor Vehicle Code [Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978].

B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Section 66-7-345 C [NMSA 1978] and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on the highway as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.

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

**66-7-331. Vehicle entering highway from private road or driveway. (1978)**

The driver of a vehicle about to enter of [or] cross a highway from a private road or driveway shall yield the right-of-way to all vehicles approaching on said highway.

**66-7-332. Operation of vehicles on approach of authorized emergency vehicles. (2005)**

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, exhaust whistle or bell, 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 roadway 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.

B. Upon approaching a stationary authorized emergency vehicle displaying flashing emergency lights, unless otherwise directed, the driver of a vehicle shall:

(1) if reasonably safe to do so, drive in a lane not adjacent to where the authorized emergency vehicle is stopped, 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 where the authorized emergency 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.

C. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive and park with due regard for the safety of all persons using the highway.

**66-7-332.1. Approach of oncoming vehicle; yield right of way. (1987)**

A. Notwithstanding any other provision of law, on all roadways, 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 parallel 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.

B. This section shall not operate to relieve the driver of an oncoming vehicle from the duty to drive with due regard for the safety of all persons using the highway.

**66-7-333. Pedestrians subject to traffic regulations. (1978)**

A. Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 66-7-105 NMSA 1978 unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Sections 66-7-333 through 66-7-340 NMSA 1978.

B. Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly [strictly] comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

**66-7-334. Pedestrians' right-of-way in crosswalks. (2007)**

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

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

C. Subsection A of this section shall not apply under the conditions stated in Subsection B of Section 66-7-335 NMSA 1978.

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

**66-7-335. Crossing at other than crosswalks. (1978)**

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

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

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

**66-7-336. School crossings. (2003)**

A. Crosswalks may be established over highways abutting a school or the grounds adjacent to a school, and all children crossing the highways shall be required to do so within the marked crosswalks. The state transportation commission, with respect to state highways, and local authorities, with respect to streets under their jurisdiction, with advice of the local superintendent of schools, shall establish and mark or cause to be marked these highway crossings.

B. Crosswalks over highways not abutting school grounds may be established by the state transportation commission, with respect to state highways, and by local authorities, with respect to streets under their jurisdiction, with advice of the local superintendent of schools and after adequate assurance has been given that proper safety precautions will be maintained pursuant to regulations of the state transportation commission and of the local authorities. Responsibility for maintaining the crossing will be with the appropriate county or municipality wherein the school is located.

C. At all school crossings except as provided in this section, appropriate signs shall be provided as prescribed by the state transportation commission or local authorities within their respective jurisdictions, indicating the crossings and regulating traffic movement within the school zones.

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

- (1) A signalized intersection;
- (2) An intersection where traffic is controlled by a stop sign; or
- (3) A point where a pedestrian tunnel or overhead crossing is provided.

**66-7-337. Drivers to exercise due care. (1978)**

Notwithstanding the foregoing provisions of Sections 66-7-333 through 66-7-340 NMSA 1978 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

**66-7-338. Pedestrians to use right half of crosswalk. (1978)**

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

A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

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

**66-7-339. Pedestrians on roadways. (1978)**

A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

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

**66-7-340. Pedestrians soliciting rides or business. (1978)**

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

B. No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

**66-7-341. Railroad-highway grade crossing violations; all drivers. (2003)**

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

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

(2) Stop not more than fifty feet and not less than fifteen feet from the nearest rail of a crossing if:

(a) A train is moving through or blocking the crossing;

(b) A train is plainly visible and approaching the crossing within hazardous proximity to the crossing;

(c) The sound of a train's warning signal can be heard; or

(d) A traffic control device, crossing gate, barrier or light or an enforcement official signals the driver to stop; and

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

B. A person shall not:

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

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

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

C. The penalty assessment for violation of this section is included in Section 66-8-116 NMSA 1978.

**66-7-342. All vehicles must stop at certain railroad grade crossings. (2003)**

The state transportation commission and local authorities with the approval of the state transportation commission are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs at those crossings. When such stop signs are erected, the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of the railroad and shall proceed only upon exercising due care.

**66-7-343. Railroad-highway grade crossing violations; certain vehicles required to always stop; exceptions. (2003)**

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

B. While stopped, the driver shall:

(1) Look and listen in both directions along the track for an approaching train and for signals indicating that a train is approaching;

(2) Determine it is safe to proceed completely through the railroad-highway grade crossing before entering it; and

(3) Set the vehicle in a gear sufficiently low that gears will not need to be shifted before exiting the railroad-highway grade crossing.

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

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

- (1) A railroad-highway grade crossing where a police officer directs traffic to proceed;
  - (2) A railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;
  - (3) A railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;
  - (4) A railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or
  - (5) An industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.
- E. Penalties for violation of this section are included in Section 66-8-116 NMSA 1978.

**66-7-345. Authority to designate through highways and stop and yield intersections. (2003)**

A. The state transportation commission, with reference to state and county highways, and local authorities, with reference to other highways under their jurisdiction, may designate through highways and erect stop signs or yield signs at specified entrances thereto or may designate any intersection as a stop intersection or as a yield intersection and erect stop signs or yield signs at one or more entrances to the intersection.

B. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in the Motor Vehicle Code [66-1-1 NMSA 1978].

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

D. The driver of a vehicle approaching a yield sign, if required for safety to stop, shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway.

**66-7-346. Stop before emerging from alley or private driveway. (1978)**

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 roadway shall yield the right-of-way to all vehicles approaching on said roadway.

**66-7-347. Overtaking and passing school bus. (1978)**

A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the roadway, 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 highway 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 highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

**66-7-350. Officers authorized to remove illegally stopped vehicles. (1978)**

A. Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of Sections 66-7-349 through 66-7-352 NMSA 1978, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the paved or main-traveled part of such highway.

B. Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

C. No driver of any vehicle shall permit said vehicle to remain unattended on or adjacent to any public road, highway or highway right-of-way of the state for a longer period than twenty-four hours without notifying the state police or sheriff's office of the county where said vehicle is parked or said vehicle shall be deemed abandoned. The state police or sheriff's officer may cause all such abandoned vehicles to be removed and the owner of the vehicle shall be required to pay all costs incident to the removal of said vehicle, provided that wrecked vehicles may be removed at any time and without regard to the twenty-four hour period hereinbefore provided.

D. Whenever an officer shall order a dealer or wrecker to remove from a highway, or territory adjacent thereto, any damaged or abandoned vehicle the officer shall at the time issue signed and dated instructions in writing to the dealer or wrecker specifically stating if the vehicle is to be "held for investigation" or if it may be released to the owner.

#### **66-7-351. Stopping, standing or parking prohibited in specified places. (1978)**

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

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen feet of a fire hydrant;
- (5) On a crosswalk;
- (6) Within twenty feet of a crosswalk at an intersection;
- (7) Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end [ends] of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (9) Within fifty feet of the nearest rail of a railroad crossing;
- (10) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance, when properly signposted;
- (11) Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- (12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- (13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
- (14) At any place where official signs prohibit stopping.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

#### **66-7-352. Additional parking regulations. (1978)**

A. Except as otherwise provided in this section, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of such vehicle parallel to and within eighteen inches of the right-hand curb.

B. Local authorities may by ordinance permit parking of vehicles within [with] the left-hand wheels adjacent to and within eighteen inches of the left-hand curb of a one-way roadway.

C. Local authorities may by ordinance permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or state highway unless the state highway commission has determined by resolution or ordered entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

D. The state highway commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

**66-7-352.1. Short title. (2007)**

Sections 66-7-352.1 through 66-7-352.6 NMSA 1978 may be cited as the "Accessible Parking Standards and Enforcement Act".

**66-7-352.2. Legislative intent. (2007)**

The policy and intent of this legislature is declared to be as follows:

A. That this legislature finds there is a significant safety hazard for persons with significant mobility limitation crossing through parking lots and that this hazard is greatly reduced when parking is provided adjacent to a building entrance;

B. That commercial and governmental establishments provide reserved parking for persons with significant mobility limitation, thus ensuring full and equal opportunity for those persons to maintain independence and self-respect; and

C. That ultimately society will benefit from the increased interaction of persons with significant mobility limitation with the mainstream that these parking spaces will provide.

**66-7-352.5. Unauthorized use; penalties. (2007)**

A. It is unlawful for any person to park a motor vehicle not displaying a special registration plate or a parking placard issued pursuant to Section 66-3-16 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation.

B. It is unlawful for any person to park a motor vehicle in such a manner so as to block access to any part of a curb cut designed for access by persons with significant mobility limitation.

C. A person convicted of violating Subsection A or B of this section is subject to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A or B of this section.

D. A vehicle parked in violation of Subsection A or B of this section is subject to being towed at the expense of the vehicle owner upon authorization by law enforcement personnel or by the property owner or manager of a parking lot.

**66-7-353. Unattended motor vehicle. (1978)**

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake, or placing the transmission in parking position, thereon and, when standing upon any grade, turning the front wheels in such manner that the vehicle will be held by the curb or will leave the highway if the brake fails. A violation of this section shall not mitigate the offense of stealing a motor vehicle, nor shall the provisions of this section or any violation thereof be admissible as evidence in a civil action for the recovery of a stolen motor vehicle, or in any other civil action arising out of the theft of a motor vehicle.

**66-7-354. Limitation on backing. (1978)**

The driver of a vehicle shall not back it:

- A. Unless the movement can be made with reasonable safety and without interfering with other traffic; or
- B. Upon any shoulder or roadway of any controlled-access highway, or upon the exit or entry road of any controlled-access highway.

**66-7-355. Riding on motorcycles. (1991)**

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, shall have his feet upon the footrests provided on the machine and shall not carry any other person nor shall any other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have his feet upon the footrests attached for passenger use.

B. Any person operating a motorcycle not having a fixed windshield of a type approved by regulation of the secretary shall wear an eye protective device which may be a face shield attached to a safety helmet, goggles or safety eyeglasses. All eye protective devices shall be of a type approved by regulations promulgated by the director.

**66-7-356. Mandatory use of protective helmets. (1991)**

A. No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards specified by the director. The director shall adopt rules and regulations establishing standards covering the types of helmets and the specifications therefor [therefore] and shall establish and maintain a list of approved helmets meeting the standards and specifications of the director. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid driver's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the director.

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

**66-7-357. Obstruction to driver's view or driving mechanism. (1978)**

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

B. No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

**66-7-358. Restriction on use of television in motor vehicles. (1989)**

It is unlawful to operate in this state any motor vehicle equipped with a television screen upon which images may be projected or shown if the screen is within the normal view of the driver of the motor vehicle unless the television is used solely as an aid to the driver in the operation of the vehicle. As used in this section "television screen" does not include closed circuit monitors or computer terminal monitors used by law enforcement agencies in law enforcement motor vehicles.

**66-7-359. Driving on mountain highways. (1989)**

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

**66-7-360. Coasting prohibited. (1978)**

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



**66-7-361. Following fire apparatus and driving through safety zone prohibited. (1978)**

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

B. No vehicle shall at any time be driven through or within a safety zone.

**66-7-362. Crossing fire hose. (1978)**

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

**66-7-363. Animals on highway. (1978)**

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

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

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

**66-7-364. Putting injurious material or trash on highway prohibited. (2000)**

A. No person shall throw or deposit upon a highway any trash, glass bottles, glass, nails, tacks, wire or cans.

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

C. A person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from the vehicle.

D. As used in this section, "trash" means any article or substance that when discarded creates or contributes to an unsanitary, offensive or unsightly condition. "Trash" includes waste food; paper products; cans, bottles and other containers; household furnishings and equipment; parts or bodies of vehicles and other metallic junk or scrap; and collections of ashes, dirt, yard trimmings and other rubbish.

**66-7-366. Occupied moving house trailer. (1978)**

It is a misdemeanor for any person to:

A. Occupy a house trailer while it is being towed upon a highway; or

B. Tow a house trailer on any highway when the house trailer is occupied by any person.

**66-7-367. Improper opening of doors. (1978)**

It is a misdemeanor for any person to:

A. Open the door of a vehicle on the side near moving traffic unless:

(1) It is reasonably safe to do so; and

(2) The door can be opened without interfering with the movement of traffic; or

B. Leave a door of a vehicle open on the side of the vehicle near moving traffic for a period of time longer than necessary to load or unload passengers.

**66-7-368. Purpose [of child restraint device provisions]. (1983)**

The purpose of this act [66-7-368, 66-7-369 NMSA 1978] is to minimize the likelihood of injury or death to young children riding in certain vehicles.

**66-7-369. Child passenger restraint; enforcement. (2005)**

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

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

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

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

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

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

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

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

**66-7-370. Short title. (1985)**

This act [66-7-370 to 66-7-373 NMSA 1978] may be cited as the "Safety Belt Use Act".

**66-7-372. Safety belt use required; exception. (2001)**

A. Except as provided by Section 66-7-369 NMSA 1978 and in Subsection B of this section, each occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway.

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

**66-7-373. Enforcement programs. (2001)**

A. Failure to be secured by a child passenger restraint device or by a safety belt as required by the Safety Belt Use Act [66-7-370 NMSA 1978] shall not in any instance constitute fault or negligence and shall not limit or apportion damages.

B. The bureau in cooperation with the state department of public education and the department of health shall, to the extent that funding allows, provide education to encourage compliance with the use of restraint devices in reducing the risk of harm to their users as well as to others.

C. The bureau shall evaluate the effectiveness of the Safety Belt Use Act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits to the national highway traffic safety administration and the federal highway administration under 23 U.S.C. 402.

D. The provisions of the Safety Belt Use Act shall be enforced whether or not associated with the enforcement of any other statute.

**66-8-101. Homicide by vehicle; great bodily harm by vehicle. (2004)**

A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.

B. Great bodily harm by vehicle is the injuring of a human being, to the extent defined in Section 30-1-12 NMSA 1978, in the unlawful operation of a motor vehicle.

C. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code [66-1-1 NMSA 1978] shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.

D. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug, as provided in Subsection C of this section, and who has incurred a prior DWI conviction within ten years of the occurrence for which he is being sentenced under this section shall have his basic sentence increased by four years for each prior DWI conviction.

E. For the purposes of this section, "prior DWI conviction" means:

(1) a prior conviction under Section 66-8-102 NMSA 1978; or

(2) a prior conviction in New Mexico or any other jurisdiction, territory or possession of the United States, including a tribal jurisdiction, when the criminal act is driving under the influence of alcohol or drugs.

F. A person who willfully operates a motor vehicle in violation of Subsection C of Section 30-22-1 NMSA 1978 and directly or indirectly causes the death of or great bodily harm to a human being is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

**66-8-101.1. Injury to pregnant woman by vehicle. (1985)**

A. Injury to pregnant woman by vehicle is injury to a pregnant woman by a person other than the woman in the unlawful operation of a motor vehicle causing her to suffer a miscarriage or stillbirth as a result of that injury.

B. As used in this section:

(1) "miscarriage" means the interruption of the normal development of the fetus, other than by a live birth and which is not an induced abortion, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception; and

2) "stillbirth" means the death of a fetus prior to the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy and which is not an induced abortion; and death is manifested by the fact that after the expulsion or extraction the fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord or definite movement of voluntary muscles.

C. Any person who commits injury to pregnant woman by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code [66-1-1 NMSA 1978] shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.

**66-8-113. Reckless driving. (1987)**

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

B. Every person convicted of reckless driving shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, upon a first conviction by imprisonment for not less than five days nor more than ninety days, or by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or both and on a second or subsequent conviction by imprisonment for not less than ten days nor more than six months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or both.

C. Upon conviction of violation of this section, the director may suspend the license or permit to drive and any nonresident operating privilege for not to exceed ninety days.

**66-8-116. Penalty assessment misdemeanors; definition; schedule of assessments. (2013)**

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D and E of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Improper display of registration plate	66-3-18	\$ 25.00
Failure to notify of change of name or address	66-3-23	25.00
Lost or damaged registration, plate or title	66-3-24	20.00
Permitting unauthorized minor to drive	66-5-40	50.00
Permitting unauthorized person to drive	66-5-41	25.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		15.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00

Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	10.00
Speeding	66-7-306	15.00
Improper starting	66-7-324	10.00
Improper backing	66-7-354	10.00
Improper lane	66-7-308	10.00
Improper lane	66-7-313	10.00
Improper lane	66-7-316	10.00
Improper lane	66-7-317	10.00
Improper lane	66-7-319	10.00
Improper passing	66-7-309 through 66-7-312	10.00
Improper passing	66-7-315	10.00
Controlled access violation	66-7-320	10.00
Controlled access violation	66-7-321	10.00
Improper turning	66-7-322	10.00
Improper turning	66-7-323	10.00
Improper turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield	66-7-328 through 66-7-331	10.00
Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	10.00
Pedestrian violation	66-7-340	10.00
Failure to stop	66-7-342 and 66-7-344 through 66-7-346	10.00
Railroad-highway grade crossing violation	66-7-341 and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through 66-7-327	10.00
Failure to secure load	66-7-407	100.00
Operation without oversize-overweight permit	66-7-413	50.00
Transport of reducible load with special permit more than six miles from a border crossing	66-7-413	100.00
Improper equipment	66-3-801 through 66-3-851	25.00
Improper equipment	66-3-901	20.00
Improper emergency signal	66-3-853 through 66-3-857	10.00
Minor on motorcycle without helmet	66-7-356	300.00

Operation interference	66-7-357	50.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352 and 66-7-353	5.00
Improper parking	66-3-852	5.00
Failure to dim lights	66-3-831	10.00
Riding in or towing occupied house trailer	66-7-366	5.00
Improper opening of doors	66-7-367	5.00
No slow-moving vehicle emblem or flashing amber light	66-3-887	5.00
Open container - first violation	66-8-138	25.00.

B. 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.

C. 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.

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.

E. Upon a second conviction for operation without a permit for excessive size or weight pursuant to Section 66-7-413 NMSA 1978, the penalty assessment shall be two hundred fifty dollars (\$250). Upon a third or subsequent conviction, the penalty assessment shall be five hundred dollars (\$500).

F. Upon a second conviction for transport of a reducible load with a permit for excessive size or weight pursuant to Subsection N of Section 66-7-413 NMSA 1978 more than six miles from a port-of-entry facility on the border with Mexico, the penalty assessment shall be five hundred dollars (\$500). Upon a third or subsequent conviction, the penalty assessment shall be one thousand dollars (\$1,000).

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## Unit 1 - The Driving Task

### Chapter 3 - Crashes and Other Roadside Emergencies

#### Objectives

The student understands the major causes of crashes.

The student will be familiar with emergency road side procedures.

The student will know what is required of a driver when involved in a traffic crash.

#### Course Outline

##### 1. Introduction:

In New Mexico, there are more than three times as many crashes in urban areas as in rural areas, but three times as many people die in rural crashes as urban crashes. In 2011, there were 353 fatalities, 78 percent in rural areas. This is often attributed to how quickly urban victims can get to medical care - the “golden hour” described in more detail below. According to 2011 National Highway Traffic Safety Administration data, people killed in speeding-related crashes represented almost one-third of the fatalities in motor vehicle traffic crashes and most crashes that result in death occur at night and over the weekend. In 2011, 9,878 people were killed in alcohol-impaired driving crashes.

There are all sorts of emergencies that happen along roadways. Familiarity with and preparation for such emergencies can literally make the difference between life and death. Common emergencies include:

- a. A **flat tire**, probably the most familiar;



- b. **Running out of gas;**
- c. **Sudden illnesses;**
- d. **Severe weather** (see Chapter 3.1);
- e. **Crashes** that range from a fender-bender to a crash with serious injury or death. The driver has a legal responsibility to render aid and assistance to fellow victims in a crash, if the driver is not him/herself injured. The penalty for failing to do so includes mandatory driver license revocation (discussed in Chapter 2.4 Licensing).

## 2. Roadside emergencies

- a. **Maintaining the vehicle** is the best way to keep roadside emergencies to a minimum. Keep the car in good running order. On a regular basis check:
  - i. Oil (change early, change often!);
  - ii. Brakes and brake pads;
  - iii. Windshield and brake fluids;
  - iv. Windshield -- clean and free of cracks and dings;
  - v. Windshield wipers and defroster;
  - vi. Head and tail lights;
  - vii. Tires should have adequate air and tread;
  - viii. Coolant;
  - ix. Gas tank.
- b. **Basic equipment:** Have a spare tire and a jack on hand, and look in the vehicle manual for instructions on use. Other equipment, like jumper cables, safety flares (fuses), spare water, and a flashlight can make life easier for the driver or someone else. Many drivers don't carry safety flares and other lighting devices with them even though it's required by law to use them in case of a breakdown. At times when headlights are required and a vehicle is disabled at the side of the road in a poorly lit area of the state, the driver is required to place lighting devices in specific places around the disabled vehicle. (See Section 66-3-853.)
  - i. In hot weather, the driver should periodically check the temperature gauge to make sure the vehicle is not overheating. Know where the fuse box is located.
  - ii. If the vehicle does break down, the driver should pull to the side of the road and put on the emergency lights, tie a handkerchief to the antenna or raise the hood. Consult the manual for the specific problem encountered. If the driver is concerned about personal safety, he should stay in the car, and call for help. There is a similar concern when helping others who are stranded. Stopping to help someone on the side of the road is a generous act, but no driver should do so if it puts them in danger. It is an equally generous act to call for help rather than stopping.

## 3. Crashes, injury and death.

Despite recent advances safer highway design, new auto safety devices, reductions in impaired driving, and improved safety belt use rates, traffic crashes are still the leading cause of unintentional death in the United States. In fact, motor vehicle crashes are the leading cause of death for the age group four through 34 years old. In 2012, 34,080 Americans died in traffic crashes and 367 of those were in New Mexico. Sadly, many of these deaths and injuries could have been prevented if the victims had been wearing safety belts or were properly restrained in child safety seats. In 2011, 20,753 drivers were killed in motor vehicle traffic crashes. Of those, 64 percent of rural and 48 percent of urban drivers died at the scene of the crash. Data also shows that 42 percent of all drivers killed were transported to the hospital and four percent of these drivers died en route. Rural drivers represented 75 percent of drivers who died en route to the hospital compared to only 25 percent for urban drivers. Thousands of crash deaths occur each year in which the victim did not arrive at a hospital - much less a trauma center -- within the "Golden Hour." (Source: National Highway Traffic Safety Administration Traffic Safety Facts Rural/Urban Comparison, DOT HS 811 821, 2013)

a. **Common causes of crashes.**

- i. Driver inattention (adjusting the radio or cd, following too closely, talking with a companion, talking on a cell phone, texting, eating/drinking, reading a billboard, regarding the driver of another vehicle, etc);
- ii. Sudden or catastrophic illness (heart attack or stroke);
- iii. Bad weather or poor visibility (see Chapter 1.3);
- iv. Vehicle failure (tire blowout, brakes, etc);  
Many of these can be minimized by good maintenance. One excellent way to avoid a crash: do not drive when impaired by alcohol or drugs. New Mexico has stiff penalties for DWI. Don't risk it. (See Chapter 2.3).
- v. Impatience or overly aggressive driving.

**4. Mandatory minimum insurance.**

All drivers in New Mexico are required to carry minimum amounts of insurance, or to deposit proof that they can be financially responsible for a crash, in the form of a surety bond or CD in the minimum amount required. Drivers must carry proof in the vehicle that it is insured (see Sections 66-5-201 through 66-5-239 NMSA 1978 below for more information about the Mandatory Financial Responsibility Act).

**5. If the driver comes upon a crash.**

Immediate aid to crash victims can mean the difference between life and death. Emergency medical professionals use the term “Golden Hour” to refer to the hour following a crash when getting to a treatment center will dramatically increase the victim's chance for survival. If you come to a crash scene and there are no medical personnel there:

- a. **Stop and determine if there are injured victims and how many.** Call 911. The 911 system works in most of New Mexico. Cell phone service has expanded tremendously but there are still rural areas where it does not work. In that case, find a local phone book or a local who knows what to do. The emergency number for that area will be in the front of the book.

Once you reach an emergency dispatcher, be as explicit as possible about the location where the crash has occurred:

- i. Note the nearest mile marker if you are outside a populated area. If using a cell phone, be aware the signal may be picked up by a tower near another town, so include the town name when making the call and stay on the line until the dispatcher has all the information needed.
  - ii. Lifeguard helicopter is one of the emergency vehicles in the state. A severely injured victim may need to be airlifted to a trauma center in an effort to save her life. Under state law NMSA 66-7-203, persons involved in an accident shall render any person injured reasonable assistance, including the carrying or making arrangements for the carrying the injured person to medical treatment if it is apparent such treatment is necessary or is requested by the injured party.
  - iii. Note that under New Mexico's “Good Samaritan Law” (Section 24-10-3 NMSA 1978 found at the end of this chapter) laypeople who attempt to help crash victims at the scene are relieved of civil liability for the care they provide, except in cases where there has been an act of gross negligence.
- b. **If the driver is involved in a crash.** Stay calm, call the police, and stay with the vehicle. Preserve the scene of the crash as much as possible without obstructing traffic more than necessary. You will be required to show your driver's license and proof of insurance. Exchange insurance information with the other party. Contact your insurance company to find out what to do next (NMSA 66-7-201, 66-7-202.) If you strike an unattended vehicle, the driver must attempt to find the owner or leave a note giving name, address, and the circumstance surrounding the incident (NMSA 66-7-204.)

- c. **Safety belts.** Many injuries can be avoided or minimized by wearing a safety belt. Belts cut the chances of being killed or seriously maimed by 50 percent. Keep the clutter down in the car. Flying objects can hit an occupant, causing injury. One out of every four serious injuries to passengers is caused by occupants being thrown against each other, so *insist* that all passengers buckle up. The driver is responsible for ensuring that all passengers are properly restrained. Know where the airbags are located. (See Chapter 1.1) Always take precautions, even when it is a routine run to the grocery store. Three out of four crashes take place within 25 miles of home.

6. Help protect law enforcement and first responders. New Mexico has a “Move Over Law” implemented in 2005. If law enforcement, emergency vehicles and first responders have already arrived at the scene of a crash, slow down and change lanes for their safety and to give them room to work. State law requires drivers traveling in the same direction to reduce speed and vacate the lane closest to official emergency vehicles, not including tow trucks. See NMSA 66-7-332.

## Suggested Review Questions

**Question #1: What is the "Golden Hour"?**

**Answer:** The window of time after a crash when the victim, if brought to hospital or trauma center, has a greatly increased chance of survival.

**Question #2: Does 911 work as an emergency number everywhere in New Mexico?**

**Answer:** No, but it works in 95 percent of the state.

**Question #3: If calling in an emergency in a rural part of the state, what should the driver do?**

**Answer:** Be as explicit as possible about the location, and stay on the line until the dispatcher has all the information needed.

**Question #4: What two items must you be prepared to show when involved in a crash?**

**Answer:** Driver's license and proof of financial responsibility.

**Question #5: What percentage of crashes occur within 25 miles of home?**

**Answer:** Three out of four, or 75 percent

**Question #6: What procedure does New Mexico law require if you hit an unattended vehicle?**

**Answer:** Try to find the owner; if not leave name, address and explanation written on paper and left in a conspicuous place.

**Question #7: What can the driver and passengers do as a precaution to minimize injury?**

**Answer:** Wear safety belts, keep clutter out of vehicle.

**Question #8: Who is legally required to render aid in an auto accident?**

**Answer:** The drivers of the vehicles, if they are not incapacitated themselves.

**Question #9: What requires regular maintenance on a vehicle?**

**Answer:** Tires, fluids, brakes, belts and hoses, lights, keeping a clean windshield and wipers, and a working defroster.

**Question #10: What emergency equipment might a driver keep in the vehicle?**

**Answer:** Jumper cables, spare tire and jack, fuse, and other equipment listed in the chapter on adverse driving conditions.

## New Mexico Laws

### New Mexico's "Good Samaritan Law."

#### **24-10-3. Persons coming to aid or rescue of another rendering emergency care; release from liability. (1997)**

No person who comes to the aid or rescue of another person by providing care or assistance in good faith at or near the scene of an emergency, as defined in Section 24-10-4 NMSA 1978, shall be held liable for any civil damages as a result of any action or omission by that person in providing that care or assistance, except when liable for an act of gross negligence; but nothing in this section applies to the provision of emergency care or assistance when it is rendered for remuneration or with the expectation of remuneration or is rendered by a person or agent of a principal who was at the scene of the accident or emergency because he or his principal was soliciting business or performing or seeking to perform some services for remuneration.

#### **24-10-4. Emergency defined. (1999)**

As used in Sections 24-10-3 and 24-10-4 NMSA 1978, "emergency" means an unexpected occurrence of injury or illness occurring in public or private places to a person that results from:

- A. Motor vehicle accidents and collisions;
- B. Acts of God; and
- C. Other accidents and events of similar nature.

### **FINANCIAL RESPONSIBILITY**

#### **66-5-201. Short title. (1983)**

Sections 66-5-201 through 66-5-239 NMSA 1978 may be cited as the "Mandatory Financial Responsibility Act".

#### **66-5-205. Vehicle must be insured or owner must have evidence of financial responsibility; penalties. (2013)**

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.

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 the person 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, or a surety bond or evidence of a sufficient cash deposit with the state treasurer, is not in effect.

D. The provisions of the Mandatory Financial Responsibility Act requiring the deposit of evidence of financial responsibility as provided in Section 66-5-218 NMSA 1978, subject to certain exemptions, may apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws or who have failed to pay judgments or written settlement agreements upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of New Mexico.

E. Any person who violates the provisions of this section is guilty of a misdemeanor as provided in Section 66-8-7 NMSA 1978.

F. A person charged with violating the provisions of this section shall not be convicted if the person produces, in court, evidence of financial responsibility valid at the time of issuance of the citation.

**66-5-205.1. Uninsured motorist citation; requirements to be followed at time of accident; subsequent procedures; insurer notification requirements; suspension procedures. (2001)**

A. 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 [66-5-201 NMSA 1978], 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.

B. The department shall return or replace, in its discretion, a license plate removed under the provisions of Paragraph (2) of Subsection A of this section or replace a license plate defaced under that paragraph when the person cited for failure to comply with the provisions of the Mandatory Financial Responsibility Act furnishes proof of compliance to the department and pays to the division a reinstatement fee of twenty-five dollars (\$25.00). If a person to whom the temporary operation sticker is issued furnishes to the department, within fifteen days after the issuance of the sticker, evidence of financial responsibility in compliance with the Mandatory Financial Responsibility Act and in effect on the date and at the time of the issuance of the sticker, the department shall replace or return the license plate and waive the twenty-five dollar (\$25.00) reinstatement fee.

C. The secretary shall adopt and promulgate rules prescribing the form and use of the sticker required to be issued under Subsection A of this section.

D. The secretary shall adopt and promulgate rules requiring insurance carriers to report canceled, terminated and newly issued motor vehicle insurance policies each month to the department. Information pertaining to each motor vehicle shall be made a part of that vehicle file for one year.

E. Within ten days of notification by the insurance carrier of a termination or cancellation of a motor vehicle insurance policy, the department shall demand satisfactory evidence from the owner of the motor vehicle that he meets the requirements of the Mandatory Financial Responsibility Act. Failure to provide evidence of financial responsibility within twenty days after the department has mailed its demand for proof:

(1) Constitutes reasonable grounds to believe that a person is operating a motor vehicle in violation of the provisions of Section 66-5-205 NMSA 1978; and

(2) Requires the department to suspend the person's registration as provided in Section 66-5-236 NMSA 1978.

F. The department shall notify the superintendent of insurance if an insurance carrier fails to provide monthly reports to the department regarding motor vehicle insurance policy information as required by Subsection D of this section.

**66-5-207. Exempt motor vehicles. (1998)**

The following motor vehicles are exempt from the Mandatory Financial Responsibility Act:

A. a motor vehicle owned by the United States government, any state or any political subdivision of a state;

B. an implement of husbandry or special mobile equipment that is only incidentally operated on a highway;

C. a motor vehicle operated upon a highway only for the purpose of crossing such highway from one property to another;

D. a commercial motor vehicle registered or proportionally registered in this 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;

E. a motor vehicle approved as self-insured by the superintendent of insurance pursuant to Section 66-5-207.1 NMSA 1978; and

F. 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.

**66-5-207.1. Self-insurers. (1986)**

A. The superintendent of insurance shall issue a certificate of self-insurance to any applicant with motor vehicles registered in his name in this state, provided that the applicant has met the same criteria for self-insurance as set by the superintendent of insurance for workmen's compensation liability.

B. Upon not less than five days' notice and a hearing pursuant to such notice, the superintendent upon reasonable grounds may cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after the judgment is final constitutes a reasonable ground for the cancellation of a certificate of self-insurance.

**66-5-208. Evidence of financial responsibility; amounts and conditions. (1983)**

"Evidence of financial responsibility," as used in the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], 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:

A. Twenty-five thousand dollars (\$25,000) because of bodily injury to or death of one person in any one accident;

B. 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;

C. Ten thousand dollars (\$10,000) because of injury to or destruction of property of others in any one accident; and

D. If evidence is in the form of a surety bond or a cash deposit, the total amount shall be sixty thousand dollars (\$60,000).

**66-5-214. Discharge in bankruptcy. (1983)**

A discharge in bankruptcy shall not relieve any person from any of the requirements of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978].

**66-5-218. Alternate methods of giving evidence. (1998)**

Evidence of financial responsibility, when required under the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], may be given by filing:

A. Evidence of a motor vehicle insurance policy;

B. A surety bond as provided in Section 66-5-225 NMSA 1978; or

C. A certificate of deposit of money as provided in Section 66-5-226 NMSA 1978.

**66-5-222. Driver exclusion endorsement form. (1998)**

Any motor vehicle insurance policy may be endorsed to exclude a named driver from coverage. The endorsement shall be signed by at least one named insured. Endorsements shall be substantially similar to the following form:

**"DRIVER EXCLUSION ENDORSEMENT**

Nothing herein contained shall be held to alter, vary, waive or extend any of the terms, conditions, agreements or limits of the undermentioned policy other than as stated herein below.

Effective - 12:01 a.m., standard time. Attached to and forming part of

Policy No. \_\_\_\_\_ issued to \_\_\_\_\_ (name of insured) by

\_\_\_\_\_  
(insert name of insurance company)

In consideration of the premium for which the policy is written, it is agreed that the company shall not be liable and no liability or obligation of any kind shall be attached to the company for losses or damages sustained after the effective date of this endorsement while any motor vehicle insured

hereinunder is driven or operated by \_\_\_\_\_.

(name of excluded driver(s)) \_\_\_\_\_.

Date: \_\_\_\_\_

Name insured(s)

\_\_\_\_\_  
(signature)"

**66-5-225. Bond as evidence. (1983)**

Evidence of financial responsibility may be demonstrated by a surety bond of a surety company authorized to transact business within New Mexico.

**66-5-226. Cash deposit as evidence. (1983)**

Evidence of financial responsibility may be demonstrated by the certificate of the state treasurer that the person named in the certificate has deposited with him sixty thousand dollars (\$60,000) in cash.

**66-5-228. Substitution of evidence. (1998)**

The department shall consent to the cancellation of any bond or the department shall direct and the state treasurer shall return any money to the person entitled thereto upon the substitution and acceptance of any other adequate evidence of financial responsibility as set forth in Section 66-5-218 NMSA 1978.

**66-5-230. Surrender of license and registration. (1985)**

A. Any person whose license or registration is suspended under any provision of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978] or whose policy of insurance or bond, when required under the Mandatory Financial Responsibility Act, is canceled or terminated shall immediately return his license or registration to the division. If any person fails to return to the division the license or registration as provided in this section, the division shall forthwith notify the person by certified mail that within ten days after receipt of such notice he shall return to the division by mail his license or registration or shall be subject to the full penalty prescribed by law.

B. Any person willfully failing to return the license or registration as required in Subsection A of this section shall be fined not more than one thousand dollars (\$1,000) or imprisoned not to exceed six months or both.

**66-5-231. Forged evidence. (1983)**

Any person who forges or, without authority, signs any evidence of financial responsibility or who files or offers for filing any such evidence knowing or having reason to believe that it is forged or signed without authority shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than one year or both.

**66-5-232. Sampling; letter to owner. (1998)**

A. The department, at various times as it considers necessary or appropriate to assure compliance with the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], shall select for financial responsibility affirmation an appropriate sample number of the motor vehicles registered in New Mexico. The department is authorized to emphasize, in accordance with rules adopted by the department, for affirmation of financial responsibility, individuals whose affirmations of financial responsibility have previously been found to be incorrect.

B. When a motor vehicle is selected for financial responsibility affirmation under Subsection A of this section, the department shall mail an affirmation form to the registered owner of the motor vehicle notifying him that his motor vehicle has been selected for financial responsibility affirmation and requiring him to respond and to affirm, by at least one signature shown on the affirmation form, the existence of evidence satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act for the motor vehicle.



C. Failure by an owner to return the affirmation of financial responsibility to the department within fifteen days after mailing by the department or a determination by the department that an affirmation is not accurate constitutes reasonable grounds under Section 66-5-235 NMSA 1978 to believe that a person is operating a motor vehicle in violation of Section 66-5-205 NMSA 1978 or has falsely affirmed the existence of means of satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act.

D. The department may investigate all affirmations required by the Mandatory Financial Responsibility Act returned to the department. If the owner affirms the existence of a motor vehicle insurance policy covering the motor vehicle, the department may forward the affirmation to the listed insurer to determine whether the affirmation is correct. An insurer shall mail notification to the department within twenty working days of receipt of the affirmation inquiry in the event the affirmation is not correct. The notification shall be prima facie evidence of failure to satisfy the financial responsibility requirements of the Mandatory Financial Responsibility Act. The department may determine the correctness of affirmation of other means of satisfying the financial responsibility requirements of that act for the motor vehicle.

E. The department may use accident reports as basic material for the construction of its sampling procedure.

F. No civil liability shall accrue to the insurer or any of its employees for reports made to the department under this section when the reports are made in good faith based on the most recent information available to the insurer.

G. The affirmation form used when sampling shall require the report of the name of the company issuing the policy, the policy number or any other information that identifies the policy.

#### **66-5-233. Affirmation form. (1998)**

The affirmation of financial responsibility required under Sections 66-5-208, 66-5-225 and 66-5-226 NMSA 1978 shall be in a form prescribed by the department and shall require an applicant to provide such information as may be required by the department. If a person affirms the existence of a motor vehicle insurance policy, the affirmation form shall require him to report at least the name of the insurer issuing the policy and the policy number.

#### **66-5-234. Registration; application and renewal. (1998)**

A. The department shall indicate in boldface print on every new application form for registration and every registration form that the owner of the motor vehicle affirms that he is financially responsible within the meaning of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978]. The payment of the registration fee and acceptance by the department of the application for registration shall be affirmation by the owner of the registered vehicle that he has complied with the requirements of that act.

B. The department shall not renew the registration of a motor vehicle unless the owner of the motor vehicle affirms the existence of a motor vehicle insurance policy covering the motor vehicle or the existence of some other means of satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act for the motor vehicle.

#### **66-5-235. False affirmation; violation. (1998)**

When the department has reasonable grounds to believe that a person is operating a motor vehicle in violation of Section 66-5-205 NMSA 1978 or has falsely affirmed the existence of a motor vehicle insurance policy or the existence of some other means of satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], the department shall demand satisfactory evidence from the person that the person meets the requirements of that act as provided in Section 66-5-233 NMSA 1978. If the person cannot provide evidence of financial responsibility within twenty days after receipt of the department's demand for satisfactory proof of financial responsibility, the department may suspend the person's registration as provided in Section 66-5-236 NMSA 1978.

