



Hobbs City Commission
Regular Meeting
City Hall, City Commission Chamber
200 E. Broadway, 1st Floor Annex, Hobbs, New Mexico

Monday, November 3, 2025 - 6:00 PM

R. Finn Smith
Commissioner - District 1
Joseph D. Calderón
Commissioner - District 4

Sam D. Cobb, Mayor
Christopher R. Mills
Commissioner - District 2
Dwayne Penick
Commissioner - District 5

Larron B. Fields
Commissioner - District 3
Don R. Gerth
Commissioner - District 6

AGENDA

City Commission Meetings are
Broadcast Live on KHBX FM 90.7 Radio and
View Online at www.hobbsnm.org

CALL TO ORDER AND ROLL CALL

INVOCATION AND PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Minutes of the October 20, 2025, Regular Commission Meeting (*Jan Fletcher, City Clerk*)

PROCLAMATIONS AND AWARDS OF MERIT

2. Proclamation Proclaiming the Week of November 9 - 15, 2025, as "NATIONAL NURSE PRACTITIONER WEEK" in the City of Hobbs (*Sam Cobb, Mayor*)

PUBLIC COMMENTS (Citizens who wish to speak must sign the Public Comment Registration Form located in the Commission Chamber prior to the beginning of the meeting.)

CONSENT AGENDA (The consent agenda is approved by a single motion. Any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.)

3. Consideration of Approval of the Emergency Trunk Line F Sewer Line Replacement on Central Between Copper and Cochiti with Entrench Inc. (*Tim Woormer, Utilities Director*)
4. Resolution No. 7696 - Approving the Final Plat for the Ozro Subdivision, a Type 3 Subdivision Located in the Northwest Quarter (Nw¼) of Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, Within the Extra-Territorial Jurisdiction (ETJ) of the City of Hobbs, New Mexico (*Todd Randall, Assistant City Manager*)
5. Resolution No. 7697 - Approving a Development Agreement Between the City of Hobbs and Hasbrook-Fetter Farms, Inc. for Right-of-Way Dedication and Associated Conditions at 210 West Navajo Street (*Todd Randall, Assistant City Manager*)

DISCUSSION

ACTION ITEMS (Ordinances, Resolutions, Public Hearings)

6. FINAL ADOPTION: Ordinance No. 1165 - Amending the Uniform Traffic Ordinance as Set Forth in Chapter 10.04 of the Hobbs Municipal Code (*Medjine Desrosiers-Douyon, Deputy City Attorney*)
7. FINAL ADOPTION: Ordinance No. 1166 - Amending Chapter 1 of the Hobbs Municipal Code Establishing Civil Infraction Violations and Enforcement Procedures (*Medjine Desrosiers-Douyon, Deputy City Attorney*)
8. Resolution No. 7698 - Authorizing Renewal of 2026 Benefit Plan Offerings (*Nicholas Goulet, HR Director*)
9. Consideration of Approval of the Purchase of a Heavy Rescue/Hazardous Material Vehicle from Pierce Manufacturing, Inc., Utilizing HGAC Contract (*Adam Marinovich, Deputy Fire Chief*)
10. Resolution No. 7699 - Approving FY 25-26 Memorandum of Agreement with New Mexico Department of Transportation (NMDOT) for Hobbs Express (*Jan Fletcher, City Clerk*)
11. Consideration of Approval of a Professional Services Agreement with Parkhill Utilizing CES Contract No. (2023-01-C1110-ALL) for Construction Phase Services for the HIAP and Jefferson Ground Storage Tank Rehabilitation

Projects. (*Tim Woomer, Utilities Director*)

12. Resolution No. 7700 - Approving the HIAP Summary Subdivision Replat Located Within the Hobbs Industrial Air Park, City of Hobbs, Lea County, New Mexico (*Todd Randall, Assistant City Manager*)

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

13. Next Meeting Dates:

City Commission Regular Meetings

- Monday, November 17, 2025, at 6:00 p.m.
- Monday, December 1, 2025, at 6:00 p.m.
- Monday, December 15, 2025, at 6:00 p.m

ADJOURNMENT

If you are an individual with a disability who needs a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the above meeting, please contact the City Clerk's Office at (575) 397-9200 at least 72 hours prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the City Clerk's Office if a summary or other type of accessible format is needed.



CITY OF HOBBS
STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Minutes of the October 20, 2025, Regular Commission Meeting

DEPT OF ORIGIN: City Clerk

DATE SUBMITTED: 10/27/2025

SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

Minutes of the regular Commission meeting held on October 20, 2025.

Fiscal Impact:

N/A

Attachments:

October 20, 2025 - Minutes

Recommendation:

Motion to approve the minutes.

Approved By:

Jan Fletcher, City Clerk

Manny Gomez, City Manager

Minutes of the regular meeting of the Hobbs City Commission held on Monday, October 20, 2025, in the City Commission Chamber, 200 East Broadway, 1st Floor Annex, Hobbs, New Mexico. This meeting was also broadcast via Livestream on the City's website at www.hobbsnm.org.

Call to Order and Roll Call

Mayor Cobb called the meeting to order at 6:00 p.m. and welcomed everyone to the meeting. The City Clerk called the roll and the following answered present:

Mayor Sam D. Cobb
Commissioner R. Finn Smith
Commissioner Chris Mills (*by phone*)
Commissioner Larron B. Fields
Commissioner Joseph D. Calderón
Commissioner Dwayne Penick
Commissioner Don Gerth

Also present:

Manny Gomez, City Manager
Todd Randall, Assistant City Manager
Ayana Estrada, Deputy City Attorney
August Fons, Police Chief
Wade Lyons, Deputy Police Chief
Marina Barrientes, Police Captain
Mark Doporto, Fire Chief
Ryan Herrera, Deputy Fire Chief
Anthony Henry, City Engineer
Matt Blandin, Assistant I.T. Director
Jessica Silva, Code Enforcement Superintendent
Chad Littlejohn, Marketing Coordinator
Evelyn Nunez, Event Coordinator
Bryan Wagner, Parks and Open Spaces Director
Matt Hughes, Rockwind Superintendent
Doug McDaniel, Recreation Director
Lyndsey Henderson, CORE Facility Director
Nichole Lawless, Library Director
Toby Spears, Finance Director
Deb Corral, Assistant Finance Director
Nicholas Goulet, Human Resources Director
Tracy South, Assistant Human Resources Director
Selena Estrada, Risk Management
Christa Belyeu, I.T. Director
Julie Nymeyer, Executive Assistant
Jan Fletcher, City Clerk
22 citizens

Invocation and Pledge of Allegiance

Commissioner Fields delivered the invocation and Commissioner Calderón led the Pledge of Allegiance.

Approval of Minutes

Mayor Cobb announced he received a request to pull Item #5, Resolution No. 7686, from the Consent Agenda. He stated it is being moved to the last item on Action Items.

Commissioner Calderón moved the minutes of the regular meeting of October 6, 2025, be approved as written. Commissioner Smith seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried.

Proclamations and Awards of Merit

Mayor Cobb proclaimed November 1, 2025, as “EXTRA MILE DAY” in the City of Hobbs. He stated it gives him great pleasure to recognize all of the citizens of our community that go the extra mile in personal effort, volunteerism and service.

Mr. Manny Gomez, City Manager, recognized the following employees for their Milestone Service Awards for the month of October, 2025:

- 5 years - Alexa Sanchez, Recreation Department
- 5 years - Samson Shije, Parks and Open Spaces Department
- 5 years - Jordan Barrett, Recreation Department
- 5 years - Lauren Carrillo, Hobbs Police Department
- 10 years - Jamie Wolters, Hobbs Public Library
- 20 years - Joseff Amador, I. T. Department
- 20 years - Nancy Warner, Parks and Open Spaces Department
- 25 years - Toby Spears, Finance Department

Mr. Gomez thanked the Commission for the opportunity to recognize the employees of the organization. He reviewed highlights about the work of each employee. He expressed personal gratitude to each employee for their hard work and also thanked the employees' families for their contributions to the organization.

Public Comments

Mr. Nick Maxwell, a resident of Hobbs, spoke in opposition of Resolution No. 7686 concerning the College Lane Widening Project. In lieu of handing the City Manager authority to sign and execute documents, he requested the Commission table action on the resolution until further information is provided.

Ms. Kimberly Johnston, a property owner on College Lane, expressed concern about the College Lane Widening Project. While she supports improvement of the roadway, she stated she is not in favor of the City taking land from property owners.

Consent Agenda

Mayor Cobb explained the process for the consent agenda which is reserved for items which are routine when the agenda is lengthy. He stated any member of the Commission may request an item to be transferred to the regular agenda from the consent agenda without discussion or vote.

Commissioner Penick moved for approval of the following Consent Agenda item(s):

Resolution No. 7685 - Authorizing Disposal of a Fixed Asset - Wash Press Assembly (Component of 5333)

Resolution No. 7687 - Authorizing the Mayor to Provide Notice to the New Mexico Oil Conservation Division of the City's Election to Opt Out of Receiving Fracturing Fluid Disclosures Pursuant to Rule 19.15.16.19(D) NMAC (2025)

Resolution No. 7688 - Amending The Fiscal Year 2027–2031 Infrastructure Capital Improvement Plan (ICIP) to Include a New Project for Affordable Housing Development

Commissioner Smith seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, Cobb yes. The motion carried. Copies of the resolutions and supporting documentation are attached and made a part of these minutes.

Discussion

None.

Action Items

Resolution No. 7689 - Authorizing an Allocation of Lodgers' Tax to Fund Various Events for FY 2026

Mr. Toby Spears, Finance Director, stated the Lodgers' Tax Board failed to make quorum on October 8, 2025, for a meeting regarding Lodgers' Tax Funding for the events listed below. Staff has reviewed the events recommends funding in the following amounts:

<u>Request Description</u>	<u>Amount Requested</u>	<u>Staff Recommendation</u>
NMJC Foundation NMJC Scholarship Gala (Nov 11, 2025)	\$8,130.00	\$8,130.00

NMJC Western Heritage Museum Stan the T-Rex Display (Nov 1 2025 through Nov 1 2026)	\$83,262.00	\$40,000.00
Revised Request	\$40,000.00	
Hobbs Hispano Chamber of Commerce Foundation Mariachi Christmas (Dec 12, 2025)	\$25,000.00	\$25,000.00
Hobbs Chamber of Commerce In Partnership with HMS Hobbs Holiday Tournament #66 (Dec 29 through Dec 31, 2025)	\$24,999.60	\$24,999.60
City of Hobbs – Recreation Dept 4th of July Community Celebration (July 4th, 2026)	\$46,430.00	\$46,430.00
United Way of Lea County United Way MLK Day of Service (January 17, 2026)	\$6,197.50	\$6,197.50
Downtown Improvement Association of Hobbs (DIA) - Music & Murals (October 11, 2025) - Día de los Muertos (Nov 1, 2025) - Downtown Christmas Tree Lighting	\$17,870.55 \$20,895.55 <u>\$5,220.00</u> \$43,986.10	\$0.00 \$20,895.55 \$5,220.00 <u>\$26,111.55</u>
Hobbs Airfield Speedway Smoke Mayhem 2.0 Hobbs (January 24, 2026)	\$3,500.00	\$3,500.00
Lea County Commission for the Arts LCCA Dueling Piano's Fundraiser (Nov 21 2025)	\$9,410.00	\$0.00
TOTAL	\$250,915.20	\$180,372.65

Mayor Cobb provided some background on the NMJC Western Heritage Museum's request for Stan the T-Rex Display. Ms. Sarah Bush of the New Mexico Museum of Natural History Foundation was present on the phone to answer any questions about the request. Mayor Cobb stated the project is a joint partnership with the New Mexico Oil and Gas Association (NMOGA), JF Maddox Foundation, New Mexico Junior College, Western Heritage Museum and the City of Hobbs. He stated it is a full-size cast of one of the world's most famous fossils. Mayor Cobb stated there will be great benefits in this unique project to invest in STEM education and workforce development, build community pride and tourism through rich natural history, and connect local industry to the land's history and future. He stated it should be delivered to Hobbs by the end of the year.

There being no further discussion, Commissioner Calderón moved to approve Resolution No. 7689 with the funding amounts as recommended by staff. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7690 - Adopting Budgetary Adjustment #1 for Fiscal Year 2025-2026

Ms. Deborah Corral, Assistant Finance Director, explained the Budget Adjustment Request (BAR) #1 for FY 25-26. She explained the specific details of the request and summarized the overall changes as follows:

- Total expense increased by \$985,668.52
- Total revenue decreased by \$995,025.18
- The ending cash balance for all funds is \$107,749,315.37
- Inter-fund transfers are included in the BAR
- General Fund reserve is reduced from 46% to 36%

Mayor Cobb stated the Commission has received this budgetary information and has had ample time to review it prior to the meeting.

In response to Mayor Cobb's question, Ms. Corral stated the minimum reserve requirement by the State is 8%. Mayor Cobb stated the City, by ordinance, must maintain its reserve level at 30%.

In reply to Commissioner Penick's inquiry, Ms. Corral and Mr. Spears stated the flowback amount is unknown so the reserve amount after flowback could not yet be determined. Mr. Spears provided information on the prior budget flowback. Additionally, Mr. Spears stated the transfer of \$10 million to Fund 47 is unrestricted and not a permanent fund.

In response to Commissioner Smith's question, Mr. Spears stated the General Fund balance after transfer of the \$10 million is \$40 million.

Commissioner Smith stated the County adopted a permanent fund and the only way to revert a permanent fund is through a vote of the citizens of the County. The City's transfer of \$10 million to Fund 47 is different. With many cities outspending their General Fund capacity, he stated it is very important to recognize there are more needs other than the operation of the City to pay its employees, bills and benefits. He stated there is a need to build money for future capital needs. The City could find itself in a very tenuous situation very quickly as it has more than just operational costs to be concerned about long term. Liabilities will be owed and things are unknown with the gross receipts tax. Commissioner Smith expressed full support of BAR #1

and the \$10 million transfer to allocate toward things that are non-operational to provide flexibility for the City to make investments and keep itself vibrant.

There being no further discussion, Commissioner Smith moved to approve Resolution No. 7690 as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7691 - Approving the Vacation Plat of a Portion of Adell Drive in the 4th Unit of Del Norte Industrial Subdivision Located in the SW1/4 of Section 6, T18S, R38E, City of Hobbs, Lea County, New Mexico

Mr. Todd Randall, Assistant City Manager, explained the resolution and stated the property owner is requesting the vacation of a portion of Adell Drive in the 4th Unit of Del Norte Industrial Subdivision. He stated the City recommends retaining a drainage easement on a portion of the vacated right of way which, if approved, will allow the transfer of fee simple ownership of the vacated property to the adjacent property owner. The Planning Board reviewed and approved the request on August 19, 2025.

There being no discussion, Commissioner Gerth moved to approve Resolution No. 7691 as presented. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

PUBLICATION: Proposed Ordinance Annexing Certain Contiguous Territory Including a Portion of the Green Meadows Subdivision, Lea County, New Mexico, into the Corporate Limits of the City of Hobbs

Mr. Randall explained the proposed ordinance for annexation of approximately +/- 2.44 acres generally described as a portion of the Green Meadows Subdivision, including portions of Maple Drive and Scenic Drive. He stated the annexation includes both property voluntarily petitioned by the majority landowner and an adjacent tract proposed by the City to maintain contiguous and uniform service boundaries. The proposed annexation area is contiguous to the existing City limits and currently has access to municipal water and sewer infrastructure along the adjacent roadway corridor. Mr. Randall stated approval of this item will authorize publication of the ordinance title in accordance with NMSA 1978, § 3-7-15, and establish the public hearing date of November 17, 2025, at which time the City Commission may consider formal adoption of the ordinance.

There being no further discussion, Commissioner Penick moved to publish notice of intent to adopt the ordinance at a later date. Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Smith yes, Mills yes, Fields yes,

Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the proposed ordinance and supporting documentation are attached and made a part of these minutes.

Commissioner Mills left the meeting at 6:50 p.m.

Resolution No. 7692 - Approving the Final Plat of the Trinity Estates Subdivision, Unit Three to the City of Hobbs, Lea County, New Mexico

Mr. Randall stated Stuard Development, LLC, has submitted the Final Plat for *Trinity Estates Subdivision, Unit Three* which consists of residential lots located within the City's growth boundary and has been designed in accordance with the City of Hobbs Unified Development Code. The Planning Board has reviewed and recommends approval to the City Commission. The Engineer of Record has provided certification all required public improvements have been completed, except for the Del Norte Parkway Extension, which is being partially funded by the City through a separate Development Agreement. Mr. Randall stated the remaining work is under contract and scheduled to be completed consistent with the approved phasing and funding agreement.

There being no discussion, Commissioner Fields moved to approve Resolution No. 7692 as presented. Commissioner Smith seconded the motion and roll call vote was recorded as follows: Smith yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7693 - Approving the Final Plat of "Windmill Business Park Summary Subdivision/Replat" and Authorizing Acceptance with Surety and Development Agreement for Public Infrastructure Improvements

Mr. Randall explained the resolution for the Final Plat of Windmill Business Park Summary Subdivision/Replat which is intended for future commercial and light industrial development. The Planning Board reviewed and approved Public roadway and water line improvements required for the subdivision have not yet been constructed. In accordance with Chapter 16.08 of the City of Hobbs Subdivision Code, the Developer has agreed to a Development Agreement with the City of Hobbs establishing the responsibility for construction of the required public improvements and the provision of a cash bond to guarantee completion.

There being no discussion, Commissioner Penick moved to approve Resolution No. 7693 as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Smith yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

Resolution No. 7694 - Authorizing Execution of a Grant Agreement with the New Mexico Environment Department for Capital Outlay Project SA 25-J2400-GF

Mayor Cobb thanked the Legislature for approving this capital outlay project, specifically Senator Larry Scott, Senator David Gallegos, Representative Randall Pettigrew and Representative Sena-Cortez. He stated they really came through for the citizens of Hobbs.

Mr. Randall explained the resolution and stated the New Mexico Environment Department (NMED) has awarded Capital Outlay Project SAP 25-J2400-GF to the City of Hobbs in the amount of \$1,500,000 under the 2025 State Appropriations Act. The project provides funding to replace a water main and to plan, design, and construct water system improvements within the Hobbs municipal water network. The grant carries a reversion date of June 30, 2029, and requires compliance with all state procurement and reporting provisions.

Mr. Randall stated the Grant Agreement outlines the terms, disbursement procedures, and administrative requirements associated with the project. Execution of the agreement allows the City to begin project planning, engineering design, and procurement activities in coordination with NMED Construction Programs Bureau.

In response to Mayor Cobb's question, Mr. Randall stated \$500,000.00 for the project was sponsored by Senator Scott and \$1,000,000.00 from Representative Sena-Cortez.

There being no discussion, Commissioner Calderón moved to approve Resolution No. 7694 as presented. Commissioner Fields seconded the motion and roll call vote was recorded as follows: Smith yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and agreement are attached and made a part of these minutes.

Resolution No. 7695 - Authorizing a Grant Agreement with the New Mexico Department of Transportation for DFA Appropriation ID J3274 NMDOT Control Number C2253274 to Plan, Design, and Construct Road Improvements Including Mill, Overlay and Striping on Marland Blvd. in the Amount of \$2,050,000.00

Mr. Randall explained the resolution and stated the City of Hobbs has received a Capital Appropriation Project grant from the State of New Mexico Department of Finance Administration. The grant appropriation in the amount of \$2,050,000 is to plan, design, and construct road improvements including mill, overlay and striping on Marland Blvd. The appropriation reversion date is June 30, 2029. Mr. Randall stated Marland Blvd. will be resurfaced from the Seminole Hwy. to Dal Paso.

Mr. Randall stated the appropriation was sponsored, in part, by all four Lea County Legislators including \$500,000.00 from Representative Pettigrew, \$500,000.00 from

Representative Sena-Cortez, \$500,000.00 from Senator Scott and \$550,000.00 from Senator Gallegos.

There being no discussion, Commissioner Smith moved to approve Resolution No. 7695 as presented. Commissioner Gerth seconded the motion and roll call vote was recorded as follows: Smith yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and agreement are attached and made a part of these minutes.

Resolution No. 7686 - Authorizing the City Manager to Acquire All Necessary Real Property and Right-Of-Way Interests for the College Lane Widening Project, and to Execute All Related Documents, Contracts, Title Closings, and Payments, Pursuant to New Mexico Law and the Hobbs Municipal Code

Mr. Randall explained the proposed Resolution which authorizes the City Manager to negotiate, acquire, and accept all necessary real property and right-of-way interests for the College Lane Re-Alignment and Widening Project. In accordance with NMSA 1978, Sections 3-18-1 and 3-18-2, the acquisition of real property for municipal purposes requires authorization by the governing body or its designee. He stated adoption of this resolution formally delegates such authority to the City Manager to execute all related documents, contracts, deeds, easements, title closings, and payment authorizations necessary to complete the project. Mr. Randall stated this action ensures compliance with state law, the Hobbs Municipal Code, and local administrative procedures while expediting project delivery and coordination with affected property owners.

Mr. Randall stated the College Lane roadway requires an 80' right-of-way and 50' of the right-of-way has already been dedicated. The Commission approved an agreement with Stantec Consulting for the design of the College Lane Widening and Re-Alignment Project.

In response to Mayor Cobb's question, Mr. Randall explained the re-alignment area on an overhead map. He stated the roadway would line up at College Lane and Business Park Blvd. benefitting both sides of the intersection. Mayor Cobb stated it is a 45° intersection right now and will become a lighted, controlled intersection which is truly perpendicular.

Mr. Randall stated a center turn lane is needed on College Lane.

A lengthy discussion was held on safety issues and fire demands with the growing residences in the area. Mr. Randall, citing Sanger as an example, stated there is no right of way available to widen the road unless houses are purchased.

Mayor Cobb stated the right-of-way is needed for public infrastructure. He stated this plan was talked about at least eight years ago. The City has to try and plan for future while being as least intrusive as possible.

In response to Commissioner Penick's question, Mr. Randall showed the improvements made by the school at College Lane Elementary School.

In reply to Mayor Cobb's comment, Mr. Randall explained how rural and urban roadway sections differ in their design. Urban areas feature curbs and gutter with two lanes of traffic and a center turn lane.

In further response to Mayor Cobb's question, Mr. Randall stated the total cost of College Lane from Grimes to the Lovington Hwy. would be approximately \$30 million. Currently, the County is funding \$10 million of the project.

Mayor Cobb stated it will have to happen one day but the right-of-way acquisition will be needed first. Mr. Randall stated 50' is needed on the North side and some perfection of existing right-of-way is needed in other areas. On the South side, most places are 30'.

Mayor Cobb stated with regard to the resolution, the City Manager already has the authority, by ordinance, to effectuate agreements up to \$75,000.00 in cost. The purpose of the resolution is to be transparent about the process as Mr. Gomez already has authority to make the transactions but he would never do that without the knowledge of the Commission.

Mr. Randall stated there will be approximately 32 property acquisitions and a third party is conducting the property appraisals which is very time consuming and often the most difficult part.

Mayor Cobb stated the City is planning for the future and the City Manager will ensure the Mayor and Commission are fully involved and the process will be transparent.

Mr. Randall stated title companies always want written documentation of who, from the City, has authority to sign real estate documents so title policies can be clear. He stated most of the land acquisitions will be \$20,000.00 or less; however, two or three of them could be more substantial.

Commissioner Smith stated herding 32 transactions will be a challenge. While there could be potential problems, and he dreads the idea of imminent domain, he does feel it is a good idea and it makes sense to get the ball rolling. He stated the need is there to think about the future growth of the community.

Mayor Cobb stated the City's forefathers, in the early years, did not think too much about growth.

Commissioner Smith stated the Commission should give the City Manager authority to close the transactions.

Commissioners Penick and Smith stated the property owners should know and be informed about the appraisals.

Mayor Cobb stated the City can rescind the City Manager's authority if it is determined there is a need to re-set the process.

Mr. Randall stated the appraiser has been on site, the plats are done, and there will be meetings with the individual property owners. Mr. Randall stated notices will be sent to meet with the property owners. Opposition is not known at this time.

There being no further discussion, Commissioner Smith moved to approve Resolution No. 7686 as presented. Commissioner Calderón seconded the motion and roll call vote was recorded as follows: Smith yes, Fields yes, Calderón yes, Penick yes, Gerth yes, and Cobb yes. The motion carried. Copies of the resolution and supporting documentation are attached and made a part of these minutes.