#### **66-5-236. Suspension for nonpayment of judgment or for false affirmation. (1998)**

A. Except as otherwise provided, the secretary shall suspend:

(1) The motor vehicle registration for all motor vehicles and the driver's license of any person against whom a judgment has been rendered, the department being in receipt of a certified copy of the judgment on a form provided by the department; or

(2) The registration for a period not to exceed one year of a person who is operating a motor vehicle in violation of Section 66-5-205 NMSA 1978 or falsely affirms the existence of a motor vehicle insurance policy or some other means of satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], but only if evidence of financial responsibility is not submitted within twenty days after the date of the mailing of the department's demand therefor. The department shall notify the person that he may request a hearing within twenty days after the date of the mailing of the department's demand as provided under this subsection.

B. The registration shall remain suspended and shall not be renewed, nor shall any registration be issued thereafter in the name of that person, unless and until every judgment is stayed, satisfied in full or to the extent provided in the Mandatory Financial Responsibility Act and evidence of financial responsibility as required in Section 66-5-218 NMSA 1978 is provided to the department.

## **UNINSURED MOTORISTS' INSURANCE**

### **66-5-301. Insurance against uninsured and unknown motorists; rejection of coverage by the insured. (1983)**

A. No motor vehicle or automobile liability policy insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property of others arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in New Mexico with respect to any motor vehicle registered or principally garaged in New Mexico unless coverage is provided therein or supplemental thereto in minimum limits for bodily injury or death and for injury to or destruction of property as set forth in Section 66-5-215 NMSA 1978 and such higher limits as may be desired by the insured, but up to the limits of liability specified in bodily injury and property damage liability provisions of the insured's policy, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, and for injury to or destruction of property resulting therefrom, according to the rules and regulations promulgated by, and under provisions filed with and approved by, the superintendent of insurance.

B. The uninsured motorist coverage described in Subsection A of this section shall include underinsured motorist coverage for persons protected by an insured's policy. For the purposes of this subsection, "underinsured motorist" means an operator of a motor vehicle with respect to the ownership, maintenance or use of which the sum of the limits of liability under all bodily injury liability insurance applicable at the time of the accident is less than the limits of liability under the insured's uninsured motorist coverage. No motor vehicle or automobile liability policy sold in New Mexico shall be required to include underinsured motorist coverage until January 1, 1980.

C. The uninsured motorist coverage shall provide an exclusion of not more than the first two hundred fifty dollars (\$250) of loss resulting from injury to or destruction of property of the insured in any one accident. The named insured shall have the right to reject uninsured motorist coverage as described in Subsections A and B of this section; provided that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured has rejected the coverage in connection with a policy previously issued to him by the same insurer.

## **ACCIDENTS**

### **66-7-201. Accidents involving death or personal injuries. (1989)**

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop the vehicle at the scene of the accident or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 66-7-203 NMSA 1978. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person failing to stop or to comply with the requirements of Section 66-7-203 NMSA 1978 where the accident results in great bodily harm or death is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. Any person who knowingly fails to stop or to comply with the requirements of Section 66-7-203 NMSA 1978 where the accident results in great bodily harm or death is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

D. Any person failing to stop or comply with the requirements of Section 66-7-203 NMSA 1978 where the accident does not result in great bodily harm or death is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Subsection A of Section 31-19-1 NMSA 1978.

E. The director shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

**66-7-202. Accidents involving damage to vehicle. (1978)**

The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall forthwith return to and in every event shall remain at the scene of such accident until he has fulfilled the requirements of Section 66-7-203 NMSA 1978. Every such stop shall be made without obstructing traffic more than is necessary. Any person failing to stop or comply with said requirements under such circumstances shall be guilty of a misdemeanor.

**66-7-203. Duty to give information and render aid. (1978)**

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall upon request exhibit his driver's license to the person struck or the driver or occupant of or person attending any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

**66-7-204. Duty upon striking unattended vehicle. (1978)**

The driver of any vehicle which collides with any vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the driver and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice giving the name and address of the driver and of the owner of the vehicle doing the striking and a statement of the circumstances thereof.

**66-7-205. Duty upon striking fixtures or other property upon a highway. (1978)**

The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of his name and address and of the registration number of the vehicle he is driving and shall upon request exhibit his driver's license and shall make report of such accident when and as required in Section 66-7-207 NMSA 1978.

**66-7-206. Immediate notice of accidents. (1991)**

The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or property damage to an apparent extent of five hundred dollars (\$500) or more shall immediately, by the quickest means of communication, give notice of the accident to the police department if the accident occurs within a municipality; otherwise to the office of the county sheriff or the nearest office of the New Mexico state police.

**66-7-207. Written reports of accidents. (2007)**

A. The driver of a vehicle involved in an accident resulting in bodily injury to or death of any person or total property damage to an apparent extent of five hundred dollars (\$500) or more shall, within five days after the accident, forward a written report of the accident to the department of transportation.

B. The department of transportation may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the department of transportation and may require witnesses of accidents to render reports concerning the accidents to the department of transportation.

C. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the department of transportation. A law enforcement officer shall also, within twenty-four hours after completing the investigation, forward the written report of the accident to the motor transportation division of the department of public safety if the accident involves a commercial motor vehicle and results in:

- (1) Bodily injury to any person and the person is transported to a medical facility for immediate medical attention;
- (2) The death of any person; or
- (3) Any vehicle involved in the accident being towed from the scene due to disabling damage caused by the accident.

**66-7-208. When driver unable to report. (1978)**

A. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in Section 66-7-206 NMSA 1978 and there was another occupant in the vehicle at the time of the accident capable of doing so, such occupant shall give or cause to be given the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of an accident as required in Section 66-7-207 NMSA 1978 and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident shall within five days after learning of the accident make such report not made by the driver.

**66-7-209. Accident report form. (1989)**

A. The state highway and transportation department shall prepare and, upon request, supply to police departments, district medical investigators, sheriffs, garages and other suitable agencies or individuals forms for accident reports required under Section 66-7-207 NMSA 1978 appropriate with respect to the persons required to make the reports and the purposes to be served. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing and the persons and vehicles involved. The report of the investigating officer shall also state whether the persons involved in the accident have motor vehicle or automobile liability insurance and the name and address of each insurance carrier.

B. Every accident report required to be made in writing shall be made on an appropriate form approved by the state highway and transportation department in conjunction with the state police division of the public safety department and shall contain all of the information required on the form unless not available.

C. Every accident report shall also contain information sufficient to enable the state highway and transportation department to determine whether the requirements for the deposit of security under any of the laws of this state are inapplicable by reason of the existence of insurance or other exceptions specified therein.

**66-7-213. Accident reports confidential; exceptions. (1989)**

A. All accident reports made by persons involved in accidents or by persons in charge of garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the state highway and transportation department or other state agencies having use for the records for accident prevention purposes or for the administration of the laws of this state relating to the deposits of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the state highway and transportation department may disclose:

(1) The identity of a person involved in an accident when his identity is not otherwise known or when the person denies his presence at the accident; or

(2) The fact that the owner or operator of a motor vehicle involved in the accident is or is not insured and if he is insured the name and address of his insurance carrier.

B. Except as otherwise provided in this section, no accident report shall be used as evidence in any trial, civil or criminal, arising out of an accident.

C. The state highway and transportation department shall furnish upon demand of any person who has or claims to have made a report or upon demand of any court a certificate showing that a specified accident report has or has not been made to the state highway and transportation department solely to prove a compliance or a failure to comply with the requirement that a report be made to the state highway and transportation department.

D. A certified copy of the investigating officer's accident report may be introduced into evidence in any arbitration or civil action involving the insurer's liability under a motor vehicle or automobile liability policy containing uninsured motorist coverage as required by Section 66-5-301 NMSA 1978 to prove that the owner or operator of the other motor vehicle involved in the accident is either insured or uninsured. The investigating agency shall furnish a certified copy of the investigating officer's accident report to either party to the arbitration or civil action or to the court on request. The certified copy of the investigating officer's report is prima facie evidence that the owner or operator of the other motor vehicle is either insured or uninsured.

**New Mexico's Move Over Law**

**66-7-332. Operation of vehicles on approach of authorized emergency vehicles. (2005)**

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, exhaust whistle or bell, 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 roadway 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.

B. Upon approaching a stationary authorized emergency vehicle displaying flashing emergency lights, unless otherwise directed, the driver of a vehicle shall:

(1) if reasonably safe to do so, drive in a lane not adjacent to where the authorized emergency vehicle is stopped, 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 where the authorized emergency 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.

C. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive and park with due regard for the safety of all persons using the highway.

**66-3-852. Stopped vehicles not to interfere with other traffic. (1978)**

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

width of the highway opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicle as far as possible to the front and rear.

**66-3-853. Emergency signals; disabled vehicle. (1978)**

Whenever any motor vehicle is disabled upon the traveled portion of any highway or the shoulder thereof, when lighted lamps are required, except in cities, towns and villages where there is sufficient highway lighting to make it clearly discernible to persons and vehicles on the highway 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 highway at the traffic side of the disabled vehicle, a lighted fusee and a 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 fusee, the driver shall place three liquid-burning flares or pot torches, or three red emergency reflectors on the traveled portion of the highway 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 highway, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle; and

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 highway, 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.

**66-3-854. Emergency signals; stopped or parked vehicles. (1978)**

Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway, or shoulder thereof, during the time lights are required, except within cities, towns and villages where there is sufficient highway lighting to make clearly discernible persons and vehicles on the highway 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 highway at the traffic side of the vehicle, a lighted fuse and a lighted red electric lantern, or a red emergency reflector; and

B. If the stop is to exceed ten minutes, the driver shall place emergency signals as required and in the manner prescribed by Section 66-3-853B, C and D NMSA 1978.

**66-3-855. Emergency signals; flame producing. (1978)**

No driver shall attach or permit any person to attach a lighted fusee or other flame-producing emergency signal to any part of a motor vehicle.



## Unit 1 - The Driving Task

### Chapter 4 - Sharing the Road

#### Objectives

Students should understand that public roads are open to all licensed vehicles and to bicycles. Bicycles have all the rights and responsibilities of other vehicle traffic but are sometimes invisible to drivers. Students should understand that excessive speed is hostile to bicycle and pedestrian safety.

Students should understand that the essence of road safety is for drivers to develop an attitude that motorcycles, bicycles, pedestrians have a right to be on roads. Drivers who recognize this right will be more likely to treat them with respect and be more careful around them.

Students also need to understand that drivers must share the road with large vehicles such as buses and tractor trailers. Trucks today can be up to 120 feet long and can weigh upwards of 60 tons. Drivers often feel intimidated by them on the highway but it's not difficult to learn to share the road with them if you understand how they are different from other motor vehicles.

Students should respect railroad train right-of-way and understand that the consequences of disregarding safety and common sense in regard to level crossings can be deadly.

Students should also understand that they share the road with highway workmen and they need to be alert and drive carefully to reduce the fatalities and injurious crashes in work zones.

Students should also be aware of emergency vehicles and first responders on the highway and be prepared to follow their instructions and use caution.

# Course Outline

**Introduction:** The road can be a dangerous place for bicycles and pedestrians. Although bicycles have the same rights and responsibilities as motorized vehicles, they have less mass and a lot less protection than motorized vehicles. Drivers need to look for, see and treat other types of road users with *respect*. This includes bicycles, pedestrians, motorcycles, slow-moving farm equipment and large vehicles such as tractor trailers and buses. Drivers must also pay particular attention when in highway work zones. One of the most dangerous aspects of the road for these types of users is the attitude of automobile drivers that they don't have the right to be there.

## 1. Pedestrians

- a. Center for Disease Control and Prevention statistics for 2010 show:
  - In 2010, 4,280 pedestrians were killed in traffic crashes in the United States (33 New Mexicans) and another 70,000 pedestrians were injured. This averages to one crash-related pedestrian death every two hours, and a pedestrian injury every eight minutes.
  - Pedestrians are 1.5 times more likely than passenger vehicle occupants to be killed in a car crash on each trip.
  - About 75 percent of pedestrian deaths were in urban areas.
  - Almost 70 percent of pedestrian deaths were at night.
  - Three groups of people are at most risk: the young, the old and the drunk (driver or pedestrian).
- b. How can pedestrians help prevent injuries and deaths from motor vehicle crashes?
  - Pedestrians should increase their visibility at night by carrying a flashlight when walking and by wearing retro-reflective clothing.
  - Whenever possible, pedestrians should cross the street at a designated crosswalk.
  - It is much safer to walk on a sidewalk, but if pedestrians must walk in the street, they should walk facing traffic.
- c. NHTSA has proposed a global safety standard that includes changes to the design of hoods and bumpers so they absorb more of the impact when cars collide with people. The law would allow bumpers to be weaker to lessen the impact on pedestrians in crashes.
- d. Many pedestrians are young children and senior citizens. Both need for drivers to treat them with special care. In 2012, 60 pedestrians died in crashes, up from 36 in 2011 and 34 in 2010. Because New Mexico's pedestrian death rate is among the highest in the nation, the NM Legislature created a program called *Safe Routes to School* in 2007 to address some of the causes of pedestrian fatalities.
- e. Crosswalks. New Mexico has two types of crosswalks: those delineated by paint or other distinctive markings, and those formed by the extension of sidewalks or curbs at an intersection (an unmarked crosswalk.) Pedestrians have equal rights in marked or unmarked crosswalks, but it's not always wise for them to try to assert these rights against a ton of metal coming at them! The only type of crosswalk that can exist in the middle of a block is a marked crosswalk.
  - Vehicles are not permitted to park in a crosswalk, or to park within twenty feet of a crosswalk at an intersection
  - Autos must yield for pedestrians who are crossing the street in a crosswalk, marked or unmarked.
  - Pedestrians must yield for autos when they are crossing the street outside of crosswalks (Note: Even though the law gives drivers the right of way in this situation, drivers will often have to yield to a pedestrian who is crossing in the middle of the block to avoid running them over.)



- If an automobile ahead has stopped for a pedestrian in a crosswalk, the law prohibits passing that vehicle until the pedestrian has crossed.

There is evidence that crosswalks create a false sense of security for pedestrians. Drivers must be always vigilant for pedestrians in crosswalks to avoid tragedy. This is an example of where trying to take the right of way is NOT a good idea.

- f. Blind pedestrians. Drivers have a higher standard of care to watch out for blind pedestrians. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, is required to take all necessary precautions to avoid injury to such blind pedestrian. A driver who fails to take such precautions is liable in damages for any injury caused to the blind pedestrian.

## 2. Bicycles.

Bicycles ride in traffic and are treated as a small vehicle. Bicycles ride in the right lane and may ride up to two abreast in the lane, if doing so can be done safely. Bicyclists should strive to be seen by wearing retro-reflective clothing, using flashing LED light systems, laser lights, bike tail lights, helmet mounted lights and bike flags. Bike helmets save lives and have been required in New Mexico since 2007 for those under age 18. This also includes those using inline skates and skateboards.

- a. Bicycle facilities. Bike lanes are marked lanes at the right side of the road dedicated to bicyclists, which may be used by automobiles only when making a right turn. Drivers should not park in bike lanes since this defeats the purpose of separating bikes and vehicles. Bike paths are separate facilities, sometimes at the side of the road separated by a greenway or planting strip, and sometimes going away from the road entirely. Bikeways are integrated into the traffic stream, usually on roads that are most traffic friendly. Bicyclists are permitted to ride on ANY roadway that vehicles may use except for the Interstates where expressly posted as prohibited.
- b. Passing bicycles. When passing a bicycle, drivers should give a bicyclist five feet of space between the side of the car and the bicycle. If a driver thinks the bicyclist isn't aware that the car's about to pass, a short (friendly) tap on the horn before getting close to the bicyclist can be helpful. Blaring the horn as you pass is dangerous because it can startle the bicyclist and does not increase the feeling of roadway cooperation or understanding.
- c. Opening doors of parked car. It can be very dangerous for a bicyclist to pass a parked car because drivers often fling open their doors without looking. Drivers should always look back before opening their doors. Drivers should also be prepared for a bicyclist who is riding ahead of them to pass a parked car with wide berth.
- d. Left turns. Bicyclists are supposed to obey traffic laws. Therefore, they will be making left turns from the left turn lane, just as a car does. In some jurisdictions, there are local laws that require bicycles to use a bikepath if there is one. In this case, it is not always clear how a bicyclist should make a left turn from a bikepath. Drivers should always be prepared for a bicyclist to move into traffic to make a left turn.
- e. Right turns. Drivers should pull in behind a bicycle to make a right turn, unless the driver has plenty of room to pass the bicyclist and safely pull in front to make the turn.

## 3. Motorcycles.

When motorcycles crash with other vehicles, it's usually because the other vehicle violated the motorcyclist's right-of-way. Left turning vehicles are particularly deadly for motorcyclists. Motorcycles and motorcyclists are smaller visual targets than cars or trucks and drivers may not expect to see motorcycles on the road. In 2011, nationwide, 4,612 motorcyclists were killed in motor vehicle traffic crashes—an increase of two percent from the 4,518 motorcyclists killed in 2010. Forty three of those fatalities were New Mexicans. There were 81,000 motorcyclists injured during 2011, a slight decrease from 82,000 in 2010. The top five counties with the highest number of motorcycle crashes from 2006 – 2011 were Bernalillo (2,468), Doña Ana (621), San Juan (361), Sandoval (331) and Otero (211) County.

- a. **Among drivers and motorcycle riders, drinking and driving has always been a concern.** In 2011, thirty percent of the motorcycle fatalities were alcohol impaired (BAC of .08 or higher). Per vehicle mile traveled in 2011, motorcyclists were over 30 times more likely than passenger car occupants to die in a motor vehicle traffic crash and five times more likely to be injured. Motorcyclists are also injured at alarming rates as the result of risky driving, not wearing helmets and other safety equipment, and poor visibility to other drivers.
- b. **Importance of safety equipment.** Section 66-7-356 requires motorcycle riders under age 18 to wear helmets in New Mexico. New Mexico repealed its helmet law for adults in 1977 and motorcycle crash deaths doubled the next year. In 2011, 40 percent of the 4,323 motorcycle riders killed in motor vehicle traffic crashes were not helmeted. Anyone who rides a motorcycle should wear safety clothing including helmet and eye protection, gloves, reflective material on helmet, jacket or pants, long pants and heavy shoes that cover toes and ankles. Not sure if your helmet meets the national standard? See <http://www.helmetcheck.org/compliance.aspx>.
- c. **Training.** New Mexico has a motorcycle training program that offers the Basic *RiderCourse* for beginning motorcyclists and Advanced *RiderCourses* for riders who are interested in improving their skills. Motorcyclists under 18 must complete the Basic motorcycle training program to be licensed. The New Mexico Motorcycle Safety Program (NMMSPP) expects to train 2,000 motorcyclists per year and operates nine training sites throughout New Mexico. The NMMSPP is always looking for qualified riders who want to become MSF-Certified RiderCoaches. See <http://www.nm-mssp.org/> for more information on the New Mexico Motorcycle Training Program.

#### 4. Large Trucks and Buses

- a. Department of Transportation Statistics define large trucks as being over 10,000 pounds. The DOT reports that in 2010, 3619 people were killed in large truck and bus crashes and 93,000 were injured. Many of the crashes were the result of other vehicles rear ending and then sliding underneath the trucks.
  - Almost two-thirds of all fatal crashes involving large trucks occurred on rural roads.
  - Thirty-four percent of all fatal crashes, 20 percent of all injury crashes, and 19 percent of all property damage only crashes involving large trucks occurred at night (6:00 pm to 6:00 am).
  - The vast majority of fatal crashes (84 percent) and nonfatal crashes (90 percent) involving large trucks occurred on weekdays (Monday through Friday).
  - Collision with a vehicle was the first harmful event (the first event during a crash that caused injury or property damage) in 76 percent of fatal crashes involving large trucks, 80 percent of injury crashes involving large trucks, and 76 percent of property damage only crashes involving large trucks.
  - Rollover was the first harmful event in four percent of all fatal crashes involving large trucks and two percent of all nonfatal crashes involving large trucks.
  - Semi-trailers have under ride guards to prevent cars from sliding under them. The Insurance Institute for Highway Safety is attempting to get legislation to require this on other large trucks, such as dump trucks.  
See: <http://www.iihs.org/iihs/news/desktopnews/new-crash-tests-override-guards-on-most-big-rigs-leave-passenger-vehicle-occupants-at-risk-in-certain-crashes> for more information.

#### b. Problems Created by Large Vehicles

Drivers need to be aware of problems caused by the size of large trucks and buses.

- Visibility - With a truck blocking the view, a driver can't see the roadway ahead. Truck drivers also have problems with visibility which includes large blind spots on either side and behind the truck.
- Time – It takes longer to pass a truck than a car because of its bulk and the wind generated by the moving truck.
- Space – Large semi-trucks and buses may require more than one lane to make a turn.

- Braking – Trucks take much longer to stop than a car. It will take a moving truck double the distance to stop than a car.

**c. How to Avoid a Crash with a Truck or Bus**

- Don't cut into the space in front of a truck and slow down.
- Always pass on the left side.
- Stay out of the blind spots.
- Pay attention to how fast the truck is traveling. Large vehicles look like they are going slower than they actually are.
- Be especially careful when approaching a bus. Passengers getting off the bus may step into the street. Always stop for a school bus with flashing lights and watch for children getting onto or off from the bus.
- Buses are required to stop at railroad crossings. Don't tailgate or pass them.

**5. Trains**

- a. New Mexico has a nice variety of trains passing through it, from the scenic Cumbres and Toltec Railroad in the north to the Rail Runner Express and Amtrak carrying passengers, and the BNSF Union Pacific hauling freight across the state. We tend to take trains for granted until one derails or crashes into a car at a level crossing, often resulting in a loss of life. In 2012, the Federal Railroad Safety Administration's Office of Safety Analysis reports that nationwide there were 1,967 collisions, 271 fatalities and 946 injuries from vehicle-train collisions.

Railway crossings are specialized intersections that can present a significant risk of collisions between trains and road vehicles. These collisions are preventable. Vehicles should stay off the tracks when a train is approaching.

Every crossing is required to have a unique identifier, a six-digit number and a trailing letter used as a checksum. This identifier is called a Grade Crossing Number, and is usually posted with a sign or sticker on the sign or equipment. This allows a particular crossing anywhere in the United States to be precisely identified as to its exact location in the event of an incident involving that crossing.

All public crossings in the U.S. must be marked by at least a crossbuck. The 2009 [Manual on Uniform Traffic Control Devices](#) requires passive crossings (crossings without flashing lights or gates) to have either stop signs or yield signs in addition to the crossbuck. If the crossing has more than one railroad track, the crossbuck is required to have a small sign beneath it denoting the number of tracks.

**b. How to prevent collisions at a railway crossing**

- Slow down, listen and look both ways to make sure the way is clear before crossing the tracks.
- If a train is coming, stop at least fifteen feet from the nearest rail or gate. Do not cross the track until you are sure the train or trains have passed.
- Never race a train to a crossing.
- If there are signal lights, wait until they stop flashing and, if the crossing has a gate or barrier, wait until it rises, before you cross the tracks.
- Never drive around, under or through a railway gate or barrier while it is down, being lowered, or being raised. It is illegal and dangerous.
- Avoid stopping in the middle of railway tracks; for example, in heavy traffic, make sure you have enough room to cross the tracks completely before you begin to cross.
- Avoid shifting gears while crossing tracks.
- If you get trapped on a crossing, immediately get everyone out and far away from the vehicle. Move to a safe place and then contact authorities.

- c. Buses and other public vehicles are required to stop at railway crossings that are not protected by gates, signal lights, or a stop sign. School buses must stop at railway crossings whether or not they are protected by gates or signal lights. Watch for these buses and be prepared to stop behind them. If you are approaching a railway crossing with a stop sign, you must stop unless otherwise directed by a flagman.
- d. **What's it like when a train hits a car?** NHTSA says that the force of a 30-car train hitting a car is comparable, on a more familiar scale, to the force of a car crushing an aluminum soda can.

## 6. Work Zones

- a. In 2011, 587 people died in highway work-zone fatalities - an increase of 11 fatalities compared to 2010. New Mexico had four highway workers killed in work zones in 2012. Though highway workers are often among the victims of such crashes, it's important for drivers to understand that four out of five victims in work zone crashes are actually drivers and their passengers. According to the Federal Highway Administration, in a typical five-day work week, an average of seven motorists and one worker are killed. Generally, crashes occur when drivers speed through a work zone or do not pay attention to the changing road conditions and run into other vehicles, highway equipment, or safety barriers or drive off the road completely.
- b. Highway maintenance vehicles often move slowly on or next to the roadway and are usually painted orange. Drivers should be prepared to slow down or stop for them. There are often people on foot working nearby. Lanes may be closed when roadwork is going on. Flagmen, signs or orange cones will direct you through the construction or maintenance zone. Drivers should always obey special signage and instructions as they pass. Don't stop to watch roadwork.  
NOTE: fines are doubled for speeding in New Mexico highway construction or maintenance zones.
- c. We often forget that for police officers and first responders, the road side is often their workplace. To help protect them, in 2005 the NM legislature created the "Move Over Law". Drivers passing a crash scene must slow down and change lanes to provide for their safety and to give them room to work.

## Suggested Review Questions

**Question #1: Explain how pedestrians can help prevent injuries and deaths from motor vehicle crashes.**

**Answer:** Pedestrians can increase their visibility at night by carrying a flashlight and by wearing retro-reflective clothing, crossing the street at a crosswalk, walk facing traffic.

**Question #2: True False. Bicycles can ride in the right lane and may ride up to two abreast in the lane, if doing so can be done safely.**

**Answer: True.**

**Question #3: Name 3 ways to avoid a crash with a truck or bus.**

**Answer:** Don't cut into the space in front of a truck and slow down, always pass on the left side, stay out of the blind spots, pay attention to how fast the truck is traveling, always stop for a school bus with flashing lights, don't tailgate them.

**Question #4: Which of these are ways to prevent a collision at a railway crossing?**

**Answer:**

- a) Slow down, listen and look both ways to make sure the way is clear before crossing the tracks.
- b) If a train is coming, stop at least fifteen feet from the nearest rail or gate.
- c) Do not cross the track until you are sure the train or trains have passed.
- d) Never drive around, under or through a railway gate or barrier while it is down.
- e) All of the above.

**Question #5: What is the Move Over Law?**

**Answer:** Drivers passing a crash scene or road workers must slow down and change lanes to provide for their safety and to give them room to work.

## Resources

Federal Highway Administration

<http://www.fhrc.gov/safety/pedbike/index.htm>

<http://safety.fhwa.dot.gov/wz/>

National Highway Transportation Safety Administration

<http://www.nhtsa.gov/Bicycles>

Operation LifeSaver (trains)

<http://oli.org/education-resources>

Information on the Rail Runner Express

<http://www.riometro.org/home>.

Center for Disease Control

<http://www.cdc.gov/injury/>

AAA Foundation for Traffic Safety

<http://www.aaafoundation.org/>

NHTSA DOT HS 811 765 Traffic Safety Facts, Motorcycles, 2011 Data

<http://www-nrd.nhtsa.dot.gov/Pubs/811765.pdf>

Federal Motor Carrier Safety Administration

<http://www.fmcsa.dot.gov/facts-research/art-stats-facts.htm>

Bicycle Visibility and Safety Information

<http://www.cnn.com/2013/09/13/tech/the-laser-light-that-could-cyclist/>

<http://www.biketechshop.com/bike-tail-lights-c-733.html>

<http://www.mechbgon.com/visibility/active.html>

<http://www.helmets.org/mandator.htm>

## New Mexico Laws

### **28-7-4. Driver to take precautions approaching blind; liability for damage. (1972)**

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused to such pedestrian; provided that a totally blind or partially blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed herein, shall have all the rights and privileges conferred by law upon other persons, and the failure of a totally blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

### **32A-24-3. Helmet use requirements; civil penalty. (2007)**

A. It is unlawful for a parent or legal guardian of a minor to knowingly permit that minor to operate or be a passenger on a bicycle, skates, scooter or skateboard unless that minor wears a well-fitted protective bicycle helmet, fastened securely upon the head with the straps of the helmet.

B. Except as provided in Subsection C of this section, a parent or legal guardian found guilty of violating Subsection A of this section shall pay a civil penalty of not more than ten dollars (\$10.00). Magistrate and municipal courts shall have concurrent jurisdiction.

C. If a violation of Subsection A of this section is a first offense, the magistrate or municipal court may issue a verbal warning or require, in lieu of the fine imposed in Subsection B of this section, that the person found in violation provide proof that a protective helmet has been purchased for use by the minor found on the bicycle, skates, scooter or skateboard without a protective helmet.

D. A municipal court may issue only a verbal warning for a first or later violation.

### **66-1-4.3. Definitions. (2009)**

As used in the Motor Vehicle Code:

O. "crosswalk" means:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

### **66-1-4.16. Definitions. (2010)**

As used in the Motor Vehicle Code:

H. "sidewalk" means that portion of street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians;

### **66-3-701. Bicycles; effect of regulations. (1978)**

A. It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required by Sections 66-3-701 through 66-3-707 NMSA 1978.

B. The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of the Motor Vehicle Code.

C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

**66-3-702. Traffic laws apply to persons riding bicycles. (1978)**

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within Sections 66-3-701 through 66-3-707 NMSA 1978.

**66-3-703. Riding on bicycles. (1978)**

A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

**66-3-704. Clinging to vehicles. (1978)**

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

**66-3-705. Riding on roadways and bicycle paths. (1997)**

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Notwithstanding any provision of this section, no bicycle shall be operated on any roadway in a manner that would create a public safety hazard.

**66-3-706. Carrying articles. (1978)**

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebar.

**66-3-707. Lamps and other equipment on bicycles. (1978)**

A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren or whistle.

C. Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

**66-7-207.1. Motor vehicle accidents involving a school bus; investigation by a law enforcement officer certified as an accident reconstructionist. (2001)**

All motor vehicle accidents involving a school bus that result in a fatality or life threatening injury shall be investigated by a law enforcement officer certified as an accident reconstructionist.

**66-7-301. Speed regulation. (2002)**

A. No person shall drive a vehicle on a highway at a speed greater than:



- (1) fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;
- (2) thirty miles per hour in a business or residence district;
- (3) seventy-five miles per hour; and
- (4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department, provided that the posted speed limit shall be determined by an engineering study performed by the state highway and transportation department.

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

- (1) to avoid colliding with a person, vehicle or other conveyance on or entering the highway;
- (2) to comply with legal requirements as may be established by the state highway and transportation department or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and
- (3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department.

C. The speed limits set forth in Subsection A of this section may be altered as authorized in [Section 66-7-303](#) NMSA 1978.

**66-7-333. Pedestrians subject to traffic regulations.**

A. Pedestrians shall be subject to traffic-control signals at intersections as provided in Section 66-7-105 NMSA 1978 unless required by local ordinance to comply strictly with such signals, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in Sections 66-7-333 through 66-7-340 NMSA 1978.

B. Local authorities are hereby empowered by ordinance to require that pedestrians shall strictly comply with the directions of any official traffic-control signal and may by ordinance prohibit pedestrians from crossing any roadway in a business district or any designated highways except in a crosswalk.

**66-7-334. Pedestrians' right of way in crosswalks. (2007)**

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

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

C. Subsection A of this section shall not apply under the conditions stated in Subsection B of Section 66-7-335 NMSA 1978.

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

**66-7-335. Crossing at other than crosswalks. (1978)**

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

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

C. Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

**66-7-336. School crossings. (2003)**

A. Crosswalks may be established over highways abutting a school or the grounds adjacent thereto, and all children crossing the highways shall be required to do so within the marked crosswalks. The state highway

commission, with respect to state highways, and local authorities, with respect to streets under their jurisdiction, with advice of the local superintendent of schools, shall establish and mark, or cause to be marked, these highway crossings.

B. Crosswalks over highways not abutting on school grounds may be established by the state highway commission, with respect to state highways, and by local authorities, with respect to streets under their jurisdiction, with advice of the local superintendent of schools and after adequate assurance has been given that proper safety precautions, pursuant to regulations of the state highway commission and of the local authorities. Responsibility for maintaining the crossing will be with the appropriate county or municipality wherein the school is located.

C. At all school crossings except as provided in this section appropriate signs shall be provided as prescribed by the state highway commission or local authorities within their respective jurisdictions, indicating the crossings and regulating traffic movement within the school zones.

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

- (1) At a signalized intersection;
- (2) At an intersection where traffic is controlled by a stop sign; or
- (3) At a point where a pedestrian tunnel or overhead crossing is provided.

#### **66-7-337. Drivers to exercise due care. (1978)**

Notwithstanding the foregoing provisions of Sections 66-7-333 through 66-7-340 NMSA 1978 every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

#### **66-7-339. Pedestrians on roadways. (1978)**

A. Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

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

#### **66-7-343. Railroad-highway grade crossing violations; certain vehicles required to always stop; exceptions. (2003)**

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

B. While stopped, the driver shall:

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

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

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

- (1) a railroad-highway grade crossing where a police officer directs traffic to proceed;
- (2) a railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;
- (3) a railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;

(4) a railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or

(5) an industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.

E. Penalties for violation of this section are included in Section 66-8-116 NMSA 1978.

**66-7-347. Overtaking and passing school bus. (1978)**

A. The driver of a vehicle upon approaching or overtaking from either direction any school bus which has stopped on the roadway, 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 highway 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 highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

**66-7-355. Riding on motorcycles. (1991)**

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, shall have his feet upon the footrests provided on the machine and shall not carry any other person nor shall any other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have his feet upon the footrests attached for passenger use.

B. Any person operating a motorcycle not having a fixed windshield of a type approved by regulation of the secretary shall wear an eye protective device which may be a face shield attached to a safety helmet, goggles or safety eyeglasses. All eye protective devices shall be of a type approved by regulations promulgated by the director.

**66-7-356. Mandatory use of protective helmets. (1991)**

No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards specified by the director. The director shall adopt rules and regulations establishing standards covering the types of helmets and the specifications therefore and shall establish and maintain a list of approved helmets meeting the standards and specifications of the director. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid driver's license or permit and possesses the safety equipment required of an operator who is under the age of eighteen. No person shall carry any passenger under the age of eighteen on any motorcycle unless the passenger is wearing a securely fastened safety helmet, as specified in this section, meeting the standards specified by the director.

**66-7-367. Improper opening of doors. (1978)**

It is a misdemeanor for any person to:

A. Open the door of a vehicle on the side near moving traffic unless:

(1) It is reasonably safe to do so; and

(2) The door can be opened without interfering with the movement of traffic; or

B. Leave a door of a vehicle open on the side of the vehicle near moving traffic for a period of time longer than necessary to load or unload passengers.

**66-7-513. Safe routes to school program. (2007)**

A. The "safe routes to school program" is created within the department to increase and make safer a student's ability to walk or ride a bicycle to school .

B. The program may be established to:

(1) provide assistance to the state, counties and municipalities to identify school route hazards and implement engineering improvements, including:

- (a) installing sidewalks;
- (b) painting crosswalks and other street and sidewalk areas;
- (c) installing traffic signals;
- (d) making street improvements;
- (e) providing lighting;
- (f) providing bus shelters, particularly in isolated or rural areas;
- (g) cutting curbs for access for persons with significant mobility limitation; and
- (h) other safety improvements;

(2) develop criteria, in conjunction with the department's bicycle, pedestrian and equestrian committee, school districts and law enforcement agencies and with input from parents, teachers and school administrators, to be used in evaluating the applications of the program; and

(3) include information about the safe routes to school program in public awareness campaigns about traffic safety.

**67-3-62. Provisions for pedestrian, bicycle and equestrian traffic required. (1979)**

A. No expenditure or contract for the expenditure of state public funds for purposes of constructing highways along new alignments or for purposes of substantially widening highways along the existing alignments shall be made or entered into by the state highway department unless the design and construction of such highways makes provision for pedestrian, bicycle and equestrian traffic along and across such highway, except when the state highway department, after notice and a public hearing, determines, pursuant to its published regulations as provided in Section 67-3-63 NMSA 1978, that:

(1) Such provisions for pedestrian, bicycle and equestrian traffic would be contrary to the public safety;

or

(2) The cost of such provision would be disproportionate to the need or probable usage.

B. Notice of public hearings shall be required only when:

(1) Project plans require acquisition of additional right-of-way for purposes of constructing the project along a new alignment;

(2) The project plans require a substantial widening of the travel lanes for highway reconstruction along an existing alignment; or

(3) The highway department is petitioned by authorized officials of affected pedestrian, bicycle or equestrian associations. If such petition is filed, public hearing shall be held.

For purposes of Paragraphs (1) and (2) of this subsection, the requirement for notice and public hearing may be satisfied by publishing two notices of opportunity for a public hearing and holding a public hearing if written request for such a hearing is received within the time specified in the published notice.

**66-10-10. Motorcycle training fund created; purpose. (1993)**

A. There is created in the state treasury the "motorcycle training fund". The fund shall be invested in accordance with the provisions of Section 6-10-10 NMSA 1978, and all income earned on the fund shall be credited to the fund.

B. The motorcycle training fund shall be used to institute and provide a statewide system of motorcycle training and driver awareness and education in the dangers of driving while under the influence of alcohol or drugs for first-time license applicants and to provide for the purchase of necessary equipment and provide for such support services as are necessary for the establishment and maintenance of the system.

C. First-time applicants for a motorcycle license or an endorsement on their New Mexico driver's license may be required to complete a motorcycle driver education program as prescribed by the rules and regulations of the bureau.

D. The bureau shall adopt rules and regulations as prescribed in the State Rules Act [14-4-1 NMSA 1978] for the administration of a statewide motorcycle driver education program to be administered by the bureau. The program shall include, but not be limited to:

- (1) helmet use and effectiveness;
- (2) motorcycle accident and fatality statistics;
- (3) drug and alcohol abuse information, laws and statistics;
- (4) street and highway safe driving habits; and
- (5) defensive driving.

E. The bureau shall cooperate with the state department of public education to distribute information through the public school systems.

F. All money in the motorcycle training fund is appropriated to the bureau for the purpose of carrying out the provisions of Subsection B of this section; provided that at the end of the seventy-second fiscal year and all subsequent fiscal years, all money in the motorcycle training fund in excess of the amount budgeted for the purposes delineated in Subsection B of this section shall revert to the state road fund.



## **Unit 2 - The Driver**

### **Chapter 5 - Characteristics of Good Drivers**

#### **Objectives**

What does it take to become a “good” driver? If you wanted to become a star basketball player or world class dancer, how much training and practice time would you plan on? Serious players would expect to train with professional coaches and practice for years to get anywhere near the top of their field.

For the average novice driver, it generally takes 25-50 hours of actual behind-the-wheel experience to be able to deal with even rudimentary traffic situations. Yet most drivers say they have never had any coaching beyond the basic program required for their license, and most rate their driving ability as 8-9 out of 10! There is no real test to measure ability, so anyone can fool themselves into believing they are a very good driver simply because they have not been involved in a crash.

Students should understand that driving is a complex set of mental, social, emotional, psychological and physical skills and processes. They need to be able to recognize and evaluate their own driving patterns and evaluate problem driving behaviors and attitudes. Responsible drivers must make sound judgments and decisions regarding the traffic situation, taking into account that the roadway is shared with other drivers and pedestrians, while maintaining an objective attitude.

## Course Outline

### 1. Physical skills.

Driving is a psychomotor skill that requires learning a certain set of skills, then practice, practice, practice until the motions become almost automatic. While these skills are sometimes called "instinctive" reactions, they're not instinctive at all. They are learned responses.

New drivers must split their attention between basic car control (i.e., steering, braking, shifting gears) and the attention and concentration needed for the social and decision-making aspects of driving. Novice drivers need to recognize that their ability to react effectively to traffic situations and avoid crashes will be limited until these car handling skills are mastered.