COMMENTS BY CITY COMMISSIONERS, CITY MANAGER

Mr. Gomez introduced Ms. Ayana Estrada, the newly-hired Deputy City Attorney.

Police Chief August Fons introduced Mr. Wade Lyons, the newly-hired Deputy Police Chief.

Mr. Gomez reported Tire Amnesty Day held last Saturday, October 18, 2025, collected one-half ton of tires.

Mr. Gomez reminded everyone that Early Voting for the Regular Local Election is underway at the City Hall Annex and at the Lea County Office Annex through November 1, 2025, and he encouraged eligible voters to exercise their right to vote.

Mr. Gomez stated the final large item pick-up for this year is scheduled on Saturday, November 1, 2025, for areas North of Sanger and East of Fowler. He stated items must be placed at the curbside by 7:00 a.m. and residents can call 575-397-9291 if assistance is needed to get items to the curb.

Commissioner Penick stated the Commission has hard decisions to make, and he does not want to have government overreach on people's properties. Overall, the City has to look at growth and public safety to appropriately plan for the future. He

stated, personally, he struggled with the decision tonight on the College Lane Project. He did express appreciation for the public input on the topic.

Commissioner Smith expressed appreciation to the Johnstons for their comments on the College Lane Project. He stated he learned a lot tonight and the ultimate goal is to make Hobbs better. Commissioner Smith expressed appreciation for the engagement and professionalism of all parties and stated we can all work together on the project.

ADJOURNMENT

There being no further business or comments, Commissioner Calderón moved the meeting adjourn. Commissioner Gerth seconded the motion and the vote was recorded as follows: Smith yes, Mills yes, Fields yes, Calderón yes, Gerth yes, Cobb yes. The motion carried and the meeting adjourned at 7:35 p.m.

SAM COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Office of the Mayor
Hobbs, New Mexico

PROCLAMATION

WHEREAS, Nurse Practitioners (NP's) provide high-quality primary, acute and specialty care services while focusing on health promotion, disease prevention, health education and counseling, guiding patients to make smarter health and lifestyle choices every day; and

WHEREAS, the confidence that patients have in NP-delivered health care is evidenced by the more than one billion visits made annually to NPs across the country; and

WHEREAS, nurse practitioners "Proven Care" is backed by extensive clinical training and evidenced-based practice, consistently delivering outstanding outcomes and improving the health of our communities; and

WHEREAS, nurse practitioners serve as the provider of choice for many New Mexico residents and play a pivotal role in the health and welfare of our communities; and

WHEREAS, Nurse Practitioner Week's theme this year is "Trusted Voices. Proven Care." This annual event celebrates the contributions of nurse practitioners and aims to raise awareness about removing barriers to their practice. It is an opportunity to recognize and celebrate the critical role NP's play in improving lives, reducing healthcare disparities, and advancing the future of medicine;

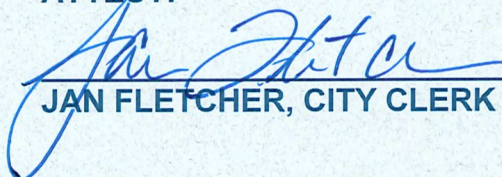
NOW, THEREFORE, I, Sam D. Cobb, Mayor of the City of Hobbs, New Mexico, do hereby proclaim the week of November 9th-15th, 2025, as

"NATIONAL NURSE PRACTITIONER WEEK"

and encourage all citizens to join in honoring the service, dedication, and professionalism of nurse practitioners who continue to earn the trust of patients and lead the way in delivering proven, exceptional care.

IN WITNESS WHEREOF, I have hereunto set my hand this 3rd day of November, 2025, and cause the seal of the City of Hobbs to be affixed hereto.

ATTEST:


JAN FLETCHER, CITY CLERK


SAM D. COBB, MAYOR





CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Consideration of Approval of the Emergency Trunk Line F Sewer Line Replacement on Central Between Copper and Cochiti with Entrench Inc.

DEPT OF ORIGIN: Engineering

DATE SUBMITTED: 10/23/2025

SUBMITTED BY: Anthony Henry, City Engineer

Summary:

On September 26, 2025, during routine maintenance, the Utilities Department discovered a partial collapse of Trunk Line F on Central Avenue between Copper and Cochiti. To maintain service, staff installed temporary by-pass pumps and a fast line with associated traffic control.

On October 6, 2025, emergency procurement procedures were initiated to begin repairs. City staff ordered 252 linear feet of 24-inch PVC pipe and contracted Entrench Inc. to perform the installation. Initial estimates projected labor costs below \$75,000, which would not require Commission approval. However, once construction began, additional materials and work were necessary to meet City standards. The revised estimate now exceeds \$75,000, requiring Commission approval for the emergency repair.

Fiscal Impact:

Budget Line:	62-4062-44901-00097	
Budget Available:	\$9,001,104.25	
PVC Pipe Material Cost:	\$16,138.08	Purchase Order No. 22602218
Original Labor Cost:	\$73,847.81	Purchase Order No. 22602362
		(including NMGRT)
Change Order No. 1:	\$19,234.53	(including NMGRT)
Total w/ Change Order No. 1:	\$93,082.34	(including NMGRT)

Attachments:

Central sewerl line Quote - additional

Recommendation:

Consideration and approval of Emergency purchase with Entrench Inc. for the replacement of Trunk Line F on Central between Copper and Cochiti.

Approved By:

Anthony Henry, City Engineer	10/23/2025
Toby Spears, Finance Director	10/23/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/24/2025
Manny Gomez, City Manager	10/24/2025



1728 W. Bender Blvd., Hobbs, NM 88240 Phone (575) 492-1914

CITY OF HOBBS

10/23/2025

Our price quote is as follows:

REPLACE SEWER LINE

ITEM NO.	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
SEWER					
	1	TN	SEWER CONNECTION TO EXISTING LINE	\$3,900.00	\$3,900.00
					\$0.00
			TOTAL SEWER		\$3,900.00
OTHER					
	80	TN	3/4 GRAVEL FOR PIPE BEDDING	\$90.00	\$7,200.00
	7	EA	TRUCKING /HAULING	\$350.00	\$2,450.00
			TOTAL SEWER		\$9,650.00
OTHER					
			HYDROSTATIC TESTING OF FIRE LINE		\$0.00
	1	LS	TRAFFIC CONTROL & BARRICADES	\$4,500.00	\$4,500.00
			CITY FEES AND PERMITS		
			RIGHT OF WAY PERMIT		\$0.00
			SEWER TAP PERMIT		\$0.00
			WATER TAP PERMIT		\$0.00
			INSPECTION FEES		\$0.00
			TOTAL		\$4,500.00

* CONSTRUCTION WILL BE PERFORMED USING BEST/STANDARD CONSTRUCTION PRACTICES AND NOT ON A SPECIFICATION BOOK, AS ONE WAS NOT PROVIDED TO US PRE OR POST BID

AWARDING US A CONTRACT WITH THESE AMOUNTS WILL CONSTITUTE YOUR AGREEMENTS FOR THE FOLLOWING TERMS

EXCLUSIONS:

- 1) THIS BID IS GOOD FOR 20 DAYS FROM THE DATE OF BID
- 2) RESEEDING OF WORK AREA
- 3) SURVEYING, SOIL OR DENSITY TESTING, STATE PERMITS, METERS AND TAPPING FEES
- 4) SWPPP OR EROSION CONTROL
- 5) IF IT IS NOT SPECIFICALLY LISTED ABOVE IT IS NOT PART OF OUR BID!
- 6) ANY PART NOT ON THIS BID CANNOT BE PART OF AN "ALL INCLUSIVE" CIVIL CONTRACT
- 7) ALL UTILITIES WILL STOPPED WITHIN 5' OF THE BUILDING BUT WE WILL NOT DO ANY PLUMBING CONNECTIONS
- 8) IN THE EVENT ROCK IS ENCOUNTERED DURING EXCAVATION, THERE WILL BE A \$2,500.00 MOBILIZATION CHARGE FOR THE ROCKSAW EQUIPMENT ALONG WITH AN ADDITIONAL COST OF \$30.00 PER FT.
- 9) IF AN ADDITIONAL UMBRELLA POLICY IS REQUIRED AND NOT DISCLOSED DURING THE BIDDING PROCESS, IT WILL BE AN ADDITIONAL COST TO YOU.

SUB-TOTAL		\$18,050.00
TAX	6.5625%	\$1,184.53
TOTAL PROJECT COST		\$19,234.53

We hereby propose to furnish labor, materials and equipment to complete the project in accordance with above specifications, for the sum listed above plus the State's Gross Receipt Tax, with payment due upon receipt of invoice. Any alterations or deviations from above specifications involving extra costs will be executed only upon written order, and will become an extra charge over and above the proposed amount above.

We appreciate this opportunity to bid on your project and hope we can be of service to you and your company, now and in the near future. If you have any questions or require additional information please feel free to call me at (575) 492-1914.

Sincerely,

Alberto Caballero
Entrench, Inc.



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Resolution No. 7696 - Approving the Final Plat for the Ozro Subdivision, a Type 3 Subdivision Located in the Northwest Quarter (Nw $\frac{1}{4}$) of Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, Within the Extra-Territorial Jurisdiction (ETJ) of the City of Hobbs, New Mexico

DEPT OF ORIGIN: Planning

DATE SUBMITTED: 10/23/2025

SUBMITTED BY: Todd Randall, Assistant City Manager

Summary:

The Ozro Subdivision is a 10-lot residential subdivision located within the ETJ of the City of Hobbs. In accordance with the New Mexico Platting Act (NMSA 1978, 3-19-5 and 47-6-2), both the City of Hobbs and Lea County share platting authority in this area. The subdivision provides residential lots fronting Kansas Street, a designated Collector roadway under the City's Major Thoroughfare Plan.

At its regular meeting on October 21, 2025, the Planning Board voted 3-0, with one abstention, to recommend approval of the Ozro Subdivision Plat subject to the following variances and conditions:

1. Shared Driveways:
Ten (10) residential lots shall utilize five shared driveway access points along Kansas Street. Individual direct driveway access from each lot is prohibited per access-management standards for Collector roadways.
2. $\frac{1}{4}$ -Section Roadway Connection:
The subdivider is not required to construct or connect the planned $\frac{1}{4}$ -section roadway to Kansas Street to meet Lea County block standards.
3. All other subdivision improvements shall meet applicable City and County standards, with coordination for final recordation through Lea County.

Fiscal Impact:

No fiscal impact.

Attachments:

OzroSubdivision_ final with variances
RESO - OZRO Subdivision ETJ

Recommendation:

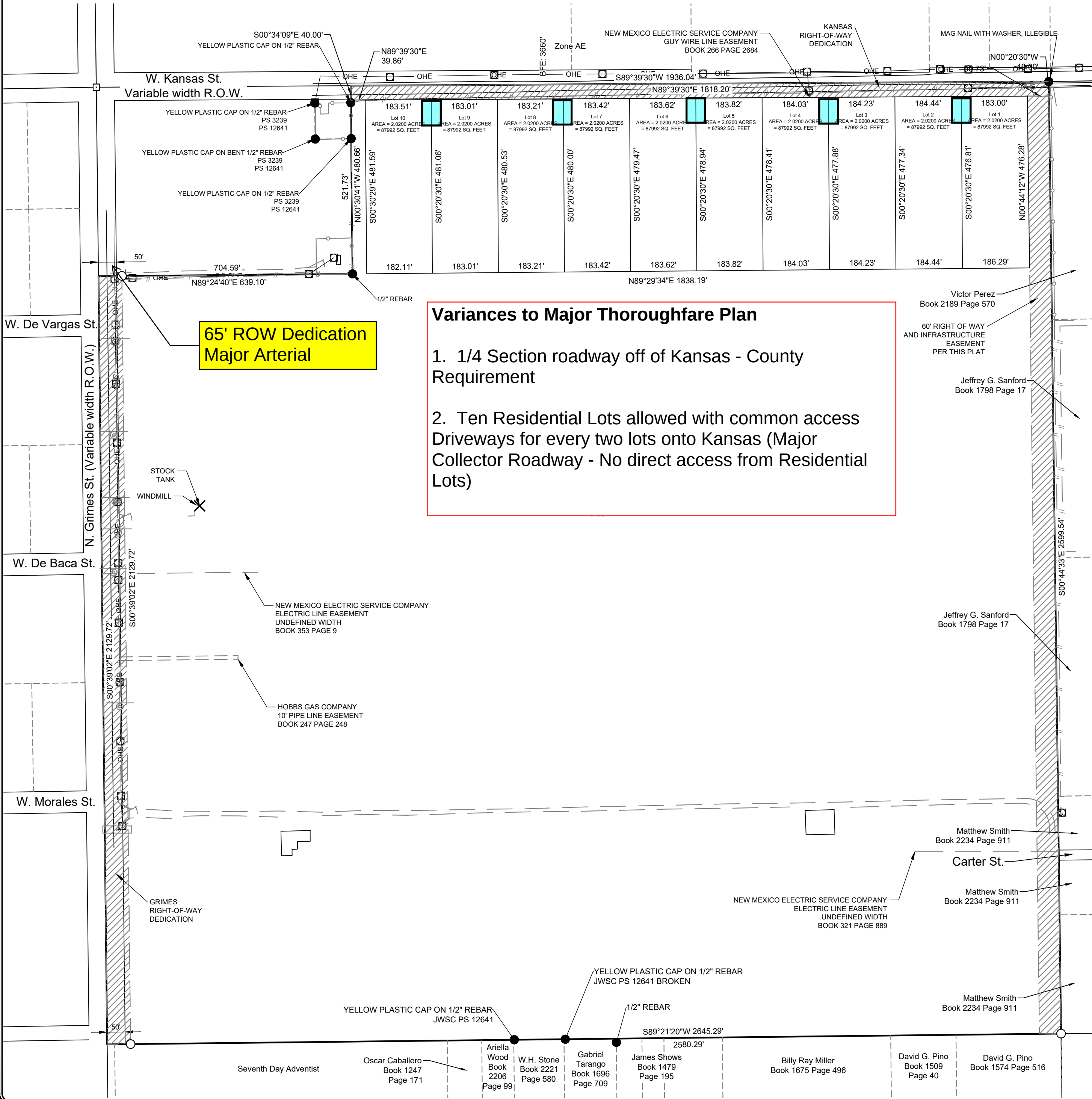
Motion to approve the resolution.

Approved By:

Todd Randall, Assistant City Manager	10/23/2025
Toby Spears, Finance Director	10/24/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/24/2025
Manny Gomez, City Manager	10/27/2025

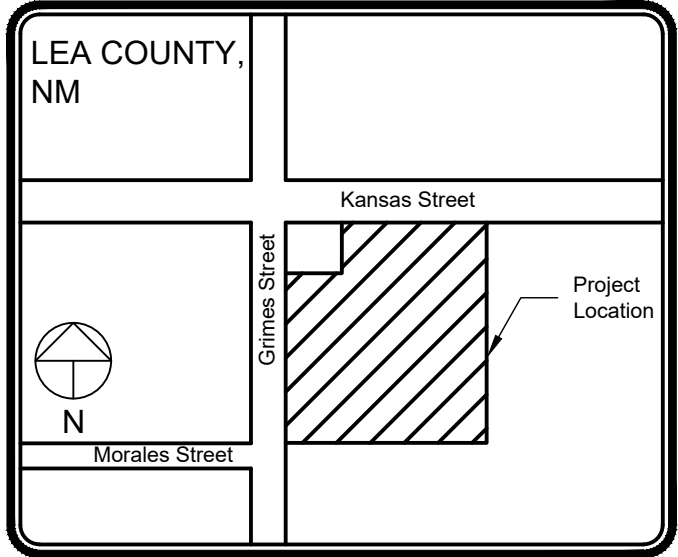
OZRO SUBDIVISION PLAT

A TYPE 3 SUBDIVISION, LOCATED IN THE NW1/4 OF SECTION 3, T18S, R38E, N.M.P.M., LEA COUNTY, NEW MEXICO



Variances to Major Thoroughfare Plan

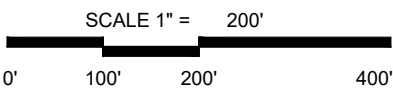
- 1/4 Section roadway off of Kansas - County Requirement
- Ten Residential Lots allowed with common access Driveways for every two lots onto Kansas (Major Collector Roadway - No direct access from Residential Lots)



VICINITY MAP
N.T.S.

BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System. East Zone, as determined by GPS/GNSS observations. Ground coordinates were obtained by applying a combined scale factor of 0.99989143888 at control point located at N 32°46'41.52904", W 103°08'25.56312". True North can be obtained by applying a convergence angle of 0°38'45" at this point.



LEGEND

- Set 5/8" rebar with pink plastic cap marked "M HICKS PS 29417"
- Calculated point
- Found monument as noted
- Single post sign
- Power pole
- Mailbox
- Gate
- Section line
- Property line
- Buildings
- Wire fence
- Chainlink fence
- Overhead electric
- Edge of gravel
- Easement line
- Adjacent lot line
- Right-of-way reservation
- Measured bearing and distance



ENGINEERING | SURVEYING | CONSTRUCTION SERVICES
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs, NM 88240
T 575 393 9827 F 575 393 1543 Pettigrew.us

PROJECT SURVEYOR: M. HICKS
DRAWN BY: C. ORTIZ



INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
MATTHEW SMITH
CAROLYN SMITH

LOCATION:
SECTION 3, T18S, R38E,
N.M.P.M., LEA COUNTY, NM

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I hereby certify that this instrument was filed for
record on:

The _____ Day of _____,
20 _____ A.D.
At _____ O'Clock _____ M.
Cabinet _____ Slide _____
Book _____ Page _____
By _____,
County Clerk
By _____,
Deputy

Summary Plat OF OZRO SUBDIVISION

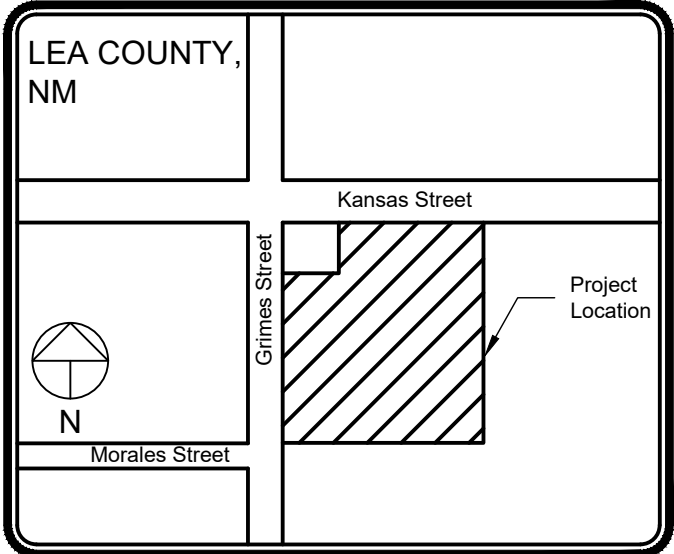
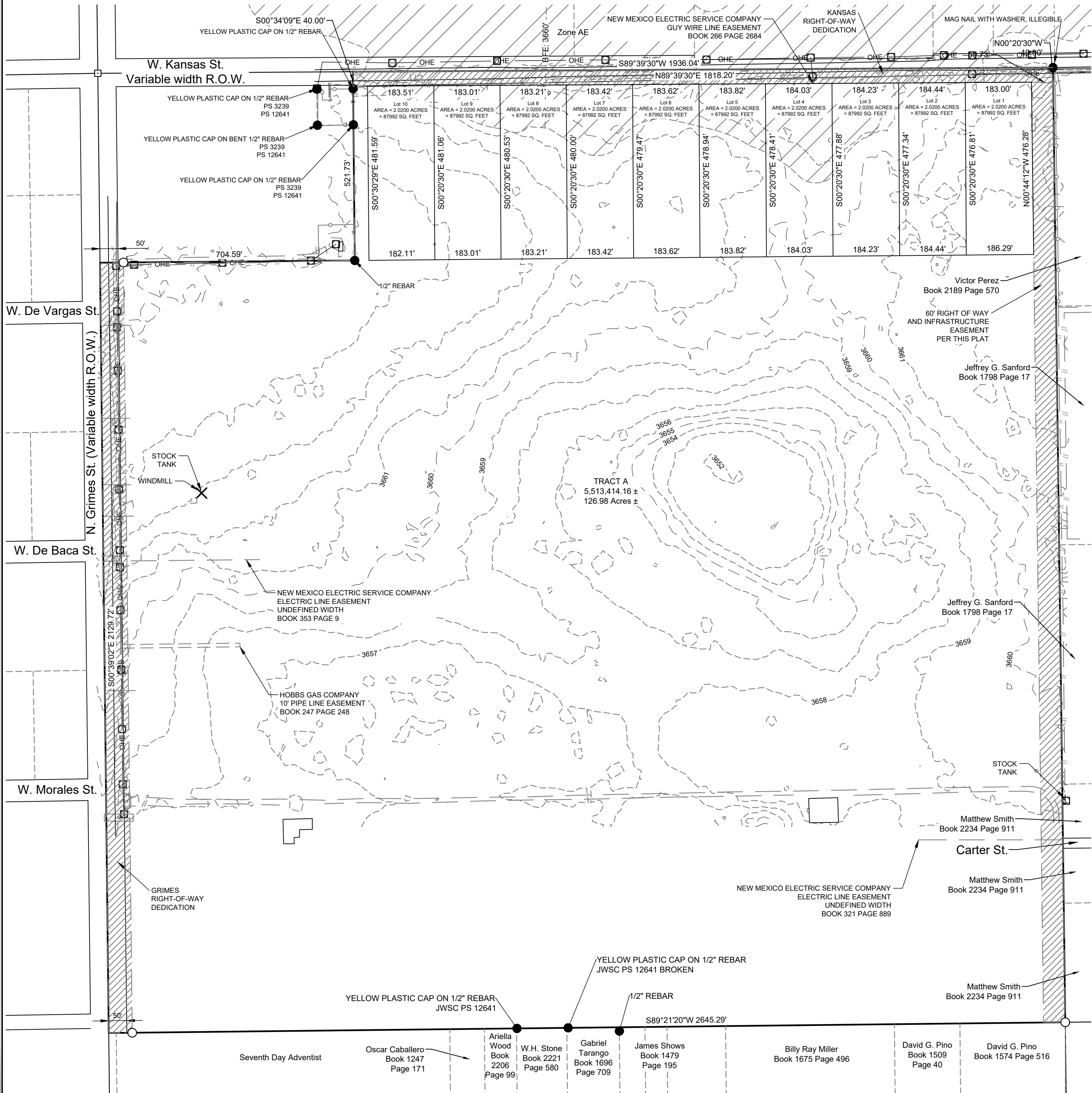
FOR
Matthew & Carolyn Smith

PROJECT NUMBER:
2025.1048

SHEET: 1 of 3
SU - 101

OZRO SUBDIVISION PLAT

A TYPE 3 SUBDIVISION, LOCATED IN THE NW1/4 OF SECTION 3, T18S, R38E, N.M.P.M., LEA COUNTY, NEW MEXICO



VICINITY MAP
N.T.S.

PETTIGREW & ASSOCIATES PA
ENGINEERING | SURVEYING | CONSTRUCTION SERVICES
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs, NM 88240
T 575 393 9827 F 575 393 1543 Pettigrew.us

PROJECT SURVEYOR: M. HICKS
DRAWN BY: C. ORTIZ



INDEXING INFORMATION
FOR COUNTY CLERK

OWNER:
MATTHEW SMITH
CAROLYN SMITH

LOCATION:
SECTION 3, T18S, R38E,
N.M.P.M., LEA COUNTY, NM

REVISIONS		
No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I hereby certify that this instrument was filed for
record on:

The _____ Day of _____,
20 _____ A.D.

At _____ O'Clock _____ M.

Cabinet _____ Slide _____

Book _____ Page _____

By _____,
County Clerk

By _____,
Deputy

Summary Plat
OF
OZRO SUBDIVISION

FOR
Matthew & Carolyn Smith

PROJECT NUMBER:
2025.1048

SHEET: 2 of 3
SU - 102

LEGEND

- Set 5/8" rebar with pink plastic cap marked "M HICKS PS 29417"
- Found monument as noted
- ⊙ Single post sign
- Power pole
- ⊗ Mailbox
- Section line
- Property line
- Buildings
- // — // — Wire fence
- ○ — Chainlink fence
- OHE — Overhead electric
- Edge of gravel
- - - Previous lot line
- - - Major contour line
- - - Minor contour line
- ▨ Right-of-way reservation
- XX"XX"XX" XX.XX' Measured bearing and distance

RECORD DESCRIPTION - PER DEED BOOK 2234, PAGE 911

Parcel 2:

The surface estate only:

Lots Three (3) and Four (4) of Section 3, Township 18 South, Range 38 East, NMPM, Lea County, New Mexico, LESS AND EXCEPT a tract of land situated in the NW/4 of said Section 3, and being further described as follows:

Beginning at the Northwest Section corner of said Section 3; thence South 89°57'20" East 710.0 feet along the North Section line of said Section 3; thence South 00°01' East 512.82 feet; thence North 89°57'20" East 50.00 feet from the Northwest corner of said Section 3; thence South 89°57'20" East 660.00 feet; thence South 00°01' East 31.57 feet; thence South 89°30'10" West 660.02 feet; thence North 00°01' West 37.20 feet to the point of beginning AND the N/2N/2S/2NW/4 of Section 3, Township 18 South, Range 38 East, NMPM, Lea County, New Mexico.

Parcel 5:

The S/2S/2NW/4 and the S/2N/2S/2NW/4 of Section 3, Township 18 South, Range 38 East, NMPM, Lea County, New Mexico.

60' RIGHT-OF-WAY AND INFRASTRUCTURE EASEMENT

A parcel of land located in Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, being more particularly described as follows:

The East 60 feet of the south 2,599.54 feet of the northwest quarter of Section 3, Township 18 South, Range 38 East, containing 3.577 acres more or less.

KANSAS RIGHT-OF-WAY DEDICATION

A parcel of land located in Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, being more particularly described as follows:

The North 40 feet of the East 1,936.04 feet of the northwest quarter of Section 3, Township 18 South, Range 38 East, containing 1.778 acres, more or less.

GRIMES RIGHT-OF-WAY DEDICATION

A parcel of land located in Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, being more particularly described as follows:

The West 65 feet of the South 2,129.72 feet of the northwest quarter of Section 3, Township 18 South, Range 38 East, containing 3.178 acres, more or less.

NEW LEGAL DESCRIPTION - TRACT A

A parcel of land located in Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico, being more particularly described as follows:

Commencing at the Northeast corner of the Northwest quarter of said Section 3, a found, illegible, mag nail; thence South 00°20'30" East 40.00 feet to the Point of Beginning, a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence South 00°44'33" East 2599.54 feet to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence South 89°21'20" West 2580.29 feet to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence North 00°39'02" West 2129.59 feet along the east right-of-way line of Grimes Street to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence North 89°29'31" East 639.10 feet to a found 1/2" rebar; thence North 00°30'41" West 480.66 feet to the south right-of-way line of Kansas Street and a found illegible yellow plastic cap on 1/2" rebar; thence North 89°39'30" East 39.86 feet along the south line of Kansas Street right-of-way and to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence South 00°30'29" East 481.59 feet to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence North 89°29'34" East 1838.19 feet to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence North 00°44'12" West 476.28 feet to a set 5/8" rebar with a pink plastic cap marked "M HICKS PS 29417"; thence North 89°39'30" East 59.73 feet the Point of Beginning, containing 126.98 acres, more or less.

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico: _____
County of Lea: _____

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be platted.

By _____
Carolyn Smith

By _____
Matthew Smith

ACKNOWLEDGMENT

State of New Mexico:
County of Lea:

This instrument was acknowledged before me this _____ day of _____, 2025 A.D. BY Matthew Smith and Carolyn Smith.

Notary Public

CERTIFICATE OF APPROVAL BY LEA COUNTY COMMISSION:

Be it known that the plat of Ozro Subdivision was submitted to the Board of Lea County Commissioners of Lea County, New Mexico, assembled at a meeting on the _____ day of _____, 2025 A.D., and the subdivision as shown on said plat was thereupon approved and accepted by a majority of the members of said board.

Gary Eidson, Chairman

Carrie Sandoval, County Clerk

ACKNOWLEDGEMENT:

State of New Mexico
County of Lea

This instrument was acknowledged before me this _____ day of _____, 2025 A.D., by Gary Eidson and Carrie Sandoval.

Notary Public

CERTIFICATE OF APPROVAL BY LEA COUNTY PLANNING & ZONING BOARD:

Be it known that the plat of Ozro Subdivision, consisting of land subdivided as proposed in Lea County, New Mexico, was submitted to the Lea County Planning and Zoning Board, assembled at a meeting on the _____ day of _____, 2025 A.D., and the subdivision as shown on said plat was thereby approved and accepted by a majority of the board.

Ben Donahue, Chairman

Carrie Sandoval, County Clerk

ACKNOWLEDGEMENT:

State of New Mexico
County of Lea

This instrument was acknowledged before me this _____ day of _____, 2025 A.D., by Ben Donahue and Carrie Sandoval.

Notary Public

CERTIFICATE OF APPROVAL BY THE CITY PLANNING BOARD:

The plat, restrictions, and dedications reviewed and approved on the _____ day of _____, 2025 A.D., by the City Planning Board of Hobbs, New Mexico.

William M. Hicks III, Chairman

ACKNOWLEDGEMENT:

State of New Mexico
County of Lea

I, Jan Fletcher, the duly appointed and acting City Clerk of the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat of Ozro Subdivision, was approved by the Commission of the City of Hobbs by Resolution No. _____ on the _____ day of _____, 2025 A.D.

Jan Fletcher, City Clerk

ACKNOWLEDGEMENT:

State of New Mexico
County of Lea

This instrument was acknowledged before me this _____ day of _____, 2025 A.D., by Jan Fletcher.

Notary Public

CERTIFICATE OF SURVEY

I, Mikaela R. Hicks, New Mexico Professional Surveyor No. 29417, do hereby certify that this Subdivision Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge. I further certify that this is a Boundary Survey for a Subdivision and results in a land division.

Mikaela R. Hicks, NMPS #29417

Date



PROJECT SURVEYOR: M. HICKS
DRAWN BY: C. ORTIZ



INDEXING INFORMATION
FOR COUNTY CLERK

OWNER:
MATTHEW SMITH
CAROLYN SMITH

LOCATION:
SECTION 3, T18S, R38E,
N.M.P.M., LEA COUNTY, NM

REVISIONS		
No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I here by certify that this instrument was filed for record on:

The _____ Day of _____,
20 ____ A.D.

At _____ O'Clock _____ M.

Cabinet _____ Slide _____

Book _____ Page _____

By _____,
County Clerk

By _____,
Deputy

Summary Plat
OF
OZRO SUBDIVISION

FOR
Matthew & Carolyn Smith

PROJECT NUMBER:
2025.1048

SHEET: 3 of 3
SU - 103

CITY OF HOBBS

RESOLUTION NO. 7696

A RESOLUTION APPROVING THE FINAL PLAT FOR THE OZRO SUBDIVISION, A TYPE 3 SUBDIVISION LOCATED IN THE NORTHWEST QUARTER (NW¼) OF SECTION 3, TOWNSHIP 18 SOUTH, RANGE 38 EAST, N.M.P.M., LEA COUNTY, NEW MEXICO, WITHIN THE EXTRA-TERRITORIAL JURISDICTION (ETJ) OF THE CITY OF HOBBS, NEW MEXICO

WHEREAS, the Ozro Subdivision is a Type 3 subdivision located in the Northwest Quarter (NW¼) of Section 3, Township 18 South, Range 38 East, N.M.P.M., Lea County, New Mexico; and

WHEREAS, the proposed subdivision lies within the Extra-Territorial Jurisdiction (ETJ) of the City of Hobbs and is therefore subject to concurrent jurisdiction of both the City of Hobbs and Lea County, in accordance with the New Mexico Platting Act (NMSA 1978, 3-19-5 and 47-6-2 et seq.); and

WHEREAS, the City and County share platting and subdivision review authority within the ETJ to ensure compliance with adopted subdivision regulations and to provide for coordinated and orderly growth in the area; and

WHEREAS, at its regular meeting held on October 21, 2025, the City of Hobbs Planning Board reviewed the proposed Ozro Subdivision Plat and voted 3-0, with one abstention, to recommend approval to the Hobbs City Commission, subject to the following conditions and variances:

1. Access Variance – Shared Driveways: Ten (10) residential lots fronting Kansas Street, a designated Collector roadway, shall share driveways in pairs (five shared access points total). Direct individual driveway access from each residential lot to Kansas Street shall not be permitted.
2. Connectivity Variance – ¼-Section Roadway: The subdivider shall not be required to extend or connect the designated ¼-section roadway to Kansas Street as shown on the City's Major Thoroughfare Plan.
3. All other subdivision improvements shall comply with applicable City and County standards, including drainage, utilities, and right-of-way dedications, and shall be coordinated through the City of Hobbs Engineering and Planning Departments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOBBS, NEW MEXICO, THAT:

1. The Final Plat for the Ozro Subdivision, a Type 3 subdivision located in the NW¼ of Section 3, T18S, R38E, N.M.P.M., Lea County, New Mexico, within the Extra-Territorial Jurisdiction (ETJ) of the City of Hobbs, is hereby approved, subject to the specific conditions and variances stated herein.
2. The Mayor is hereby authorized to execute all documents necessary to effectuate this approval and coordinate with Lea County for final recordation.

PASSED, APPROVED, AND ADOPTED this 3rd day of November, 2025, by the Hobbs City Commission, Hobbs, New Mexico.

:

ATTEST

SAM D. COBB, Mayor

JAN FLETCHER, City Clerk



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Resolution No. 7697 - Approving a Development Agreement Between the City of Hobbs and Hasbrook-Fetter Farms, Inc. for Right-of-Way Dedication and Associated Conditions at 210 West Navajo Street

DEPT OF ORIGIN: Planning

DATE SUBMITTED: 10/23/2025

SUBMITTED BY: Todd Randall, Assistant City Manager

Summary:

Hasbrook-Fetter Farms, Inc., property owner of 210 W. Navajo Street, in coordination with FedEx Corporation, proposes to expand the existing FedEx facility by adding parking and access improvements along North Hope Street. Because the site expansion connects to a substandard roadway, Hobbs Municipal Code §16.12.040(B) requires right-of-way (ROW) dedication consistent with City standards.

After coordination with City staff, the Owner agreed to dedicate 28 feet of ROW along North Hope Street. In exchange, the Owner requests that the City waive any fair-share roadway contribution, with the Owner and tenant responsible for removing all private encroachments (including fencing) within one year of the ROW recordation.

The Owner shall bear all costs associated with the survey, plat preparation, and recordation of the dedication. The City will allow issuance of development permits upon execution of the Development Agreement, provided the ROW dedication is recorded prior to final inspection or occupancy.

The Planning Board reviewed and approved the proposed Development Agreement at its regular meeting on October 21, 2025, by a vote of 4-0, recommending approval to the City Commission.

Fiscal Impact:

No fiscal impact.

Attachments:

RESO - Development Agreement
DA - HASBROCK-FETTER - V1
SITE MAP

Recommendation:

Motion to approve the resolution.

Approved By:

Todd Randall, Assistant City Manager	10/28/2025
Toby Spears, Finance Director	10/28/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/28/2025
Manny Gomez, City Manager	10/28/2025

CITY OF HOBBS

RESOLUTION NO. 7697

**A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF HOBBS
AND HASBROOK-FETTER FARMS, INC. FOR RIGHT-OF-WAY DEDICATION AND RELATED
CONDITIONS AT 210 WEST NAVAJO STREET**

WHEREAS, Hasbrook-Fetter Farms, Inc., as owner of the property located at 210 West Navajo Street, in coordination with FedEx Corporation, has proposed to expand the existing FedEx facility by adding parking and access improvements along North Hope Street; and

WHEREAS, pursuant to Hobbs Municipal Code 6.12.040(B), site expansion or new access along a substandard roadway requires dedication of right-of-way consistent with City standards; and

WHEREAS, the Owner has agreed to dedicate twenty-eight (28) feet of right-of-way along the west property boundary on North Hope Street to accommodate future roadway improvements; and

WHEREAS, the Owner shall bear all costs of survey, plat preparation, and recordation of the dedication and shall remove all private encroachments within the dedicated right-of-way within one (1) year of recordation; and

WHEREAS, in exchange for the right-of-way dedication and encroachment removal, the City has agreed to waive any fair-share roadway contribution otherwise applicable to the project; and

WHEREAS, the Planning Board, at its regular meeting of October 20, 2025, voted 4-0 to recommend approval of the Development Agreement to the Hobbs City Commission; and

WHEREAS, the City Commission finds that approval of this Development Agreement is consistent with the City's development policies, protects future public right-of-way, and supports private reinvestment and job growth within the City of Hobbs.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF HOBBS,
NEW MEXICO**, that:

1. The Development Agreement between the City of Hobbs and Hasbrook-Fetter Farms, Inc., pertaining to the property located at 210 West Navajo Street, is hereby approved as presented.
2. The City Manager is authorized to execute the Development Agreement and all related instruments necessary to implement the terms of this Resolution.
3. The City Clerk is directed to record the executed Development Agreement and right-of-way dedication instrument in the official records of Lea County, New Mexico.