#### a. Coordination.

The coordination of a variety of motor skills is critical in order to accomplish an intended action. Drivers must make split second decisions in reaction to a traffic situation and execute those decisions smoothly. For instance, if a child runs into the road, the driver will have to simultaneously steer and brake (and perhaps clutch and shift gears), while watching for other potential hazards on the road, such as on-coming traffic or parked cars.

#### b. Physical condition.

A person's physical condition will substantially impact his/her ability to drive competently. Good drivers will be aware of their own physical limitations and will compensate appropriately (i.e., wearing corrective lenses) or will avoid driving entirely when fatigued (see Chapter 2.2 Challenges to Good Driving) or under the influence of alcohol or drugs (see Chapter 2.3 Driving Under the Influence).

### 2. Mental skills and attitudes

While car handling skills are important, driving is primarily a thinking task and is more about good decision making and good risk management than physical skill.

#### a. Visual perception.

Good decision making in driving depends on good information, and 90% of that information comes through the eyes. It is crucial that new drivers know how, when, where to look, and what to look for. Novice drivers tend to fix their eyes close to the car rather than searching ahead, thus missing cues for potential hazards. New drivers are also less apt to use their mirrors than experienced drivers.

##### i. Smith System.

This is a five step system developed by Harold Smith in the 1950s to help drivers develop good visual search habits. It stresses eye discipline and the idea of a space cushion between the driver's vehicle and other traffic conditions.

##### (1) Aim high in steering.

In other words, the driver needs to look far ahead when driving, not right in front of their vehicle. The driver will then be able to analyze the traffic conditions and predict what will happen well in advance of a problem situation.

##### (2) Keep the eyes moving.

Drivers should glance close and far, to each side, in the mirrors, and at the instrument panel, always returning their gaze to the front. This is known as scanning.

##### (3) Get the big picture.

Look at the whole scene, not just a single aspect. If a driver fixates on any one element, s/he could miss other cues coming from a different direction.

##### (4) Make sure others see you.

- Communicate your intentions to other drivers by using your turn signals, lights, horn, even through eye contact or body movement.
- (5) Leave yourself an out. Drivers should identify a way to escape in case of a problem. This is accomplished by constantly adjusting position to keep space around their vehicle in changing traffic conditions. This is called a *space cushion*.
  - (6) The left and right space cushions are referred to as “bailout lanes”, because in some emergency situations, where it is not possible to brake in time, only switching to an open bailout lane will avoid a collision.
- ii. **IPDE process.** (Formerly known as the S.I.P.D.E. - Scan, Identify, Predict, Decide and Execute)  
The IPDE process is a system of seeing, thinking, and responding that consists of four steps:
- (1) **Identify.**  
Through visual cues, the driver identifies potential hazards. These hazards could include the roadway, the driver’s own vehicle, other vehicles or pedestrians, traffic controls, and animals in the roadway.
  - (2) **Predict.**  
Determine which hazards may become points of conflict and when.
  - (3) **Decide.**  
What actions does the driver need to take to avoid the conflicts; how should speed be adjusted, braking, and steering.
  - (4) **Execute.**  
Implement the proper actions to avoid possible conflict.

**b. Attention/Alertness**

Driving is a multi-task activity that demands a driver’s full attention and concentration. Driving is the ONLY thing you should be doing, and attempting to do anything other than driving is a distraction from that responsibility.

- i. Drivers must attend to multiple different tasks and issues. Novice drivers must learn to divide their attention over a number of routine, simultaneous tasks, such as steering, scanning, and speed control. In addition, drivers must be able to rapidly switch their main focus of attention as the traffic conditions change. Too much attention on any one task or potential hazard can be as serious as not enough. Critical errors can occur when a driver is inattentive or distracted (i.e., using a cell phone, talking with passengers, changing the radio station), fatigued, ill, or impaired by alcohol or drugs.
- ii. There are many things that can be distracting, including eating, putting on makeup, talking to passengers, etc., but **texting**, as opposed to just “using a cell phone”, is the most dangerous activity of all for drivers. In 2011, at least 23% of auto crashes involved cell phones. That’s 1.3 million crashes.

**c. Risk management**

Once possible conflicts are seen and identified, drivers have to determine the level of risk involved in the hazard. Research shows that new drivers need to learn to recognize risky behavior in themselves and in other drivers and to make decisions that reduce those risks. What a driver is able to do and what they choose to do may not be the same. Novice drivers tend to underestimate the risk of specific actions, such as tailgating, speeding, and driving impaired, texting and overestimate their ability to safely handle the possible consequences of risky behavior. Good drivers understand and acknowledge their level of experience and their own limitations.

- i. **Experience.**  
While New Mexico’s Graduated Licensing Law requires 50 hours of behind-the-wheel driving in order to obtain a driver’s license, studies indicate that novice drivers take between five and seven years to become a mature driver.



- (1) Drivers learn both desirable and undesirable behaviors mostly through experience.
  - (a) Teenagers do pick up their parent’s driving habits. Drivers, ages of 18-21, whose parents acquired three or more traffic violations were 38% more likely to have violations on their own driving records than teenagers whose parents had no violations.
  - (b) Teenage drivers often begin driving with dangerous habits they learn from their peers, especially excessive speeding. These habits are especially dangerous to novice drivers, because they do not have the experience to correct their mistakes.
- (2) Experienced drivers develop a sensitivity or *feel* for the road and for how the vehicle handles in any given situation. This feel will change if the driver is in a car different from the one s/he normally drives.

**d. Risky Behavior.**

Studies of young drivers show they are more likely to engage in risky driving behaviors. Reasons for this could be because they do not have the skills and experience to recognize risky situations, they are more apt to believe that they are invincible, and therefore will not be involved in a crash, or that they perceive they will gain admiration from their peers for risk seeking behaviors, such as excessive speeding or weaving in and out of traffic.

Numerous studies indicate that in collisions involving young drivers, the specific actions causing the collision include: 1) speeding; 2) following too closely; 3) failure to yield; 4) improper lane use; 5) improper turn; and 6) improper backing/starting. Further, these actions may be linked to conditions such as drinking and driving (see Chapter 2.3, Driving Under the Influence), heightened emotional states, careless driving and inattention. Other common driving errors include failure to wear a seat belt, distraction inside the vehicle (cell phone use, changing a CD or other device, eating or drinking), and incorrect assumptions about the other driver (see Chapter 2.2, Challenges to Good Driving).

i. Speeding.

Speed drastically affects the risk of driving. A report by the National Highway and Transportation Safety Administration (NHTSA) reports that in 2009, speeding was a contributing factor in 31 percent of all fatal crashes, and 10,591 lives were lost in speeding-related crashes. For drivers involved in fatal crashes, young males are the most likely to be speeding. Alcohol involvement is prevalent for drivers involved in speeding-related crashes. In 2009, 43 percent of speeding drivers had a blood alcohol concentration (BAC) of .08 or higher in fatal crashes. In 2009, 35 percent of all motorcycle riders involved in fatal crashes were speeding. Speeding was a factor in 30 percent of the fatal crashes that occurred on dry roads in 2009 and in 33 percent of those that occurred on wet roads. Speeding was a factor in 50 percent of the fatal crashes that occurred when there was snow or slush on the road and in 61 percent of those that occurred on icy roads.

As a new driver gains confidence s/he may drive well over the posted speed limit without any apparent problem. This may reinforce the idea that their skill or luck allows them to court danger with impunity. However, speed is certainly a key to most novice drivers’ errors. Most of the potential hazards would fail to become actual hazards if the driver were going slowly enough to perceive and avoid them.

ii. Seatbelts save lives.

During a crash, being buckled up helps keep you safe and secure inside your vehicle, whereas being completely thrown out of a vehicle is almost always deadly. Seat belts are the best defense against impaired, aggressive, and distracted drivers. The “Operation Buckle Down” campaign reports that seatbelts are the most effective means of reducing fatalities and serious injuries when traffic crashes occur. Fortunately, in 2011, New Mexico’s seatbelt use rate was 90.5%, well above the 84% nationwide seatbelt use rate. This was the highest use rate recorded for New Mexico. It was attributed to aggressive enforcement and media campaigns.

Car crashes are leading cause of death for children 1-3 years of age. Child safety seats, when used properly, reduce the risk of fatal injury in a crash by up to 75%. Good drivers will always wear their seatbelt and insist that all occupants in their car are also properly restrained. (One tactic to get other occupants of the car to put on their seat belts is to point out that their decision not to wear their belt could fatally affect EVERYONE in the car because they could become a flying projectile if the car were to flip, having obvious negative impacts on the other passengers!)

### 3. Social skills.

Driving is more than an individual activity; it is a social contract that involves sharing the road with others - pedestrians, automobiles, emergency vehicles, interacting and cooperating with other people (see Chapter 1.4, Sharing the Road). There are enormous costs in both lives and money lost to poor driving behaviors. The CDC reports that motor vehicle crashes are the leading killer of children, teens, and young adults (ages 5 to 34) and among the top ten causes of death for all ages in New Mexico. The yearly economic impact of traffic crashes in New Mexico alone is nearly \$2 billion, in lost productivity, property damage, medical bills, car insurance rates, and the costs of police, firefighters and emergency medical personnel.

#### a. Responsibility.

Responsible driving is a function of the driver's conscience that goes beyond the individual's personal gratification. It requires that drivers commit to meeting social objectives and norms based on perceived risks for the entire community, even if the risk seems too small for the individual driver to worry about. Also, it requires that each individual be willing to analyze his/her own driving performance and keep it in line with personal and social values.

#### b. Traffic psychology.

Developed by Dr. Leon James at the University of Hawaii, traffic psychology refers to how a driver learns to modify his/her own style of conduct in traffic situations and to monitor the impact of the individual's driving behavior on other road users. The benefits of this idea include perfecting the American character by teaching interpersonal skills that encourage:

- Chivalry (being polite to strangers)
- Charity (caring for the feelings of other road users)
- Freedom (self-responsibility)
- Family values (being nice to your passengers)
- Citizenship and respect for law and order (obeying traffic ordinances)
- Spirituality (subtle connectedness among traffic users)
- Morality and rationality (people's rights in public places)
- Empathy and sympathy (showing solidarity with other traffic users)
- National unity and integration (identifying with positive symbols)
- Creative driving practices (multi-tasking, recreation, artistic expression)

### 4. Emotional process.

A driver's emotional state has a profound impact on his/her driving ability. Road rage, aggression, frustration, depression and stress are increasingly cited as major contributing factors in traffic crashes (see Chapter 2.2 *Challenges to Good Driving*). Teens and young adults are at risk when it comes to emotionally related crashes for two important reasons: 1) Adolescents are often overwhelmed by many powerful new emotions such as first love, loneliness, anxiety about the future, frustration over school work and even the thrill of speeding down the highway. 2) In the late teen years, the teen brain is being radically rewired and prepared for adulthood. Often teens don't know why they feel the way they do or how to control how they are feeling.

**a. Attitude.**

A person's attitude toward driving impacts his/her willingness to learn how to drive safely - and act on what s/he has learned.

Control.

The National Safety Council's Alive at 25 program stresses that each driver has the ability and responsibility to control his/her own behavior. There are results and/or consequences for every decision a driver makes, and the driver is the only one who can make driving decisions and choose to act in a particular way. While it's possible that nothing will happen, the consequences of bad driving decisions can be immediate and catastrophic. A moment's inattention to make a cell phone call or change a CD can result in a lifetime in a wheelchair or death for the driver or passengers.

Peer pressure.

Peers can play an enormous role in a novice driver's attitude toward taking risks behind the wheel. Safe driving is too often considered boring while risky driving is seen as exciting. The teasing and coaxing of others in the car is a hazard that could be deadly. There will be times when good drivers will have to avoid peer pressure and take the risk of being seen as "wimpy" rather than the possible fatal risk of being considered "macho."

**b. Motivations.**

Drivers are inclined to assign motivation to another driver's actions and respond negatively based on that assumption (i.e., assuming that the other driver didn't let you change lanes because s/he was intentionally trying to block your path). Most of the time when other drivers' actions are not intentional or personal, s/he is usually just being inattentive. Rather than reacting personally and aggressively, good drivers remain objective about other drivers' actions. Expect that they will make mistakes. Never assume that other drivers will always drive safely and obey all the rules all the time.

**c. Stress.**

Traffic stress from road congestion is a major contributing factor to violent traffic disputes. Aggressive driving occurs when drivers bully other drivers by tailgating, cutting them off, using horns or lights in a rude way or making intimidating gestures. Road rage is a crime that involves criminal acts directed at another person through physical violence while a person is driving. Good drivers learn to relax, take a deep breath, and avoid using their vehicle as a weapon against others.

**d. Depression**

Sadness or depression can distract a driver, disconnect them from reality, cause them to have an unwillingness to deal with emerging situations and create a lack of concern for themselves or other drivers. Treat depression as you would any other impairment. Don't drive when depressed and don't allow others to drive until they have their feelings sorted out and can think clearly.

**e. Positive Emotions**

Positive emotions such as excessive exuberance, playfulness and overconfidence can also affect a driver's ability to drive safely. Judgment, perception, attention span and reflexes can be affected in a similar way to impairment by alcohol or drugs. The key is for a driver to recognize when emotions are strong and distracting him/her from driving from the task at hand. Drivers need to take a moment to collect themselves before driving and drive with a responsible attitude.

**5. Student Driver Checklist.**

In response to high incidences of injury and fatalities among teenagers, Cobb County, Georgia developed A *Handbook for Responsible Driving for Teens and Parents*.

([http://www.mariettacommunityschool.com/drive\\_ed/images/pdfs/de\\_handbook.pdf](http://www.mariettacommunityschool.com/drive_ed/images/pdfs/de_handbook.pdf)) Listed below is a checklist from the handbook that parents can use to help their teenager learn good driving skills, or any driver can use to test themselves on their driving skills.

## Student Driver Checklist

DRIVER	Never	Sometimes	Always
1. Knows location of instruments, gauges and safety devices and checks them before driving			
2. Adjusts mirrors and seat properly			
3. Wears safety belts without being reminded			
4. Works to maintain a safe following distance			
5. Demonstrates correct hand position on the steering wheel			
6. Demonstrates the "two-second" rule - you can count "1-1000, 2-1000" between the time the back of a car in front of you passes a stationary object and the time the front of your car reaches the same spot			
7. Is aware of other drivers' blind spots			
8. Checks blind spots before changing lanes			
9. Is aware of tailgaters and knows how to deal with them			
10. Anticipates changing traffic lights			
11. Checks mirrors frequently			
12. Uses horn appropriately			
13. Signals before turns and lane changes			
14. Anticipates possible braking situations			
15. Appears relaxed and comfortable while driving			
16. Is comfortable driving at night			
17. Uses high and low beams appropriately			
18. Adjusts speed to road, traffic, and weather conditions			
19. Works to maintain a space cushion or buffer zone on all four sides of the car			
20. Checks intersections carefully and pauses before entering an intersection			
21. Sets emergency brake or parking brake before leaving vehicle			
22. Demonstrates good, smooth movements and coordination during and after turns			
23. Demonstrates good scanning habits at all times			
24. Obeys traffic laws - including speed limits			

## **Teaching Tips:**

### **Have students keep a driving journal where they record:**

1. What their driving behavior is (i.e., speeding, tailgating, not using their turn signals, obeying all traffic laws, wearing their seatbelt).
2. What emotion is associated with their actions?
3. How does the action and related emotion affect how safely they drive?
4. How does their driving behavior impact other drivers and pedestrians?

### **Have students team up.**

One will observe the other's driving behavior, using the checklist above, then discuss each item. Suggest that the students have an experienced driver (such as a parent) observe them on a regular basis

## Suggested Review Questions

**Question #1: True or False: Driving is a psychomotor skill that involves a set of motions that are instinctive reactions.**

**Answer:** False. The motions and skills used in driving are learned responses.

**Question #2: Name the four sets of skills needed to be a good driver.**

**Answer:** Physical, mental, social, emotional

**Question #3: True or False: Car handling skills are the most important part of good driving.**

**Answer:** False. While car handling skills are important, driving is primarily a thinking task and is more about good decision making and good risk management than physical skill.

**Question #4: Name the five elements of the Smith System.**

**Answer:**

- (1) Aim high in steering.
- (2) Keep the eyes moving - scan the scene.
- (3) Get the big picture.
- (4) Make sure others see you.
- (5) Leave yourself an "out."

**Question #5: True or False: Many collisions could be avoided if drivers were not speeding.**

**Answer:** True. Most potential hazards fail to become actual hazards when the driver is going slowly enough to perceive and avoid them.

**Question #6: What is the single most effective means of reducing fatalities and serious injuries when traffic crashes occur?**

**Answer:** Wear seatbelts

**Question #7: Which of the following is true about risky driving behaviors (choose all that apply):**

- (1) A person can become a mature, competent driver with 50 hours of behind-the-wheel driving experience
- (2) Teenagers are more likely to have traffic violations if their parents have traffic violations
- (3) Novice drivers are usually able to safely handle the consequences of risky driving behavior, such as tailgating or speeding.
- (4) Teenagers often pick up dangerous driving habits from their friends or relatives.
- (5) Young drivers are more apt to be tentative and cautious in their driving habits

**Answer:** Numbers 2 and 4 are true.

**Question #8: The National Safety Council's Alive at 25 program stresses that each driver has the ability and responsibility to do what?**

**Answer:** Control his/her own behavior.

**Question #9: Which of the following is not true of driving (choose all that apply):**

- (1) Good drivers remain objective about other drivers' actions.
- (2) Stress is a major contributing factor to traffic disputes.
- (3) If a driver cuts you off in traffic, he is probably trying to make you miss your exit.
- (4) Most of the time, poor driving behavior occurs because the driver is not paying attention.
- (5) Good drivers will learn excellent car handling skills so they can use their car aggressively against other drivers.
- (6) The driver is the only one who can make driving decisions and choose to act in a particular way.

**Answer:** Numbers 3 and 5 are NOT true.

**Question #10: List five (5) actions from the student driver checklist that should always be followed.**

**Answer:** See Checklist.

## Resources

### 1. Printed Materials

*Novice Driver Education Model Curriculum Outline*. Prepared for the AAA Foundation for Traffic Safety. May be found on the Web at [www.aaafoundation.org](http://www.aaafoundation.org)

*Drive Right*, Teacher's Edition, 2000. Scott Foresman

*Responsible Driving*, 2006. Glencoe, American Automobile Association.

### 2. Web Sites:

#### **Teen Drivers**

The place for parents and teens to consider the issues that face every teen driver.

<http://www.TeenDrivers.com/>

#### **Drivers.Com**

Visit the Traffic Safety Village

<http://www.drivers.com/>

#### **AAA Foundation for Traffic Safety**

<http://aaafoundation.org/>

#### **National Highway Traffic Safety Administration**

<http://www.nhtsa.dot.gov/>

#### **National Safety Council**

<http://www.nsc.org/>

#### **National Organizations for Youth Safety**

40 national organizations are members of this impressive youth safety coalition.

<http://www.noys.com/>



## TIP SHEET for PARENTS who are teaching their children to drive

Your biggest contribution to your teen's safety and effectiveness behind the wheel will be your example. Patience, courtesy, and a willingness to improve will be your best assets. Now is the time to review your own driving habits and offer your teen the example of courtesy and consideration for other road users. This may do more than anything else to ensure your teens driving safety.

### Planning Practice Sessions

Random driving around during practice sessions can be dangerous. It's all too easy for the novice driver to get into trouble, particularly in the early stages. Before getting into traffic be sure that your teen has good coordination with hands and feet. Until the novice is sure of the pedals, the danger of hitting the wrong pedal in a panic situation is always present.

It's important to plan practice sessions. Decide where to go and what you are going to do before setting out. Take some care in selecting a suitable area. A large deserted parking lot is ideal for the initial sessions because it allows the beginner to concentrate fully on the feel of the controls and the response of the car.

For the initial street sessions find the quietest streets possible. Your teen will learn the correct road and traffic procedures from the professional instructor. Your job will be to provide good feedback while he or she practices these procedures.

Accurate lane driving and positioning for turns, good signal timing, and good road sense are the basic ingredients for passing the government road test. These will be learned more effectively by driving around the block with somebody who provides good feedback than by hours of random driving on highway or streets. On the other hand, a co driver who allows the novice driver to get away with faults or who provides poor feedback may hold back the learning process considerably.

### Practice Hints

**Stay alert.** Some beginners may give the impression of being confident and in control but may be totally unprepared to deal with any sudden change in conditions and very reliant on you, the co driver, for guidance and even assistance in control. Anticipate problems and always be ready to react.

**Communicate clearly:** Give directions well in advance and try to always use the same terms (don't say accelerator one time and gas pedal the next, for example).

**Don't hit the beginner with everything at once:** a simple right turn, for example, involves several steps checking mirrors, signaling, checking blind areas, braking, positioning, checking for traffic before the turn, steering, and recovery. To expect a beginner to follow all of these correctly during the early sessions is asking too much.

**Don't get excited during practice sessions.** This communicates itself quickly to the driver and can make performance difficult.

**Don't overload:** A big part of being an instructor or co driver is reminding the driver to check traffic and to signal and to bring attention to potential hazards. But once again, remember that everything you say is also a distraction for the driver. Be sparing in your comments and, above all, try to avoid letting the beginner get into situations he or she can't handle.

**Stop and discuss:** When your teen makes a mistake, he or she may not be clear as to what went wrong. Explaining and discussing while on the move is not very effective. The beginner is too busy driving! Stop as soon as you can, while the mistake is still fresh in the memory, and sort out the problem. Don't jump on every mistake, however, and make a big thing of it. This will affect the beginner's confidence and concentration on the driving task.

**Don't clash with what the professional driving instructor teaches.** If your teen is doing something that you think is incorrect and maintains that the driving instructor teaches this way, talk to the driving instructor. Student drivers often wrongly interpret their instructor's directions.

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## **Unit 2 - The Driver**

### **Chapter 6 - Challenges to Safe Driving**

#### **Objectives**

Students will recognize symptoms of stress and can explain ways to counter stress.

Students will recognize symptoms of fatigue and state ways to limit driving when fatigued.

Students will be to describe the physical limitations of older drivers.

Students will describe examples of distracted driving.

Students will describe symptoms of road rage and explain best practices for avoiding confrontation.

#### **Course Outline**

There are two perspectives on what people do as drivers: the external view and the internal view. The external view includes road conditions and how well they have learned to manipulate a vehicle. The internal view comes from the driver's personal perceptions, verbalizations, thoughts, decisions, emotions and feelings. By defining and discussing some of the internal impediments to safe driving (stress, fatigue, physical limitations, aggression or "road rage," and distraction/inattention) students will learn to recognize these impediments in themselves and how to substitute healthier and safer driving attitudes and behaviors.

##### **1. Driving and Stress**

As New Mexico's population grows, so does the number of drivers on the roads. The infrastructure to support new development can mean long lines of traffic in construction zones and limited options, especially around the interstates. These situations create stressful driving conditions. Other typical road related stresses include close calls, commuter traffic jams and hostility from other drivers.

According to *Psychology Today*, a textbook definition of stress is: “a condition or feeling experienced when an individual perceives that demands exceed the personal and social resources he or she is able to mobilize.” Canadian endocrinologist Hans Selye, credited with coining the term “stress”, said that there are two kinds of stress: one debilitates; the other drives achievement. The difference is largely about control. The levers of control become operational when we understand that we can’t change the situation, but we can change ourselves. When we accept responsibility for our stress, we have taken a big step toward dealing with it. Self-help lists are full of possibilities: breathe deeply, take up yoga, reduce caffeine, create a support group, work for a charity, reconnect with family, let go of hostility, start exercising. There is no magic bullet but the one thing they all have in common is action. They all reflect a determination not to sit and stare out the window as gurgling stress hormones hurt the body and corrode the soul. Stress is usually real. It’s warranted. But there is a choice. When you accept responsibility for stress, you own it. And when you own it, it can’t bring you down.

## 2. Fatigue

a. Long, straight stretches of roadway, such as we have in New Mexico, provide little stimulation or variety of sensory information for the brain to process. AAA Foundation for Traffic Safety reports in a nationally representative telephone survey of U.S. drivers conducted in the spring of 2010, 41 percent of drivers admit to having “fallen asleep or nodded off” while driving at some point in their lives, including 11 percent within the past year and 3.9 percent in the past month. More than one in four drivers admits to having driven when they were “so sleepy that [they] had a hard time keeping [their] eyes open” within the past month. According to reports from the National Highway Traffic Safety Administration, driver drowsiness and fatigue contributes to about 100,000 automobile accidents each year. Factors recognized as increasing the risk of drowsy driving and related crashes include:

- i. Sleep loss.
- ii. Driving patterns, including driving between midnight and 6 a.m.; driving a substantial number of miles each year and/or a substantial number of hours each day; driving in the midafternoon hours (especially for older persons); and driving for longer times without taking a break.
- iii. Use of sedating medications, especially prescribed anxiolytic hypnotics, tricyclic antidepressants, and some antihistamines.
- iv. Untreated or unrecognized sleep disorders, especially sleep apnea syndrome (SAS) and narcolepsy.
- v. Consumption of alcohol, which interacts with and adds to drowsiness.

These factors have cumulative effects; a combination of them substantially increases crash risk. The effects of driving drowsy, as indicated in the NHTSA study include:

- i. **Slower reaction time.** Sleepiness reduces optimum reaction times, and moderately sleepy people can have a performance-impairing increase in reaction time that will hinder stopping in time to avoid a collision. Even small decrements in reaction time can have a profound effect on crash risk, particularly at high speeds.
- ii. **Reduced vigilance.** Performance on attention-based tasks declines with sleepiness, including increased periods of non-responding or delayed responding.
- iii. **Deficits in information processing.** Processing and integrating information takes longer, the accuracy of short-term memory decreases, and performance declines. (See study, cited in resources, for complete information and research citations.)

### b. Recognizing Driver Fatigue

According to the CDC, be aware of warning signs of drowsy driving:

- i. Yawning or blinking frequently.
- ii. Difficulty remembering the past few miles driven.
- iii. Missing your exit.
- iv. Drifting from your lane.
- v. Hitting a rumble strip.

### c. **Methods of Reducing Driver Fatigue**

NHTSA suggests the following helpful behaviors:

- i. plan to get sufficient sleep,
- ii. caffeine in the form of gum or drinks,
- iii. don't drink even small amounts of alcohol, and
- iv. limit driving between midnight and 6 a.m.

As soon as a driver becomes sleepy, the key behavioral step is to stop driving—for example, letting a passenger drive or stopping to sleep before continuing a trip. Two remedial actions can make a short-term difference in driving alertness: taking a short nap (about 15 to 20 minutes) and consuming caffeine equivalent to two cups of coffee. The effectiveness of any other steps to improve alertness when sleepy, such as opening a window or listening to the radio, has not been demonstrated. There is an AAA Drowsy Driving Sleep quiz provided in the resource section at the end of the chapter.

### **3. Physical limitations and Older Drivers**

a. According to the CDC, in 2009 there were 33 million licensed drivers ages 65 and older in the United States. Driving helps older adults stay mobile and independent. The risk of being injured or killed in a motor vehicle crash increases with age, however, there are steps an older driver can take to help him driver safer and longer.

- i. In 2008, more than 5,500 older adults were killed and more than 183,000 were injured in motor vehicle crashes. This amounts to 15 older adults killed and 500 injured in crashes on average every day.
- ii. Per mile traveled, fatal crash rates increase starting at age 75 and increase notably after age 80. This is largely due to increased susceptibility to injury and medical complications among older drivers rather than an increased tendency to get into crashes.
- iii. Age-related declines in vision and cognitive functioning (ability to reason and remember), as well as physical changes, may affect some older adults' driving abilities.

b. Older adults can take several steps to stay safe on the road:

- i. Have frequent check-ups on eyesight and hearing. Over one third of all older persons experience hearing loss that makes it more difficult to hear in busy traffic. Visual problems can include increased sensitivity to glare, difficult changing focus from distant to near objects and vice versa, increased susceptibility to headlight glare and bright sunlight, and a decrease in sharpness of vision under certain lighting conditions.
- ii. Know the side effects of any drugs that have been prescribed. Many prescription drugs and even aspirin, when used extensively, can adversely influence vision. Talk to a pharmacist if you are unsure of potential drug interactions. The following American Society of Consultant Pharmacists website provides further information <http://medsandaging.com/>
- iii. Consider the option of improving driving skills by taking a recommended course, such as those offered by AAA, AARP or the National Safety Council. These have the added benefit of reducing insurance costs in some cases.

In New Mexico, all licenses expire 30 days after a driver's 75th birthday. Drivers over 75 must renew licenses annually but the license fee is waived. For an online assessment, see Drivers 65+ Self-Rating assessment: <https://www.aaafoundation.org/drivers-65>

For additional information on defensive driving classes, see:

American Automobile Association: <http://seniordriving.aaa.com>

American Association of Retired People: <http://states.aarp.org/category/new-mexico/aarp.org/driversafety>

National Safety Council: <http://www.safetyserve.com/ax/Default.aspx?st=nm>

For related laws, see <http://drivinglaws.aaa.com/category/us-motor-laws/new-mexico/>

## 4. Distracted Driving

### a. What is distracted driving?

Distraction occurs any time you take your eyes off the road, your hands off the wheel, or your mind off your primary task: driving safely. Any non-driving activity you engage in is a potential distraction and increases your risk of crashing.

The National Highway Traffic Safety Administration reports that 3,331 fatalities occurred in 2011 as a result of distracted driving and estimates an additional 387,000 people were injured because of distracted driving.

In April, 2013, U.S. Transportation Secretary Ray LaHood released voluntary distraction guidelines to reduce visual-manual distraction, the greatest safety risk to drivers in NHTSA's new study. The new guidelines encourage automobile manufacturers to limit the distraction risk connected to electronic devices built into their vehicles, such as communications, entertainment and navigation devices.

"Distracted driving is a deadly epidemic that has devastating consequences on our nation's roadways," said Secretary LaHood. "These guidelines recognize that today's drivers appreciate technology, while providing automakers with a way to balance the innovation consumers want with the safety we all need. Combined with good laws, good enforcement and good education, these guidelines can save lives."

Issued by the Department's National Highway Traffic Safety Administration (NHTSA), the voluntary guidelines establish specific recommended criteria for electronic devices installed in vehicles at the time they are manufactured that require drivers to take their hands off the wheel or eyes of the road to use them.

The guidelines include recommendations to limit the time a driver must take his eyes off the road to perform any task to two seconds at a time and twelve seconds total.

### b. NHTSA Driver Distraction Guidelines for In-Vehicle Electronic Devices

The term "driver distraction," as used in these guidelines, refers to a specific type of inattention that occurs when drivers divert their attention away from the driving task to focus on another activity. In general, distractions derive from a variety of sources including electronic devices, such as navigation systems and cell phones, as well as conventional distractions such as sights or events external to the vehicle, interacting with passengers, and eating. These distracting tasks can affect drivers in different ways, and can be categorized into the following types:

- i. **Visual distraction:** Tasks that require the driver to look away from the roadway to visually obtain information.
- ii. **Manual distraction:** Tasks that require the driver to take a hand off the steering wheel and manipulate a device.
- iii. **Cognitive distraction:** Tasks that require the driver to avert their mental attention away from the driving task.

The impact of distraction on driving is determined from multiple criteria: the type and level of distraction, the frequency and duration of task performance, and the degree of demand associated with a task. Even if performing a task results in a low level of distraction, a driver who engages in it frequently, or for long durations, may increase the crash risk to a level comparable to that of a more difficult task performed less often.

NHTSA is concerned about the effects of driver distraction on motor vehicle safety. Crash data show that 17 percent (an estimated 899,000) of all police-reported crashes involved some type of driver distraction in 2010. Of those 899,000 crashes, distraction by a device or control integral to the vehicle was reported in 26,000 crashes (3percent of the distraction-related police-reported crashes).

The NHTSA Guidelines are based upon a number of fundamental principles. These principles include:

- a. The driver's eyes should usually be looking at the road ahead,
- b. The driver should be able to keep at least one hand on the steering wheel while performing a secondary task (both driving-related and non-driving related),
- c. The distraction induced by any secondary task performed while driving should not exceed that associated with a baseline reference task (manual radio tuning),
- d. Any task performed by a driver should be interruptible at any time,
- e. The driver, not the system/device, should control the pace of task interactions, and
- f. Displays should be easy for the driver to see and content presented should be easily discernible.

The NHTSA Guidelines list certain secondary tasks believed by the agency to interfere inherently with a driver's ability to safely control the vehicle. These include activities that are discouraged by public policy and, in some instances, prohibited by Federal regulation and State law (e.g., entering or displaying text messages), activities identified in industry driver distraction guidelines which NHTSA agrees are likely to distract drivers significantly (e.g., displaying video or automatically scrolling text), and activities that are extremely likely to be distracting due to their very purpose of attracting visual attention but whose obvious potential for distraction cannot be measured using a task timing system because the activity could continue indefinitely (displaying video or certain images). The NHTSA Guidelines refer to these activities as "per se lock outs." The NHTSA Guidelines recommend that in-vehicle devices be designed so that they cannot be used by the driver to perform these inherently distracting activities while driving. The list of activities considered to inherently interfere with a driver's ability to safely operate the vehicle includes:

- a. displaying video not related to driving;
- b. displaying certain graphical or photographic images;
- c. displaying automatically scrolling text;
- d. manual text entry for the purpose of text-based messaging, other communication, or internet browsing; and
- e. displaying text for reading from books, periodical publications, web page content, social media content, text-based advertising and marketing, or text-based messages.

These recommendations are not intended to prevent the display of images related to driving such as simple, two-dimensional map displays for the purpose of navigation and images for the purpose of aiding a driver in viewing blind areas around a vehicle, as long as they are displayed in a safe manner.

NHTSA has opted to pursue nonbinding, voluntary guidelines rather than a mandatory Federal Motor Vehicle Safety Standard (FMVSS). NHTSA explained in the Initial Notice that voluntary guidelines are appropriate at this time because of the need for additional research on distraction and its effects on driving and because of the rapid pace of technology changes in the area of in-vehicle electronic devices. The agency also noted concerns with the

sufficiency of existing data to estimate the benefits of an in-vehicle electronic device regulation and that driver distraction testing involves drivers with inherent individual differences. These individual differences present new challenges to NHTSA in terms of developing repeatable, objective test procedures to determine conformance. After carefully considering all of the comments, NHTSA continues to believe that voluntary guidelines are the appropriate action to take at this time in order to reduce the potential for driver distraction.

## **5. Aggressive Driving and Road Rage**

a. Aggressive driving has become a serious problem on our roadways. What is aggressive driving? Most of us know it when we see it, but NHTSA, after discussions with law enforcement and the judiciary, defines aggressive driving as occurring when "an individual commits a combination of moving traffic offenses so as to endanger other persons or property."

**b. Road rage differs from aggressive driving.** It is a criminal offense and is "an assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of one motor vehicle on the operator or passenger(s) of another motor vehicle or is caused by an incident that occurred on a roadway."

Some behaviors typically associated with aggressive driving include:

- i. exceeding the posted speed limit,
- ii. following too closely,
- iii. erratic or unsafe lane changes,
- iv. improperly signaling lane changes,
- v. failure to obey traffic control devices (stop signs, yield signs, traffic signals, railroad grade cross signals, etc.).

Law enforcement agencies should include red light running as part of their definition of aggressive driving.

NHTSA calls the act of red light running as one of the most dangerous forms of aggressive driving.

## **c. What to do when confronted with aggressive drivers**

- i. Get out of the way. Safely and quickly put distance between yourself and the aggressive driver.
- ii. Put your pride aside. Do not challenge them by speeding up or attempting to hold-your-own in your lane.
- iii. Avoid eye contact. Eye contact can sometimes enrage an aggressive driver.
- iv. Gestures. Ignore gestures and refuse to return them.
- v. Report serious aggressive driving. You or a passenger may call the police. But, if you use a cell phone; pull over to a safe location.
- vi. Pull over into a public place. You should not go back to your home if they are pursuing. Often it is better to drive in circles so that the pursuer has time to cool down and lose interest.

There is an Aggressive Driving Stress Profile, under Resources, at the end of this chapter. NHTSA has a brochure available in Spanish and English:

<http://www.nhtsa.gov/people/injury/aggressive/Aggressive%20Web/pdf/Brochure.pdf>

**Activity:** Have the students take the AAA Aggressive Driving Stress Profile Quiz to measure and recognize their own hostility on the road (<http://www.aaafoundation.org/quizzes/index.cfm?button=aggressive>).



## Suggested Review Questions

**Question #1: Name 3 driving conditions that can cause stress.**

**Answer:** Traffic in construction zones, close calls, and hostility from other drivers.

**Question #2: Name 3 effects of driving drowsy.**

**Answer:** Slower reaction time, reduced vigilance, and problems processing information.

**Question #3: Name 3 warning signs of drowsy driving:**

**Answer:** Yawning or blinking frequently, difficulty remembering the past few miles driven, drifting from your lane, hitting a rumble strip, missing your exit.

**Question #4: What is the definition of an aggressive driver?**

**Answer:** An individual who commits a combination of moving traffic offenses so as to endanger other persons or property.

**Question #5: Name 3 things you can do when confronted with aggressive drivers**

**Answer:** Safely and quickly put distance between yourself and the aggressive driver, do not challenge them, avoid eye contact, ignore gestures, report the aggressive driver to the police, pull over into a public place.

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## Resources

The following resources include informational websites, class information and quizzes.

Aggressive Driving Stress Profile:

<http://www.aaafoundation.org/are-you-aggressive-driver>

NHTSA Brochure on Aggressive Driving:

<http://www.nhtsa.gov/people/injury/aggressive/Aggressive%20Web/pdf/Brochure.pdf>

NHTSA Study on Drowsy Driving:

[http://www.nhtsa.gov/people/injury/drowsy\\_driving1/drowsy.html](http://www.nhtsa.gov/people/injury/drowsy_driving1/drowsy.html)

Drowsy Driving Study, AAA Foundation for Traffic Safety:

[https://www.aaafoundation.org/sites/default/files/2010DrowsyDrivingReport\\_1.pdf](https://www.aaafoundation.org/sites/default/files/2010DrowsyDrivingReport_1.pdf)

CDC Asleep at the Wheel: <http://www.cdc.gov/Features/dsdrowsydriving/index.html>

Drowsy Driving Sleep Quiz: <http://www.aaafoundation.org/quizzes/index.cfm?button=drowsyquiz>

Drowsy Driving Info for Teens: <http://www.nationalroadsafety.org/pdf/RDDGuide2.pdf>

Drivers 65+ Self-Rating Assessment: <https://www.aaafoundation.org/drivers-65>

*For additional information on defensive driving classes, see:*

American Automobile Association: <http://seniordriving.aaa.com>

American Association of Retired People: <http://states.aarp.org/category/new-mexico/aarp.org/driversafety>

National Safety Council: <http://www.safetyserve.com/ax/Default.aspx?st=nm>

For related laws, see <http://drivinglaws.aaa.com/category/us-motor-laws/new-mexico/>

For information about distracted driving, go to <http://www.distraction.gov/content/get-the-facts/faq.html>

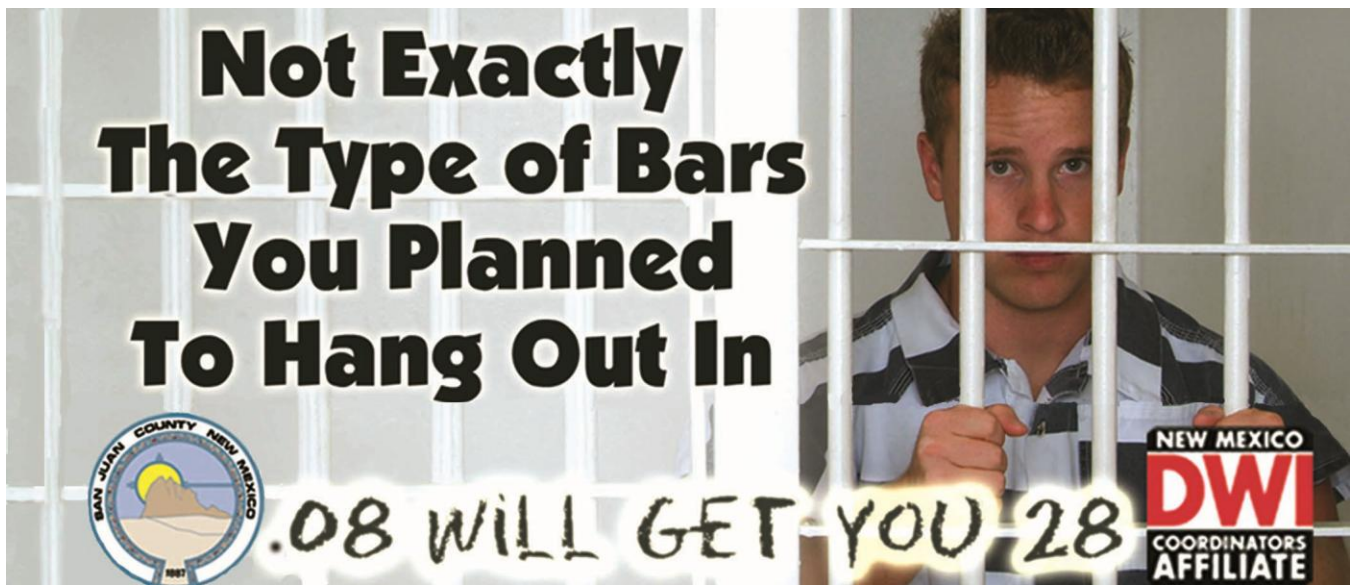
For the full text of this set of recommendations, released in April 2013, go to

[http://www.distraction.gov/download/distracted\\_guidelines-FR\\_04232013.pdf](http://www.distraction.gov/download/distracted_guidelines-FR_04232013.pdf).