PASSED, APPROVED AND ADOPTED this 3rd day of November, 2025, by the Hobbs City Commission.

ATTEST:

SAM D. COBB, Mayor

JAN FLETCHER, City Clerk

CITY OF HOBBS - DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this 3rd day of November, 2025, by and between the **CITY OF HOBBS, NEW MEXICO**, a municipal corporation (hereinafter referred to as the "City"), and **HASBROOK-FETTER FARMS, INC.**, a New Mexico corporation (hereinafter referred to as the "Owner"). The City and Owner are collectively referred to as the "Parties."

RECITALS

WHEREAS, the Owner is the fee simple owner of property located at 210 West Navajo Street, City of Hobbs, Lea County, New Mexico (the "Property");

WHEREAS, FedEx Corporation operates a distribution facility on the Property and proposes to construct site improvements consisting of expanded parking and access areas (the "Project");

WHEREAS, pursuant to Hobbs Municipal Code 16.12.040(B), expansions or site improvements accessing a substandard roadway require dedication of additional right-of-way consistent with the City's adopted roadway standards;

WHEREAS, the Owner has agreed to dedicate right-of-way along North Hope Street for future roadway and utility improvements in conjunction with the Project;

WHEREAS, the Planning Board, at its regular meeting on October 20, 2025, voted 3-0, with one abstention, to recommend approval of this Agreement to the Hobbs City Commission;

WHEREAS, the City Commission finds that this Agreement is consistent with the City's development policies and promotes public infrastructure and private reinvestment.

1. RIGHT-OF-WAY DEDICATION

The Owner agrees to dedicate to the City of Hobbs twenty-eight (28) feet of right-of-way (ROW) along the west property boundary of North Hope Street, to accommodate future roadway improvements. The dedication shall be by plat or deed of dedication prepared by a licensed professional surveyor and in a form acceptable to the City Engineer and City Attorney.

2. COST RESPONSIBILITY

The Owner shall be solely responsible for all costs associated with preparation, surveying, and recordation of the dedication plat or deed, including any filing, recording, or legal description preparation fees.

3. FAIR SHARE CONTRIBUTION

In consideration of the ROW dedication and encroachment removal by the Owner and tenant, the City agrees to waive any fair-share roadway improvement contribution otherwise applicable to the Project.

4. ENCROACHMENT REMOVAL

- a. **Obligation:** The Owner shall, at its sole cost, remove all private encroachments within the dedicated ROW—including, but not limited to, fencing, gates, signage, pavement, or other improvements—within one (1) year of recording the right-of-way dedication.
- b. **Notice and Cure:** If encroachments remain after the one-year deadline, the City shall provide written notice to the Owner specifying the non-compliance. The Owner shall have thirty (30) days from receipt of notice to cure the deficiency.
- c. **Right of Entry and Self-Help:** If the Owner fails to comply within the cure period, the City may enter the Property, remove or abate the encroachments, and recover all reasonable costs, including administrative expenses.

- d. Cost Recovery and Lien: All costs incurred by the City shall be reimbursed by the Owner within thirty (30) days of invoice. Failure to reimburse shall authorize the City to record a lien against the Property, enforceable in the same manner as a property tax lien.
- e. Future Permits: The City may withhold issuance of any future permits or approvals related to the Property until all encroachments have been removed and compliance verified.

5. PERMITTING

Upon execution of this Agreement by both Parties, the City shall allow issuance of applicable development permits for the Project. Recordation of the right-of-way dedication may occur after permit issuance but shall be completed prior to final inspection or occupancy of the Project.

6. BINDING EFFECT

This Agreement shall run with the land and be binding upon the Owner, its successors, assigns, lessees, and any future owners of the Property.

7. RECORDATION

The Owner shall record this Agreement, along with the executed right-of-way dedication instrument, in the official records of Lea County, New Mexico.

8. ENTIRE AGREEMENT

This Agreement constitutes the entire understanding between the Parties regarding the subject matter herein and supersedes all prior oral or written agreements.

9. GOVERNING LAWS

This Agreement shall be governed by the laws of the State of New Mexico. Jurisdiction and venue relating to any litigation or dispute arising out of this Agreement shall be in the District Court of Lea County, New Mexico, only. If any part of this contract shall be deemed in violation of the laws or Constitution of New Mexico, only such part thereof shall be thereby invalidated, and all other parts hereof shall remain valid and enforceable.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CITY OF HOBBS, NEW MEXICO

By: _____
Sam D. Cobb, Mayor

ATTEST:

Jan Fletcher, City Clerk

APPROVED AS TO FORM:

Medjine Desrosiers-Douyon, City Attorney

HASBROOK-FETTER FARMS, INC.

By: _____
John S. A. Hasbrook, President
Date: _____

Email: _____

Cell Phone: _____

Address: _____



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: FINAL ADOPTION: Ordinance No. 1165 - Amending the Uniform Traffic Ordinance as Set Forth in Chapter 10.04 of the Hobbs Municipal Code

DEPT OF ORIGIN: Legal

DATE SUBMITTED: 10/24/2025

SUBMITTED BY: Medjine Desrosiers-Douyon, Deputy City Attorney

Summary:

The Uniform Traffic Ordinance (*hereinafter* UTO) was adopted by the City of Hobbs on September 5, 2016, via ordinance No. 1095. In June 2025, the New Mexico Municipal League sent proposed amendments. The proposed ordinance would update the Hobbs Uniform Traffic Ordinance to reflect all legislative changes that occurred between 2020 and 2025. The Commission approved publication of the proposed ordinance on October 6, 2025. The legal notice was published in the News Sun on October 17, 2025.

Fiscal Impact:

There is no direct fiscal impact for this ordinance.

Attachments:

Ordinance - Amending the Uniform Traffic Ordinance 2025.Final
22602373 UNIFORM TRAF ORD AFFIDAVIT
Final Proposed UTO1 (1)

Recommendation:

The Commission should consider the adoption of the proposed ordinance as amended.

Approved By:

Medjine Desrosiers-Douyon, Deputy City Attorney	10/27/2025
Toby Spears, Finance Director	10/27/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/27/2025
Manny Gomez, City Manager	10/27/2025

CITY OF HOBBS
ORDINANCE NO. 1165

AN ORDINANCE AMENDING CHAPTER 10.04, “UNIFORM TRAFFIC ORDINANCE,” OF THE HOBBS MUNICIPAL CODE TO ADOPT THE 2010 UNIFORM TRAFFIC ORDINANCE, AS AMENDED BY THE NEW MEXICO MUNICIPAL LEAGUE, INCLUDING ALL CHANGES ADOPTED BY THE NEW MEXICO LEGISLATURE FROM 2021 THROUGH 2025

WHEREAS, on September 5, 2016, the City of Hobbs adopted the Uniform Traffic Ordinance via Ordinance No. 1095; and

WHEREAS, pursuant to NMSA 1978, § 3-17-6(C) the City of Hobbs may adopt any amendments to the Uniform Traffic Ordinance in the same manner as other ordinances are adopted; and

WHEREAS, the New Mexico Municipal League authored and disseminated amendments to Articles I through 13 of the Uniform Traffic Ordinance; and

WHEREAS, the purpose of this ordinance is to update the City’s traffic regulations to remain consistent with statewide law and the most recent amendments prepared by the New Mexico Municipal League. Adoption of this ordinance will ensure that the City of Hobbs enforces the most current traffic laws as authorized by NMSA 1978, § 3-17-6(B), with the exception of specific provisions not adopted by the City; and

WHEREAS, pursuant to Section 10.04.030 of the Hobbs Municipal Code, proposed amendments to the Uniform Traffic Ordinance shall only be adopted by ordinance through an affirmative vote of the City Commission; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the proposed amendments to the following *Articles* be adopted:

Article I: Definitions

Article III: Application of Traffic Regulations

Article IV: Accident and Accident Reports

Article V: Signs, Signals, and Markings

Article VI: Traffic Regulations

Article VII: Special Rules for Motorcycles

Article VIII: Operation of Bicycles

Article IX: Parking Regulations

Article X: Vehicle Regulations

Article XII: Penalties and Procedure on Arrest

Parallel Tables

BE IT FURTHER ORDAINED that the current UTO Sections UTO front cover, 2015 Intro, Article I, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, Article XII and 2015 Parallel Tables be removed and replaced with the updated UTO Sections front cover, 2025 Intro, Article I, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, Article XII, Article XIII and 2025 Parallel Tables and that a complete and accurate copy of the Uniform Traffic Ordinance, including the amendments adopted herein shall be available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The Ordinance is also available for viewing online at www.hobbsnm.org.

PASSED, ADOPTED AND APPROVED this 3rd day of November, 2025.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated
October 17, 2025
and ending with the issue dated
October 17, 2025.


Publisher

Sworn and subscribed to before me this
17th day of October 2025.


Business Manager

My commission expires
January 29, 2027

(Seal)

STATE OF NEW MEXICO
NOTARY PUBLIC
GUSSIE RUTH BLACK
COMMISSION # 1087526
COMMISSION EXPIRES 01/29/2027

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said publication has been made.

LEGAL NOTICE
October 17, 2025

NOTICE OF INTENT TO ADOPT ORDINANCE

NOTICE IS HEREBY GIVEN that on the 3rd day of November, 2025, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance amending the Uniform Traffic Ordinance as set forth in Chapter 10.04. A summary of the ordinance is contained in its title as follows:

AN ORDINANCE AMENDING CHAPTER 10.04, "UNIFORM TRAFFIC ORDINANCE," OF THE HOBBS MUNICIPAL CODE TO ADOPT THE 2010 UNIFORM TRAFFIC ORDINANCE, AS AMENDED BY THE NEW MEXICO MUNICIPAL LEAGUE, INCLUDING ALL CHANGES ADOPTED BY THE NEW MEXICO LEGISLATURE FROM 2021 THROUGH 2025

WHEREAS, on September 5, 2016, the City of Hobbs adopted the Uniform Traffic Ordinance via Ordinance No. 1095; and WHEREAS, pursuant to NMSA 1978, § 3-17-6(C) the City of Hobbs may adopt any amendments to the Uniform Traffic Ordinance in the same manner as other ordinances are adopted; and

WHEREAS, the New Mexico Municipal League authored and disseminated amendments to Articles I through 13 of the Uniform Traffic Ordinance; and WHEREAS, the purpose of this ordinance is to update the City's traffic regulations to remain consistent with statewide law and the most recent amendments prepared by the New Mexico Municipal League. Adoption of this ordinance will ensure that the City of Hobbs enforces the most current traffic laws as authorized by NMSA 1978, § 3-17-6(B), with the exception of specific provisions not adopted by the City; and

WHEREAS, pursuant to Section 10.04.030 of the Hobbs Municipal Code, proposed amendments to the Uniform Traffic Ordinance shall only be adopted by ordinance through an affirmative vote of the City Commission; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the proposed amendments to the following Articles be adopted:

Article I: Definitions
Article III: Application of Traffic Regulations
Article IV: Accident and Accident Reports
Article V: Signs, Signals, and Markings
Article VI: Traffic Regulations
Article VII: Special Rules for Motorcycles
Article VIII: Operation of Bicycles
Article IX: Parking Regulations
Article X: Vehicle Regulations
Article XII: Penalties and Procedure on Arrest
Parallel Tables

BE IT FURTHER ORDAINED that the current UTO Sections UTO front cover, 2015 Intro, Article I, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, Article XII and 2015 Parallel Tables be removed and replaced with the updated UTO Sections front cover, 2025 Intro, Article I, Article III, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article X, Article XII, Article XIII and 2025 Parallel Tables and that a complete and accurate copy of the Uniform Traffic Ordinance, including the amendments adopted herein, shall be available for inspection during normal business hours in the City Clerk's Office.