*The Impact of Driver Inattention On Near-Crash/Crash Risk: An Analysis Using the 100-Car Naturalistic Driving Study Data.* DOT HS 810 594 April 2006

Pages 131-135 include a list of typical secondary tasks identified during the study.

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## Unit 2 - The Driver

### Chapter 7 - Driving Under the Influence

#### Objectives

Students should understand, both emotionally and intellectually, that driving under the influence of alcohol or other drugs is dangerous and illegal, expensive and humiliating and that there are alternatives. Students will review the effects of alcohol on the body and notice the signs of alcoholism and its relationship to DWI offenses. Students should be able to explain why people drink and drive.

This chapter should sensitize students to the need to find alternatives to driving while under the influence of alcohol or other drugs. They should recognize that driving is a privilege and be able to explain why drivers should only drive when alert and unimpaired.

A summary of the laws is included to inform students about the penalties that apply to drivers who ignore the prohibition on DWI. The primary purpose of such laws is to deter drinking and driving, rather than to punish it. Therefore, students must understand what the laws provide, and how they will be enforced.

#### Course Outline

1. **Description of the problem:**
  - a. In the U.S. on average, nearly 12,000 people die every year in DUI-related accidents. 900,000 are arrested each year for DUI/DWI and a full 1/3 of those are repeat offenders.
  - b. In 2012, 9,741 New Mexicans were arrested for DUI. There were 97 fatalities due to drunk driving, representing 27 percent of all total traffic deaths, a 6.7 percent decrease from 2011.

- c. New Mexico is reaping benefits of passing an all-offense interlock law in 2005. Drunken driving deaths have decreased by 33 percent, well above the national average.
- d. In 2011, 60percent of all alcohol-involved crashes occurred from 6 p.m. to 3 a.m. Over half (57 percent) of all alcohol-involved crashes occurred Friday to Sunday. Male drivers were 72 percent of all alcohol-involved drivers in crashes in 2011. 79 percent of fatalities in alcohol-involved crashes were male.
- e. Motorcycles were involved in 5percent of all alcohol-involved crashes. 80 percent of all pedestrians in alcohol-involved crashes were alcohol-involved themselves. Ninety-five percent of all pedal cyclists in alcohol-involved crashes were alcohol-involved themselves.
- f. New Mexico is one of the poorest states in the U.S. It is one of the lower states in median household income and in people living below the poverty level (2007-2009, U.S. Census Bureau information). There is a link between poverty and alcoholism, and a strong link between alcoholism and repeat DWI offenses.
- g. DWI becomes more of a problem as youth get older (18-20) than for younger adolescents (15-18) but the attitudes about drinking and driving are formed throughout adolescence. Youth who start drinking before age 15 years are five times more likely to develop alcohol dependence or abuse later in life than those who begin drinking at or after age 21 years. Use of alcohol and other drugs is associated with all three of the leading causes of death and injury among teenagers and young adults (under 21):
  - i. Motor vehicle crashes
  - ii. Homicides
  - iii. Suicides
- h. Although drinking by persons under the age of 21 is illegal, people aged 12 to 20 years drink 11 percent of all alcohol consumed in the United States. More than 90percent of this alcohol is consumed in the form of binge drinks.

*Activity:* Bring this problem to students by asking them to discuss any personal stories about how DWI has affected them. Instructor could assign this as take-home work and collect the personal stories for future classes.

## 2. Attitudes about driving after drinking.

- a. **Changing the attitudes of drivers, especially youthful drivers, may be the single most important and difficult task for the driving instructor.** A cooperative attitude on the road rather than a competitive attitude is of major importance, as are attitudes that emphasize responsibilities rather than rights. Attitudes that normalize drinking and driving are very harmful. Examples of harmful attitudes include:
  - i. “I can drive better after drinking a few than most people can drive sober.”
  - ii. “If I drive slowly, it doesn’t matter.”
  - iii. “I’ve done it a hundred times -- I’ve gotten good at it.”
  - iv. “It won’t happen to me -- I’m a very careful driver.”
  - v. “Everyone in my family has been popped for DWI at least once. It’s no big deal.”

*Activity:* Ask students to add to this list similar dangerous attitudes they’ve held or heard others express and why having such an attitude can be harmful.

## 3. Effects of impaired states of alertness.

Alertness is fundamental to attention. Novices should be able to identify a range of possible levels of alertness and the internal states and external factors that affect alertness. They should be able to assess and recognize symptoms of fatigue, preoccupation, and substance effects. They should be able to criticize folk remedies for drivers' alertness problems (e.g., showers and coffee) and identify valid measures for avoiding

impaired driving.

**4. Why do people drink?**

- a. **Advertising's effects.** Over two billion dollars is spent each year to advertise alcohol. It's important to get students to look at the role advertising plays in why people drink:
- b. **Adolescent reasons.** New Mexico youth were surveyed in 2010 about why they drank alcohol, and the top four reasons were: peer pressure, lack of parental guidance, availability of alcohol, lack of other things to do.
- c. **To get high.** Or, to relax, to be in an altered state, to try on a different personality. For fun. To ignore these reasons is to be stuck with your head in the sand.
- d. **To escape problems.** This almost never works.
- e. **They are addicted and cannot stop.** This is called alcoholism -- about 10 percent of adult drinkers in the U.S. are considered alcoholics (see 6b below for definition of alcoholism.)

**5. Health effects of heavy and chronic drinking. Prolonged heavy drinking:**

- a. **Causes harm to virtually every organ and system in the body.**
- b. **Is the single most important cause of illness and death from liver disease** (alcoholic hepatitis and cirrhosis).
- c. **Is associated with cardiovascular diseases** such as cardiomyopathy, hypertension, arrhythmias, and stroke.
- d. **Contributes to approximately 65percent of all cases of pancreatitis.**
- e. **Depresses the immune system** and results in a predisposition to infectious diseases, including: respiratory infections, pneumonia, and tuberculosis.
- f. **Increases risk for cancer.** In 2007, a working group of experts convened by the World Health Organization's International Agency for Research on Cancer (IARC) reviewed the scientific evidence on alcohol and cancer risk for 27 different anatomic sites. They found evidence that drinking alcohol causes cancers of the mouth, pharynx, larynx, esophagus, liver, colon, rectum, and female breast. Compared to non-drinkers, there is a 10 to 12 percent higher risk of female breast cancer associated with each drink per day. And for cancers of the mouth, larynx, and esophagus, when people drink and use tobacco, the risks are combined to be greater than either tobacco use or alcohol use alone!
- g. **Can lead to inadequate functioning of the testes and ovaries**, resulting in hormonal deficiencies, sexual dysfunction and infertility. The risk for long-term erectile dysfunction has been linked to chronic heavy use of alcohol. Studies show that men who are dependent on alcohol have a 60 to 70 percent chance of suffering from sexual problems (<http://www.niaaa.nih.gov/publications>).
- h. **Damages developing babies.** Fetal Alcohol Spectrum Disorders (FASDs) affect an estimated 40,000 babies every year in the United States. These effects can include physical problems and problems with behavior and learning. FASDs happen only when a pregnant woman consumes alcohol. The alcohol in a pregnant woman's body crosses into the baby's blood, which can damage the brain and lead to an FASD. Current research shows that no amount of alcohol is safe to drink at any time during pregnancy. See <http://www.cdc.gov/NCBDDD/fasd/facts.html> for more information.

**6. Driving under the influence of alcohol or other drugs:**

- a. **DWI defined.** The DWI problem is defined as *driving while under the influence* or *driving while impaired*. You don't have to be "drunk" to be impaired. Even small amounts of alcohol impair the skills involved in driving. Many people feel free to drive after drinking because they don't feel "drunk." The law prohibits driving while under the influence of ANY drug, *including drugs prescribed by a doctor*. A recent study conducted at the University of Iowa found that antihistamines (in particular, diphenhydramine, the type of drug found in Benadryl) has a greater effect on driving than a few drinks.
- b. **DWI and alcoholism.** Alcoholism is at the root of the problem for most multiple DWI offenders.

*Definition of Alcoholism:* a primary, chronic disease characterized by continuous or periodic:

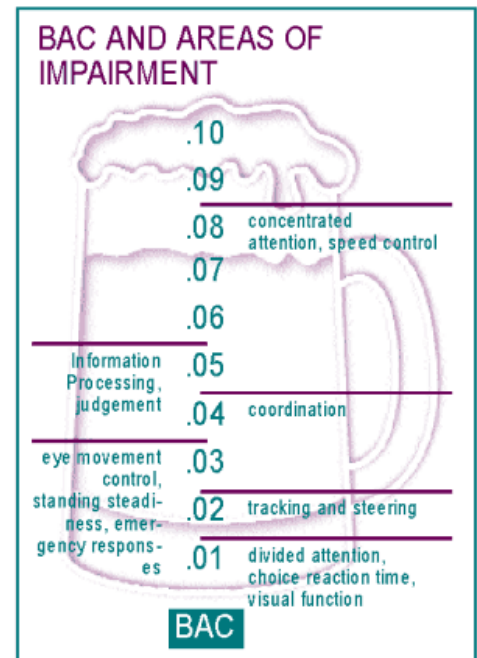
- Impaired control over drinking,
- Preoccupation with the drug alcohol,
- Use of alcohol despite adverse consequences, and
- Distortions in thinking, most notably denial.

The disease is often progressive and fatal. (From the National Council on Alcoholism and Drug Dependence, Inc. (NCADD).)

- c. **Impairment:** The probability of a crash increases at any BAC (blood alcohol content) higher than zero. In fact, a BAC as low as 0.02, alcohol affects driving ability. The probability of a crash begins to increase significantly at 0.05 BAC and climbs rapidly after about 0.08. **For drivers with BACs above 0.15 on weekend nights, the likelihood of being killed in a single vehicle crash is more than 380 times higher than it is for nondrinking drivers.** Although drivers with BACs at or above 0.10 represent only 17 percent of all drinking drivers on weekend nights, they represent 85 percent of the fatally injured drivers who had been drinking.

d. **What does .08 mean?**

- i. The scientific definition of .08 is .08 grams of alcohol in 210 liters of breath, or .08 grams of alcohol in 100 milliliters of blood.
- (1) Virtually all drivers are substantially impaired at .08 BAC. Laboratory and test track research shows the vast majority of drivers, even experienced drinkers, are impaired at .08 with regard to critical driving tasks. There are significant decreases in performance in braking, steering, lane changing, judgment and divided attention at .08 BAC. Studies report that performance decrements in some of these tasks are as high as 60percent-70percent at .08 BAC. Research by the Insurance Institute for Highway Safety indicates the relative risk of being killed in a single vehicle crash for drivers at BACs between .05 and .09 is 11 times that of drivers at .00 BAC (no alcohol).
  - (2) A .08 BAC is not typically reached with a couple of beers after work or a glass or two of wine with dinner. The average 170 pound male would have to consume more than four 12oz. cans of beer within one hour on an empty stomach to reach .08 BAC. The average 137 pound female would need at least three cans of beer in one hour on an empty stomach to reach that level. That female driver would need four drinks over a two hour period to get above .08 BAC and the male would need five drinks.
  - (3) The effects of alcoholic drinks vary greatly because the rate that alcohol is absorbed into the blood differs from person to person. Other factors, such as the amount of food in the stomach, age, sex, weight, health also affect alcohol absorption.
  - (4) It takes an average body in good health about an hour to metabolize the alcohol of one drink out of the blood. A recent study suggests that *women metabolize alcohol less efficiently than men*, a difference that leads to higher blood alcohol concentrations in women over a shorter period of time. This difference may make women more vulnerable than men to alcohol-induced liver damage (NIAAA, Eighth Special Report).
- ii. The legal definition of .08: The State of New Mexico has outlawed driving with an amount of alcohol in the blood equal to .08 or greater -- it's not necessary to prove that the driver is impaired or that they intended to commit the crime of driving while impaired.



There is no legal standard for other drugs like the alcohol standard of .08, but a person who is

- impaired and has been ingesting drugs can be convicted of DWI by drugs.
- iii. Most other industrialized nations have set BAC limits at .08 or lower and have had these laws in place for many years. For example, Canada, Great Britain, and New Zealand each have adopted a legal limit of .08 BAC. Australia has a limit of .05 BAC, along with countries such as France, Belgium, Austria, Germany and Switzerland. Sweden set its limit at .02 BAC.

## 7. Overview of the laws and the DWI process.

- a. **Introduction.** New Mexico has GOOD laws to combat DWI. When there has been good enforcement by officers and effective prosecution, with appropriate sentencing by judges, and follow-up by a probation department or other agency, DWI becomes costly, draining and time-consuming *to the offender*. If there is a breakdown during any of this process, offenders and others get the idea that “nothing happens.”
- b. **Sobriety checkpoints.** Over the last few years, New Mexico has greatly increased the chances that a person who has been drinking or taking drugs will be caught through a series of stepped up law enforcement programs, including the sobriety checkpoint program known as Operation DWI.
- c. **Administrative license revocation (ALR).** New Mexico has TWO separate processes for handling a DWI arrest. ALR is a civil **not** criminal process where the state takes away the license for between 90 days and 1 year. (After 3 convictions in 10 years, the state will refuse to license the offender for 10 years.)
  - i. Under the state’s licensing law, drivers automatically give the state permission to chemically test their blood or breath for drugs. If you refuse the test, you lose your license for a year (see aggravated DWI below). If you have an alcohol content greater than the .08 standard provided for in the law (.02 for those under 21), you automatically lose your license for a year (90 days on a first offense, 6 months for under 21 first offense).
  - ii. The police officer, who believes there is a good reason to arrest you (the legal standard is called *probable cause to arrest*) for DWI, will test your blood or breath or both. If your BAC tests at .08 or above, the officer will take your license and the Motor Vehicle Division will revoke your privilege to drive for a year (six months on a first offense if you attend DWI school). This is separate and independent of any criminal action. If your BAC is under .08, you could still be convicted of DWI in the courts.
  - iii. Offenders are entitled to a hearing with the MVD on a limited number of issues if they ask for it **within 10 days**. Very few offenders get their licenses back through this hearing process. If an offender does get their license back as a result of the MVD hearing, there is no guarantee that they won’t be convicted and lose it during the criminal trial, which is an entirely separate process.
- d. **Criminal charges and trial.** This is a separate process entirely from administrative license revocation. The state prosecutes the offender in court. An offender may hire an attorney, or waive that right. If an offender cannot afford an attorney, one will be appointed. A DWI fourth offense or higher is a felony.
  - i. A conviction for DWI carries the following penalties:
    - (1) 1-year license revocation (six months on a first offense if the offender attends DWI school);
    - (2) Mandatory alcohol screening, which is a test to determine if the offender has drinking problems and mandatory treatment on any subsequent offense.
    - (3) Fines, up to \$1,000 for a misdemeanor and \$5,000 for a felony;
    - (4) Mandatory jail time on all but a first offense, up to 364 days for a misdemeanor and three years for a felony.
    - (5) Mandatory ignition interlock and an interlock license after any offense. (An ignition interlock is a device, like a breathalyzer, that is installed on a motor vehicle. Before the vehicle's motor can be started, the driver first must exhale into the device; if the resultant



breath-alcohol concentration analyzed result is greater than the programmed blood alcohol concentration, the device prevents the engine from being started.) This interlock license means that you can only drive a car equipped with an interlock. In order to reinstate an unrestricted (non-interlock) license after your period of required interlock, you must show the MVD that you've used an interlock for at least six months. After three DWI convictions, the state will require that you have an interlock license for the rest of your life—and this will follow you even if you move to another state.

In addition to these penalties, the offender faces increased auto insurance rates, legal fees, treatment and counseling costs and a \$100 reinstatement fee for their license that's been revoked for DWI.

- ii. An aggravated DWI conviction brings higher penalties. Aggravated DWI consists of:
    - (1) Refusing the breath or blood test; OR
    - (2) Driving when your blood alcohol content is .16 or higher; OR
    - (3) Causing bodily injury to someone while DWI.
  - iii. Driving when your license has been revoked for DWI results in another year license revocation, 364 days jail time (with mandatory jail sentence of seven days), and possible \$1,000 fine (mandatory \$300 fine).
- e. Vehicular Homicide**
- i. Vehicular homicide carries special penalties for killing someone while driving impaired.
    - (1) Up to six years imprisonment (third degree felony). Every prior DWI conviction adds an extra four years mandatory imprisonment for each death or great bodily injury caused.
    - (2) Up to a \$5,000 fine.
    - (3) License revocation for up to 1 year (no limited or interlock license permitted.)

## 8. Reporting Drunk Drivers in New Mexico

- If you suspect someone is driving under the influence in New Mexico, call the toll free hotline 877-394-4258, use the cell phone convenience key #394 or #DWI, or dial 911 to report the driver.
- Give the operator as much specific information as possible, including the vehicle's location, license plate number, type, color, the direction it was heading, and why you suspect the driver is inebriated.
- See: <http://www.endwi.com/> for more information on the ENDWI program.

### Activity: Victim for an Hour

The following exercise is designed to encourage students to personalize DWI by becoming “victims” of DWI for one hour. The instructor asks students to divide a piece of paper into three pieces. Have them write the names of the three most important people in their lives, one name on each slip of paper. Fold up the slips, shuffle them and select one randomly.

1. With each student looking at the name of the person just selected, ask students to imagine that they’ve just learned that a drunk driver has killed that person. Ask the following questions as a way of launching the discussion:

- (1) How would you feel toward the drunk driver who killed your friend, girlfriend, or father? How would you feel if the drunk driver said there was no way to avoid the crash because it was *just an accident*?
- (2) What should be done to the driver who killed your loved one? How much jail? How much in fines? What else?
- (3) What would you like to say to the drunk driver? What would you want to hear the driver say to you, if anything?
- (4) Imagine your life for that week: List the things you would have to do. (Some possibilities: identify the body; pick out flowers and a coffin; take out a loan for a funeral; notify your loved ones of the death; think of the things you wished you had said to your loved one that day; how to get through the depression of never seeing the person again.)
- (5) Write a poem or a letter to your “dead” loved one. What would you say?

Because the instructor is asking students to become victims of DWI for an hour, it’s important to accept all their feelings, including negative ones, without judgment. For instance, someone might say, “I’d like to get a gun” or “I’d want to go out and beat the guy up” Or students might be numb, or they might relate a real experience in their lives about DWI. The goal of this exercise is to help students relate empathetically to DWI victims thereby helping them to avoid victimizing anyone themselves. It’s important for the instructor to help them work through these feelings as well. (There are many good books available if the instructor wants to find out more about the grieving process.)

2. After completing this exercise, ask the students to imagine that THEY were driving while impaired and killed this person. Ask the following questions:

- (1) How would you feel afterward?
- (2) What should happen to *you* as punishment? How much jail? How much in fines? What else?
- (3) What would you like to say to the person you killed? What would you say to their family?

*Something for the students to think about:* Drunk drivers often kill those they love. Many kill themselves. Undoubtedly, the ones who survive the tragedy wish desperately they could be where YOU are now -- A new driver, with no black marks. No homicide on their conscience, no apologies to make, no regrets, no “If onlys.”

3. The third part of this exercise is to launch a discussion of some realistic strategies to avoid driving after drinking, keeping in mind that sometimes you have to make your plans (designated driver, taking the bus, etc.) *before* drinking begins. This will be more difficult in an underage group because it can leave the instructor open to criticism of condoning underage drinking. However, the importance of talking about this subject outweighs the criticism it may engender.

The instructor can collect ideas from one class to the next. Reading the ideas of a previous class is one way to get the discussion going and it's instructive for people who study this problem to collect information about what youthful drivers think about this issue.

(Thanks to Mothers Against Drunk Driving, New Mexico and Albuquerque Chapters, for allowing us to reprint this exercise here.)

For further information on grief counseling, call your local chapter of Mothers Against Drunk Driving (MADD). Depending on the group, they may be able to speak to your class. Or, you can reach the MADD New Mexico statewide office at (505) 255-2955. They also have resources for victims which can be accessed through their website at <http://www.madd.org/>.

## Suggested Review Questions

**Question #1: Which of the following circumstances contribute to DWI?**

- (a) Alcoholism
- (b) Dependence on automobiles without transportation alternatives
- (c) Coffee and a hot shower
- (d) Attitudes that emphasize rights over responsibilities
- (e) Suicidal impulses
- (f) All of the above

**Answer:** (f) All of these things contribute to people getting into a car after they've had too much to drink. Folk tales like those mentioned in (c) encourage clean, wide-awake drunks to drive.

**Question #2: What are the three biggest killers of young people under 21?**

**Answer:** (1) motor-vehicle crashes, (2) homicides, and (3) suicides in that order. Alcohol is implicated in all three much of the time.

**Question #3: What does .08 mean legally?**

- (a) You aren't impaired until you're .08
- (b) When you reach .08 science shows you cannot drive safely.
- (c) It doesn't matter whether or not you're impaired at .08, you may not drive when the amount of alcohol in your blood reaches that level.
- (d) .08 is the first level at which an officer can legally tell that a driver is drunk.

**Answer:** (c) It is illegal to drive at .08 or over -- with no need to prove impairment. (Most people are impaired WELL UNDER that level.) (b) is true, but it's not the legal definition of .08.)

**Question #4: True or False: If your breath test is below .08, you cannot be convicted of DWI.**

**Answer:** False. You can be convicted of DWI at .00 BAC if it can be proven that you were impaired by some other drug. A blood test that shows you had ingested drugs, combined with evidence of impairment can result in a conviction for DWI.

**Question #5: Which of the following best describes the use of the .02 BAC standard:**

- (a) .02 or greater provides the evidence to convict someone under 18 of DWI.
- (b) .02 or greater allows the state to immediately revoke your license if you are under 21
- (c) Like the .08 standard for adults, .02 or greater avoids the necessity of proving impairment in a criminal trial for persons under 21.
- (d) None of the above

**Answer:** (b) .02 allows the state to revoke the license of anyone under 21 in an administrative (not criminal) action. At the criminal trial for DWI, the per se standard is the same for everyone, .08. However, as noted above, a person may still be convicted of DWI under .08 if impairment is proven.

**Question #6: All of the following are ways to avoid drinking and driving EXCEPT:**

- (a) Designate a driver
- (b) Walk or take the bus
- (c) Stay at home and drink alone
- (d) Drink tea
- (e) Invite everyone to your house for a keg

**Answer:** (e) YOU might not be drinking and driving, but your friends will. (e) will be true if you take everyone's

keys and have a campout at your house. As a Social Host, you are liable for events caused by you serving alcohol in your home.

**Question #7: Which of the following will never result from a DWI conviction?**

- (a) Imprisonment of 364 days
- (b) \$5,000 fine
- (c) Having your privilege to drink revoked
- (d) The loss of your license for 10 years
- (e) Alcohol treatment
- (f) All of these things could happen

**Answer:** (f) Although there is no law allowing the state to take away your drinking privilege as suggested by (c), judges sometimes let people out of jail only on the condition that they not drink alcohol.

**Question #8: It's important for a person charged with DWI to demonstrate, as a defense, that he or she didn't mean to do it, this will sometimes help avoid conviction.**

**Answer:** False. It doesn't matter what the person intended. DWI is extremely dangerous and is a crime whether or not you meant to do it.

**Question #9: Under what circumstances may you refuse a breath test in New Mexico?**

- (a) If you have been read your Miranda rights by the police.
- (b) If no felony crime has been committed.
- (c) You may refuse for any reason and no breath test will be allowed.
- (d) You must take the test no matter what.
- (e) None of the above.

**Answer:** (b) New Mexicans have the right to refuse the test as long as there is no evidence of a felony having been committed during the DWI (such as vehicular homicide or a robbery). However, if they are convicted of the DWI, the penalty will be higher if they refused the test. They also lose their license on the spot for a year if they refuse.

**Question #10: Which of the following factors will keep you from getting into a DWI crash?**

- (a) Having a job, since the highest percentage of heavy drinkers are unemployed adults and heavy drinkers are at higher risk for DWI.
- (b) Understanding that you and your loved ones could die if you drive drunk.
- (c) Practice drinking and driving in controlled circumstances so you get better at it.
- (d) Finding other ways to get around other than driving -- and not going out at night when most DWI crashes occur.
- (e) Wearing a safety belt.

**Answer:** None of the Above. Even people who don't drink and drive are killed by those who do. The truth is, everybody has to work on the problem because NONE of us are safe as long as ANY of us are doing it. (p.s. a safety belt won't keep you from getting into a crash, but it's the best thing around if one happens without your permission!)

## Resources

NMDOT Traffic Safety Division 2011 Annual DWI Report

Website: <http://www.unm.edu/~dgrint/reports/dwirep/dwir11.pdf>

CDC Fact Sheet on Underage Drinking, October 2012

Website: <http://www.cdc.gov/alcohol/fact-sheets/underage-drinking.htm>

AAA Foundation for Traffic Safety

607 14<sup>th</sup> Street NW Suite 201

Washington, DC 20005

Tel: 202-638-5944, Fax: 202-638-5943

Website: <http://www.aaafoundation.org/home/>

National Institute on Alcohol Abuse and Alcoholism (NIAAA)

5635 Fishers Lane, MSC 9304

Bethesda, Maryland 20892-9304

Website: <http://www.niaaa.nih.gov/>

U.S. Census Bureau: Statistical Abstract of the United States

Website: <http://www.census.gov/compendia/statab/>

Center for Disease Control and Prevention – Fetal Alcohol Spectrum Disorders

Website: <http://www.cdc.gov/ncbddd/fasd/index.html>

### TRAFFIC OFFENSES

#### **66-8-101. Homicide by vehicle; great bodily harm by vehicle. (2004)**

- A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.
- B. Great bodily harm by vehicle is the injuring of a human being, to the extent defined in Section 30-1-12 NMSA 1978, in the unlawful operation of a motor vehicle.
- C. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code [66-1-1 NMSA 1978] shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.
- D. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug, as provided in Subsection C of this section, and who has incurred a prior DWI conviction within ten years of the occurrence for which he is being sentenced under this section shall have his basic sentence increased by four years for each prior DWI conviction.
- E. For the purposes of this section, "prior DWI conviction" means:
  - (1) A prior conviction under Section 66-8-102 NMSA 1978; or
  - (2) A prior conviction in New Mexico or any other jurisdiction, territory or possession of the United States, including a tribal jurisdiction, when the criminal act is driving under the influence of alcohol or drugs.
- F. A person who willfully operates a motor vehicle in violation of Subsection C of Section 30-22-1 NMSA 1978 and directly or indirectly causes the death of or great bodily harm to a human being is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

#### **66-8-101.1. Injury to pregnant woman by vehicle. (1985)**

- A. Injury to pregnant woman by vehicle is injury to a pregnant woman by a person other than the woman in the unlawful operation of a motor vehicle causing her to suffer a miscarriage or stillbirth as a result of that injury.
- B. As used in this section:
  - (1) "Miscarriage" means the interruption of the normal development of the fetus, other than by a live birth and which is not an induced abortion, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception; and
  - (2) "Stillbirth" means the death of a fetus prior to the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy and which is not an induced abortion; and death is manifested by the fact that after the expulsion or extraction the fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord or definite movement of voluntary muscles.
- C. Any person who commits injury to pregnant woman by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code [Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978] shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.

#### **66-8-102. Driving under the influence of intoxicating liquor or drugs; aggravated driving under the influence of intoxicating liquor or drugs; penalties.**

- A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this state.
- B. It is unlawful for a person who is under the influence of any drug to a degree that renders the person

incapable of safely driving a vehicle to drive a vehicle within this state.

C. It is unlawful for:

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

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

D. Aggravated driving under the influence of intoxicating liquor or drugs consists of:

(1) driving a vehicle in this state with an alcohol concentration of sixteen one hundredths or more in the driver's blood or breath within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle;

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

(3) refusing to submit to chemical testing, as provided for in the Implied Consent Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, the driver was under the influence of intoxicating liquor or drugs.

E. A first conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than ninety days or by a fine of not more than five hundred dollars (\$500), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. Upon a first conviction pursuant to this section, an offender shall be sentenced to not less than twenty-four hours of community service. In addition, the offender may be required to pay a fine of three hundred dollars (\$300). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection K of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school", approved by the bureau and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or fails to comply with any other condition of probation, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Any jail sentence imposed pursuant to this subsection for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving under the influence of intoxicating liquor or drugs shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, any time spent in jail for the offense prior to the conviction for that offense shall be credited to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

F. A second or third conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than three hundred sixty-four days or by a fine of not more than one thousand dollars (\$1,000), or both; provided that if the sentence is suspended in whole or in part, the period of probation may extend beyond one year but shall not exceed five years. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

(1) upon a second conviction, an offender shall be sentenced to a jail term of not less than ninety-six consecutive hours, not less than forty-eight hours of community service and a fine of five hundred dollars (\$500). In addition to those penalties, when an offender commits aggravated driving under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than ninety-six consecutive hours. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional seven consecutive days in jail. A penalty imposed pursuant to this



paragraph shall not be suspended or deferred or taken under advisement; and

(2) upon a third conviction, an offender shall be sentenced to a jail term of not less than thirty consecutive days, not less than ninety-six hours of community service and a fine of seven hundred fifty dollars (\$750). In addition to those penalties, when an offender commits aggravated driving under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than sixty consecutive days. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

G. Upon a fourth conviction pursuant to this section, an offender is guilty of a fourth degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of eighteen months, six months of which shall not be suspended, deferred or taken under advisement.

H. Upon a fifth conviction pursuant to this section, an offender is guilty of a fourth degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of two years, one year of which shall not be suspended, deferred or taken under advisement.

I. Upon a sixth conviction pursuant to this section, an offender is guilty of a third degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of thirty months, eighteen months of which shall not be suspended, deferred or taken under advisement.

J. Upon a seventh or subsequent conviction pursuant to this section, an offender is guilty of a third degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of three years, two years of which shall not be suspended, deferred or taken under advisement.

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

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

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

The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

M. Upon a felony conviction pursuant to this section, the corrections department shall provide substance abuse counseling and treatment to the offender in its custody. While the offender is on probation or parole under its supervision, the corrections department shall also provide substance abuse counseling and treatment to the offender or shall require the offender to obtain substance abuse counseling and treatment.

N. Upon a conviction pursuant to this section, an offender shall be required to obtain an ignition interlock license and have an ignition interlock device installed and operating on all motor vehicles driven by the offender, pursuant to rules adopted by the traffic safety bureau. Unless determined by the bureau to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. The offender shall operate only those vehicles equipped with ignition interlock devices for:

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

section.

O. Five years from the date of conviction and every five years thereafter, a fourth or subsequent offender may apply to a district court for removal of the ignition interlock device requirement provided in this section and for restoration of a driver's license. A district court may, for good cause shown, remove the ignition interlock

device requirement and order restoration of the license; provided that the offender has not been subsequently convicted of driving a motor vehicle under the influence of intoxicating liquor or drugs. Good cause may include an alcohol screening and proof from the interlock vendor that the person has not had violations of the interlock device.

P. An offender who obtains an ignition interlock license and installs an ignition interlock device prior to conviction shall be given credit at sentencing for the time period the ignition interlock device has been in use.

Q. In the case of a first, second or third offense under this section, the magistrate court has concurrent jurisdiction with district courts to try the offender.

R. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory or possession of the United States or of a tribe, when that ordinance or law is equivalent to New Mexico law for driving under the influence of intoxicating liquor or drugs, and prescribes penalties for driving under the influence of intoxicating liquor or drugs, shall be deemed to be a conviction pursuant to this section for purposes of determining whether a conviction is a second or subsequent conviction.

S. In addition to any other fine or fee that may be imposed pursuant to the conviction or other disposition of the offense under this section, the court may order the offender to pay the costs of any court-ordered screening and treatment programs.

T. With respect to this section and notwithstanding any provision of law to the contrary, if an offender's sentence was suspended or deferred in whole or in part and the offender violates any condition of probation, the court may impose any sentence that the court could have originally imposed and credit shall not be given for time served by the offender on probation.

U. As used in this section:

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

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

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

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

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

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

#### **66-8-102.1. Guilty pleas; limitations. (2003)**

Where the complaint or information alleges a violation of Section 66-8-102 NMSA 1978, any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea of guilty to the violation of one of the subsections of Section 66-8-102 NMSA 1978, and no other disposition by plea of guilty to any other charge in satisfaction of the charge shall be authorized if the results of a test performed pursuant to the Implied Consent Act [66-8-105 NMSA 1978] disclose that the blood or breath of the person charged contains an alcohol concentration of:

A. Eight one hundredths or more; or

B. Four one hundredths or more if the person charged is driving a commercial motor vehicle.

#### **66-8-102.2. Municipal and county ordinances; unlawful alcohol concentration level for driving while under the influence of intoxicating liquor or drugs. (1993)**

No municipal or county ordinance prohibiting driving while under the influence of intoxicating liquor or drugs shall be enacted that provides for an unlawful alcohol concentration level that is different than the alcohol concentration levels provided in Subsections C and D of Section 66-8-102 NMSA 1978.

**66-8-102.3. Imposing a fee; interlock device fund created. (2010)**

A. A fee is imposed on a person convicted of driving under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978 or adjudicated as a delinquent on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or a person whose driver's license is revoked pursuant to the provisions of the Implied Consent Act [66-8-105 NMSA 1978], in an amount determined by rule of the traffic safety bureau of the department of transportation not to exceed one hundred dollars (\$100) but not less than fifty dollars (\$50.00) for each year the person is required to operate only vehicles equipped with an ignition interlock device in order to ensure the solvency of the interlock device fund. The fee shall not be imposed on an indigent person.

B. The "interlock device fund" is created in the state treasury. The fee imposed pursuant to Subsection A of this section shall be collected by the motor vehicle division of the taxation and revenue department and deposited in the interlock device fund.

C. All money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover part of the costs of installing, removing and leasing ignition interlock devices for indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978 or adjudications on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or driver's license revocations pursuant to the provisions of the Implied Consent Act or as a condition of parole, to install those devices in their vehicles. Provided that money is available in the interlock device fund, the traffic safety bureau shall pay, for one vehicle per offender, up to fifty dollars (\$50.00) for the cost of installation, up to fifty dollars (\$50.00) for the cost of removal and up to thirty dollars (\$30.00) monthly for verified active usage of the interlock device. The traffic safety bureau shall not pay any amount above what an offender would be required to pay for the installation, removal or usage of an interlock device.

D. Indigency shall be determined by the traffic safety bureau based on proof of enrollment in one or more of the following types of public assistance:

- (1) temporary assistance for needy families;
- (2) general assistance;
- (3) the supplemental nutritional assistance program, also known as "food stamps";
- (4) supplemental security income;
- (5) the federal food distribution program on Indian reservations; or
- (6) other criteria approved by the traffic safety bureau.

E. Any balance remaining in the interlock device fund shall not revert to the general fund at the end of any fiscal year.

F. The interlock device fund shall be administered by the traffic safety bureau of the department of transportation. No more than ten percent of the money in the interlock device fund in any fiscal year shall be expended by the traffic safety bureau of the department of transportation for the purpose of administering the fund.

**66-8-105. Implied Consent Act; short title. (1978)**

Sections 66-8-105 through 66-8-112 NMSA 1978 may be cited as the "Implied Consent Act."

**66-8-107. Implied consent to submit to chemical test. (1993)**

A. Any person who operates a motor vehicle within this state shall be deemed to have given consent, subject to the provisions of the Implied Consent Act [66-8-105 NMSA 1978], to chemical tests of his breath or blood or both, approved by the scientific laboratory division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978 as determined by a law enforcement officer, or for the purpose of determining the drug or alcohol content of his blood if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or drug.

B. A test of blood or breath or both, approved by the scientific laboratory division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978, shall be administered at the direction of a law

enforcement officer having reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor or drug.

**66-8-108. Consent of person incapable of refusal not withdrawn. (1978)**

Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by Section 66-8-107 NMSA 1978, and the test or tests designated by the law enforcement officer may be administered.

**66-8-109. Administration of chemical test; payment of costs; additional tests. (1993)**

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

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

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

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

E. If a person exercises his right under Subsection B of this section to have a chemical test performed upon him by a person of his own choosing, the cost of that test shall be paid by the law enforcement agency represented by the law enforcement officer at whose direction a chemical test was administered under Section 66-8-107 NMSA 1978.

**66-8-110. Use of tests in criminal actions or civil actions; levels of intoxication; mandatory charging. (2007)**

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

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

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

(2) an alcohol concentration of at least four one hundredths but less than eight one hundredths:

(a) no presumption shall be made that the person either was or was not under the influence of intoxicating liquor, unless the person is driving a commercial motor vehicle; and

(b) the amount of alcohol in the person's blood or breath may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor; or

(3) an alcohol concentration of four one hundredths or more and the person is driving a commercial vehicle, it shall be presumed that the person is under the influence of intoxicating liquor.

C. The arresting officer shall charge the person tested with a violation of Section 66-8-102 NMSA 1978 when the blood or breath of the person contains an alcohol concentration of:

(1) eight one hundredths or more; or

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

D. When a person is less than twenty-one years of age and the blood or breath of the person contains an alcohol concentration of two one hundredths or more, the person's driving privileges shall be revoked pursuant to the provisions of the Implied Consent Act.

E. If the test performed pursuant to the Implied Consent Act is administered more than three hours after the

person was driving a vehicle, the test result may be introduced as evidence of the alcohol concentration in the person's blood or breath at the time of the test and the trier of fact shall determine what weight to give the test result for the purpose of determining a violation of Section 66-8-102 NMSA 1978.

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

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

H. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor, the trial judge shall inquire into the past driving record of the person before sentence is entered in the matter.