A copy of the ordinance is available to interested persons during regular business hours in the Office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

If any person desires to submit public comments related to this proposed ordinance, please submit written comments by email to jfletcher@hobbsnm.org by 4:30 p.m. on November 2, 2025.

/s/Jan Fletcher
Jan Fletcher, City Clerk

#00305275

67108146

00305275

CITY OF HOBBS FINANCE DEPT
200 E. BROADWAY ST
HOBBS, NM 88240

New Mexico Uniform Traffic Ordinance 2025 Compilation

**THIS DOCUMENT CONTAINS ALL REVISIONS
THROUGH JULY 2025**

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

PARALLEL TABLES

UNIFORM TRAFFIC ORDINANCE CITATIONS

TO

N.M.S.A. 1978 CITATIONS

* Indicates that there are no comparable provisions in the statutes.

Uniform Traffic Ordinance	NMSA 1978 Citation	Uniform Traffic Ordinance	NMSA 1978 Citation	Uniform Traffic Ordinance	NMSA 1978 Citation
12-1-1A	*	12-1-43	66-1-4.4	12-1-86	66-1-4.9
12-1-1B	66-1-4	12-1-44	66-1-4.4	12-1-87	66-1-4.9
12-1-2	66-1-4.1	12-1-45	66-1-4.4	12-1-88	66-1-4.9
12-1-3	66-1-4.1	12-1-46	66-1-4.4	12-1-89	*
12-1-4	66-1-4.1	12-1-47	66-1-4.4	12-1-90	66-1-4.9
12-1-5	66-1-4.1	12-1-48	66-1-4.4	12-1-91	66-1-4.9
12-1-6	*	12-1-49	66-1-4.4	12-1-92	66-1-4.10
12-1-7	66-1-4.1	12-1-50	*	12-1-93	66-1-4.10
12-1-8	*	12-1-51	66-1-4.4	12-1-94	66-1-4.10
12-1-9	66-1-4.1	12-1-52	66-1-4.4	12-1-95	66-1-4.10
12-1-10	66-1-4.1	12-1-53	66-1-4.4	12-1-96	66-1-4.10
12-1-11	66-1-4.1	12-1-54	66-1-4.4	12-1-97	66-1-4.10
12-1-12	66-1-4.1	12-1-55	66-1-4.4	12-1-98	66-1-4.11
12-1-13	66-1-4.1	12-1-56	66-1-4.4	12-1-99	66-1-4.11
12-1-14	66-1-4.1	12-1-57	66-1-4.5	12-1-100	66-1-4.11
12-1-15	66-1-4.1	12-1-58	66-1-4.5	12-1-101	66-1-4.11
12-1-16	66-1-4.1	12-1-59	66-1-4.5	12-1-102	66-1-5
12-1-17	66-1-4.2	12-1-60	66-1-4.5	12-1-103	*
12-1-18	66-1-4.2	12-1-61	66-1-4.5	12-1-104	66-1-4.11
12-1-19	66-1-4.2	12-1-62	66-1-4.5	12-1-105	66-1-4.11
12-1-20	66-1-4.2	12-1-63	66-1-4.5	12-1-106	66-1-4.21
12-1-21	66-1-4.2	12-1-64	66-1-4.21	12-1-107	*
12-1-22	66-1-4.2	12-1-65	66-1-4.5	12-1-108	66-1-4.11
12-1-23	66-1-4.3	12-1-66	66-1-4.6	12-1-109	*
12-1-24	66-1-4.3	12-1-67	66-1-4.6	12-1-110	66-1-4.11
12-1-25	66-1-4.3	12-1-68	66-1-4.6	12-1-111	66-1-4.11
12-1-26	66-1-4.3	12-1-69	66-1-4.6	12-1-112	66-1-4.12
12-1-27	66-1-4.3	12-1-70	66-1-4.21	12-1-113	66-1-4.12
12-1-28	66-1-4.3	12-1-71	66-1-4.6	12-1-114	*
12-1-29	66-1-4.3	12-1-72	66-1-4.6	12-1-115	66-1-4.12
12-1-30	66-1-4.3	12-1-73	*	12-1-116	66-1-4.12
12-1-31	66-1-4.3	12-1-74	66-1-4.6	12-1-117	66-1-4.12
12-1-32	66-1-4.3	12-1-75	66-1-4.7	12-1-118	66-1-4.12
12-1-33	66-1-4.3	12-1-76	66-1-4.7	12-1-119	66-1-4.12
12-1-34	66-1-4.3	12-1-77	66-1-4.7	12-1-120	66-1-4.12
12-1-35	66-1-4.3	12-1-78	66-1-4.7	12-1-121	66-1-4.13
12-1-36	66-1-4.3	12-1-79	66-1-4.7	12-1-122	66-1-4.21
12-1-37	66-1-4.3	12-1-80	66-1-4.8	12-1-123	66-1-4.13
12-1-38	*	12-1-81	66-1-4.8	12-1-124	66-1-4.13
12-1-39	66-1-4.4	12-1-82	66-1-4.8	12-1-125	*
12-1-40	66-1-4.4	12-1-83	66-1-4.8	12-1-126	66-1-4.13
12-1-41	*	12-1-84	66-1-4.8	12-1-127	66-1-4.13
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12-1-129	66-1-4.13	12-1-180	66-1-4.16	12-4-2	66-7-202
12-1-130	66-1-4.14	12-1-181	66-1-4.16	12-4-3	66-7-203

12-1-131	66-1-4.14	12-1-182	66-1-4.16	12-4-4	66-7-204
12-1-132	66-1-4.14	12-1-183	66-1-4.16	12-4-5	66-7-205
12-1-133	*	12-1-184	66-1-4.16	12-4-6 A	66-7-206
12-1-134	66-1-4.14	12-1-185	66-1-4.16	12-4-6 B, C	66-7-208
12-1-135	66-1-4.14	12-1-186	66-1-4.16	12-4-7 A	66-7-207
12-1-136	66-1-4.14	12-1-187	66-1-4.17	12-4-7 B, C	*
12-1-137	66-1-4.14	12-1-188	66-1-4.17	12-4-7 D, E	66-7-207
12-1-138	66-1-4.14	12-1-189	66-1-4.17	12-4-8	66-7-212
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12-1-157	66-1-4.15	12-1-208	66-1-4.19	12-5-14	*
12-1-158	66-1-4.15	12-1-209	66-1-4.19		
12-1-159	66-1-4.15	12-1-210	66-1-4.19	12-6-1.1	*
12-1-160	66-1-4.15	12-1-211	66-1-4.19	12-6-1.2 A (1-4)	66-7-301
12-1-161	66-1-4.15	12-1-212	66-1-4.19	12-6-1.2 A(5)	*
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12-1-165	66-1-4.16			12-6-1.3 G-K	66-7-303.1
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12-1-167	66-1-4.16	12-2-5 C-F	66-7-207	12-6-1.5 A-B	66-7-305
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12-6-2.6	66-7-311	12-6-6.5 thru 6.12	*	12-6-12.8	66-5-62
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12-6-2.8 B-C	*	12-6-6.14	66-7-349	12-6-12.9 A9	66-5-39.2
12-6-2.9	*	12-6-7.1 A	66-7-346	12-6-12.9 B	66-5-37
12-6-2.10	66-7-316	12-6-7.1 B	66-7-331	12-6-12.9 C	66-5-39
12-6-2.11	*	12-6-7.2	*	12-6-12.9 D-F	66-8-116
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12-6-2.12 D	*	12-6-7.3 D	66-7-348	12-6-12.11	*
12-6-2.13	66-7-318	12-6-7.4 A-B	66-7-332	12-6-12.12	66-7-353
12-6-2.14 A	*	12-6-7.4 C	66-7-332.1	12-6-12.13 A1-2	66-7-354
12-6-2.14 B	66-7-319	12-6-7.4 D	66-7-322.1	12-6-12.13 A3-B	*
12-6-2.14 C	*	12-6-7.5	66-7-341	12-6-12.14	66-7-357
12-6-2.15	66-7-320	12-6-7.6	66-7-342	12-6-12.15	66-7-358
12-6-2.16	66-7-321	12-6-7.7	66-7-343	12-6-12.16	66-7-360
12-6-3.1 A	66-7-345	12-6-7.8	66-7-344	12-6-12.17	66-7-361
12-6-3.1 B	*	12-6-8.1 thru 9.4	*	12-6-12.18	66-7-362
12-6-3.2	*	12-6-10	66-7-336	12-6-12.19	66-7-361
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12-6-4.1 A-C	66-7-328	12-6-11.1 N	66-7-413.1	12-6-12.23 A-B2	66-8-115
12-6-4.1 D	*	12-6-11.1 O	66-7-414	12-6-12.23 B3	*
12-6-4.2	66-7-329	12-6-11.2	66-3-887	12-6-12.24	*
12-6-4.3 A-C	66-7-330	12-6-11.3 A	66-7-314	12-6-12.25	28-7-4
12-6-4.3 D-H	66-7-345	12-6-11.3 B	*	12-6-12.26	66-8-121
12-6-5.1 A-D	66-7-322	12-6-12.1 A-C	66-8-102	12-6-12.27	66-5-40
12-6-5.1 E	*	12-6-12.1 D-E	66-8-107	12-6-12.28	66-8-120
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ARTICLE III

APPLICATION OF TRAFFIC REGULATIONS

12-3-1	Obedience to Traffic Ordinance
12-3-2	Obedience to Officers
12-3-3	Authority of Police and Fire Departments
12-3-4	Authorized Emergency Vehicles
12-3-5	Application of Traffic Ordinance to Persons Propelling Push Carts, Riding Animals or Driving Animal-Drawn Vehicles
12-3-6	Use of Coaster Wagons, Roller Skates and Similar Devices Restricted
12-3-7	Public Officers and Employees to Obey Ordinance--Exceptions

12-3-1 **OBEDIENCE TO TRAFFIC ORDINANCE.** It is unlawful and, unless otherwise declared in this ordinance with respect to particular offenses, it is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this ordinance. (66-7-3 NMSA 1978)

12-3-2 **OBEDIENCE TO OFFICERS.** No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic. (66-7-4 NMSA 1978)

12-3-3 **AUTHORITY OF POLICE AND FIRE DEPARTMENTS.**

A. It is the duty of police officers, or such officers as may be assigned by the chief of police, to enforce all traffic regulations of this municipality and all applicable state vehicle laws.

B. Police officers, or such officers as may be assigned by the chief of police, are authorized to direct all traffic by voice, hand or signal in conformance with traffic laws and regulations. However, in the event of a fire or other emergency, they may direct as conditions require, notwithstanding provisions of the traffic laws and regulations, in order to expedite traffic or to safeguard pedestrians.

C. Officers of the fire department may direct or assist police in directing traffic at the scene of a fire or in its immediate vicinity. (*)

12-3-4 **AUTHORIZED EMERGENCY VEHICLE.**

A. The driver of an authorized emergency vehicle, when responding to an emergency call or when in pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section subject to the conditions stated. The chief of the New Mexico state police or the appropriate local agency may designate emergency vehicles and revoke the designation. When vehicles are so designated, they are authorized emergency vehicles.

B. The driver of an authorized emergency vehicle may:

- (1) park or stand, irrespective of the provisions of this ordinance;
- (2) proceed past a red or stop signal or stop sign, but only after slowing down as necessary for safe operation;
- (3) exceed the maximum speed limits so long as he does not endanger life or property; and
- (4) disregard regulations governing direction of movement or turning in specified directions.