**66-8-111. Refusal to submit to chemical tests; testing; grounds for revocation of license or privilege to drive. (2005)**

A. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code [66-1-1 NMSA 1978] refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 66-8-107 NMSA 1978, none shall be administered except when a municipal judge, magistrate or district judge issues a search warrant authorizing chemical tests as provided in Section 66-8-107 NMSA 1978 upon finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance, thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of alcohol or a controlled substance and that chemical tests as provided in Section 66-8-107 NMSA 1978 will produce material evidence in a felony prosecution.

B. The department, upon receipt of a statement signed under penalty of perjury from a law enforcement officer stating the officer's reasonable grounds to believe the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor or drugs and that, upon request, the person refused to submit to a chemical test after being advised that failure to submit could result in revocation of the person's privilege to drive, shall revoke the person's New Mexico driver's license or any nonresident operating privilege for a period of one year or until all conditions for license reinstatement are met, whichever is later.

C. The department, upon receipt of a statement signed under penalty of perjury from a law enforcement officer stating the officer's reasonable grounds to believe the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor and that the person submitted to chemical testing pursuant to Section 66-8-107 NMSA 1978 and the test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age, shall revoke the person's license or permit to drive or his nonresident operating privilege for a period of:

- (1) six months or until all conditions for license reinstatement are met, whichever is later, if the person is twenty-one years of age or older;
- (2) one year or until all conditions for license reinstatement are met, whichever is later, if the person was less than twenty-one years of age at the time of the arrest, notwithstanding any provision of the Children's Code [32A-1-1NMSA 1978]; or
- (3) one year or until all conditions for license reinstatement are met, whichever is later, if the person has previously had his license revoked pursuant to the provisions of this section, notwithstanding the provisions of Paragraph (1) of this subsection.

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

E. If the person subject to the revocation provisions of this section is a resident or will become a resident within one year and is without a license to operate a motor vehicle in this state, the department shall deny the issuance of a license to him for the appropriate period of time as provided in Subsections B and C of this section.

F. A statement signed by a law enforcement officer, pursuant to the provisions of Subsection B or C of this

section, shall be sworn to by the officer or shall contain a declaration substantially to the effect: "I hereby declare under penalty of perjury that the information given in this statement is true and correct to the best of my knowledge." The statement may be signed and submitted electronically in a manner and form approved by the department. A law enforcement officer who signs a statement, knowing that the statement is untrue in any material issue or matter, is guilty of perjury as provided in Section 66-5-38 NMSA 1978.

**66-8-111.1. Law enforcement officer agent for department; written notice of revocation and right to hearing. (2003)**

On behalf of the department, a law enforcement officer requesting a chemical test or directing the administration of a chemical test pursuant to Section 66-8-107 NMSA 1978 shall serve immediate written notice of revocation and of right to a hearing on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age. Upon serving notice of revocation, the law enforcement officer shall take the license or permit of the driver, if any, and issue a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the department issues the order following that hearing; provided that a temporary license shall not be issued to a driver without a valid license or permit. The law enforcement officer shall send the person's driver's license to the department along with the signed statement required pursuant to Section 66-8-111 NMSA 1978.

**66-8-112. Revocation of license or privilege to drive; notice; effective date; hearing; hearing costs; review. (2003)**

A. The effective date of revocation pursuant to Section 66-8-111 NMSA 1978 is twenty days after notice of revocation or, if the person whose driver's license or privilege to drive is being revoked or denied requests a hearing pursuant to this section, the date that the department issues the order following that hearing. The date of notice of revocation is:

(1) The date the law enforcement officer serves written notice of revocation and of right to a hearing pursuant to Section 66-8-111.1 NMSA 1978; or

(2) In the event the results of a chemical test cannot be obtained immediately, the date notice of revocation is served by mail by the department. This notice of revocation and of right to a hearing shall be sent by certified mail and shall be deemed to have been served on the date borne by the return receipt showing delivery, refusal of the addressee to accept delivery or attempted delivery of the notice at the address obtained by the arresting law enforcement officer or on file with the department.

B. Within ten days after receipt of notice of revocation pursuant to Subsection A of this section, a person whose license or privilege to drive is revoked or denied or the person's agent may request a hearing. The hearing request shall be made in writing and shall be accompanied by a payment of twenty-five dollars (\$25.00) or a sworn statement of indigency on a form provided by the department. A standard for indigency shall be established pursuant to regulations adopted by the department. Failure to request a hearing within ten days shall result in forfeiture of the person's right to a hearing. Any person less than eighteen years of age who fails to request a hearing within ten days shall have notice of revocation sent to his parent, guardian or custodian by the department. A date for the hearing shall be set by the department, if practical, within thirty days after receipt of notice of revocation. The hearing shall be held in the county in which the offense for which the person was arrested took place.

C. The department may postpone or continue any hearing on its own motion or upon application from the person and for good cause shown for a period not to exceed ninety days from the date of notice of revocation and provided that the department extends the validity of the temporary license for the period of the postponement or continuation.

D. At the hearing, the department or its agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers.

E. The hearing shall be limited to the issues:

- (1) Whether the law enforcement officer had reasonable grounds to believe that the person had been driving a motor vehicle within this state while under the influence of intoxicating liquor or drugs;
- (2) Whether the person was arrested;
- (3) Whether this hearing is held no later than ninety days after notice of revocation; and either
- (4) Whether:
  - (a) The person refused to submit to a test upon request of the law enforcement officer; and
  - (b) The law enforcement officer advised that the failure to submit to a test could result in revocation of the person's privilege to drive; or
- (5) Whether:
  - (a) The chemical test was administered pursuant to the provisions of the Implied Consent Act; and
  - (b) The test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age.

F. The department shall enter an order sustaining the revocation or denial of the person's license or privilege to drive if the department finds that:

- (1) The law enforcement officer had reasonable grounds to believe the driver was driving a motor vehicle while under the influence of intoxicating liquor or drugs;
- (2) The person was arrested;
- (3) This hearing is held no later than ninety days after notice of revocation; and
- (4) Either:
  - (a) The person refused to submit to the test upon request of the law enforcement officer after the law enforcement officer advised him that his failure to submit to the test could result in the revocation of his privilege to drive; or
  - (b) That a chemical test was administered pursuant to the provisions of the Implied Consent Act and the test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age.

G. If one or more of the elements set forth in Paragraphs (1) through (4) of Subsection F of this section are not found by the department, the person's license shall not be revoked.

H. A person adversely affected by an order of the department may seek review within thirty days in the district court in the county in which the offense for which the person was arrested took place. The district court, upon thirty days' written notice to the department, shall hear the case. On review, it is for the court to determine only whether reasonable grounds exist for revocation or denial of the person's license or privilege to drive based on the record of the administrative proceeding.

I. Any person less than eighteen years of age shall have results of his hearing forwarded by the department to his parent, guardian or custodian.

#### **66-8-135. Record of traffic cases. (2013)**

A. Every trial court judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.

B. The court shall notify the department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles.

C. Within ten days of the later of entry of a final disposition on a conviction for violation of the Motor Vehicle Code or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every trial court judge, including children's court judges, or the clerk of the court in which the entry of the final disposition occurred shall prepare and forward to the department an abstract of the record containing:

- (1) the name and address of the defendant;
- (2) the specific section number and common name of the provision of the NMSA 1978 or local law, ordinance or regulation under which the defendant was tried;
- (3) the plea, finding of the court and disposition of the charge, including a fine or jail sentence or both;
- (4) total costs assessed to the defendant;
- (5) the date of the hearing;
- (6) the court's name and address;
- (7) whether the defendant was a first or subsequent offender; and
- (8) whether the defendant was represented by counsel or waived the right to counsel and, if represented, the name and address of counsel.

D. The abstract of record prepared and forwarded under Subsection C of this section shall be certified as correct by the person required to prepare it. With the prior approval of the department, the information required by Subsection C of this section may be transmitted electronically to the department. A report need not be made of any disposition of a charge of illegal parking or standing of a vehicle except when the uniform traffic citation is used.

E. When the uniform traffic citation is used, the court shall provide the information required by Subsection C of this section in the manner prescribed by the department.

F. Every court of record shall also forward a like report to the department upon conviction of any person of any felony if a motor vehicle was used in the commission. With the prior approval of the department, the information required by this subsection may be submitted electronically to the department. The report shall be forwarded to the department within ten days of the final decision of the court or of any higher court that reviews the matter and from which the decision of no appeal or review is successfully taken.

G. The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.

H. Except as set forth in Subsection I of this section for records of a person holding a commercial driver's license, the department shall keep records received on motorists licensed in this state at its main office. Records showing a record of conviction by a court of law shall be open to public inspection during business hours for three years from the date of their receipt, after which they shall be destroyed by the department except for records of convictions under Sections 66-8-101 through 66-8-112 NMSA 1978, which may not be destroyed until fifty-five years from the date of their receipt. Any record received on a motorist licensed in another state or country shall be forwarded to the licensing authority of that state or country.

I. The department shall keep records received on a person holding a commercial driver's license or an individual driving a commercial motor vehicle who was required to have a commercial driver's license but was driving a commercial motor vehicle without the appropriate license in its main office. Records showing a record of conviction by a court of law shall be open to public inspection during business hours for fifty-five years from the date of their receipt. Any record received on a person holding a commercial driver's license licensed in another state or country shall be forwarded to the licensing authority of that state or country.



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- [All State Offices Closed Jan. 1 for the New Year's Holiday](#)
- [Governor Susana Martinez Launches Heroes to Highways Program to Help Returning Veterans](#)
- [Boat Renewals were mailed out Thursday December 5](#)

## Unit 2 - The Driver

### Chapter 8 - Licensing

#### Objectives

Students should understand and be able to explain that a driver's license is a privilege and that certain responsibilities go along with the privilege. Students should be able to understand describe the steps to getting a license under New Mexico's graduated drivers' licensing law (GDL) and the actions that will trigger license suspension and revocation.

Students should review the statistics on youth fatalities to become more familiar with and aware of the dangers of youth and inexperience related to driving, which are the reasons for the graduated system.

#### Course Outline

##### 1. Introduction:

Under New Mexico law, a driver's license is a privilege, not a right, and, accordingly, may be withheld, restricted or removed for reasons of youth, bad driving, crimes committed, inexperience, or infirmity such as failing eyesight.

In some ways, a drivers' license is a rite of passage for American youth. Unfortunately, youth has been shown to be a major risk factor for vehicle crashes and fatalities. Graduated licensing is one of the most effective ways to reduce crashes among young drivers. According to NHTSA, (the National Highway Traffic Safety Administration) states with night-time driving restrictions show crash reductions up to 60 percent during restricted hours.

##### 2. Graduated drivers' licensing in New Mexico consists of three stages.

a. **Stage 1:** A supervised learner's period with an adult in the car at all times;

- b. **Stage 2:** An intermediate licensing phase that permits unsupervised driving at times and in situations that are statistically less risky.
- c. **Stage 3:** A full privilege license.

### **Graduated Driver License**

**All teens under age 18 must complete graduated licensing to get a New Mexico driver permit and license.**

Graduated driver licensing eases beginning drivers into traffic by limiting their exposure to driving situations proven to be particularly dangerous. Teens begin driving with certain conditions that are gradually relaxed as drivers mature and develop greater driving skills.

### **Graduated Driver Licensing (GDL) – 3 Stages**

**Stage 1: Instructional Permit** – To get an instructional permit, a teen must be at least 15 years old, and go into a MVD Field Office with the following documents:

Proof of having completed or of being enrolled in a state-approved driver education program;

Proof of identity, identification number and New Mexico residency, to include:

One (1) [proof of identification number](#), and

One (1) [proof of identity](#), and

Two (1) [proofs or New Mexico residency](#).

At least one of the ‘proof of identity’ or ‘proof of identification number’ documents must also show the teen’s date of birth.

**At the MVD Field Office the teen and the parent/ guardian will complete and sign an instructional permit application. Then, the teen must:**

- Pass a vision test
- Pass the MVD Knowledge Exam. The exam may also be provided by an MVD “contracted” [‘Driver Education School’](#)
- Provide a referral card from a TSD “approved” [‘Driver Education School’](#)
- Pay an instructional permit application fee
- Once the teen gets the instructional permit, the teen must:
- Hold the instructional permit for at least six months;
- Complete and pass a TSD “approved” ‘driver education’ program which includes a 3-hour DWI component
- Complete and pass a state-approved driver education program;
- Drive with an adult 21 or older who has been licensed for a minimum of 3 years;
- Complete 50 hours of supervised driving practice, including 10 hours at night;
- Maintain a clean driving record for the 90 days preceding application for Stage 2; and
- Not drink and drive. Even a .02 percent concentration of alcohol – barely one drink – could result in a 6-month license revocation for drivers under age 21.

**Stage 2: Provisional License** – To get a provisional license, a teen must be at least 15 ½ years old and have successfully completed Stage 1. At the MVD Field Office the teen and the parent/ guardian will complete and sign a provisional license application. In signing the provisional license application, the teen and the parent verify that the teen:

- Has completed Stage 1 successfully;
- Has been driving only with an adult 21 years or older who has been licensed for at least 3 years;
- Has not been convicted of a traffic violation\* in the 90 days preceding application for a provisional license; and
- Has not been drinking and driving.

**Then, the teen must:**

- Provide a TSD ‘Certificate of Completion’ that clearly shows the applicant achieved a passing score from a TSD “approved” [‘Driver Education School’](#) that includes a 3-hour DWI component
- Provide the [GDL driving log](#) that shows the teen has completed the practice driving component of 50 hours behind the wheel training, 10 of which are at night. The driving log must be signed by the parent or guardian.
- Pass the MVD Road Skills Exam. If the teen has taken the “approved” MVD Road Skills Exam with an MVD “contracted” [‘Driver Education School.’](#) the teen must provide the completed MVD Record of Completion with the passing test scores.

**Once the provisional license is issued, the following conditions apply:**

- The teen driver must hold the provisional license for at least 12 months.
- Unless a licensed driver age 21 or older is in the vehicle, a provisional license-holder may not have more than one passenger in the vehicle under the age of 21 who is not an immediate family member.
- The teen driver may not operate a motor vehicle between the hours of midnight and 5 a.m. unless accompanied by a licensed driver age 21 or older. Exceptions are permitted for school, employment, family and medical need, or religious functions (licensees must carry a statement from the appropriate school, or religious official, employer, doctor, or parent/ guardian).

**Stage 3: Full License** –To get a full-unrestricted license, the teen and the parent/ guardian must complete and sign a driver license application. In signing the driver license application, the teen and the parent verify that the teen:

- Has completed Stage 2 successfully;
- Has not been convicted of a traffic violation\* 90 days preceding application for a full license;
- Does not have any traffic violations\* pending at the time of application for a driver license; and
- Has not been found guilty or have an offense pending involving the use of alcohol or drugs during the provisional period.

If the teen is 18 years or older, only the teen needs to sign the application.

**\*The traffic violations include:**

- Failure to Obey Traffic Control Device or Signal
- Failure to Obey Traffic Control Signal
- Speeding
- Homicide by Vehicle
- Injury to Pregnant Woman by Vehicle
- DWI or Drugs
- Refusal to Submit to a Chemical Test
- Reckless or Careless Driving
- Careless Driving • Racing on Highways
- Failure to Yield

**Fees for an Instructional Permit, Provisional License and Driver License**

- Instructional Permit - \$10.00
- Provisional License - \$18.00
- Full-Unrestricted License – 4-year license is \$18.00; 8-year license is \$34.00

For additional information, go to the New Mexico Motor Vehicle Division website:  
<http://www.mvd.newmexico.gov/Drivers/New-Drivers/pages/Graduated-Driver-License.aspx>

### 3. **Suspension and revocation:**

Once a license is obtained, drivers must comply with all traffic laws. If not, the state will suspend or revoke the privilege to drive according to the level of the offense. If the revocation period is forever, drivers will often drive without licenses.

**Suspension** is the *temporary removal* of driving privileges; when the driver takes care of the problem, s/he may obtain another license without having to retake the tests.

**Revocation** is the *complete withdrawal* of the license and the driving privilege. When the revocation period ends, the driver may reapply for a new license, taking the necessary tests and paying the necessary fees.

Following are some of the reasons the Motor Vehicle Division takes away a license in New Mexico:

- a. License suspension after criminal conviction for moving violations.** Each moving violation carries points. The license will be suspended if the driver is convicted of moving violations that add up to 12 points or more within a period of 12 consecutive months. Some common point violations include:
- i. 8 points for speeding 26 or more MPH over the posted limit on any trafficway if the limit is 15, 30 or 75 MPH.
  - ii. 6 points for contest racing on a trafficway, or for passing a school bus taking on or discharging passengers or displaying a warning not to pass.
  - iii. 5 points for speeding 16 to 25 MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
  - iv. 4 points for failure to yield to an emergency vehicle.
  - v. 3 points for careless driving, failure to obey traffic sign or signal, tailgating, failure to yield right of way in manner required, driving to left of center when prohibited, speeding 6 to 15 MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
  - vi. 2 points for operating with any defective equipment resulting in the inability to control vehicle properly, overloading vehicle with passengers or cargo, failure to restrain a child passenger properly or to use seatbelt properly.

For complete list, see Regulation 18 NMAC 19.5.50 to 18 NMAC 19.5.57 which governs the point system in New Mexico at end of chapter.

**b. License suspension after other criminal conviction (one year suspension):**

- i. Driver has been convicted of driving while license is suspended B license suspension will be extended for the same amount of time as the original suspension.
- ii. Driver has been convicted in any accident resulting in the death or personal injury of another or serious property damage.

**c. Other reasons for license suspension:**

- i. Driver fails to pay penalty assessments (traffic fines)\*.
- ii. Driver defaults in payment of civil judgment for a motor vehicle crash.
- iii. Driver fails to appear in court to answer traffic citation for a moving violation\*.
- iv. Driver has been convicted with such frequency of offenses as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways.
- v. The driving record shows the licensee is an incompetent, habitually reckless or negligent driver. (Note: The suspension period for failure to appear or failure to remit a penalty assessment can be extended indefinitely at the discretion of the director of the Motor Vehicle Division.)

**d. License revocation under the Implied Consent Act (Administrative Revocation):**

- i. First offense DWI, over .08 breath alcohol content, 21 or older: 6 months
  - ii. First offense DWI, over .02 breath alcohol content, under 21: 1 year
  - iii. Subsequent offense DWI: 1 year
  - iv. Any refusal of chemical testing at time of arrest for DWI: 1 year
- e. License revocation after criminal conviction: One year revocation**
- i. Conviction for open container violation (three months second offense, one year for any subsequent offense.)
  - ii. Conviction for driving while under the influence of intoxicating liquor or other drug: (On first offense, six months for over-21, otherwise one year.)
  - iii. Conviction for driving while revoked for a DWI offense (adds extra year to existing revocation).
  - iv. Conviction for committing any felony while using a motor vehicle.
  - v. Conviction for manslaughter or negligent homicide resulting from the operation of a motor vehicle, or for vehicular homicide;
  - vi. Conviction for failure of driver to stop and render aid at scene of vehicle crash.
  - vii. Committing perjury or the making of a false affidavit or statement under oath to the Motor Vehicle Division.
  - viii. Failure to disclose any conviction for driving while impaired on the application for a driver license, provisional license, temporary license or instruction permit.
- f. Not eligible to apply for license:**
- i. A person who fails to disclose a conviction for driving while impaired on an initial application for a license, provisional license, temporary license or instruction permit, is prevented from receiving the license or permit for a period of one year.
  - ii. Persons who habitually use drugs and/or alcohol to a degree that renders them incapable of safety driving a motor vehicle.

**g. Ignition Interlock Licenses**

A limited license is no longer available to persons whose licenses have been revoked for a violation of the Implied Consent Act (administrative license revocation). All persons who are convicted of DWI must obtain an Ignition Interlock License.

An Ignition Interlock License is available to all persons whose drivers' licenses have been revoked for any Implied Consent violation – first offense, subsequent offense or a refusal - but it is required for anyone whose license is revoked or denied for a DWI conviction. This license requires that you have an approved ignition interlock device installed in any vehicle you will be driving. These devices are available from several suppliers and require that you pay an installation fee and a monthly rental fee, but the license is otherwise unrestricted

Requirements for an Ignition Interlock license:

- i. Positive proof of identification.
- ii. Proof of financial responsibility (original) consisting of:
  - (1) A vehicle liability insurance policy or insurance certification ; or
  - (2) An insurance binder \*; or
  - (3) A State Treasurer's Certificate of Deposit; or a Surety Bond Certificate issued by the MVD, Mandatory Insurance Section.
- iii. Proof each motor vehicle operated by the person to be issued the Ignition Interlock License is equipped with an ignition interlock device. (Bring the lease agreement/contract for the particular ignition interlock device.) For a current list of Interlock Service Providers click [here](#)
- iv. Affidavit of acknowledgement-MUST BE NOTARIZED. MVD will not notarize. (affidavit is available at all Motor Vehicle Offices or to download go to [www.state.nm.us/tax/mvd](http://www.state.nm.us/tax/mvd)).

- v. \$53.00 IGNITION INTERLOCK LICENSE FEE, (payable only if application is approved and license is issued, Class D, E, or M only). Make check payable to MVD.

\*The insurance documentation must name you as the insured, include the name of the insurance agent, insurance company, policy number, effective date and expiration date of coverage. (NOTE: You do not have to be the policyholder, but you must be named as AN insured.)

\*An Implied Consent Violation means driving while over the .08 limit (.02 for those under 21 and .04 for commercial drivers), or refusing to take a test for alcohol or other drugs when requested by a law enforcement officer. The Implied Consent Act says that those who drive in New Mexico are considered to have given their consent to chemical testing of their blood or breath. The only punishment for an Implied Consent Violation is revocation of license. All other penalties come under the separate criminal portion of the law

## New Mexico Laws

### **66-5-1.1 . Definition.**

As used in Sections [66-5-8](#) and [66-5-9](#) NMSA 1978, "traffic violation" means:

- A. failure to obey traffic-control devices, as provided in Section [66-7-104](#) NMSA 1978;
- B. failure to obey traffic-control signals, as provided in Section [66-7-105](#) NMSA 1978;
- C. speeding, as provided in Section [66-7-301](#) NMSA 1978;
- D. failure to yield, as provided in Sections [66-7-328](#) through [66-7-332.1](#) NMSA 1978;
- E. child not in restraint device or seat belt, as provided in Section [66-7-369](#) NMSA 1978;
- F. failure to properly fasten safety belt, as provided in Section [66-7-372](#) NMSA 1978;
- G. homicide by vehicle, as provided in Section [66-8-101](#) NMSA 1978;
- H. injury to pregnant woman by vehicle, as provided in Section [66-8-101.1](#) NMSA 1978;
- I. driving while under the influence of intoxicating liquor or drugs, as provided in Section [66-8-102](#) NMSA 1978;
- J. refusal to submit to chemical tests, as provided in Section [66-8-111](#) NMSA 1978;
- K. reckless driving, as provided in Section [66-8-113](#) NMSA 1978;
- L. careless driving, as provided in Section [66-8-114](#) NMSA 1978;
- M. racing on highways, as provided in Section [66-8-115](#) NMSA 1978;
- N. using a mobile communication device while driving a motor vehicle, unless the driver holds a valid amateur radio operator license issued by the federal communications commission and is operating an amateur radio. As used in this subsection:
  - (1) "driving" means being in actual physical control of a motor vehicle on a highway or street, except that "driving" does not include being lawfully parked; and
  - (2) "mobile communication device" means a wireless communication device that is designed to receive and transmit voice, text or image communication; or
- O. buying, attempting to buy, receiving, possessing or permitting oneself to be served alcoholic beverages, as provided in Subsection C of Section [60-7B-1](#) NMSA 1978.

### **66-5-2. Drivers must be licensed. (2013)**

- A. Except those expressly exempted from the Motor Vehicle Code, no person shall drive any motor vehicle, neighborhood electric car or moped upon a highway in this state unless the person:
  - (1) holds a valid license issued under the provisions of the Motor Vehicle Code; and
  - (2) has surrendered to the division any other license previously issued to the person by this state or by another state or country or has filed an affidavit with the division that the person does not possess such other license; however, the applicant need not surrender a motorcycle license duly obtained under Paragraph (4) of Subsection A of Section [66-5-5](#) NMSA 1978.
- B. Any person licensed under the provisions of the Motor Vehicle Code or expressly exempted from licensure may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipality or any other local body having authority to adopt local police regulations.
- C. A person charged with violating the provisions of this section shall not be convicted if the person produces, in court, a driver's license issued to the person that was valid at the time of the person's arrest.



**66-5-2.1. Consent to registration with the selective service system; applicability. (2003)**

A. Every male citizen of the state of New Mexico and every other male person residing in the state of New Mexico who, on the day or days fixed for the first or any subsequent Selective Service Act registration, is between the ages of eighteen and twenty-six shall consent to his registration in compliance with the requirements of the federal Military Selective Service Act, 50 U.S.C. App. 453 et seq., when applying to receive or renew a driver's license or identification card.

B. The division shall forward in an electronic format the necessary personal information required for registration of the applicants identified in Subsection A of this section to the selective service system. The applicant's submission of the application shall serve as an indication that the applicant has already registered with the selective service or that he is authorizing the division to forward to the selective service the necessary information for registration. The division shall notify the applicant on the application that his submission of the application will serve as his consent to be registered with the selective service system if he is required to do so by federal law.

C. The provisions of this section shall apply to every male citizen of the state of New Mexico and every other male person residing in the state of New Mexico who, on the day or days fixed for the first or any subsequent Selective Service Act registration, is between the ages of eighteen and twenty-six who are applying for issuance, renewal or duplication of an instruction permit, a driver's license, a provisional driver's license, a commercial driver's license or an identification card on or after the effective date of this act.

D. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under Section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

**66-5-4. Persons exempt from licensure. (2007)**

The following persons are exempt from licensure under the Motor Vehicle Code [66-1-1 NMSA 1978]:

A. Military personnel while driving a motor vehicle owned or leased by the United States department of defense;

B. A person who is at least fifteen years of age and who has in immediate possession a valid driver's license issued to the person in the person's home state or country may drive a motor vehicle in this state, except that the person shall obtain a license upon becoming a resident and before the person is employed for compensation by another for the purpose of driving a motor vehicle;

C. A nonresident who is at least eighteen years of age whose home state or country does not require the licensing of drivers may drive a motor vehicle for a period of not more than one hundred eighty days in any calendar year if the motor vehicle driven is duly registered in the home state or country of the nonresident;

D. A driver of a farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highway; and

E. A driver of an off-highway motorcycle.

**66-5-5 . Persons not to be licensed. (2011)**

The division shall not issue a driver's license under the Motor Vehicle Code to any person:

A. who is under the age of eighteen years, except the division may, in its discretion, issue:

(1) an instruction permit to a person fifteen years of age or older who is enrolled in and attending or has completed a driver education course approved by the bureau that includes a DWI education and prevention component;

(2) a provisional license to a person fifteen years and six months of age or older:

(a) who has completed a driver education course approved by the bureau or offered by a public school that includes a DWI education and prevention component and has had an instruction permit for at least six months as provided in Section [66-5-8](#) NMSA 1978; and

(b) who has successfully completed a practice driving component;

(3) a driver's license to a person sixteen years and six months of age or older:

- (a) who has had a provisional license for at least a twelve-month period immediately preceding the date of the application for the driver's license as provided in Section [66-5-9](#) NMSA 1978;
  - (b) who has complied with restrictions on that license; and
  - (c) who has not been adjudicated for an offense involving the use of alcohol or drugs during the twelve-month period immediately preceding the application for the driver's license and who has no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application; and
- (4) to a person thirteen years of age or older who passes an examination prescribed by the division, a license restricted to the operation of a motorcycle, provided:
- (a) the motorcycle is not in excess of one hundred cubic centimeters displacement;
  - (b) no holder of an initial license may carry any other passenger while driving a motorcycle; and
  - (c) the director approves and certifies motorcycles as not in excess of one hundred cubic centimeters displacement and by rule provides for a method of identification of such motorcycles by all law enforcement officers;
- B. whose license or driving privilege has been suspended or denied, during the period of suspension or denial, or to any person whose license has been revoked, except as provided in Section [66-5-32](#) NMSA 1978 and the Ignition Interlock Licensing Act [[66-5-501](#) NMSA 1978];
- C. who is an habitual user of narcotic drugs or alcohol or an habitual user of any drug to a degree that renders the person incapable of safely driving a motor vehicle;
- D. who is four or more times convicted of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug regardless of whether the convictions are under the laws or ordinances of this state or any municipality or county of this state or under the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, except as provided in the Ignition Interlock Licensing Act. Five years from the date of the fourth conviction and every five years thereafter, the person may apply to any district court of this state for restoration of the license, and the court, upon good cause being shown, may order restoration of the license applied for; provided that the person has not been subsequently convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs. Upon issuance of the order of restoration, a certified copy shall immediately be forwarded to the division, and if the person is otherwise qualified for the license applied for, the four previous convictions shall not prohibit issuance of the license;
- E. who was convicted on or after June 17, 2005 of driving a motor vehicle while under the influence of intoxicating liquor or drugs pursuant to the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, unless the person obtains an ignition interlock license as provided in the Ignition Interlock Licensing Act for a period of one year for a first conviction; a period of two years for a second conviction; a period of three years for a third conviction; or the remainder of the offender's life for a fourth or subsequent conviction, subject to a five-year review as provided in Subsection D of this section. Upon presentation of proof satisfactory to the division, the division may credit time spent by a person operating a motor vehicle with an ignition interlock or comparable device, as a condition of the person's sentence for a conviction in another jurisdiction pursuant to this subsection, against the ignition interlock time requirements imposed by this subsection. The division shall promulgate rules necessary for granting credit to persons who participate in comparable out-of-state programs following a conviction for driving a motor vehicle while under the influence of intoxicating liquor or drugs. The requirements of this subsection shall not apply to a person who applies for a driver's license ten years or more from the date of the person's last conviction, except for a person who is subject to lifetime driver's license revocation for a conviction in another jurisdiction pursuant to this subsection;
- F. who has previously been afflicted with or who is suffering from any mental disability or disease that would render the person unable to drive a motor vehicle with safety upon the highways and who has not, at the time of application, been restored to health;
- G. who is required by the Motor Vehicle Code to take an examination, unless the person has successfully passed the examination;
- H. who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

I. when the director has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare; or

J. as a motorcycle driver who is less than eighteen years of age and who has not presented a certificate or other evidence of having successfully completed a motorcycle driver education program licensed or offered in conformance with rules of the bureau.

**66-5-6. Health standards advisory board. (2004)**

A. There shall be a "health standards advisory board" consisting of five members of the healing arts professions appointed by the secretary with the assistance of the secretary of health.

B. The health standards advisory board shall advise the secretary on physical and mental criteria and vision standards relating to the licensing of drivers under the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978].

C. The department, having cause to believe that a licensed driver or applicant may not be physically, visually or mentally qualified to be licensed, may obtain the advice of the health standards advisory board. The board may formulate its advice from records and reports or may cause an examination and report to be made by one or more members of the board or any other qualified person it may designate. The licensed driver or applicant may cause a written report to be forwarded to the board by a healing arts practitioner of his choice, and it shall be given due consideration by the board only after the licensed driver or applicant has again undergone an on-the-road examination and any physical, visual or mental tests as recommended by the board. These examinations and tests may not be waived by the department.

D. Members of the health standards advisory board and other persons making examinations shall not be held liable for their opinions and recommendations presented pursuant to this section.

E. The secretary shall pay members of the health standards advisory board per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and, in addition, may determine and pay an hourly rate for work performed not to exceed fifty dollars (\$50.00) per hour and not to exceed twenty hours per month.

F. Reports received or made by the health standards advisory board or its members for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the board or the department and may not be divulged to any person or used as evidence in any trial.

**66-5-7. Driver's license; classification; examinations. (1995)**

A. The division, upon issuing a driver's license, shall indicate on the license the type or general class of vehicles the licensee may drive. The division shall establish such qualifications, after public hearings, as it deems reasonably necessary for the safe operation of various types, sizes or combinations of vehicles and shall appropriately examine each applicant to determine his qualifications according to the type or general class of license for which he has applied.

B. The division, in issuing the driver's license for certain types or general classes of vehicles, may waive any on-the-road examination for applicants except as provided in [Section 66-5-6](#) NMSA 1978. The division may certify certain employers, governmental agencies or other appropriate organizations to train and test all applicants for the type or general class of licenses if the training and testing meet the standards established by the director.

**66-5-8. Provisional licenses; instruction permits; driver education students; temporary licenses. (2011)**

A. A person fifteen years and six months of age or older may apply to the division for a provisional license if the person:

(1) has completed a driver education course approved by the bureau that includes a DWI prevention and education component;

(2) has had an instruction permit for at least six months; provided that thirty days shall be added to the six months for each adjudication or conviction of a traffic violation committed during the time the person was driving with an instruction permit;

(3) has not been cited for a traffic violation that is pending at the time of application; and

(4) has successfully completed a practice driving component.

B. Successful completion of a practice driving component shall include not less than fifty hours of actual driving by the applicant, including not less than ten hours of night driving. An applicant for a provisional license who cannot drive at night due to low nighttime vision may be exempted from the night driving requirement of this subsection; provided that the applicant submits to the division an ophthalmologic or optometric report from a licensed ophthalmologist or optometrist who attests to the applicant's visual condition and its effect on the applicant's driving ability. The applicant's parent or guardian shall certify that the applicant has completed the practice driving component.

C. When operating a motor vehicle, a provisional licensee may be accompanied by not more than one passenger under the age of twenty-one who is not a member of the licensee's immediate family. A provisional license entitles the licensee, while having the license in the licensee's immediate possession, to operate a motor vehicle upon the public highways between the hours of 5:00 a.m. and midnight unless the provisional licensee is eligible for a license restricting driving to daylight hours. A provisional licensee may drive at any hour unless otherwise restricted as provided in this subsection if:

- (1) accompanied by a licensed driver who is twenty-one years of age or older;
- (2) required by family necessity as evidenced by a signed statement of a parent or guardian;
- (3) required by medical necessity as evidenced by a signed statement from medical personnel;
- (4) driving to and from work as evidenced by a signed statement from the licensee's employer;
- (5) driving to and from school or a religious activity as evidenced by a signed statement of a school or religious official or a parent or guardian; or
- (6) required due to a medical emergency.

D. A provisional license shall be in such form as to be readily distinguishable from an unrestricted driver's license and shall contain an indication that the licensee may drive without supervision.

E. A person fifteen years of age or older who is enrolled in and attending or has completed a driver education course approved by the bureau that includes a DWI prevention and education component may apply to the division for an instruction permit. The division, in its discretion after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant an instruction permit. This permit entitles the applicant, while having the permit in the applicant's immediate possession, to drive a motor vehicle upon the public highways when accompanied by a licensed driver who is twenty-one years of age or older, who has been licensed for at least three years in this state or in another state and who is occupying a seat beside the driver except in the event the permittee is operating a motorcycle.

F. A person fifteen years of age or older who is a student enrolled in and attending a driver education course that is approved by the bureau and that includes both a DWI education and prevention component and practice driving component may drive a motor vehicle on the highways of this state even though the person has not reached the legal age to be eligible for a driver's license or a provisional license. In completing the practice driving component, a person may only operate a motor vehicle on a public highway if:

- (1) an approved instructor is occupying a seat beside the person; or
- (2) a licensed driver who is twenty-one years of age or older and who has been licensed for at least three years in this state or another state is occupying a seat beside the person.

G. The division in its discretion may issue a temporary driver's permit to an applicant for a driver's license permitting the applicant to operate a motor vehicle while the division is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit shall be in the applicant's immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

H. A holder of an instruction permit for a motorcycle shall not carry any other passenger while operating a motorcycle.

**66-5-9. Application for license, temporary license, provisional license or instruction permit. (2011)**

A. An application for an instruction permit, provisional license or driver's license shall be made upon a form

furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act [66-5-52 NMSA], submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

B. An application shall contain the full name, social security number or individual tax identification number, date of birth, sex and New Mexico residence address of the applicant and briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal. For foreign nationals applying for driver's licenses, the secretary shall accept the individual taxpayer identification number as a substitute for a social security number regardless of immigration status. The secretary is authorized to establish by regulation other documents that may be accepted as a substitute for a social security number or an individual tax identification number.

C. An applicant shall indicate whether the applicant has been convicted of driving while under the influence of intoxicating liquor or drugs in this state or in any other jurisdiction. Failure to disclose any such conviction prevents the issuance of a driver's license, provisional license, temporary license or instruction permit for a period of one year if the failure to disclose is discovered by the department prior to issuance. If the nondisclosure is discovered by the department subsequent to issuance, the department shall revoke the driver's license, provisional license, temporary license or instruction permit for a period of one year. Intentional and willful failure to disclose, as required in this subsection, is a misdemeanor.

D. An applicant under eighteen years of age who is making an application for a first New Mexico driver's license shall submit evidence that the applicant has:

- (1) successfully completed a driver education course approved by the bureau that included a DWI prevention and education component. The bureau may accept verification of driver education course completion from another state if the driver education course substantially meets the requirements of the bureau for a course offered in New Mexico;
- (2) had a provisional license for at least the twelve-month period immediately preceding the date of the application for the driver's license; provided that thirty days shall be added to the twelve-month period for each adjudication or conviction of a traffic violation committed during the time the person was driving with a provisional license;
- (3) complied with restrictions on that license;
- (4) not been cited for a traffic violation that is pending at the time of application; and
- (5) not been adjudicated for an offense involving the use of alcohol or drugs during the twelve-month period immediately preceding the date of the application for the driver's license and that there are no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application.

E. An applicant eighteen years of age or over, but under twenty-five years of age, who is making an application to be granted a first New Mexico driver's license shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

F. An applicant twenty-five years of age or over who has been convicted of driving under the influence of intoxicating liquor or drugs and who is making an application to be granted a first New Mexico driver's license, shall submit evidence with the application that the applicant has successfully completed a bureau-approved DWI prevention and education program.

G. Whenever an application is received from a person previously licensed in another jurisdiction, the department may request a copy of the driver's record from the other jurisdiction. When received, the driver's record may become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.

H. Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record

shall be forwarded without charge.

I. This section does not apply to driver's licenses issued pursuant to the New Mexico Commercial Driver's License Act. [66-5-52 to 66-5-72 NMSA 1978].

**66-5-10. Application for license; information; transfer to license. (2007)**

A. Within the forms prescribed by the department for applications and licenses of drivers of motor vehicles, a space shall be provided to show whether the applicant is a donor as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act [24-6B-1 NMSA 1978]. Anyone applying for a license may, if the applicant desires, indicate the applicant's donor status on the space provided on the application, and this information, if given by an applicant, shall be shown upon the license issued. The form and driver's license shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence. The department shall, as soon as practicable, include the following donor statement on the application form:

"I, \_\_\_\_\_, hereby make

(Name of applicant/donor)

an anatomical gift effective upon my death. A medical evaluation at the time of my death shall determine the organs and tissues suitable for donation.

\_\_\_\_\_  
(Signature of donor)

\_\_\_\_\_  
(Signature of parent or guardian is required if the donor is under fifteen years of age.)"

B. The department shall mark the donor status on each person's driver's license record and shall retain each application form or its image of a person who wishes to be a donor. The department shall create and maintain a statewide donor registry and shall provide on-line computer terminal access to the donor registry to organ procurement organizations and procurement organizations, as defined in the Jonathan Spradling Revised Uniform Anatomical Gift Act. Authorized hospital or organ and tissue donor program personnel, immediately prior to or after a donor's death, may request verification of the donor's status from the department and may obtain a copy of the application from the department.

**66-5-11. Application of minors. (2009)**

A. The application of any person under the age of eighteen years for an instruction permit, provisional license or driver's license shall be signed and verified by the father, mother or guardian or, in the event there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor.

B. The application of a minor who is in the custody of the state may be signed and verified by a grandparent; a sibling over the age of eighteen years; an aunt; an uncle; a foster parent with whom the minor resides; or as authorized by the secretary of children, youth and families, a child protective services worker or juvenile probation officer; provided that the child protective services worker or juvenile probation officer first notifies a foster parent or other responsible party of the intent to sign.

C. Any negligence or willful misconduct of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a permit or license, which person shall be jointly and severally liable with the minor for damages caused by the negligence or willful misconduct except as otherwise provided in Subsection D of this section.

D. In the event a minor deposits or there is deposited upon the minor's behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by the minor or, if not the owner of a motor vehicle, with

respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, the division may accept the application of the minor when signed by one parent or the guardian of the minor, and, while such proof is maintained, the parent or guardian is not subject to the liability imposed under Subsection C of this section. Liability shall not be imposed under this section or under the Mandatory Financial Responsibility Act [66-5-201 NMSA 1978] on the state or the secretary of children, youth and families or on a juvenile probation officer or child protective services worker for damages caused by the negligence or willful misconduct of a minor driver whose application for an instruction permit, provisional license or driver's license was signed by the child protective services worker or juvenile probation officer with the authorization of the children, youth and families department while the minor was in the custody of the state.

**66-5-12. Release from liability. (1999)**

Any person who has signed the application of a minor for an instruction permit, a driver's license or provisional license may thereafter file with the division a verified written request that the license of the minor so granted be canceled. Thereupon, the division shall cancel the license of the minor, and the person who signed the application of the minor shall be relieved from the liability imposed under this article, by reason of having signed the application, on account of any subsequent negligence or willful misconduct of the minor in operating a motor vehicle.

**66-5-13. Cancellation of license upon death of person signing minor's application. (1999)**

The division upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for an instruction permit, a driver's license or provisional license shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this article. This provision does not apply in the event the minor has attained the age of eighteen years.

**66-5-14. Examination of applicants. (2010)**

A. The department shall examine every first-time applicant for a driver's license or a motorcycle endorsement and may examine other applicants for a driver's license or motorcycle endorsement. The examination shall include a test of the applicant's ability to read and understand highway signs regulating, warning and directing traffic, the applicant's knowledge of the traffic laws of this state and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle except as provided in Section [66-5-7](#) NMSA 1978 and any further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle or motorcycle safely upon the highways.

B. Regardless of whether an applicant is examined under Subsection A of this section, the department shall test the eyesight of every applicant for a driver's license or motorcycle endorsement unless the application is for renewal of a license or endorsement and is made by mail or telephonic or electronic means.

C. The department is authorized to contract with other persons for conduct of tests of the applicant's ability to exercise ordinary and reasonable control of a motor vehicle. Any such contract may be terminated by the secretary upon written notice for failure of the contractor to perform the contractor's duties to the secretary's satisfaction. Contracts under this subsection may provide for the form of notice and the length of the period, if any, between the notice and the effective date of the termination.

D. For purposes of this section, a "first-time applicant" means an applicant other than a person who:

- (1) holds a currently valid driver's license issued by New Mexico or any other jurisdiction at the time of application; or
- (2) does not hold a currently valid driver's license issued by New Mexico or any other jurisdiction at the time of application but who held a valid driver's license issued by New Mexico or any other jurisdiction within one year prior to the date of application if that driver's license was not revoked under any provision of the Motor Vehicle Code or suspended, canceled or revoked under the laws of any other jurisdiction for reasons similar to those for which revocation is authorized under the Motor Vehicle Code.

**66-5-15. Licenses issued to applicants. (2004)**

The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license as applied for. The license shall bear the full name, date of birth, current New Mexico physical or mailing address, a full face or front-view photograph of the license holder and a brief description of the licensee and the signature of the licensee. A license shall not be valid unless it bears the signature of the licensee.

**66-5-15.1. Notification by licensee. (1989)**

Every licensee shall, as a condition of holding a driver's license, agree to notify the director of any change in his physical or mental condition that would impair the licensee's ability to operate a vehicle.

**66-5-16. License to be carried and exhibited on demand. (1985)**

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a magistrate, a peace officer or a field deputy or inspector of the division. However, no person charged with violating this section shall be convicted if he produces in court a driver's license theretofore issued to him and valid at the time of his arrest.

**66-5-17. Use of license for identification. (1978)**

In any criminal prosecution, civil action or administrative proceeding charging violation of a statute, ordinance or regulation concerning the sale, consumption or possession of alcoholic beverages involving minors, proof that the person charged, in good faith, demanded and was shown a valid driver's license shall be valid defense to such prosecution, civil action or administrative proceeding.

**66-5-18. Altered, forged or fictitious license; penalty. (2004)**

A. A person who uses or possesses an altered, forged or fictitious driver's license, permit or identification card is guilty of a misdemeanor.

B. A person who alters or forges a driver's license, permit or identification card or who makes a fictitious driver's license, permit or identification card is guilty of a fourth degree felony.

C. A person who possesses or uses a fraudulent, counterfeit or forged document to apply for or renew a driver's license, permit or identification card is guilty of a fourth degree felony.

**66-5-19. Restricted licenses. (2007)**

A. The division, upon issuing a driver's license or a provisional license, has authority, whenever good cause appears, to impose restrictions, including the shortening of the licensure period suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee may operate or such other restrictions applicable to the licensee as the division determines to be appropriate to ensure the safe operation of a motor vehicle by the licensee.

B. At age seventy-five and thereafter, the applicant shall renew the applicant's license on a yearly basis at no cost to the applicant.

C. The division may either issue a special restricted license or may set forth such restrictions upon the usual license form.

D. The division may issue a restricted license or a restricted provisional license for driving during daylight hours only to some visually impaired persons who fail the usual eyesight test. The health standards advisory board created pursuant to the provisions of Section 66-5-6 NMSA 1978 shall evaluate the extent of the visual impairment and its effect on the driving ability of the applicant and, based on its recommendations, the director may issue a restricted license under the following conditions:

- (1) The applicant has no record of moving violations;



(2) The necessity of the license is shown to the satisfaction of the director; and

(3) The applicant satisfies the provisions of Section 66-5-206 NMSA 1978 relating to proof of financial responsibility.

E. The division may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend the license, but the licensee is entitled to a hearing as upon a suspension under Sections 66-5-1 through 66-5-47 NMSA 1978.

F. It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person.

#### **66-5-20. Replacement licenses. (1999)**

In the event that a permit or driver's license issued under the provisions of this article is lost, stolen, mutilated or destroyed, or in the event of a name or address change, the person to whom the permit or driver's license was issued may, upon payment of the required fee, obtain a replacement upon furnishing proof of age and identity satisfactory to the department. A person who loses a permit or driver's license and who, after obtaining a replacement, finds the original, shall immediately surrender the original to the department.

#### **66-5-21. Expiration of license; four-year issuance period; eight-year issuance period. (2010)**

A. Except as provided in Subsection B or D of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA 1978, all driver's licenses shall be issued for a period of four years, and each license shall expire thirty days after the applicant's birthday in the fourth year after the effective date of the license or shall expire thirty days after the applicant's seventy-fifth birthday. A license issued pursuant to Section 66-5-19 NMSA 1978 shall expire thirty days after the applicant's birthday in the year in which the license expires. Each license is renewable within ninety days prior to its expiration or at an earlier date approved by the department. The fee for the license shall be as provided in Section 66-5-44 NMSA 1978. The department may provide for renewal by mail or telephonic or electronic means of a driver's license issued pursuant to the provisions of this subsection, pursuant to regulations adopted by the department that ensure adequate security measures to safeguard personal information that is obtained in the issuance of a driver's license. The department may require an examination upon renewal of the driver's license.

B. At the option of an applicant, a driver's license may be issued for a period of eight years, provided that the applicant:

(1) Pays the amount required for a driver's license issued for a term of eight years;

(2) Otherwise qualifies for a four-year driver's license; and

(3) Will not reach the age of seventy-five during the last four years of the eight-year license period.

C. A driver's license issued pursuant to the provisions of Subsection B of this section shall expire thirty days after the applicant's birthday in the eighth year after the effective date of the license.

D. A driver's license issued prior to an applicant's twenty-first birthday shall expire thirty days after the applicant's twenty-first birthday. A driver's license issued prior to an applicant's twenty-first birthday may be issued for a period of up to five years.

E. The director may adopt regulations providing for the proration of driver's license fees and commercial driver's license fees due to shortened licensure periods permitted pursuant to Subsection A of Section 66-5-19 NMSA 1978.

#### **66-5-22. Notice of change of address or name. (2004)**

Whenever a person, after applying for or receiving a driver's license, moves from the address named in the application or in the issued license or when the name of a licensee is changed by marriage or otherwise, the person shall, within ten days, notify the division of the new address in writing or by electronic media pursuant to department regulations. In the event of a change of name, the license must be delivered by the licensee to the division and the change of name be accomplished on the license itself. The division may require such evidence as it deems satisfactory regarding the change of name.

**66-5-24. Authority of division to cancel license. (1999)**

A. The division is authorized to cancel any instruction permit, driver's license or provisional license upon determining that the licensee was not entitled to the issuance of the license or that the licensee failed to give the required or correct information in his application or committed any fraud in making the application.

B. Upon such cancellation, the licensee must surrender the license so canceled to the division.

**66-5-25. Suspending privileges of nonresidents; reporting convictions; failures to appear; failures to pay. (2003)**

A. The privilege of driving a motor vehicle on the highways of this state given to a nonresident shall be subject to suspension or revocation by the division in like manner and for like cause as a driver's license may be suspended or revoked.

B. The division is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, or of notice of failure to appear or upon determination by the division of failure to pay a penalty assessment, to forward the record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

C. Upon a request by a tribe, the division is authorized to forward to a tribal court or other authority, as specified in an applicable intergovernmental agreement, the record of the conviction in this state of a resident driver of a motor vehicle, who is subject to the jurisdiction of the tribe, of any offense under the Motor Vehicle Code [66-1-1 NMSA 1978] or of notice of failure to appear or upon determination by the division of a failure to pay a penalty assessment.

**66-5-26. Suspending resident's license; conviction failure to appear, failure to pay in another state or tribal jurisdiction. (2003)**

A. The division is authorized to suspend or revoke the license of a resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state or by a tribe of an offense that if committed within the jurisdiction of this state, would be grounds for the suspension or revocation of the license of a driver.

B. In addition, the division is authorized to suspend the license of a resident of this state, or the privilege of a nonresident to drive a motor vehicle in this state, upon receiving notice of failure to appear or pay a penalty assessment imposed by a tribe or imposed in another state that is a signatory of the Nonresident Violator Compact [66-8-137.1 NMSA 1978] with New Mexico.

**66-5-27. Recognition of convictions for motor vehicle offenses committed on military installations; suspension or revocation. (1998)**

The division is authorized to suspend or revoke the license of any resident of this state or the driving privilege of any member of the armed forces of the United States who is stationed at a federal military installation within this state, upon the receipt of a notice, from the authority having jurisdiction over offenses which occur on a federal military installation, of the conviction of such person for an offense committed on such federal military installation, which if committed in this state, would be grounds for the suspension or revocation of the license of a driver.

**66-5-27.1. Recognition of convictions for motor vehicle offenses committed on tribal land; intergovernmental agreements; information sharing with tribal courts. (2003)**

A. The department is authorized to enter into an intergovernmental agreement with the appropriate governmental entity of a tribe to permit the exchange of information between the tribal court and the division regarding persons who are adjudicated for a motor vehicle offense that occurred within the jurisdiction of the tribal court.

B. The division is authorized to suspend or revoke the driver's license or driving privilege of a person who has been convicted of a motor vehicle offense by a tribal court; provided that:

(1) The department has entered into an intergovernmental agreement with the tribe that permits the exchange of information on motor vehicle offense convictions between the tribal court and the division; and

(2) The division has received notice from the tribal court, or other authority as provided in the intergovernmental agreement, that the driver has been convicted of a motor vehicle offense that, if committed within the jurisdiction of the state, would be grounds for suspension or revocation of the driver's license or driving privilege of the offender.

**66-5-29. Mandatory revocation of license by division. (2007)**

A. The division shall immediately revoke the driving privilege or driver's license of a driver upon receiving a record of the driver's adjudication as a delinquent for or conviction of any of the following offenses, whether the offense is under any state law or local ordinance, when the conviction or adjudication has become final:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) any offense rendering a person a "first offender" as defined in the Motor Vehicle Code [66-1-1 NMSA 1978];

(3) any offense rendering a person a "subsequent offender" as defined in the Motor Vehicle Code;

(4) any felony in the commission of which a motor vehicle is used;

(5) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) perjury or the making of a false affidavit or statement under oath to the division under the Motor Vehicle Code or under any other law relating to the ownership or operation of motor vehicles; or

(7) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of twelve months.

B. Except as provided in the Ignition Interlock Licensing Act [66-5-501 NMSA 1978] and in Subsection C, D, E or F of this section, a person whose driving privilege or driver's license has been revoked under this section shall not be entitled to apply for or receive a new license until one year from the date that the conviction is final and all rights to an appeal have been exhausted.

C. A person who upon adjudication as a delinquent for driving while under the influence of intoxicating liquor or drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is subject to revocation of the driving privilege or driver's license under this section for an offense pursuant to which the person was also subject to revocation of the driving privilege or driver's license pursuant to Section 66-8-111 NMSA 1978 shall have the person's driving privilege or driver's license revoked for that offense for a combined period of time equal to:

(1) One year for a first offender; or

(2) For a subsequent offender:

(a) Two years for a second conviction;

(b) Three years for a third conviction; or

(c) The remainder of the offender's life for a fourth or subsequent conviction, subject to a five-year review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

D. The division shall apply the license revocation provisions of Subsection C of this section and the provisions of Subsection D of Section 66-5-5 NMSA 1978 to a person who was three or more times convicted of driving a motor vehicle under the influence of intoxicating liquor or drugs and who has a driver's license revocation pursuant to the law in effect prior to June 17, 2005, upon the request of the person and if the person has had an ignition interlock license for three years or more and has proof from the ignition interlock vendor of no violations of the ignition interlock device in the previous six months.

E. Upon receipt of an order from a court pursuant to Section 32A-2-19 NMSA 1978 or Subsection G of Section 32A-2-22 NMSA 1978, the division shall revoke the driver's license or driving privileges for a period of time in accordance with these provisions.

F. Upon receipt from a district court of a record of conviction for the offense of shooting at or from a motor vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978 or of a conviction for a conspiracy or an attempt to commit that offense, the division shall revoke the driver's license or driving privileges of the convicted person.

A person whose driver's license or driving privilege has been revoked pursuant to the provisions of this subsection shall not be entitled to apply for or receive any new driver's license or driving privilege until one year from the date that the conviction is final and all rights to an appeal have been exhausted.

**66-5-30. Authority of division to suspend or revoke license. (2003)**

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

- (1) Has been convicted of an offense for which mandatory revocation of license is required upon conviction;
  - (2) Has been convicted as a driver in an accident resulting in the death or personal injury of another or serious property damage;
  - (3) Has been convicted with such frequency of offenses against traffic laws or rules governing motor vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
  - (4) Is an habitually reckless or negligent driver of a motor vehicle;
  - (5) Is incompetent to drive a motor vehicle;
  - (6) Has permitted an unlawful or fraudulent use of the license;
  - (7) Has been convicted of an offense in another state or tribal jurisdiction that if committed within this state's jurisdiction would be grounds for suspension or revocation of the license;
  - (8) Has violated provisions stipulated by a district court in limitation of certain driving privileges;
  - (9) Has failed to fulfill a signed promise to appear or notice to appear in court as evidenced by notice from a state court or tribal court, whenever appearance is required by law or by the court as a consequence of a charge or conviction under the Motor Vehicle Code [66-1-1 NMSA 1978] or pursuant to the laws of the tribe;
  - (10) Has failed to pay a penalty assessment within thirty days of the date of issuance by the state or a tribe;
- or
- (11) Has accumulated seven points, but less than eleven points, and when the division has received a recommendation from a municipal or magistrate judge that the license be suspended for a period not to exceed three months.

B. Upon suspending the license of a person as authorized in this section, the division shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days, not counting Saturdays, Sundays and legal holidays, after receipt of the request in the county wherein the licensee resides unless the division and the licensee agree that the hearing may be held in some other county; provided that the hearing request is received within twenty days from the date that the suspension was deposited in the United States mail. The director may, in his discretion, extend the twenty-day period. Upon the hearing, the director or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon the hearing, the division shall either rescind its order of suspension or, good cause appearing therefor, may continue, modify or extend the suspension of the license or revoke the license.

**66-5-31. Division may require reexamination.(1978)**

The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may request that, upon written notice of at least five days to the licensee, he submit to an examination. Upon the conclusion of such examination, the division shall take action as may be appropriate and may suspend the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under Section 66-5-19 NMSA 1978. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension of his license.

**66-5-32. Period of suspension or revocation. (2013)**

A. The division shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year except as permitted under Subsection C of this section and Sections [60-7B-1](#), [66-5-5](#), [66-5-39](#) and [66-5-39.1](#) NMSA 1978.

B. Except as provided in the Ignition Interlock Licensing Act [[66-5-501](#) to [66-5-504](#) NMSA 1978], a person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have the license or privilege renewed or restored unless the revocation was for a cause that has been removed, except that after the expiration of the periods specified in Subsections B and C of Section [66-5-29](#) NMSA 1978 from the date on which the revoked license was surrendered to and received by the division, the person may make application for a new license as provided by law.

C. The suspension period for failure to appear or failure to remit the penalty assessment shall, at the discretion of the director, be extended indefinitely subject to the provisions of Subsection B of Section [66-5-30](#) NMSA 1978.

**66-5-33.1. Reinstatement of driver's license or registration; ignition interlock; fee. (2009)**

A. Whenever a driver's license or registration is suspended or revoked and an application has been made for its reinstatement, compliance with all appropriate provisions of the Motor Vehicle Code [[66-1-1](#) NMSA 1978] and the payment of a fee of twenty-five dollars (\$25.00) is a prerequisite to the reinstatement of any license or registration.

B. If a driver's license was revoked for driving while under the influence of intoxicating liquor or drugs, for aggravated driving while under the influence of intoxicating liquor or drugs or pursuant to the Implied Consent Act [[66-8-105](#) NMSA 1978], the following are required to reinstate the driver's license:

- (1) An additional fee of seventy-five dollars (\$75.00);
- (2) Completion of the license revocation period;
- (3) Satisfaction of any court-ordered ignition interlock requirements; and
- (4) A minimum of six months of driving with an ignition interlock license with no attempts to circumvent or tamper with the ignition interlock device.

C. The department may reinstate the driving privileges of an out-of-state resident without the requirement that the person obtain an ignition interlock license for a minimum of six months, if the following conditions are met:

- (1) The license revocation period is completed;
- (2) Satisfactory proof is presented to the department that the person is no longer a resident of New Mexico; and
- (3) The license reinstatement fee is paid.

D. Fees collected pursuant to Subsection B of this section are appropriated to the local governments road fund. The department shall maintain an accounting of the fees collected and shall report that amount upon request to the legislature.

**66-5-34. No operation under foreign license during suspension or revocation in this state. (1978)**

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this article shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained, when and as permitted under this article.

**66-5-35. Limited driving privilege upon suspension or revocation. (2013)**

A. Upon suspension or revocation of a person's driving privilege or driver's license following conviction or adjudication as a delinquent under any law, ordinance or rule relating to motor vehicles, the person may apply to the department for a driver's license, provisional license or instruction permit to drive, limited to use allowing the person to engage in gainful employment, to attend school or to attend a court-ordered treatment program, except that the person shall not be eligible to apply:

- (1) for a limited commercial driver's license or an ignition interlock license in lieu of a revoked or suspended

commercial driver's license;

(2) for a limited license when the person's driver's license was revoked pursuant to the provisions of the Implied Consent Act [[66-8-105](#) through [66-8-112](#) NMSA 1978], except as provided in the Ignition Interlock Licensing Act [[66-5-501](#) to [66-5-504](#) NMSA 1978];

(3) for a limited license when the person's driver's license was revoked pursuant to the provisions of Section [66-8-102](#) NMSA 1978, except as provided in the Ignition Interlock Licensing Act;

(4) for a limited license when the person's driver's license is denied pursuant to the provisions of Subsection D of Section [66-5-5](#) NMSA 1978, except as provided in the Ignition Interlock Licensing Act; or

(5) for a limited license when the person's driver's license was revoked pursuant to a conviction for committing homicide by vehicle, great bodily harm by vehicle, or homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs, as provided in Section [66-8-101](#) NMSA 1978, except as provided in the Ignition Interlock Licensing Act.

B. Upon receipt of a fully completed application that complies with statutes and rules for a limited license or an ignition interlock license and payment of the fee specified in this subsection, the department shall issue a limited license, ignition interlock license or permit to the applicant showing the limitations specified in the approved application. For each limited license, ignition interlock license or permit to drive, the applicant shall pay to the department a fee of forty-five dollars (\$45.00), which shall be transferred to the department of transportation. All money collected under this subsection shall be used for DWI prevention and education programs for elementary and secondary school students. The department of transportation shall coordinate with the department of health to ensure that there is no program duplication. The limited license or permit to drive may be suspended as provided in Section [66-5-30](#) NMSA 1978.

#### **66-5-37. Unlawful use of license. (1989)**

It is a misdemeanor for any person to:

A. Display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit or commercial driver's license or permit;

B. Lend his driver's license or permit or commercial driver's license or permit to any other person or knowingly permit the use of his license or permit by another;

C. Display or represent as one's own any driver's license or permit or commercial driver's license or permit not issued to him;

D. Fail or refuse to surrender to the division upon its lawful demand any driver's license or permit or commercial driver's license or permit which has been suspended, revoked or canceled;

E. Use a false or fictitious name in any application for a driver's license or permit or commercial driver's license or permit or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application;

F. Permit any unlawful use of the driver's license or permit or commercial driver's license or permit issued to him; or

G. Do any act forbidden or fail to perform any act required by Sections 66-5-1 through 66-5-47 NMSA 1978 or the provisions of the New Mexico Commercial Driver's License Act [[66-5-52](#) to [66-5-70](#) NMSA 1978].

#### **66-5-38. Making false affidavit perjury. (1978)**

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of the Motor Vehicle Code to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

#### **66-5-39. Driving while license suspended or revoked; providing penalties.**

A. Any person who drives a motor vehicle on any public highway of this state at a time when his privilege to do so is suspended or revoked and who knows or should have known that his license was suspended or revoked is

guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished notwithstanding the provisions of Section 31-18-13 NMSA 1978 by imprisonment for not less than four days or more than three hundred sixty-four days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than one thousand dollars (\$1,000). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving while under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act [66-8-105 to 66-8-112 NMSA 1978], upon conviction under this section, that person shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300) or not more than one thousand dollars (\$1,000) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving while under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act. Any municipal ordinance prohibiting driving with a suspended or revoked license shall provide penalties no less stringent than provided in this section.

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

C. The division, upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of the person was suspended, shall extend the period of suspension for an additional like period, and, if the conviction was upon a charge of driving while a license was revoked, the division shall not issue a new license for an additional period of one year from the date the person would otherwise have been entitled to apply for a new license.

#### **66-5-40. Permitting unauthorized minor to drive. (1978)**

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or is in violation of any of the provisions of this article.

#### **66-5-41. Permitting unauthorized person to drive. (1978)**

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or is in violation of any of the provisions of this article.

#### **66-5-44. Licenses and permits; duration and fee; appropriation. (2009)**

A. There shall be paid to the department a fee of ten dollars (\$10.00) for each driver's license or duplicate driver's license, except that for a driver's license issued for an eight-year period, a fee of twenty dollars (\$20.00) shall be paid to the department. Each license shall be for a term provided for in Section 66-5-21 NMSA 1978.

B. For each permit and instruction permit, there shall be paid to the department a fee of two dollars (\$2.00). The term for each permit shall be as provided in Sections 66-5-8 and 66-5-9 NMSA 1978.

C. Except for fees charged pursuant to Subsection E of this section, the director with the approval of the governor may increase the amount of the fees provided for in this section by an amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced driver's license system; provided that for a driver's license issued for an eight-year period, the amount of the fees shall be twice the amount charged for other driver's licenses. The additional amounts collected pursuant to this subsection are appropriated to the department to defray the

expense of the new system of licensing and for use as set forth in Subsection F of Section 66-6-13 NMSA 1978. Unexpended or unencumbered balances remaining from fees collected pursuant to the provisions of this subsection at the end of any fiscal year shall not revert to the general fund but shall be expended by the department in fiscal year 2010 and subsequent fiscal years.

D. There shall be paid to the department a driver safety fee of three dollars (\$3.00) for each driver's license or duplicate driver's license, except that for a driver's license issued for an eight-year period, a fee of six dollars (\$6.00) shall be paid to the department. The fee shall be distributed to each school district for the purpose of providing defensive driving instruction through the state equalization guarantee distribution made annually pursuant to the general appropriation act.

E. The department may charge a fee of no more than fifteen dollars (\$15.00) to a person who holds a driver's license from another state and is applying for a New Mexico driver's license for the first time. The fee is appropriated to the department to defray the expense of determining whether the driver has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs, or equivalent crime, and determining if the person qualifies for a driver's license in this state. The fee provided in this subsection is not subject to the increase provided for in Subsection C of this section.

**66-5-44.1. Provisional licenses; duration and fee; appropriation. (1999)**

A. There shall be paid to the division a fee of thirteen dollars (\$13.00) for each provisional license or duplicate provisional license. Each provisional license shall be for a term provided for in Section 66-5-21 NMSA 1978.

B. The director with the approval of the governor may increase the amount of the fee provided for in this section by an amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced driver's license system. The additional amounts collected pursuant to this subsection are appropriated to the division to defray the expense of the new system of licensing.

C. The fees collected pursuant to the provisions of Subsection A of this section are appropriated to the division to defray the expense of implementing the new system of provisional licensing.

**66-5-47. Photographs; evidence of applicant's age. (1999)**

A. The department shall reproduce the likeness of drivers, subject to the following conditions:

(1) Photographs or other reproductions of the likeness of all persons shall show a full face or front view; and

(2) Photographs or other reproductions of the likeness of all persons under the age of twenty-one years shall have a printed legend, indicating that the person is under twenty-one, which shall be displayed in such manner as to be easily read by any person inspecting the license.

B. Each applicant for an initial license or a replacement license shall produce evidence of the applicant's age. Proof of an applicant's age shall be a birth certificate, certified copy of a birth certificate, a church record purporting to show the date of birth and baptism, an acknowledged copy of the church record, a valid passport or other evidence which the secretary deems sufficient. The date of birth shown on any driver's license or any instruction permit issued by the department shall coincide with the date of birth shown on the proof of applicant's age.

**66-8-116. Penalty assessment misdemeanors; definition; schedule of assessments. (2013)**

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D and E of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
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Improper display of registration



plate	66-3-18	\$ 25.00
Failure to notify of change of name or address	66-3-23	25.00
Lost or damaged registration, plate or title	66-3-24	20.00
Permitting unauthorized minor to drive	66-5-40	50.00
Permitting unauthorized person to drive	66-5-41	25.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		15.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	10.00
Speeding	66-7-306	15.00
Improper starting	66-7-324	10.00
Improper backing	66-7-354	10.00
Improper lane	66-7-308	10.00
Improper lane	66-7-313	10.00
Improper lane	66-7-316	10.00
Improper lane	66-7-317	10.00
Improper lane	66-7-319	10.00
Improper passing	66-7-309 through 66-7-312	10.00

Improper passing	66-7-315	10.00
Controlled access violation	66-7-320	10.00
Controlled access violation	66-7-321	10.00
Improper turning	66-7-322	10.00
Improper turning	66-7-323	10.00
Improper turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield	66-7-328 through 66-7-331	10.00
Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	10.00
Pedestrian violation	66-7-340	10.00
Failure to stop	66-7-342 and 66-7-344 through 66-7-346	10.00
Railroad-highway grade crossing violation	66-7-341 and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through 66-7-327	10.00
Failure to secure load	66-7-407	100.00
Operation without oversize-overweight permit	66-7-413	50.00
Transport of reducible load with special permit more than six miles from a border crossing	66-7-413	100.00
Improper equipment	66-3-801 through 66-3-851	25.00
Improper equipment	66-3-901	20.00
Improper emergency signal	66-3-853 through 66-3-857	10.00
Minor on motorcycle without helmet	66-7-356	300.00
Operation interference	66-7-357	50.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352 and 66-7-353	5.00
Improper parking	66-3-852	5.00
Failure to dim lights	66-3-831	10.00
Riding in or towing occupied house trailer	66-7-366	5.00
Improper opening of doors	66-7-367	5.00
No slow-moving vehicle emblem or flashing amber light	66-3-887	5.00
Open container - first violation	66-8-138	25.00.

B. 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.

C. 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.

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section [66-7-301](#) NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.

E. Upon a second conviction for operation without a permit for excessive size or weight pursuant to Section [66-7-413](#) NMSA 1978, the penalty assessment shall be two hundred fifty dollars (\$250). Upon a third or subsequent conviction, the penalty assessment shall be five hundred dollars (\$500).

F. Upon a second conviction for transport of a reducible load with a permit for excessive size or weight pursuant to Subsection N of Section [66-7-413](#) NMSA 1978 more than six miles from a port-of-entry facility on the border with Mexico, the penalty assessment shall be five hundred dollars (\$500). Upon a third or subsequent conviction, the penalty assessment shall be one thousand dollars (\$1,000).

### **66-8-116.3. Penalty assessment misdemeanors; additional fees. (2011)**

In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed:

A. in a county without a metropolitan court, twenty dollars (\$20.00) to help defray the costs of local government corrections;

B. a court automation fee of ten dollars (\$10.00);

C. a traffic safety fee of three dollars (\$3.00), which shall be credited to the traffic safety education and enforcement fund;

D. a judicial education fee of three dollars (\$3.00), which shall be credited to the judicial education fund;

E. a jury and witness fee of five dollars (\$5.00), which shall be credited to the jury and witness fee fund;

F. a juvenile adjudication fee of one dollar (\$1.00), which shall be credited to the juvenile adjudication fund;

G. a brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund;

H. a court facilities fee as follows:

in a county with a metropolitan court (\$24.00);

in any other county (\$10.00);

and

I. until May 31, 2014, a magistrate courts operations fee of four dollars (\$4.00), which shall be credited to the magistrate courts operations fund.

### **66-8-117. Penalty assessment misdemeanors; option; effect. (1990)**

A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

B. Except for penalty assessments made under a municipal program authorized by Section 66-8-130 NMSA 1978, payment of any penalty assessment must be made by mail to the division within thirty days from the date of arrest. Payments of penalty assessments are timely if postmarked within thirty days from the date of arrest. The

division may issue a receipt when a penalty assessment is paid by currency, but checks tendered by the violator upon which payment is received are sufficient receipt.

C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

**66-8-119. Penalty assessment revenue; disposition. (2010)**

A. The division shall remit all penalty assessment receipts, except receipts collected pursuant to Subsections A through I of Section 66-8-116.3 NMSA 1978, to the state treasurer for credit to the general fund.

B. The division shall remit all penalty assessment fee receipts collected pursuant to:

(1) Subsection A of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the local government corrections fund;

(2) Subsection B of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court automation fund;

(3) Subsection C of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the traffic safety education and enforcement fund;

(4) Subsection D of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the judicial education fund;

(5) Subsection E of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the jury and witness fee fund;

(6) Subsection F of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the juvenile adjudication fund;

(7) Subsection G of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the brain injury services fund;

(8) Subsection H of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court facilities fund; and

(9) Subsection I of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the magistrate courts operations fund

## New Mexico Regulations

### **18.19.5.11 CONTRACTING DRIVER'S KNOWLEDGE AND SKILL TESTS:**

A. Under Subsection C of Section 66-5-14 NMSA 1978, the department is permitted to contract for certain testing of individuals applying for driver's licenses. Any contract entered into may provide that all or only some of the individuals applying for driver's licenses are to be tested by the contractor. Any contract entered into may be limited to testing at certain field offices or within certain political subdivisions or geographic areas.

B. Only the following persons are eligible to enter into contracts authorized under Subsection C of Section 66-5-14 NMSA 1978:

(1) public educational institutions; and

(2) commercial driving schools licensed by the department of transportation pursuant to the Driving School Licensing Act and regulations thereunder.

C. Any contract entered into will specify an expiration date, provided the department may terminate the contract prior to its expiration date.

[11/17/95, 10/31/96; 18.19.5.11 NMAC - Rn & A, 18 NMAC 19.5.8.2, 9/14/00; A, 6/30/03]

### **18.19.5.12 PROOF OF IDENTIFICATION NUMBER, IDENTITY AND RESIDENCY:**

A. Applicants for a New Mexico identification card, driving permit, provisional driver's license or driver's license, other than a commercial driver's license, must provide documentary proof of their identification number, identity and residency.

B. A person applying for a driver's license or identification card that was lost can use a New Mexico enhanced driver's license photo from the motor vehicle division (MVD) database as proof of identity and identification number, subject to MVD's ability to verify the applicant's social security number or other identification number used to obtain the driver's license or identification card, as sufficient proof to issue a replacement driver's license or identification card.

C. Any applicant eligible for a social security number must produce their social security card in order to provide evidence of the identification number. An applicant who cannot provide the social security card must provide two of the following documents:

(1) a United States, state, or local government-issued medical card through which the social security number can be verified;

(2) a statement from a federally regulated financial institution through which the social security number can be verified; or

(3) any document in Subsection F of this section, as long as the document can be used to verify the social security number and is not used for proof of both identification number and identity.

D. In order to prove identification number, a foreign national who is unable to obtain a social security number must produce documentary proof of a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso or a valid passport issued by their country of citizenship. A foreign national may produce an individual tax identification number (ITIN) so long as it is accompanied by a matricula consular card or a valid passport. The applicant's ITIN card or the applicant's letter from the IRS issuing the ITIN is sufficient proof of the ITIN.

E. Applicants must produce one of the following documents as proof of identity:

(1) original birth certificate issued by a state or territory of the United States;

(2) certified copy of birth certificate issued by a state or territory of the United States;

(3) an original or certified copy of a foreign birth certificate with a notarized English translation;

(4) original official copy of an FS545 or FS1350 form certifying birth abroad and translated into

English;

- (5) affidavit of Indian birth;
- (6) N560 certificate of citizenship;
- (7) N550 certificate of naturalization;
- (8) a valid permanent resident card issued by the United States government;
- (9) a valid I-551 resident alien card issued since 1997;
- (10) a court order for name change, gender change, adoption or divorce, as long as it includes the legal name, date of birth and court seal;
- (11) a marriage certificate issued by a state or a territory of the United States; or
- (12) any document contained in Subsection F of this section, as long as the document is not used for proof of both identification number and identity.

F. Applicants can use the following documents to provide documentary proof of their identification number or documentary proof of their identity but the document cannot be used for proof of both their identification number and identity:

- (1) a state issued driver's license, a driver's license issued by a territory of the United States, or by jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
- (2) a state government-issued photo identification card, or a photo identification card issued by a territory of the United States, or by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year; however, the MVD photo identification document card issued by MVD pursuant to Subsection J of this section may not be used to satisfy this proof of identification number requirement;
- (3) a state government-issued photo learner's permit, or a photo learner's permit issued by a territory of the United States, or by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
- (4) a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
- (5) a valid passport issued by country of citizenship;
- (6) an American Indian or Alaskan proof of Indian blood, certificate of degree of Indian blood, federal Indian census card or tribal membership card;
- (7) a photo identification card issued by the United States military, United States coast guard or New Mexico national guard;
- (8) an identification document issued by the United States veterans administration, so long as it is accompanied by a United States veterans administration medical center ID card;
- (9) a valid United States active duty/retiree/reservist military identification card (DOD ID DD-2); or
- (10) a United States, state, or local government-issued photo ID, issued based on name, social security number and date of birth.

G. Applicants eighteen years of age or older must provide two of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:

- (1) a real property rental agreement or purchase agreement;
- (2) a utility bill, such as water, gas, electric, waste, telephone, cable or satellite bill, but not a bill for a cell phone;
- (3) an insurance bill;
- (4) a bank statement;
- (5) an employment pay stub that contains the applicant's name and address;
- (6) a local property tax statement or mortgage documents;
- (7) proof of a minor child enrolled in a New Mexico public, private, or tribal school;
- (8) a current, valid motor vehicle registration;
- (9) original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;
- (10) original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant; is a New Mexico resident;

- (11) a New Mexico medical assistance card; or
- (12) a New Mexico public assistance card.

H. Applicants less than eighteen years of age applying for an identification card must provide one of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:

- (1) proof that the child is enrolled in a New Mexico public, private, or tribal school;
- (2) a bank statement;
- (3) an affidavit from the applicant's parent or guardian stating that the applicant lives with that person, as long as the affidavit is accompanied by the parent/guardian's New Mexico driver's license, the parent/guardian's New Mexico identification card, or two proofs of New Mexico residency of the parent/guardian;
- (4) original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;
- (5) original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant is a New Mexico resident;
- (6) documents from membership in a New Mexico religious organization; or
- (7) documents from membership in a New Mexico sports organization.

I. MVD may require foreign nationals or first-time applicants from another state, to provide a certified copy of their driving record with an English language translation, if applicable, from the jurisdiction where the applicant is currently or was previously licensed.

J. Applicants who are unable to meet the requirements for a New Mexico identification card, driving permit, provisional driver's license, or driver's license, may apply for an MVD photo identification document card. The MVD photo identification document card issued by MVD does not necessarily meet federal identification requirements. This card will be clearly identified on the card as a restricted card that cannot be used for certain purposes. The identification document cannot be used to apply for a New Mexico identification card, driving permit, provisional driver's license or driver's license. An applicant for the MVD photo identification document card must provide two documentary proofs of their identity and one documentary proof of residency.

- (1) Applicants must produce two forms of documentation with their name and date of birth or with their name and social security number. Two documents with name and date of birth or two documents with name and social security number are acceptable. Any two of the following documents containing the name and date of birth or name and social security number are acceptable to prove identity:
  - (a) a state issued driver's license, a driver's license issued by a territory of the United States, or a license issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
  - (b) a state issued identification card, an identification card issued by a territory of the United States, or an identification card issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
  - (c) a state issued photo learner's permit, a photo learner's permit issued by a territory of the United States, or a photo learner's permit issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;
  - (d) an original or certified copy of the birth certificate issued by a United States state or territory of the United States;
  - (e) an affidavit of Indian birth;
  - (f) a current passport issued by the United States;
  - (g) a valid passport issued by country of citizenship;
  - (h) an I-94 form presented without a passport if it contains the applicant's photo;
  - (i) American Indian or Alaskan proof of Indian blood, certificate of degree of Indian blood, federal Indian census card or tribal membership card or physical address certification letter from the pueblo's governor's office or planning department;
  - (j) N550 United States certificate of naturalization;

- (k) a certificate of citizenship (N560);
- (l) a resident alien card (I-551, AR-3, AR3A, AR-103) that contains the applicant's photo;
- (m) FS545 or FS1350 United States certificate of birth abroad;
- (n) a military identification card that includes the applicant's photo;
- (o) a United States veterans administration card that includes the applicant's photo, so long as it is accompanied by a United States veterans administration medical center identification card;
- (p) a medical card that includes the applicant's photo;
- (q) a military dependent identification card that includes the applicant's photo;
- (r) a government-issued photo identification card;
- (s) a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
- (t) a New Mexico corrections department photo identification card with name, date of birth and documentation that the card has not expired within the past year;
- (u) an infant baptismal certificate;
- (v) a social security card;
- (w) a bank card, debit card, or credit card that contains the applicant's photo;
- (x) a high school, GED, college, trade school, or university transcript, certificate, or diploma;
- (y) an employee identification badge that contains the applicant's photo;
- (z) a medical insurance card or documentation of medical insurance coverage or eligibility that contains an identification number;
- (aa) military discharge/separation papers (DD-214);
- (bb) selective service card;
- (cc) proof of eligibility for and receipt of welfare benefits;
- (dd) medical records;
- (ee) documentation from a federal, state, or local correctional facility; or
- (ff) a social security administration benefits award letter containing the social security number.

(2) Applicants must provide one or more of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:

- (a) a real property rental agreement or purchase agreement;
- (b) a utility bill, such as a gas, electric, waste, water, cable, satellite bill, or telephone bill but not a bill for a cell phone;
- (c) an insurance bill, such as automobile, home or health;
- (d) a federally regulated financial institution document, such as a bank statement, excluding checks;
- (e) an employment pay stub with name and address;
- (f) a local property tax statement with name and address;
- (g) proof of a minor child enrolled in a New Mexico public, private, or tribal school;
- (h) a current, valid motor vehicle registration;
- (i) original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;
- (j) original documents from a city, county, state, tribal, or federal government or social service organization attesting to the fact that the applicant is a New Mexico resident;
- (k) a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
- (l) documentation of eligibility and proof that the applicant is currently receiving services from a 501(c)(3) organization, as defined by the Internal Revenue Code; or
- (m) other documents as approved by the MVD director.

[18.19.5.12 NMAC - N, 6/29/01; A, 6/14/02; A, 6/30/03; A, 10/1/07; A, 7/31/09]



**18.19.5.50 POINT SYSTEM - PURPOSE - DEFINITIONS:**

A. Section 66-5-30 NMSA 1978 authorizes the department to suspend the driver's license of an individual who has been convicted of violations of the traffic laws with such frequency as to show disrespect for those laws or has been found to be an habitually reckless or negligent driver of a motor vehicle. To provide a reasonable, objective and fair method by which the department may determine whether an individual shows disrespect for the traffic laws of this state through frequency of conviction for violations or is habitually reckless or negligent and to promote the public safety by removing such drivers from the roads, the department establishes a "point system" with 18.19.5.50 through 18.19.5.56 NMAC. This point system continues the point system in effect prior to July 1, 1992.

B. For the purposes of 18.19.5.50 through 18.19.5.56 NMAC, "conviction" means an adjudication of guilt including a finding of guilty by a court, a plea of guilty entered by the court, a plea of *nolo contendere* accepted by the court, a plea of guilty pursuant to a penalty assessment misdemeanor (Sections 66-8-116 through 66-8-119 NMSA 1978 or the forfeiture of bail or other collateral deposited to secure the violator's appearance in court; "conviction" also includes a conviction for a traffic violation in any other state, territory or possession of the United States, the District of Columbia and any province of the Dominion of Canada so long as the conviction in that jurisdiction is for a violation of a traffic law for which points would be assessed if the conviction were for a violation of the traffic laws of this state. "Conviction" does not include the imposition of sentence.

C. For the purposes of 18.19.5.50 through 18.19.5.56 NMAC, "driver" means an individual who operates a motor vehicle upon the trafficways of this state whether or not that individual holds a valid driver's license issued either by this state under the provisions of the Motor Vehicle Code or by another jurisdiction under the laws of that jurisdiction.

D. For the purposes of 18.19.5.50 through 18.19.5.56 NMAC, "trafficway" means a public highway or any other place, such as a parking lot, which is open for driving of motor vehicles by members of the general public and which is subject to the traffic control regulation of the state or a political subdivision of the state. [3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96; 18.19.5.50 NMAC - Rn & A, 18 NMAC 19.5.11.1, 9/14/00]

**18.19.5.51 POINT SYSTEM - ASSESSMENT AND EXPUNGING OF POINTS FOR VIOLATIONS OF TRAFFIC LAWS:**

A. Violations for which points shall be assessed are either violations pursuant to the traffic laws of this state or violations of the traffic laws of other jurisdictions for which points would be assessed if the violation had occurred in New Mexico. Points shall be assessed by the department in accordance with the schedule in 18.19.5.52 NMAC following conviction for any scheduled traffic law violation or the equivalent violation in the other jurisdiction if the violation occurred in another jurisdiction. Notification of a conviction of a traffic violation subject to the assessment of points shall be forwarded to the department by the convicting court. Points shall be assessed regardless of whether the violation occurred on a state, county or municipal road or on another trafficway. The department shall keep a record of points assessed for a period of one year from the date the violation occurred.

B. Points assessed to a driver will be expunged by the department automatically at the end of the twelfth month following the month in which the violation for which the points were assessed occurred. [3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96; 18.19.5.51 NMAC - Rn & A, 18 NMAC 19.5.11.2, 9/14/00]

**18.19.5.52 POINT SYSTEM - SCHEDULE OF POINTS FOR VIOLATIONS:**

A. Points to be assessed for conviction of violations on or after October 1, 1996 of provisions of the Motor Vehicle Code are scheduled in Subsections B through G below.

B. Eight (8) points for violation of the following section:

66-7-301 Speeding 26 or more mph over the posted speed limit on any trafficway if the limit is 15, 30 or 75 mph

66-7-301 Speeding 26 or more mph over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 mph and the speed was at

- least 76 mph
- C. Six (6) points for violations of the following sections:
- 66-7-347 Passing school bus taking on or discharging passengers or displaying warning not to pass
  - 66-8-113 Reckless driving
  - 66-8-115 Contest racing on public trafficway
- D. Five (5) points for violation of the following section:
- 66-7-301 Speeding 16 to 25 mph over the posted speed limit on any trafficway if the limit is 15, 30 or 75 mph
  - 66-7-301 Speeding 16 to 25 mph over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 mph and the speed was at least 76 mph
- E. Four (4) points for violations of the following section:
- 66-7-332 Failure to yield right of way to an authorized emergency vehicle
- F. Three (3) points for violations of the following sections:
- (1) CARELESSNESS
    - 66-8-114 Careless Driving
  - (2) FAILURE TO YIELD/OBEY TRAFFIC CONTROL DEVICES
    - 66-7-104 Failure to obey traffic instructions stated on traffic sign or shown by traffic control device
    - 66-7-328 Failure to yield right of way in a manner required at unsigned intersection
    - 66-7-329 Vehicles turning left at intersection
    - 66-7-330 Failure to yield right of way at yield sign, after stop sign or when emerging from private trafficway
    - 66-7-331 Failure to yield right of way at yield sign, after stop sign or when emerging from private trafficway
    - 66-7-341 Failure to obey traffic instructions stated on traffic sign or shown by traffic control device
    - 66-7-342 Failure to obey traffic instructions stated on traffic sign or shown by traffic control device
    - 66-7-343 Certain vehicles must stop at railroad grade crossings
    - 66-7-346 Failure to yield right of way at yield sign, after stop sign or when emerging from private trafficway
  - (3) FOLLOWING/BACKING
    - 66-7-318 Following too closely
    - 66-7-354 Improper backing
  - (4) TURNING MOVEMENTS/LANE POSITION
    - 66-7-322 Making improper turn
    - 66-7-323 Making improper turn
  - (5) PASSING/LEFT OF CENTER
    - 66-7-308 Failure to drive on right side of roadway when required
    - 66-7-309 Passing vehicles proceeding in opposite directions
    - 66-7-310 Improper overtaking or passing of a vehicle
    - 66-7-311 Improper overtaking or passing of a vehicle
    - 66-7-312 Passing with insufficient distance allowed for other vehicles or with inadequate visibility
    - 66-7-313 Driving to the left of center of roadway when prohibited
    - 66-7-315 Passing where prohibited by posted signs or pavement markings
  - (6) SPEEDING

- 66-7-301 Speeding 6 to 15 mph over the posted speed limit on any trafficway if the limit is 15, 30 or 75 mph
- 66-7-301 Speeding 6 to 15 mph over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 mph and the speed is at least 76 mph
- G. Two (2) points for violations of the following sections:
  - 66-3-801 Operating with any defective equipment resulting in inability to control vehicle movement properly
  - 66-3-840 Operating with defective brakes
  - 66-3-901 Operating with any defective equipment resulting in inability to control vehicle movement properly
  - 66-7-325 Failure to signal intention to change vehicle direction or to reduce speed suddenly
  - 66-7-326 Giving wrong signal
  - 66-7-357 Overloading vehicle with passengers or cargo
  - 66-7-369 Failure to restrain child passenger properly
  - 66-7-372 Failure to use seatbelt properly

[3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96, 3/31/99; 18.19.5.52 NMAC - Rn & A, 18 NMAC 19.5.11.3, 9/14/00]

**18.19.5.53 POINT SYSTEM - WARNING AT 6 POINTS:** Upon the accumulation by the driver of at least six points, the department may warn the driver of the possibility of suspension of the driver's license.

[3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96; 18.19.5.53 NMAC - Rn, 18 NMAC 19.5.11.4, 9/14/00]

**18.19.5.54 POINT SYSTEM - SUSPENSION OF DRIVER'S LICENSE AT 7 TO 10 POINTS:** If a driver has been assessed from seven to ten points for violations occurring within a period of one year and the department receives a recommendation from a municipal or magistrate judge that the driver's license be suspended for a period not to exceed three months, the department shall automatically suspend the license for the period recommended by the municipal or magistrate judge up to a period of three months. If the judge does not specify the recommended length of the period of suspension, the department will presume that the recommendation is for a period of three months. The department shall notify the driver of the fact of the suspension of the driver's license and of the beginning and ending dates of the suspension.

[3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96; 18.19.5.54 NMAC - Rn, 18 NMAC 19.5.11.5, 9/14/00]

**18.19.5.55 POINT SYSTEM - SUSPENSION AT 12 POINTS:** Upon the assessment of points to a driver which causes the total points accumulated by that driver to equal or exceed twelve points for violations occurring within a period of twelve consecutive months, the department shall suspend the driver's license for a period of twelve months. The department shall notify the driver of the fact of the suspension of the driver's license under 18.19.5.55 NMAC, the beginning date of the suspension and the driver's right to a hearing under the provisions of Subsection B of Section 66-5-30 NMSA 1978. The driver shall surrender the driver's license to the department immediately upon receiving notice of the suspension unless the driver requests a hearing under the provisions of Subsection B of Section 66-5-30 NMSA 1978, in which case the license shall be surrendered immediately upon a final decision adverse to the driver.

[3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96; 18.19.5.55 NMAC - Rn & A, 18 NMAC 19.5.11.6, 9/14/00]

**18.19.5.56 POINT SYSTEM - HEARINGS:**

A. Any hearing conducted pursuant to Subsection B of Section 66-5-30 NMSA 1978 shall be conducted before the director of the motor vehicle division or a person designated by the director. The officer conducting the hearing may postpone or continue the hearing on the officer's own motion or upon application from the driver for good cause shown.

B. At the beginning of the hearing, the officer conducting the hearing shall inform the driver of the

driver's right to representation. In such hearings, the technical rules of evidence shall not apply but, in ruling on the admissibility of evidence, the officer conducting the hearing may require reasonable substantiation of statements or records tendered, the accuracy or truth of which is in reasonable doubt. The rules of civil procedure for the district courts shall not apply but the hearing shall be conducted so that both complaints and defenses are amply and fairly presented. To this end, the officer conducting the hearing shall hear arguments, entertain and dispose of motions, require written expositions of the case as circumstances justify and render a decision in accordance with the law and the evidence presented and admitted.

C. The officer conducting the hearing shall make and preserve a complete record of the proceedings. The officer conducting the hearing may announce the decision at the conclusion of the hearing or may take the matter under advisement but shall, in either case, within twenty (20) days inform the driver in writing of the decision and, if the decision is unfavorable to the driver, of the driver's right to and requirements for review of the matter by the courts.

D. Failure of the driver to appear without good cause at the hearing is grounds for an adverse decision.

[3/12/75, 4/3/75, 9/1/88, 3/6/92, 8/20/93, 10/31/96; 18.19.5.56 NMAC - Rn & A, 18 NMAC 19.5.11.7, 9/14/00]

**18.19.5.57 REINSTATEMENT OF SUSPENDED LICENSE - CONDITIONS:** The department shall not reinstate a driver's license to any person whose license has been suspended under the provisions of 18.19.5.55 NMAC unless the conditions specified in 18.19.5.57 NMAC are met.

A. That person presents proof satisfactory to the department showing successful completion in a timely manner by that person of an approved driver improvement course. The course must be approved by the traffic safety bureau of the state highway and transportation department. Completion of the course must have occurred within 90 days immediately preceding the application for reinstatement of the license.

B. The driver must also successfully complete the written driver's examination and the vision examination which are administered by the department prior to the reinstatement of the driver's license.

[4/7/89, 8/20/93, 10/31/96; 18.19.5.57 NMAC - Rn & A, 18 NMAC 19.5.12, 9/14/00]

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## Unit 3 - The Driving Environment

### Chapter 9 - Adverse Driving Conditions

#### Objectives

The student will recognize and describe potential and actual adverse driving conditions.

The student will explain how to safely navigate in adverse driving conditions.

#### Course Outline

##### 1. Introduction.

There will always be unexpected situations but weather doesn't have to be one of them. Take the opportunity to make yourself aware of changing conditions. Although most of New Mexico's vehicle crashes (90 percent) happen in clear weather, keep in mind that New Mexico has a variety of climates due to its large geographic size and diversity. Depending on location and the time of the year, drivers can experience hail, snow, rain (gentle patters or driving rain with great burst of thunder and streaks of lightning), a haboob or dust storm, fog, or mirages from the shimmering sun heating the road. It's possible to drive across the state in mid-July and experience all of them. The best way to prepare for such a wide variety of conditions is to look at where you are headed and consider what may happen on the way there. For instance, tornado season affects the eastern side of New Mexico, and hail can happen any day of the year in high passes like Raton. Data collected from the National Weather Service has been compiled into a number of maps and gives an idea of what you might encounter in different parts of the state:

<http://www.plantmaps.com/interactive-new-mexico-heat-zones-map.php> .

New Mexico's laws make it clear that drivers must always consider the ambient conditions on the road when driving. For instance, it's only legal to drive the speed limit if it can be driven safely. It's not a defense in a crash situation to say that you were under the speed limit if your speed was too fast for the conditions at the time. Law enforcement officers will sometimes close roads that cannot be driven legally because they cannot be driven safely at any speed.

## 2. **Driving in adverse conditions.**

a. **Avoid the worst weather.** One of the best ways not to have a crash during bad weather is to stay home. This is not always possible, but is something to at least consider. In urban areas, schools and businesses often delay opening. Frequently, weather will clear in an hour or two and make travel safer, but not always. Leave some extra time to make the trip safely. Once on the road, the driver should allow a larger than normal distance between vehicles. Use the defroster and wipers to keep the windshield clear. Turn on headlights so others can see your vehicle. If the roads are slick, the driver should be cautious when going over bridges and overpasses, which tend to freeze up before other surfaces.

**Prepare before leaving by learning about current weather conditions.** Contact the National Weather Service, download a weather app, or check the websites of local newspapers or websites below. Get the latest on road conditions by calling the New Mexico Highway and Transportation Department hotline 1-800-432-4269 or 511. The highway department updates its recordings of conditions and construction areas continuously.

The following websites have information about the weather:

- i. New Mexico Department of Transportation: New Mexico Road Conditions: <http://splash.nmroads.com/>. This site provides a travel map, a broadband version and options such as an RSS feed and text only Areas Advisories.
- ii. The Weather Channel's site: <http://www.weather.com> and [weather.com/apps](http://weather.com/apps).
- iii. National Weather Service <http://www.weather.gov>
- iv. Radio stations also provide information about road conditions; watch for blue information signs posted along the roads. Be aware that some conditions are local and will not be announced on the radio. Yellow advisory signs are permanently affixed along the highway and warn of conditions like icy bridges or steep hills. Orange warning signs are placed as needed to alert travelers of construction or conditions on the road.

### b. **Rain:**

- i. **Flooding.** In New Mexico, storms can build up in a matter of hours and pouring rain will fill arroyos and washes that are normally dry. The average automobile can be swept off the road in 12 inches of moving water, and roads covered by water are prone to collapse. **DO NOT** cross rapidly moving water if faced with this situation. Turn around! Don't drown!
- ii. **High water.** If driving through an area with accumulated water, just the action of running through the water may stall the vehicle. Immediately use the emergency flashers if stuck in a roadway. Don't try to restart the car. Driving with water in the engine can ruin it. If you become trapped in rising water, immediately abandon the vehicle for higher ground. Try to open the door or roll down the window to get out of the vehicle. If you are unable to get out safely, call 911 or get the attention of a passerby or someone standing on higher ground so that they may call for help.
- iii. **Wet brakes.** If the vehicle has passed through standing water, the brakes may be affected. This doesn't apply so much to disc brakes as rear drum brakes and drum brakes on older vehicles. While driving, depress the brakes several times to warm the brake and press the water out. If the brakes do not respond, pull to the side of the road and turn on the emergency flashers. Normally brakes will dry out in a few minutes and the driver can resume the journey.
- iv. **Hydroplaning.** Another hazard of rain on the roads is hydroplaning. This happens when the water on the road is between the road surface and the tires on the vehicle. The tires are no

longer in contact with the road surface, and there is a significant loss of control. The driver should slow down, especially on curves. Steer and brake with a light touch. Ease your foot off the gas until the car slows and you can feel the road again. Hydroplaning can occur at speeds as low as 35 miles per hour.

- c. **Mud:** Getting stuck in the mud is not as unlikely as you may think in the desert Southwest. In the mountains on dirt roads, a day cross-country skiing can end up as an evening pushing a car out of a ditch. Review the supplies listed above, and be prepared.
  - i. A warm day can cause snow to melt and change a hard frozen road to an unstable surface. A vehicle with four-wheel drive or all-wheel drive may be able to get safely through it.
  - ii. Drive with the flow and try to keep a wheel on the highest part of the road. If the vehicle is not equipped with four-wheel or all-wheel drive and encounters mud, the driver should consider backing up or turning around and taking another way to a paved surface.
- d. **Snow and Ice:** There are many mountainous regions in New Mexico which may not be passable in severe weather. If you live in these regions or frequently travel through them, it may be necessary to carry chains or to consider getting studded tires. Drivers should be prepared for a long slow journey. If snow is falling, use the windshield wipers, defroster, and drive with lights on. Drivers should ease onto the roadway, signaling clearly and not pulling out in front of another vehicle.
  - i. Keep extra space between vehicles. If there is ice under the snow (most common when it has frozen overnight) the driver may have little traction, and should stop and start the car very slowly at each intersection.
  - ii. If you begin to skid, remain calm, ease your foot off the gas, and carefully steer in the direction you want the front of the car to go. You must be prepared to turn the steering wheel again and again until the front of the vehicle is traveling in a straight line. For cars without anti-lock brakes, avoid using your brakes. If your car has ABS, brake firmly as you steer into the skid.
  - iii. If the vehicle gets stuck, shift into the lowest gear and slowly press on the accelerator. Should the wheels begin to spin, press on the brake and shift into reverse. Again press the accelerator slowly. By doing this several times, the driver should be able to free the vehicle. Be careful, however. This type of action can be hard on your transmission. Using sand or cat litter under the wheels may help traction as will chains and extra weight in the trunk. (See the NHTSA tips under the Resources section of this chapter).
  - iv. If the driver loses visibility, the safest course of action is to pull off the road.
- e. **Fog:** Fog is occasionally seen in New Mexico, usually in the morning or after a rain shower.
  - i. Fog is dense and wet. Turn on the low beams and windshield wipers.
  - ii. Objects can appear suddenly in fog, so a slow speed is safest.
  - iii. High beam lights are not recommended in fog. They should not be used because they create too much reflection. Many newer cars are equipped with fog lights, which are mounted lower to the ground and can help keep the roadway in view. In other parts of the world, fog lamps are required on vehicles because fog can cause massive traffic crashes and fatalities.
  - iv. Treat severe fog like a dust storm, as described in the section below.
- f. **Dust storms:** In the summer of 2013, thunderstorms responsible for producing a haboob flared in the mountains near Los Alamos and Santa Fe. Precipitation falling into a deep layer of dry air evaporated, accelerating the downdraft and outflow winds at the surface, which churned up dust. These conditions may happen at different times during the year in different parts of the state. Drought conditions that cause dust storms are not unusual for southern New Mexico.
  - i. Although the highway department and local law enforcement attempt to close roads when such conditions exist, drivers must be prepared to pull over and stop in such situations.



Pull aside! Stay alive! Do not attempt to drive through an area if you cannot see the road. Do not wait until poor visibility makes it difficult to safely pull off the highway.

- ii. Immediately check traffic around your vehicle (front, back and to the side) and begin slowing down. Completely exit the highway if you can.
- iii. Stay in the vehicle with your seat belt buckled and wait for the storm to pass.

g. **Glare:** In New Mexico, we see a lot of the sun. Glare from the sun can distort visibility, making it difficult to see the road ahead. This is a severe problem right at sunrise and just before sunset.

- i. Give yourself some extra room, keep the windshield clean, avoid cleaners that give your dashboard a high gloss, wear sunglasses with polarized lenses and use the sun visor to block rays coming into the vehicle.
- ii. Remember the drivers around you also cannot see. Slow down and watch out for other vehicles, cyclists and pedestrians.
- iii. Some medical conditions may make sensitivity to glare and determining contrast more of an issue, such as beginnings of cataracts.

h. **Other impediments to safe driving:**

- i. There may be rockslides in some areas, so watch for falling rock signage.
- ii. There may be large animals in the roadway, sometimes cows or horses or wild animals. There is an effort to have more information posted about wild animal crossings around the state. According to UNM's Division of Government Research from 2006 to 2010 in New Mexico, there were 7,028 crashes involving animals. Of these, 11 were fatal and 734 crashes resulted in injuries to motorists. The most common animals struck were deer, involved in 4,010 (57%) of the crashes. Elk and domestic cattle were each involved in 12% of the crashes, and horses were struck 4% of the time. Watch for additional information on the NM Dept. of Game and Fish website:

[http://www.wildlife.state.nm.us/conservation/habitat\\_handbook/index.htm](http://www.wildlife.state.nm.us/conservation/habitat_handbook/index.htm)

- iii. References to things in the sky abound in New Mexico, but it is always wise to keep in mind that balloons do not land without a great deal of control. If it's a lovely fall day and the sky is full of beautiful balloons, pull over if you want to enjoy them. Use caution around any low flying balloons.

### 3. Crossing the United States Border

New Mexico and surrounding states share a border with Mexico. When traveling to Mexico, there are specific fees, identifications and permits required when traveling across the Mexico/US border. Follow the guidelines below to make your trip simple and enjoyable.

a. **Mexican Entry Requirements for U.S. Citizens**

You may visit border locations such as Palomas or Ciudad Juarez without obtaining a Mexican tourist permit. If you plan to travel beyond 18 miles (30 kilometers) into Mexico or if you plan to conduct business in Mexico, you must obtain a permit from an office of the Instituto Nacional de Migracion (Mexican National Immigration Institute) located at all border ports except Antelope Wells. You must present the following documents to obtain the permit:

1. Birth certificate and driver's license, or
2. U.S. passport.

For nationalities other than U.S., please visit a Mexican Consulate or Embassy before traveling to Mexico.

Tourist Purposes: If you are traveling to the interior of Mexico as a tourist, you must obtain an FMM (formally known as a FMT) tourist permit. The FMM allows you to visit or make multiple trips to

Mexico for a maximum period of 180 days. The Mexican Immigration official issuing the FMM has sole discretion in determining your length of stay and may ask you the expected duration of your trip. As a tourist, you are not authorized to conduct any type of business activity in Mexico.

**b. Taking Your Vehicle to Mexico**

You may visit Mexico in your vehicle without any permit as long as you remain within the border zone (within 18 miles of the border), including Palomas, Ciudad Juarez or other border communities. If you will plan to travel further into Mexico, you must obtain a temporary vehicle import permit. If you do not, you risk having your vehicle confiscated by Mexican customs officials. The temporary vehicle import permit will be valid for 6 months. You may obtain a temporary vehicle permit from Banjercito, the official Mexican issuing agency.

To be eligible for a temporary import permit, one must submit evidence of citizenship, the vehicle title, a vehicle registration certificate, a driver's license, and pay the processing fee at either a Banjercito (Mexican Army Bank) branch located at a Mexican Customs (Aduana) office at the port of entry, or at one of the Mexican consulates located in the United States.

Check the US State Department website <http://www.state.gov/p/wha/ci/mx/> and border patrol website for updated information and information regarding other categories for travel into Mexico: <http://www.nmborder.com>.

**4. Driving on Tribal Lands in New Mexico**

a. As of 2012, New Mexico had 219,512 Indian citizens, which composed nearly 10.5 percent of the state's population. There are 22 Native American tribes in New Mexico - nineteen Pueblos, two Apache tribes (the Jicarilla Apache Nation and the Mescalero Apache Tribe), and the Navajo Nation. The 19 Pueblos are: Acoma, Taos, Santa Clara, San Ildefonso, Tesuque, San Felipe, Jemez, Zuni, Zia, Nambe, Picuris, Ohkay Owingeh, Santo Domingo, Laguna, Isleta, Santa Ana, Sandia, Cochiti, and Pojoaque.

b. Each tribe is a sovereign nation with its own government, life style, traditions, and culture. Each tribe also has a unique relationship with the federal and state governments. Tribal police officers “bridge the gap” between the reservation and nearby communities. In addition to attending the Law Enforcement Academy in Santa Fe, they must also attend the BIA/federal law enforcement academy and are able to enforce state, federal, and tribal laws.

c. Many of New Mexico’s larger highways crisscross Indian lands. On these lands, New Mexico tribes have civil jurisdiction over non-Indians. A person must stop if a tribal officer attempts to pull them over. Any citation to a non-Indian on tribal land by tribal officer is civil in nature and generates a fine only. Traffic tickets are not reported to the New Mexico MVD. But if the fine is not paid, tribal courts can issue a default judgment and/or a Contempt of Court order.

d. Because some tribal officers are also State Certified, they can also file in non-tribal magistrate courts. In this situation, the usual MVD rules apply. If the citation is criminal and is cited into tribal court **and** the defendant is non-native, then the tribal courts do not have jurisdiction. See: [http://www.nmlea.dps.state.nm.us/legal/documents/Indian\\_Law.pdf](http://www.nmlea.dps.state.nm.us/legal/documents/Indian_Law.pdf)

**5. Driving on a Federal Lands in New Mexico**

New Mexico is home to many federal installations including Sandia and Los Alamos National Labs, U.S. Army posts and Air Force bases and National Parks. While on federal installations, drivers are subject to federal laws which may be more stringent than state or local laws. In any case, a driver cannot enter onto a federal installation without a valid driver’s license, vehicle registration and vehicle insurance.

## Suggested Review Questions

**Question #1: Name 5 hazardous New Mexico driving conditions?**

**Answer:** Rain, snow, sleet, fog, hail, wind storms, icy roads, glare, high water, mud, animals on the highway.

**Question #2: Where can you get current weather information?**

**Answer:** The New Mexico Highway and Transportation Department hotline 1-800-432-4269, the US weather service, online at <http://splash.nmroads.com/>, [www.weather.com](http://www.weather.com), [www.weather.gov](http://www.weather.gov), tv and radio stations.

**Question #3: True or False? You can drive your car to the interior of Mexico without a permit.**

**Answer: False.** Your vehicle will be confiscated.

**Question #4: True or False: If you get a speeding ticket on tribal lands, you can ignore it.**

**Answer: False.** If the fine is not paid, tribal courts can issue a default judgment and/or a Contempt of Court order.

## Resources

The following safety tips have been provided by the National Highway Traffic Safety Administration. For other tips, see [www.safercar.gov](http://www.safercar.gov).

- **Get your car serviced now.** No one wants to break down in any season, but especially not in cold or snowy weather. Visit your mechanic for a tune-up and other routine maintenance. Have your vehicle checked for leaks, worn hoses or other needed parts, repairs or replacements.
- **Check your battery.** When the temperature drops, so does battery power. For gasoline powered engines be aware that it takes more battery power to start your vehicle in cold weather than in warm. For electric and hybrid vehicles, the driving range is reduced and the battery systems work better when they warm up.
- **Check your cooling system.** When coolant freezes, it expands. This expansion can potentially damage your vehicle's engine block. You should make sure you have enough coolant in your vehicle, referencing your vehicle owner's manual for specific recommendations on coolant mix. Over time the rust inhibitors in antifreeze break down and become ineffective. Every few years your system should be flushed – that is, have the system drained of fluid and completely replace the coolant.
- **Check wipers, fluids and defrosters.** Safe winter driving depends on achieving and maintaining the best visibility possible. Make sure your windshield wipers work and replace worn blades as needed. Check to see your front and rear window defrosters work properly. Completely fill your fluid reservoir before the first snow. Use high-quality, “no freeze” fluid.
- **Check your car mats.** Improperly installed floor mats may interfere with the operation of the accelerator or brake pedal, increasing the risk of a crash. Remove old mats before installing new ones, using those correctly sized for the vehicle. Use the retention clips to secure the mat in the proper position, this will prevent them sliding forward. Verify that the driver mat has been reinstalled correctly if they are removed, such as when cleaning the vehicle. Do not stack mats and do not store books or other objects that might slide forward under the driver's seat.
- **Inspect your tires.** If you plan to use snow tires, have them installed before the snow storm season. Check out [www.safercar.gov](http://www.safercar.gov) for tire ratings before buying new ones. For existing tires, check to ensure they are properly inflated (as recommended by your vehicle manufacturer), the tread is sufficient with no uneven wear, and that the rubber is in good overall condition. Note that the tire rubber starts to degrade after several years and older tires need to be replaced even if they have not seen much wear. Regardless of season you should inspect your tires at least once a month and always before setting out on a long road trip. It only takes about five minutes. When checking the tire pressure, choose a time when the car has been sitting for at least three hours. Keep a gauge in your car. Look for uneven wear and at least 1/16 of an inch of tread. You can determine the age of a tire by finding the identification number beginning with DOT. The last four digits give the week and year the tire was made.
- **Know your car.** Every vehicle operates differently; this is particularly when driving on wet, icy or snowy roads. Take time now to learn how best to handle your vehicle under winter weather driving conditions. Consider practicing in an empty parking lot in full daylight before heading out on main roads. Plan to drive slowly and increase your following distance so that you'll have plenty of time to stop for vehicles in front of you. Stay calm and ease your foot off the gas while carefully steering in the direction you want the

front of your vehicle to go if you find yourself in a skid. Stay off the pedals – gas and brake – until you are able to maintain control of your vehicle. This procedure, known as “steering into a skid,” will bring the back end of your car in line with the front.

- **A word of caution about braking:** know what kind of brakes the vehicle has and how to use them properly. In general, if you have antilock brakes, apply firm, continuous pressure. If you don't have antilock brakes, pump the brakes gently.
- **Allow plenty of time to get to your destination safely.** Don't rush, especially when there are hazardous road conditions.
- **Keep the gas tank close to full, even with an electric vehicle.** If you get stuck in a traffic jam or in snow, you might need more fuel to get home or keep warm. Note: to avoid carbon monoxide poisoning when stuck in snow, be sure to keep your vehicle's exhaust clear of snow and ice, run your vehicle only in the open with the windows partially down, and run it only long enough to keep warm. Wait until road and weather conditions improve before venturing out in your vehicle. If road conditions are hazardous, avoid driving if possible.
- **When renting a car,** take a few moments to familiarize yourself with the car before driving it off the lot. Know where the location of the headlights, horn and hazard light button in case of emergency. Review the owner's manual.
- **Stock your vehicle.** Carry items in your vehicle to handle common seasonal driving tasks, ranging from overheating to cleaning the snow from your windshield and hood. You may need a snow shovel, ice scraper, sand for traction and additional weight in the car, emergency flashlight, blanket, jumper cables, a warning flare or marker, cell phone with charger, food and any necessary medication.
- **In an emergency, follow these safety rules:** Stay with your car and don't overexert yourself. Put bright markers on the antenna or window and keep the interior dome light turned on. To avoid asphyxiation from carbon monoxide poisoning, don't run your car for long periods of time with the windows up or in an enclosed space. If you must run your vehicle, clear the exhaust pipe of any snow and run it only sporadically, only to stay warm.

### Helpful Links

What to do about a ticket when driving on federal lands

<http://www.cvb.uscourts.gov/faq.html>

Driving in Mexico

<http://www.esurance.com/international-car-insurance/driving-in-mexico>

Driving in New Mexico

<http://nmroads.com/>



## Unit 3 - The Driving Environment

### Chapter 10 - Highway and Traffic Engineering

#### Objectives

Students will review design features of street environments in order to understand some of the principles of traffic safety highway engineering. Knowing what design problems make roads dangerous can help drivers avoid risky situations and driving.

#### Course Outline

**Introduction:** Many highway and traffic engineering concepts are relevant to safe driving on our streets and highways, but most are covered poorly or not at all in standard books and manuals on traffic safety education. The concepts are understood by those who plan, design, and operate the highway system, but these planners and engineers have not adequately relayed this knowledge to the driving public. Although attentive drivers will acquire some of this information indirectly through their driving experiences, it's obviously more efficient and timely to convey these facts to novice drivers when they are learning to drive.

In most cases, the specific standards that engineers use to design and operate roadways are not of concern to motorists. For example, the standard width of a travel lane on a rural, high-speed roadway is 12 feet (about 3.65 meters). When the lanes on a facility are actually this wide, they look normal to most drivers. By contrast, when a lane is only 9 feet wide, it looks narrow. For driving purposes, the appearance of lane width is more important to the driver and relevant to the driving task than its numerical value. For this reason, numerical values are used sparingly in this chapter, primarily to give the instructor a point of reference and to provide a response to questions from young drivers.

1. **Design and engineering standards.**
  - a. **National standards.** Highway design and traffic engineering policies and standards are established at the national level in a cooperative effort among federal, state, and local highway agencies. These standards are typically reviewed, revised, and approved by the Federal Highway Administration, an agency within the US Department of Transportation.
  - b. **State design.** In New Mexico, state-administered highways and streets are designed to comply with these federal standards; the same is true for many city streets and county roads. This chapter emphasizes the conditions in New Mexico, but because of standardization, similar principles apply on most other roads and streets throughout the country. However, standards continue to evolve, and facilities that were designed and constructed more than 20 years ago may not comply with current standards.
  
2. **Geometric design.** In layman's terms, a facility's geometric design refers primarily to those features that the motorist sees while driving along a road, including the traveled portion of the roadway and the roadside. In the design of new streets and highways or the major redesign of existing roads, the geometric design features are established by the functional class and design speed of the road. It's appropriate to note, however, that relatively few miles of new roads are being built. Virtually all of the orange barrels a driver encounters on the roadway reflect the repair of existing roads rather than the creation of new roads. National statistics show that road capacity has increased by only three percent since 1980 while the amount of highway travel has increased by almost 80%.
  
3. **Functional classification** refers to the intended use of the roadway; it reflects a tradeoff between traffic movement and land access.
  - a. **For example, a freeway's function is to move large volumes of traffic at high speeds;** however, vehicles can only enter or leave the roadway at interchanges.
  - b. **At the other extreme, the function of local residential streets is to provide (low-speed) access to homes;** they are not intended to move large volumes of traffic. In fact, residents become disturbed when their streets are used by traffic shortcutting through the neighborhood.
  - c. **Intermediate functional classifications include arterial and collector streets or roads.** In New Mexico's smaller cities and villages, the main route through town, often a state highway, is typically an arterial. Larger New Mexico cities have numerous arterial streets as well as collector streets, whose function is to bring traffic from the local street network to the arterials. Although the functional classification of a street or highway is not directly conveyed to the driver, the facility's appearance often provides clues to its classification. Arterials, for example, typically have two or more through traffic lanes in each direction and separate left-turn lanes at intersections. Along an arterial, traffic at major intersections is controlled by traffic signals, but minor street intersections are controlled with STOP signs for side-street vehicles.
  
4. **Design speed.** The highway engineer also selects a design speed, which might range from 20 mph for a low-volume forest road to 80 mph for a rural freeway; arterials and collectors have intermediate design speeds. Numerous geometric design parameters are established by the design speed including:
  - a. **Lane and shoulder width,**
  - b. **Steepness of grades,**
  - c. **Sharpness of horizontal curves,**
  - d. **Sight distance, and**
  - e. **Clearance to roadside obstructions.**

In general, higher design speeds enhance safety by providing wider lanes and shoulders, gentler curves, and clearer roadsides, thus accommodating minor driver errors. To the extent possible, design speed should be constant over an extended section of roadway. However, there are situations where the design speed must be

lowered for a limited length of road, such as a horizontal curve. Common practice at these sites is to post warning signs indicating the presence of the curve and recommending a safe speed.

If the engineer has designed the road correctly, prudent drivers should be able to examine a road's appearance and make a fair estimate of the safe driving speed. If the street appears to be an arterial, for example, the design speed will typically be 35 mph or higher. However, the actual posted speed limit may be lower due to congestion or other factors that may not be readily apparent to the motorist. As discussed later, speed limits are normally based on an engineering study of the location.

## 5. Specific Design Features Relevant to Driving

Millions of persons drive on streets and highways without knowing anything about their geometric design. Nevertheless, a little knowledge about highway design can be useful to motorists. This section highlights several such facts.

- a. **Stopping sight distance** - All roads and streets are designed to provide motorists with sufficient sight distance to see an object in the road that constitutes a hazard (such as a six-inch-high piece of lumber), react to its presence, and safely decelerate to a stop before striking it. At freeway speeds, the necessary distances exceed 500 feet. However, low-beam headlights will not illuminate an object at this distance, so the drivers will have insufficient sight distance at night. High beam use is permissible and advisable, especially on poorly illuminated rural stretches of roadways, as long as it is safe to do so without blinding other drivers closer than 500 feet. In town, it is likely that there will be secondary illumination, and this will be less of an issue. In addition, when drivers follow too closely behind other vehicles their view of the road ahead will be blocked and they may not see an object in time to avoid hitting it.
- b. **Intersection Sight Distance** - Engineers attempt to provide adequate sight distance for motorists attempting to enter or cross a major street from a side street controlled by a STOP sign. However, vegetation or other objects may block the distance that the motorist can see. Under these conditions, drivers should carefully pull ahead slowly into the intersection to a point where the visibility is adequate. On future trips, prudent drivers would take an alternate route to avoid intersections with deficient sight distance. If the item obstructing the line of sight can be corrected (e.g., trimming the tree), a conscientious driver would notify the highway agency responsible for the road.
- c. **Horizontal curves** - Because it is not feasible from practical or financial aspects to create a road system that consists entirely of straight sections, the engineer must introduce horizontal curves in the roadway network. In many cases, these curves can be safely negotiated at the posted speed limit. In other cases, a lower speed is appropriate and signs are placed to advise drivers of the curve and the safe speed. Because a disproportionate number of crashes occur on curves, motorists should comply with the recommended speed, especially when the roadway is wet.
- d. **Curbs** - Curbs serve two major purposes: to provide a distinctive separation between the traveled portion of the roadway and the adjacent area used by pedestrians, and to direct water runoff from the roadway to nearby water inlets. Except at very low speeds and small impact angles, however, a vehicle striking most curbs will not be redirected but will encroach into the area behind the curb. This not only causes damage to the vehicle but also poses a threat to pedestrians.
- e. **Drainage** - New Mexico often has thundershowers that drop a substantial amount of rainfall in a short period of time. In rural areas, the runoff from the roadway and surrounding land is collected in ditches parallel to the road and culverts that cross beneath the road. Some ditches and culverts are sufficiently steep or deep that they pose a hazard to errant motorists, regardless of whether or not they have any water in them.
- f. **Shoulders** - Roadside shoulders serve several functions, but perhaps the most important from the motorist's perspective is that they provide a refuge place for disabled vehicles. When using a shoulder for this purpose, always pull as far as practical beyond the traveled portion of the roadway, even if it means going beyond the paved portion of the shoulder. If the shoulder is too narrow to safely park the



vehicle, it is probably more prudent to continue driving (at a slower speed, if necessary) to the next driveway, interchange, or a point with a wider shoulder. On most freeways and multilane highways in New Mexico, the shoulders on the left-hand side of the roadway are too narrow to safely hold a vehicle; they should only be used when a vehicle is seriously disabled and when it is impossible or unsafe to reach the right-hand shoulder. Pull over as far as possible, activate hazard lights, and put out reflective cones/triangles, if it is safe to do so, to avoid being struck by other vehicles.

- g. Roadside** - From the geometric design perspective, the roadside consists of the shoulder and the area beyond, out to the adjacent property line. Prior to 1965, highway engineers gave little consideration to “designing” this area. Over the past 35 years, the provision of safe and forgiving roadides has become a recognized part of roadway design. Roadside slopes have been flattened, unnecessary fixed objects have been removed, and essential fixed objects have been redesigned to make them less rigid. Nevertheless, the roadside remains a hostile place for an errant motorist. In New Mexico, over 40% of the highway fatalities result from a vehicle running off the road and overturning on the roadside or striking a fixed object. In the case of overturning, the majority of fatalities result from occupants being ejected from their vehicle; proper use of restraint systems could have prevented these fatalities. Although vehicles can and do run off the road on straight sections of highway, an unusually high proportion of the overturning and fixed object crashes occur near horizontal curves.
- h. Guardrail** - In situations where an essential rigid fixed object (e.g., a large support for a freeway guide sign) must be retained or where it is not feasible to flatten the roadside slopes, guardrail may be used to shield vehicles and their occupants from these hazards. Nevertheless, guardrail itself is a fixed object, and 37% of the crashes in New Mexico that involve impact with guardrail result in injuries or fatalities to vehicle occupants. Although guardrail will normally lessen the likelihood of injury, it’s obviously better to avoid striking it. Note: Collapsible guardrails and other collapsible highway barriers are starting to be installed in more New Mexico locations to reduce the injury potential associated with striking them.

## 6. Traffic Control Devices

According to the guidelines employed by highway and traffic engineers, traffic control devices consist of signs, markings, and signals used to convey information to the motoring public. At a very basic level, these devices perform three functions:

- a. Regulatory** - Alert motorists to applicable regulations on the operation of their vehicles
- b. Warning** - Alert motorists to potentially hazardous conditions that may not be obvious to them
- c. Guidance** - Provide navigational information to motorists

The safe and efficient operation of our roadway network requires that all users of the system have a common understanding of the general rules of the road and their application at specific sites. Traffic control devices alert or remind motorists of these rules.

It is expected that all drivers will understand basic rules of the road. One such rule is that vehicles will be driven on the right side of the road. When a driver understands this rule, and assumes that other drivers understand this same rule, traffic flows smoothly. For example, motorists on some two-lane sections of New Mexico’s rural highway network drive at 65 mph and are approaching each other at a closing speed of 130 mph. All that separates them is a yellow line and two or three feet of horizontal clearance, and yet they find this maneuver comfortable. In contrast, two motorists driving at 25 mph across the marked spaces in a nearly vacant parking lot (instead of driving down the designated aisles) become uncomfortable when they get within 100 feet of each other because they are not confident what path the other driver will follow.

Sections 66-7-101 through -103 of the New Mexico Statutes requires the state highway commission to adopt a manual of standard traffic control devices and authorizes the installation of these devices on state highways and local roads and streets. A subsequent provision of the statutes requires that drivers comply with official traffic control devices. It also states that certain regulations (e.g., a one-way street) cannot be enforced unless

the proper sign was in place at the time the motorist allegedly violated the regulation. The combined effect of these statutes is to authorize the installation of standard traffic signs, markings, and signals, and compel driver compliance.

Traffic engineers employ distinctive colors and shapes on traffic signs. For example, the majority of warning signs have a diamond shape; they are yellow except in construction zones, where they are orange, and their message is written in black. Motorists can see the color and shape from a considerable distance and can recognize that the signs will provide a warning, although they will not be able to read the actual message until they get closer to the sign. Other distinctive shapes include the octagonal STOP sign and the circular Railroad Advance Warning sign. The following sections discuss some specific signs and their meanings. Illustrations of 30 of the signs are included at the end of this chapter.

## 7. Regulatory Signs

- a. **The STOP sign** (Figure 1) is used to assign right of way at street intersections. Along arterials and most collectors, the sign is used to stop the side-street traffic before it enters or crosses the through street. STOP signs are rarely used at driveways (except for some commercial driveways) because basic rules of the road require drivers to stop before entering the through road from driveways or private roads. The duty of a driver approaching a STOP sign is to come to a complete stop and yield the right of way to vehicular and pedestrian traffic on the major street. Under certain conditions, STOP signs may be placed on all approaches to an intersection; at these locations, motorists must stop and then take turns in entering the intersection. Although most STOP sign installations are truly needed to enhance safety, a few are the result of pressure from politicians or citizens who believe that installing this device will slow traffic down. In fact, these improper installations frustrate drivers who must decelerate to a stop and then accelerate to their approach speed (or higher), with an accompanying increase in the noise level. Improper STOP sign installations also lead to driver disrespect of these signs at those locations where they are truly needed.
- b. **The YIELD sign** (Figure 2), with its distinctive downward-pointing triangle shape, is also used to assign right of way. The device requires an approaching motorist to slow down, stop if necessary, and yield the right of way to traffic on the main road. It is most commonly used on freeway on-ramps where entering traffic must merge with vehicles on the freeway. It is also used at those street intersections where a special lane and/or a traffic island has been installed to separate right-turn traffic from through traffic; if intersection sight distance is sufficient, the right-turning vehicles could be controlled with the YIELD sign.
- c. **The SPEED LIMIT sign** (Figure 3) has a rectangular shape, with black lettering on a white background. It informs motorists of the speed limit that is applicable on the street or roadway section. With the exception of school zone speed limits, which are only applicable during crossing hours or when children are present, all speed limits in New Mexico are enforceable 24 hours a day. The process of establishing speed limits is discussed later in this chapter.
- d. **The NO RIGHT TURN sign** (Figure 4), **and similar signs for No Left Turn and No U-turn**, have a square shape with a white background, a black arrow showing the turning movement, and a red circle and slash indicating that the movement is prohibited. The No Right Turn sign is normally mounted on the right side of the street, the No Left Turn sign is normally mounted overhead near the traffic signal display or on the left side of the street, and the No U-turn sign is mounted in the median separating the opposing directions of traffic. In New Mexico, turn prohibition signs are most commonly used at locations where a motorist making the prohibited movement would be traveling the wrong direction on a one-way street or a freeway off-ramp.
- e. **The rectangular, black and white DO NOT PASS sign** (Figure 5) may be used to designate the beginning of a no-passing zone. It is used as a supplement to the solid yellow pavement marking that actually creates the no-passing zone. When used, the sign is mounted on the right side of the roadway. Probably the best reason for using the sign is that it remains visible when the markings may be

blocked by snow or worn due to traffic. Basic rules of the road prohibit passing maneuvers on two-lane roads at points where the sight distance is inadequate and at specific locations (e.g., within 100 feet of an intersection or a rail-highway grade crossing). On paved roads that have centerlines (this excludes most residential streets), the engineer will normally mark no-passing zones on intersection approaches, at locations with insufficient sight distance of opposing traffic due to hills or curves, and at other specific locations such as narrow bridges.

- f. **The DO NOT ENTER sign** (Figure 6) has a square shape with a red circle and a white bar on a white background. The actual symbol on the sign is adapted from a widely-used European sign that originally meant “no trespassing” and that was subsequently adapted to prohibit entry to certain highway segments. The most common application of this sign is on freeway off-ramps, where it is placed to discourage traffic from entering the ramp in the wrong direction. It is also used for a similar purpose at points where an unwary motorist might attempt to enter a one-way street in the wrong direction. A companion sign, indicating WRONG WAY in white letters on a red background, can supplement the DO NOT ENTER sign on off-ramps. It is also used near median crossovers on freeways to prohibit vehicles from traveling the improper direction on the divided roadway.
- g. **The ONE WAY sign** (Figure 7) is used to alert traffic approaching the intersection that the cross street is restricted to one-way travel. The sign itself comes in two versions, one of which is shown in Figure 7. Both consist of black lettering on a white background, accompanied by an arrow showing the proper direction of travel. Standard practice calls for placing the ONE WAY signs on the near right-hand corner and far left-hand corner of the intersection.

All of the signs shown in Figures 1 through 7 are enforceable; motorists violating these devices not only put themselves and others at risk, but they may receive a traffic citation. The standard guide for traffic signs contains more than thirty additional regulatory signs that can be legally enforced. Virtually all of these signs have messages (e.g., SLOWER TRAFFIC KEEP RIGHT, ROAD CLOSED, DO NOT BLOCK INTERSECTION) that are readily understood in the context of where they are placed. In addition, there are an almost unlimited number of signs to control parking; those that prohibit parking (e.g., NO PARKING ANY TIME) have red lettering on a white background and those that permit parking (e.g., ONE HOUR PARKING 9AM-7PM) have green lettering on a white background.

## 8. Warning Signs

In the absence of other information, most drivers expect that the road ahead of them will be generally similar to the road they have driven over for the past couple of miles. Other, contradictory, information may come from observation - for example, the alert motorist may see a vehicle entering from a side street when there hadn't been any side streets in recent miles. However, this method of warning won't work if there is no traffic entering from the street, or if the street is hidden by a curve, or if darkness limits visibility. In other cases, the safe speed ahead may be less than the design speed of the road and it may be necessary to alert the motorist to this condition. Some of these conditions will always be present at the particular location (e.g., a curve or intersection), but others, such as a road that is slippery when wet, will only be relevant to the motorist at certain times. When there is a potential hazard that would not be obvious to a prudent driver, the engineer may consider the placement of one or more warning signs.

- a. **Two of the most common warning signs are the Turn sign** (Figure 8) **and the Curve sign** (Figure 9). As discussed in the earlier section on geometric design, highway engineers attempt to maintain a constant design speed over an extended section of roadway; however, situations arise where it is not feasible to design every horizontal curve for the same speed as the remainder of the highway. The engineer can determine the safe speed of existing changes in horizontal alignment through field measurements. When the safe speed is less than the posted speed limit and is 30 mph or less, the Turn sign is used. When the safe speed is more than 30 mph but less than the posted speed limit, the Curve sign is used. Based on these criteria, the Turn sign is often appropriate at locations where the road

doesn't actually make a right-angle turn. Closely spaced turns (curves) are marked with Reverse Turn (Curve) signs and an extended section of road with changes in horizontal alignment can be marked with a Winding Road sign.

- b. **The Advisory Speed plate** (Figure 10) has black lettering on a square yellow background. It may be placed below almost any warning sign to advise the motorist of the safe speed through the location; it is only used if the safe speed is less than the regulatory speed limit (see Figure 3). Because the motorist needs to know the reason for the advisory speed, the sign must be used in conjunction with a warning sign. The numerical value on the plate is not a speed limit and is not enforceable. Nevertheless, a driver who exceeds the advisory speed and has a crash may be cited for careless driving or a similar offense.
- c. **The Cross Road and Side Road signs** (Figures 11 and 12, respectively) are used to indicate the presence of an intersection with a cross street or a road on one side. Observers of these signs should think of themselves as being positioned at the bottom of the vertical line on the sign face and traveling upward; the same was true, but perhaps more obvious, for the Turn and Curve signs. However, Figures 11 and 12 do not simply indicate the presence of an intersection; they also inform motorists that they are on the through street and that traffic approaching on the cross road or side streets will be required to yield the right of way to them. Similar signs are available for T- and Y-intersections. If the intersection is on a turn or curve, Figures 8 or 9 can be modified to show a cross road or side road. If the sight distance for traffic entering from the minor street is inadequate, the Advisory Speed plate may be used to warn motorists on the main street of the safe approach speed.
- d. **The STOP AHEAD sign** (Figure 13), and similar signs in advance of YIELD signs and traffic signals, are installed where the intersection traffic control may not be obvious to the approaching motorist. The most common application is on intersection approaches where foliage or roadway alignment blocks the view of the STOP sign until the motorist is too close to safely stop. Another application is on rural, high-speed roads where the driver hasn't encountered a STOP sign or traffic signal for many miles, thus leading to the expectation that there won't be one on the road ahead. At some intersections the sign is used to correct a problem of drivers not seeing the STOP sign and thus driving through without stopping. Like most diamond-shaped warning signs, the standard size for this sign is 30 inches (measured along one side of the sign), but sizes of 48 inches or larger are used for greater emphasis on high-speed roadways and freeway off-ramps.
- e. **The Merge sign** (Figure 14) **and the Added Lane sign** (Figure 15) are used in advance of the point where traffic enters a freeway. Motorists entering a freeway normally have the expectation that they will have to merge with the vehicles on the freeway; as a result, their movement is often controlled with a YIELD sign. The purpose of the Merge sign is to warn motorists on the freeway to expect vehicles merging from the right. The Added Lane sign is appropriate where the entering traffic will have its own lane and there is not an immediate need to merge with the through traffic.
- f. **The Lane Transition sign** (Figure 16) warns motorists that the number of through traffic lanes ahead will be reduced. The bent line on the sign can be either on the right or left, depending on which lane will end. The Lane Transition sign is used on two-lane freeway on-ramps that join into a single lane before entering the freeway or at the end of a truck climbing lane on a rural highway. The sign may be supplemented with advance signs warning RIGHT LANE ENDS or LANE ENDS MERGE LEFT.
- g. **The Narrow Bridge symbol sign** (Figure 17) or the comparable word message is used at any bridge or culvert on a two-way road where the width of the roadway is between 16 and 18 feet or where the width is less than the width of the approaching roadway. New Mexico had a tragic accident at a narrow bridge near Ft. Sumner in 1972 and since that time has made a good effort to replace narrow bridges on rural arterials. The few that remain are treated with not only the Narrow Bridge sign but also no-passing zones, delineators, and (sometimes) reductions in the posted speed limit. The **ONE LANE BRIDGE sign** (Figure 18) is used to warn of bridges or culverts on two-way roads with widths of less than 16 feet. Motorists who approach such a bridge should slow down and stop if necessary to yield to opposing traffic that is on the bridge.

- h. **The Divided Highway sign** (Figure 19) is used on the approach to a section of highway where the opposing directions of traffic will be separated by a median or physical barrier. To keep approaching traffic from getting caught on the improper side of the median, the sign is normally preceded by a marked no-passing zone. The sign can be mounted upside down to indicate that the divided section road is ending. In this case, the Divided Highway Ends sign is typically supplemented with the **Two-Way Traffic sign** (Figure 20), which warns traffic that the road has vehicles traveling in both directions. The presence of two-way traffic will normally be obvious from the appearance of the site and the pavement markings, but near transition points from a divided highway and in some construction zones this sign provides confirmation for the driver.
- i. **The Hill sign** (Figure 21), which shows the symbol of a truck on a downgrade, is primarily intended to warn truck drivers about a steep or lengthy downgrade that may cause problems for their braking systems. However, the sign is also important for regular motorists. To avoid losing their braking ability on downgrades, truck drivers will often shift to lower gears and proceed down the hill at a slower speed; at these locations, all motorists need to be alert for the slower moving vehicles. In addition, the operation of any passenger vehicle towing a trailer can be affected by a steep downgrade and the drivers of these vehicles should direct their complete attention to the driving task on the grade.
- j. **The Slippery When Wet sign** (Figure 22) is used to identify those roadway sections that are unusually slippery following rainfall. Highway agencies use this sign as a temporary measure to alert motorists where a wet road is particularly slippery; the longer term solution of roadway resurfacing to provide increased friction between a vehicle's tires and the roadway surface allows this sign to be removed.
- k. **The Pedestrian Crossing sign** (Figure 23) may be used at the actual point where pedestrians will cross the street; a similar sign, but without the crosswalk markings, can be used in advance of the crossing. Overuse of any warning sign, including this one, is discouraged. It should only be used where there is a substantial pedestrian volume, particularly if it would not be expected by motorists. A similar pair of signs, but in the shape of a pentagon (to look like a school house) is used at and in advance of pedestrian school crossings (see figure on the right). The school crossing signs have traditionally shown black symbols on a yellow background; to distinguish them from other warning signs, the background color for new school crossing signs has been changed to a strong yellow-green.
- l. **The Deer Crossing sign** (Figure 24). In contrast to pedestrians, trucks, farm equipment, and even cattle, deer and elk are likely to cross almost anywhere along the road near deer habitats. The deer crossing sign, therefore, refers to crossings over an extended section of road, often five to ten miles in length. Deer and elk are more likely to be active during the hours of darkness, when relatively few people are driving; in fact, motorists will certainly see more Deer Crossing signs than they see deer. Nevertheless, when this sign is posted, motorists should be attentive for an extended section of highway.
- m. **The NO PASSING ZONE sign** (Figure 25) has the distinctive shape of a pennant. It is a warning sign, as opposed to the DO NOT PASS sign (see Figure 5), which was regulatory. It is placed at the beginning of a section of a marked no passing zone on a two-way road. It differs from the mounting of other warning signs in that it is placed on the left-hand side of the roadway in a position that will be more visible to motorists who are initiating a passing maneuver.
- n. **The object marker** (Figure 26) has either a yellow or white background with black diagonal stripes. It is typically used at bridge abutments and drainage culverts under the road. The marker is also intended to convey a specific message to the motorist, although few know it - motorists should drive on that side of the marker on which the lines are pointing down. In Figure 26, for example, a motorist would drive to the left of the marker.
- o. **Construction signs** (Figure 27) have assumed greater importance as more of the highway work involves the reconstruction of existing roads while vehicles are still using the road. The regulatory



signs that were discussed earlier retain their same shape and color scheme in construction zones. However, warning signs are changed to black legends on an orange background. Figure 27 shows a typical advance sign for a construction zone; on freeways, the initial sign warning of construction is often a mile in advance of the first construction activity. The messages on construction zone warning signs can be virtually any of the warning messages discussed above as well as others (e.g., FLAGGER, DETOUR AHEAD) that only have relevance in construction areas. The posted speed limits in construction areas are frequently dropped by 10 or 20 miles per hour in the interest of enhancing worker safety and lessening the opportunity for crashes involving normal traffic and construction equipment. Research in New Mexico has found that accident rates on roadway sections under construction are about 30 percent higher than on these same roads before their reconstruction. Unlike the remainder of the roadway system, conditions in construction zones change frequently: the flagger may or may not be present, the right lane may or may not be closed, etc. Warning signs that are not revised to properly reflect the changed conditions will convey misleading information to approaching motorists. Unfortunately, most experienced drivers have encountered construction sites where the signs conveyed a false message. Nevertheless, even motorists who have been fooled in the past by incorrect warnings in construction zones should assume that the messages displayed in the current construction zone are valid, and they should drive accordingly.

- p. **Railroad Advance Warning sign** (Figure 29). One of the most potentially hazardous locations on the highway system is at the intersection of highways and railroads. In contrast to the braking and maneuvering capabilities of passenger vehicles, trains may take a mile or more to decelerate to a stop; they also don't have steering wheels because they lack the ability to swerve off their tracks. In addition, the railroad tracks are on private property and they were usually there before the highway. For these reasons, automotive traffic is required to yield the right of way to trains. The **Railroad Crossbuck** (Figure 28) and the circular **Railroad Advance Warning sign** (Figure 29) are used at virtually every rail-highway grade crossing. The warning sign alerts approaching drivers to the presence of the crossing and, in essence, encourages them to look and listen for trains. The Crossbuck, which is placed within 15 feet of the crossing, is a regulatory device telling motorists to yield the right of way. Drivers should not let the infrequency of train appearances lull them into a sense of complacency; post-crash studies reveal that a significant number of drivers involved in crashes with trains knew that the crossing was there, they just didn't expect the train to be there at the same time they were crossing the tracks.
- q. **Other signs.** The warning signs identified in Figures 8 through 27 and 29 show some of the more common messages. However, the complete set of possible warning signs is much larger. The guidelines permit other designs that are consistent with the standard color and shape requirements. For example, the sign SNOWMOBILE CROSSING is appropriate even though it is not listed in the guidelines.

## 9. Guide Signs

Motorists, especially those who are unfamiliar with a roadway, rely on guide signs to help them with their navigation. These signs range from the ubiquitous street name signs to shield signs showing the route number to large overhead freeway signs that identify the upcoming exits. White lettering on a green background is the most common color scheme for guide signs. However, blue backgrounds are used on motorist service signs (e.g., REST AREA, HOSPITAL, Gas Station) and brown backgrounds are used on recreational guide signs (e.g., historical sites, skiing, boating). Figure 30 depicts a common freeway guide sign indicating the junction of an Interstate freeway and a state highway. Guide signs, particularly those on freeways, must be very large for two reasons: every sign has a different message and each must be seen, read, and understood before the motorist passes the sign. As a result, letters and numerals on these signs are typically 12 to 15 inches high.

## 10. Pavement Markings

Streets may be marked with longitudinal lines (parallel to the direction of traffic) and transverse lines (perpendicular to the direction of traffic). The meaning of markings can be summarized as follows:

- a. **Transverse markings**, such as crosswalks, stop bars, and legends, are white.
- b. **Longitudinal markings** that separate traffic traveling in the same direction, such as lines between two lanes or between a lane and the right shoulder, are white.
- c. **Longitudinal markings** that separate traffic traveling in opposite directions, primarily centerlines, are yellow.
- d. **Dashed lines**, such as most lane lines and a single dashed yellow centerline on a two-way road, can be crossed for the purpose of changing lanes, turning into driveways, and passing traffic.
- e. **Solid lines adjacent to your travel lane**, such as the solid white line that separates adjacent lanes on an intersection approach, the solid yellow line that creates a no-passing zone or the left-hand edge line on a freeway, cannot be crossed for the purpose of lane changing or passing; unless otherwise prohibited, a driver may turn across a solid line to enter a driveway or side street.
- f. **Blue pavement markings** are employed consistently to mark parking spaces for persons with disabilities. However, the meaning of other curb marking colors is defined by each local agency, rather than national standard. The best advice is to avoid parking adjacent to any painted curb.
- g. **Stop-controlled intersections**. According to New Mexico's motor vehicle laws, a motorist on a STOP-controlled intersection approach is required to stop:
  - i. At the stop bar, if one is provided.
  - ii. If not, then before entering the marked crosswalk, if one is provided.
  - iii. If not, then at the point near the main street where the driver has a view of approaching traffic.

At a number of recently constructed freeway interchanges in New Mexico, the design has carried the entrance ramp lane continuously to the next exit ramp. This provides entering traffic with a much longer distance to merge with the through traffic. The beginning and ending of this lane is marked with a wide, solid, white lane to restrict motorists from changing lanes too early or too late. Unfortunately, it appears that many motorists do not understand the meaning of this marking. Drivers must ensure that they come to a complete stop at the stop sign. If you can feel your body moving forward slightly (or doing a head bob) then you have come to a complete stop, versus just a "rolling stop".

## 11. Traffic Signals

A traffic signal may be used to alternately assign right of way to competing movements at those intersections with higher volume. The traffic signal head contains between three and five lenses that convey an indication to the motorist; all recent traffic signal installations in New Mexico use lenses that are 12 inches in diameter. The meaning of the signal indications and the expected driver response is specified in the law.

- a. **A green indication** means that a driver may enter the intersection. However, the driver must yield to all vehicles and pedestrians which are already in the intersection at the beginning of the green.
- b. **A yellow indication** means that the associated through or left-turn movement is about to end. A motorist is obviously permitted to enter the intersection on yellow. However, the response to the yellow indication should not be to accelerate. If a driver is far away when the signal turns yellow, there will be adequate space to decelerate to a stop. If the driver is sufficiently close to the intersection, continued travel at a speed no greater than the speed limit will permit safe clearance of the intersection.
- c. **A red indication** means that traffic may not enter the intersection. Entering the intersection when the signal indication is red is a violation of the law and could lead to a traffic citation. Unfortunately, the number of incidents of drivers entering on the red appears to be increasing. With this in mind, it would be prudent for a motorist who has just received a green indication to check and make sure that a driver on the intersecting street isn't entering on the red indication. Throughout the US (except in New York City), a motorist may make a right turn on red after stopping and yielding to vehicles and pedestrians unless there is a sign prohibiting this movement.

- d. **A green arrow**, in general, means that the motorist may make the indicated left-turn or right-turn without interference from opposing vehicles or pedestrians. However, in New Mexico, this does not mean that you can make a conflict-free U-turn on a green arrow if the intersecting street to your left is showing a green right-turn arrow for approaching traffic. The best guidance is to use extreme caution when making a U-turn at a signalized intersection. Many intersections with dual left-turn lanes prohibit left-turns except when a green left-turn arrow is being displayed.
- e. **Yellow and red arrows** have the same meanings noted above for the solid yellow and red indications. Short of building an interchange, traffic signals are probably the only effective method of controlling intersections with large traffic volumes. Nevertheless, the installation of a traffic signal at a location that was previously controlled by STOP signs results in an increase in the number of traffic accidents. With STOP control, drivers on the side street had to decide if there as a sufficient gap in traffic to enter or clear the intersection; an incorrect decision could result in a right-angle collision. When a traffic signal is installed, these right-angle collisions should (in theory) be eliminated, but due to red-light runners, they still account for over 35% of the collisions at New Mexico's signalized intersections. Moreover, drivers who always stopped at the STOP sign are now faced with the problem of making a real-time decision when the signal indication changes from green to yellow. In less than one second, the driver must make a decision to stop or continue through the intersection. Problems occur when the lead driver decides to stop and the following driver decides that both of them will continue through the intersection B this can lead to a rear-end collision. Traffic signal installation invariably results in an increase in the frequency of rear-end collisions.
- f. **Cost.** Although it is not necessary in performing the driving task, motorists should be aware of traffic signal costs. The cost of designing, purchasing the hardware, and installing a new traffic signal starts at about \$100,000. At more complex locations that require multiple vehicle detectors and accommodation of protected turning movements, along with geometric changes to the intersection approaches, the cost can easily triple.
- g. **Computerized signal systems.** In several of New Mexico's larger cities, some or all of the traffic signals are controlled by computers. This helps provide smoother operation for those vehicles flowing in the peak direction of traffic. Some streets, especially those that are one-way, have signs indicating that the signals are set for movement at 30 mph (or some other speed). There's a good to excellent chance that the signs are correct. One might assume that motorists who accelerate to 35 or 40 mph before having to stop at the next signal would eventually realize this, but there are some who *never learn from experience*.



## Frequently Asked Questions about Highway and Traffic Engineering

### **Question #1: How are speed limits set?**

**Answer:** Section 66-7-301 of the New Mexico Statutes establishes speed limits for broad categories of roads and streets: 15 mph in school zones, 30 mph in business and residential districts, the posted speed limit in construction zones, and a maximum of 75 mph. However, the statutes provide that these limits may be revised on the basis of an engineering study at a particular location. Proper studies assign primary importance to the speed that drivers choose based on their assessment of the roadway appearance (i.e., how fast they currently drive, but discounting the fastest 15 percent of the drivers who are probably overestimating the road's safe speed), geometric design parameters, roadside friction (due to parking, pedestrians, driveways), crash experience, and other factors that may not be apparent to the driver. Throughout New Mexico, the final decision on a roadway's speed limit is ultimately made by appointed or elected officials. At the local level, these officials respond to opinions of their constituents; as a consequence, numerous local speed limits are artificially low. Contrary to popular opinion, the simple lowering of the posted speed limit will not, per se, reduce the speed of traffic.

### **Question #2: I'm a good driver. When I look at a street and it appears to me that it should be safe to travel at 40 mph but engineers have posted the speed limit at a ridiculously low 30 mph, why shouldn't I be able to drive at 40 mph?**

**Answer:** As discussed in earlier, New Mexico's statutory speed limits may be adjusted up or down on the basis of an engineering study that attempts to incorporate factors requiring lower speeds that may not be apparent to persons driving on the roadway; consequently, the limits may appear too low. In other cases, political pressures may override engineering recommendations, resulting in artificially low speed limits.

### **Question #3: I've found that I can drive through curves about 10 mph faster than the speed shown on the signs. What's wrong with you guys?**

**Answer:** As a matter of practicality, highway engineers don't design facilities for average conditions. To extend the example, engineers don't design buildings for average wind loads or average earthquakes, telephone or electrical systems for average demands, or xyz for the average abc. The recommended safe speed on highway curves assumes the worst (well, almost the worst) conditions: wet pavement, worn tires, poor vehicle suspension, and motorists' intolerance of side forces. The speed is advisory for large commercial trucks as well, which could overturn if they took the curve at faster speeds.

To the extent that you, your vehicle and the weather conditions differ from the assumed conditions, you can probably negotiate the curve at a higher speed. Nevertheless, motorists must be careful as they drive from one state (or county or city) to another. One comprehensive study found that some states post reasonable and proper advisory speed warnings while others (unfortunately) do not employ accepted guidelines in establishing advisory speeds.

### **Question #4: As a citizen and a driver, I have a problem concerning a roadway I drive on; who should I complain to?**

**Answer:** Although their representatives may appear abrupt when contacted by phone, all highway agencies are truly concerned about the safe and efficient operation of their streets and highways. If you want to relay a concern, the first step is to determine who "owns" the road. Roads that are designated as Interstate (e.g., I-40), primary (most US-xx), and state (NM-yy) are the responsibility of the NM State Highway Administration. If the problem involves one of these roads, contact the nearby NMSHTD District office in Deming, Roswell, Albuquerque, Las Vegas, Santa Fe, or Grants; all have (800) phone numbers that should be listed in local telephone directories. For streets that are clearly within a city, contact the city's department of public works or transportation. Most other roads will be under the jurisdiction of counties, although New Mexico has numerous miles of rural roads that are controlled by the US Forest Service or other federal government agencies. All of these agencies welcome input from concerned citizens regarding physical damage to the road, missing or damaged traffic control devices, or other

issues that warrant attention.

**Question #5: How do I get a flashing light attached to the warning sign at “dead man’s curve” just outside of town?**

**Answer:** In theory, any flashing light should attract attention to the standard warning device. However, undue attention to any common situation (you probably drive through “sharp” curves every day) leaves the traffic engineer without something “special” for truly unique situations. In some modest-size Texas cities, flashing beacons are installed on the state highway to provide a convenient reference point (as in, “go to the blinking light and turn left”) rather than highlighting a true hazard. The New Mexico State Highway and Transportation Department has a practice of using flashing lights only at those intersections where the hazard is truly unexpected or unusual.

**Question # 6: If I approach a signalized intersection and I have a green indication, how can I be sure that traffic on the intersecting street doesn’t also see a green?**

**Answer:** Your concern is certainly valid. To reassure you, all traffic signal controllers have a “conflict monitor” that precludes the simultaneous display of green indications on competing intersection approaches. When there is a complete disruption of electricity at the signal controller, all indications will go blank and motorists should treat the intersection as if it had a four-way STOP.

**Question # 7: It appears to me that the residential street I live on has quite a bit of traffic traveling at a high speed. Can traffic engineering help with this?**

**Answer:** This general complaint has become increasingly common as external traffic attempts to take shortcut routes through neighborhoods. Most of the larger cities in New Mexico have implemented programs for residential area traffic control. You should contact your local public works department, which will conduct a traffic study and, if appropriate, recommend treatments that will help control the volume and speed of traffic.

## Suggested Review Questions

**Question # 1: Name those traffic signs that have unique shapes.**

**Answer:** STOP, YIELD, No Passing Zone pennant, Railroad Advance Warning, Railroad Crossbuck, School Crossing.

**Question # 2: True or False: A Speed Limit sign has a black border.**

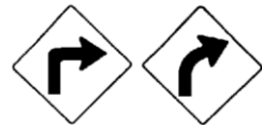
**Answer:** True. All traffic signs have a border to help focus attention on the sign. As shown in Figures 1-30, the color of the border is the same as the color of the sign message or legend.

**Question # 3: True or False: Regulatory signs are enforceable.**

**Answer:** This is generally true, although it is problematic how one enforces the black and white regulatory messages PASS WITH CARE or TRUCK LANE 500 FEET.

**Question # 4: What is the difference in meaning between these two warning signs?**

**Answer:** The Turn sign, on the left, indicates that the safe speed through the change in horizontal alignment is 30 mph or less and is below the posted speed limit. The Curve warning sign indicates a safe speed in excess of 30 mph but less than the posted speed limit.



**Question # 5: In addition to marking a hazard, what message does this device convey to the motorist?**

**Answer:** Because the sloped lines point down to the right, you should drive to the right side of this marker.



**Question # 6: On a two-lane two-way highway, where is passing prohibited?**

**Answer:** New Mexico statutes prohibit passing under specific conditions, such as within 100 feet of an intersection or on a curve where visibility is restricted. The responsible highway agency may place markings to prohibit passing at these locations or others where a passing maneuver cannot be made safely. The markings may be supplemented with the regulatory message DO NOT PASS or the warning NO PASSING ZONE pennant on the left side of the road.

**Question # 7: True or False: The federal government dictates the geometric design and traffic control devices for use on all streets and highways.**

**Answer:** False. Geometric design and traffic control standards are developed in a cooperative manner by representatives of federal, state, and local highway agencies. Once the standards are accepted by these various agencies, they become eligible for financial support from the federal highway program.

**Question # 8: Identify and characterize the two primary competing functions of highways.**

**Answer:** Highways and streets are designed to move traffic and to provide access to adjacent land. At one extreme, freeways are intended to move large volumes of traffic at high speed, but motorists can only access these facilities at interchanges. Toward the other extreme, every driveway provides access to a local street, but such facilities are designed to accommodate small volumes at moderate speeds.

**Question # 9: True or False: An inattentive driver who strays from the travel path on an urban arterial will probably be redirected by the curb.**

**Answer:** The proper answer depends on the actual speed and angle of impact along with the height and slope of the curb design. At an arterial speed of 40 mph and an impact angle of more than 10 degrees, most impacting vehicles will mount and continue beyond a typical 6-inch high curb.

**Question # 10: What should I do if I come to a traffic signal and none of the signal indications are illuminated?**

**Answer:** This is a good indication that the power to the traffic signal has been cut off. The situation should be treated as a four-way STOP. Be aware that under these conditions some aggressive motorists will attempt to enter as a group with the vehicle or two ahead of them. If the signal fails in this manner during peak traffic volumes, the prudent driver who wants to make a left turn across two or three lanes of opposing traffic would be well-advised to attempt this maneuver at a nearby, unsignalized intersection.

**Question # 11: What should I do if I come to a signal at a rail-highway grade crossing and the indications are not illuminated?**

**Answer:** In their standard mode of operation, railroad signals are illuminated only if a train is at or approaching the crossing with the highway. Fail-safe mechanisms make it extremely unlikely that a train would actually be approaching but the crossing signal would not be illuminated. Therefore, you should proceed across the crossing.



**Question # 12: What should I do if I come to an intersection with a red signal indication for me and a green indication for intersecting traffic and I wait for four minutes without getting a green signal?**

**Answer:** At intersections in New Mexico, if you've actually waited that long, there is probably something wrong with the traffic signal controller or the traffic detectors. If you're fortunate enough to be the lead vehicle in the right-hand lane, make a right turn on red and select the best alternate route to your destination. If you're near the front of the traffic queue, you or your passenger could exit your vehicle and push the button that pedestrians use to get the walk indication. If neither of these options is available and you've waited at least four minutes, you may exercise extreme caution for intersecting and opposing traffic and proceed through the intersection, recalling that the malfunctioning red indication still imposes on you the duty to yield to all intersecting traffic.

**Question # 13: Identify traffic signs that can be mounted upside down without changing their meaning.**

**Answer:** This chapter noted that the Divided Highway sign could be mounted upside down; however, its meaning was changed. A quick glance at Figures 1-30 suggests that the Cross Road sign (Figure 11), the Narrow Bridge sign (Figure 17), and the Two-Way Traffic sign (Figure 20) can be mounted upside down and still retain their same meaning. The black on yellow double-headed arrow, shown at the right, also satisfies this condition.



**Question # 14: Identify a message that you might expect on standard traffic signs with the following background colors:**

1) **Red**

**Answer:** stop, yield, wrong way

2) **Brown**

**Answer:** various forms of recreation guidance, such as parks, historical attractions, ski areas

3) **Orange**

**Answer:** construction warning

4) **Blue**

**Answer:** motorist service messages for rest areas, food/fuel/lodging, hospitals, airports

5) **Strong yellow-green**

**Answer:** school crossing signs

6) **Green**

**Answer:** many navigational signs, including street names and freeway guide signs

**Question # 15: True or False: When I approach an intersection controlled by a STOP sign, I must come to a complete stop where the STOP sign is placed.**

**Answer:** False. The primary criterion for the physical placement of STOP signs is to make them visible to approaching motorists; the STOP sign can be up to 75 feet from the through street. However, the law establishes the stopping position as the painted stop bar, the crosswalk, or the position where a driver has an adequate view of approaching traffic.

**Question # 16: On a traffic sign, what does a red circle and slash on a white background mean?**

**Answer:** Regulatory signs may show prohibition of something by using the symbol on a sign and surrounding it with a red circle and slash. The symbol could be a turning movement, a pedestrian, bicycle or truck, or some symbol of drunk driving.

**Question # 17: If I'm driving in the left lane of a rural New Mexico Interstate highway, and I think one of my tires is going flat, should I slow down and pull onto the left shoulder?**

**Answer:** You should slow and move to a safe area. With few exceptions, however, left-hand shoulders on New Mexico's highways are not sufficiently wide to protect a disabled vehicle. Right shoulders will almost always provide a safer refuge.

**Question # 18: True or False: Traffic engineers will post warning signs at every hazard.**

**Answer:** False. Numerous potentially hazardous conditions can exist on all roads, but practicality requires that drivers must be alert to any real-time hazards that may exist on the highway. The principle is especially critical on low-volume roads, where roadway geometrics and appearance should provide sufficient feedback to drivers.

**Question # 19: The sketched sign is green with white numerals and is placed along the roadside. What does it mean?**

**Answer:** This is a guide sign, commonly referred to as a milepost. It shows the mileage from the west or south beginning of the route within the state. In New Mexico, for example, mileposts on I-40 begin with 0 at the Arizona border while those on I-25 begin at Las Cruces at the interchange with I-10.



## Resources

Homburger, W., et al., “Fundamentals of Traffic Engineering”, 15th Edition, University of California, Berkeley, 2000

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Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12

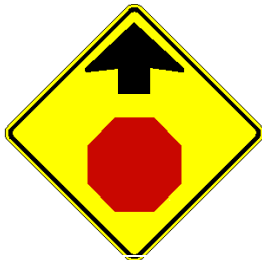


Figure 13



Figure 14

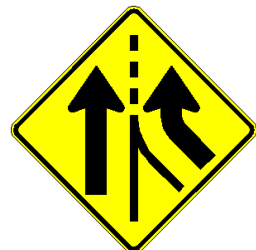


Figure 15





Figure 16

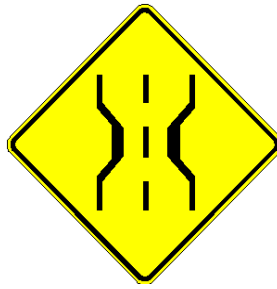


Figure 17



Figure 18



Figure 19



Figure 20



Figure 21



Figure 22



Figure 23



Figure 24



Figure 25



Figure 26



Figure 27



Figure 28



Figure 29



Figure 30