C. The exemptions granted to an authorized emergency vehicle apply only when the driver of the vehicle, while in motion sounds an audible signal by bell, siren or exhaust whistle as reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of the vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

D. This section does not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor does it protect the driver from the consequences of his reckless disregard for the safety of others. (66-7-6 NMSA 1978)

12-3-5 **APPLICATION OF TRAFFIC ORDINANCE TO PERSONS RIDING ANIMALS OR DRIVING ANIMAL-DRAWN VEHICLES.**

Every person riding an animal or driving any animal-drawn vehicle upon a roadway street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this ordinance, except those provisions of this ordinance which by their very nature can have no application, and except where otherwise specifically provided in this ordinance. (66-7-7 NMSA 1978)

12-3-6 **USE OF COASTER WAGONS, ROLLER SKATES, SKATEBOARDS, AND SIMILAR DEVICES RESTRICTED.**

No person upon roller skates, or riding in or by means of any coaster wagon, skateboard, toy vehicle, or similar device, shall go upon any street except while crossing a street on a crosswalk and when so crossing, the person shall be granted all of the rights and be subject to all of the duties applicable to pedestrians as provided for in this ordinance. (*)

12-3-7 **PUBLIC OFFICERS AND EMPLOYEES TO OBEY ORDINANCE--EXCEPTIONS.**

A. The provisions of this ordinance, applicable to the drivers of vehicles upon the streets and highways, shall apply to the drivers of all vehicles owned or operated by the United States, this state, or any county, city, town, district, or any other political subdivision of the state, except as provided in this section and subject to such specific exceptions as are set forth in this ordinance, with reference to authorized emergency vehicles.

B. Unless specifically made applicable, the provisions of this ordinance shall not apply to persons, teams, motor vehicles, and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work. (66-7-5 NMSA 1978)

ARTICLE I
DEFINITIONS

12-1-1 Definition of Words and Phrases

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12-1-2 Abandoned Vehicle
12-1-3 Access Aisle
12-1-4 Actual Empty Weight
12-1-5 Additional Place of Business
12-1-6 Administrator
12-1-7 Alcoholic Beverages
12-1-8 Alley
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12-1-10 Autocycles
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12-1-12 Autonomous Commercial Motor Vehicle
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12-1-215 Any Other Term

12-1-1 DEFINITION OF WORDS AND PHRASES.

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

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

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

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

(2) not to have been reported stolen;

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

(4) not to have been shown by normal record checking procedures to be owned by any person. (66-1-4.1 NMSA 1978)

12-1-3 ACCESS AISLE. “Access Aisle” means a space designed to allow a person with a significant mobility limitation to safely exit and enter a motor vehicle that is immediately adjacent to a designated parking space for persons with significant mobility limitation and that may be common to two such parking spaces of at least sixty inches in width or, if the

parking space is designed for van accessibility, ninety-six inches in width, and clearly marked and maintained with blue striping, and after January 1, 2011 the words “NO PARKING” in capital letters, each of which shall be at least one foot high and at least two inches wide, placed at the rear of the access aisle so as to be close to where an adjacent vehicle’s rear tires would be placed (66-1-4.1 NMSA 1978).

12-1-4 **ACTUAL EMPTY WEIGHT.** “Actual Empty Weight” means the weight of a vehicle without a load. (66-1-4.1 NMSA 1978)

12-1-5 **ADDITIONAL PLACE OF BUSINESS.** “Additional Place of Business”, for dealers and auto recyclers, means locations in addition to an established place of business as defined in Section 66-1-4.5 NMSA 1978 and meeting all the requirements of an established place of business, except Paragraph (5) of Subsection C of Section 66-1-4.5 NMSA 1978, but “additional place of business” does not mean a location used solely for storage and that is not used for wrecking, dismantling, sale or resale of vehicles. (66-1-4.1 NMSA 1978)

12-1-6 **ADMINISTRATOR.** “Administrator” means the chief executive employee of the municipality; including but not limited to the manager, clerk or administrator, or his designated representative. (*)

12-1-7 **ALCOHOLIC BEVERAGES.** “Alcoholic Beverages” means any and all distilled or rectified spirits, potable alcohol, brandy, whiskey, rum, gin, aromatic bitters or any similar alcoholic beverage, including all blended or fermented beverages, dilutions or mixtures of one or more of the foregoing containing more than one-half percent alcohol but excluding medicinal bitters. (66-1-4.1 NMSA 1978)

12-1-8 **ALLEY.** “Alley” means a street intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic. (*)

12-1-9 **AUTHORIZED EMERGENCY VEHICLE.** “Authorized Emergency Vehicle” means any fire department vehicle, police vehicle and ambulance and any emergency vehicles of municipal departments or public utilities that are designated or authorized as emergency vehicles by the director of the New Mexico state police division of the department of public safety or the administrator. (66-1-4.1 NMSA 1978)

12-1-10 **AUTOCYCLE.** “Autocycle” means a three-wheeled motorcycle on which the driver and all passengers ride in a completely or partially enclosed, seating area and that is manufactured to comply with all applicable federal standards, regulations and laws and is equipped with:

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

12-1-11 **AUTOMATED DRIVING SYSTEM.** “Automated Driving System” means the hardware and software that are collectively capable of performing the entire dynamic driving task on a sustained basis, regardless of whether it is limited to a specific operational design domain; “automated driving system” is used specifically to describe a level three, four or five driving automation system as defined in society of automotive engineers standard J3016, as published in the Taxonomy and Definitions for Terms Related to Driving Automation Systems for On-Road Motor Vehicles. (66-1-4.1 NMSA 1978)

12-1-12 **AUTONOMOUS COMMERCIAL MOTOR VEHICLE.** “Autonomous Commercial Motor Vehicle” means a commercial motor vehicle, as defined in Subsection J of Section 66-1-4.3 NMSA 1978, that is being controlled by an automated driving system. (66-1-4.1 NMSA 1978)

12-1-13 **AUTONOMOUS MOTOR VEHICLE.** “Autonomous Motor Vehicle” means a motor vehicle that is being controlled by an automated driving system. (66-1-4.1 NMSA 1978)

12-1-14 **AUTONOMOUS MOTOR VEHICLE OPERATOR.** “Autonomous Motor Vehicle Operator” means the person who engages the automated driving system of an autonomous motor vehicle or autonomous commercial motor vehicle. (66-1-4.1 NMSA 1978)

12-1-15 **AUTONOMOUS MOTOR VEHICLE TESTING or AUTONOMOUS COMMERCIAL MOTOR VEHICLE TESTING.** “Autonomous Motor Vehicle Testing” or “Autonomous Commercial Motor Vehicle Testing” means activities taken in full or in part to evaluate and assess:

(1) the automated driving system’s performance of the dynamic driving task; and

(2) the automated driving system’s performance with respect to applicable safety areas as defined by the federal national highway traffic safety administration for autonomous vehicle operations. (66-1-4.1 NMSA 1978)

12-1-16 **AUTO RECYCLER.** “Auto Recycler” means a person engaged in this state in an established business that includes acquiring vehicles that are required to be registered under this ordinance for the purpose of dismantling, wrecking, shredding, compacting, crushing or otherwise destroying vehicles for reclaimable parts or scrap material to sell (66-1-4.1 NMSA 1978).

12-1-17 **BICYCLE.** “Bicycle” means every device propelled by human power, upon which any person may ride, having two tandem wheels, except scooters and similar devices. (66-1-4.2 NMSA 1978)

12-1-18 **BUREAU.** “Bureau” means the traffic safety bureau of the department of transportation. (66-1-4.2 NMSA 1978)

12-1-19 **BUS.** “Bus” means every motor vehicle designed and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation. (66-1-4.2 NMSA 1978)

12-1-20 **BUSINESS DISTRICT.** “Business District” means the territory contiguous to and including a street and within three hundred feet along the street where there are buildings in use for business or industrial purposes, including but not limited to hotels, banks, or office buildings, railroad stations, and public buildings that occupy at least fifty percent of the frontage on one side or fifty percent of the frontage collectively on both sides of the street. (66-1-4.2 NMSA 1978)

12-1-21 **CAMPING BODY.** “Camping Body” means a vehicle body primarily designed or converted for use as temporary living quarters for recreational, camping or travel activities excluding recreational vehicles unless used in commerce. (66-1-4.3 NMSA 1978)

12-1-22 **CAMPING TRAILER.** “Camping Trailer” means a camping body, mounted on a chassis, or frame with wheels, designed to be drawn by another vehicle and that has collapsible partial side walls that fold for towing and unfold at the campsite. (66-1-4.3 NMSA 1978)

12-1-23 **CANCELLATION.** “Cancellation” means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to the license, but cancellation of a license is without prejudice and application for a new license may be made at any time after cancellation. (66-1-4.3 NMSA 1978)

12-1-24 **CASUAL SALE.** “Casual Sale” means the sale of a motor vehicle by the registered owner of the vehicle if the owner has not sold more than four vehicles in that calendar year. (66-1-4.3 NMSA 1978)

12-1-25 **CHASSIS.** “Chassis” means the complete motor vehicle, including standard factory equipment, exclusive of the body and cab. (66-1-4.3 NMSA 1978)

12-1-26 **COLLECTOR.** “Collector” means a person who is the owner of one or more vehicles of historic or special interest who collects, purchases, acquires, trades or disposes of these vehicles or parts thereof for the person's own use in order to preserve, restore and maintain a similar vehicle for hobby purposes. (66-1-4.3 NMSA 1978)

12-1-27 **COMBINATION.** “Combination” means any connected assemblage of a motor vehicle and one or more semitrailers, trailers, or semitrailers converted to trailers by means of a converter gear. (66-1-4.3 NMSA 1978)

12-1-28 **COMBINATION GROSS VEHICLE WEIGHT.** “Combination Gross Vehicle Weight” means the sum total of the gross vehicle weights of all units of a combination. (66-1-4.3 NMSA 1978)

12-1-29 **COMMERCE.** “Commerce” means the transportation of persons, property or merchandise for hire, compensation, profit or in the furtherance of a commercial

enterprise in this state or between New Mexico and a place outside New Mexico, including a place outside the United States. (66-1-4.3 NMSA 1978)

12-1-30 **COMMERCIAL MOTOR VEHICLE.** “Commercial motor vehicle” means a self-propelled or towed vehicle, other than special mobile equipment, used on public highways in commerce to transport passengers or property when the vehicle:

(1) is operated interstate and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of four thousand five hundred thirty-six kilograms, or ten thousand one pounds or more; or is operated only in intrastate commerce and has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of twenty-six thousand one or more pounds;

(2) is designed or used to transport more than eight passengers, including the driver, and is used to transport passengers for compensation;

(3) is designed or used to transport sixteen or more passengers, including the driver, and is not used to transport passengers for compensation; or

(4) is used to transport hazardous materials of the type or quantity requiring placarding under rules prescribed by applicable federal or state law. (66-1-4.3 NMSA 1978)

12-1-31 **CONTROLLED ACCESS HIGHWAY.** “Controlled Access Highway” means every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the highway, street or roadway except at those points only and in the manner as may be determined by the public authority having jurisdiction over the highway, street or roadway. (66-1-4.3 NMSA 1978)

12-1-32 **CONTROLLED SUBSTANCE.** “Controlled Substance” means any substance defined in Section 30-31-2 NMSA 1978 as a controlled substance. (66-1-4.3 NMSA 1978)

12-1-33 **CONVERTER GEAR.** “Converter Gear” means any assemblage of one or more axles with a fifth wheel mounted thereon, designed for use in a combination to support the front end of a semitrailer but not permanently attached thereto. A converter gear shall not be considered a vehicle, as that term is defined in Section 66-1-4.19 NMSA 1978, , but weight attributable thereto shall be included in declared gross weight. (66-1-4.3 NMSA 1978)

12-1-34 **CONVICTION.** “Conviction”

(1) means:

(a) a finding of guilt in the trial court in regard to which the violator has waived or exhausted all rights to appeal;

(b) a plea of guilty or nolo contendere accepted by the court;

(c) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court; or

(d) the promise to mail a payment on a penalty assessment; and does not include a conditional discharge as provided in Section 31-20-13 NMSA 1978 or a deferred sentence when the terms of the deferred sentence are met. (66-1-4.3 NMSA 1978)

12-1-35 **CREDENTIAL HOLDER.** “Credential Holder” means a person who has been issued a physical or an electronic credential. (66-1-4.3 NMSA 1978)

12-1-36 **CROSSWALK.** “Crosswalk” means:

(1) Part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.

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

12-1-37 **CURB CUT.** “Curb Cut” means a short ramp through a curb or built up to the curb. (66-1-4.3 NMSA 1978)

12-1-38 **CURB LOADING ZONE.** “Curb Loading Zone” means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials. (*)

12-1-39 **DATA ELEMENT.** “Data Element” means a distinct component of a customer’s information that is found on the department’s customer record. (66-1-4.4 NMSA 1978)

12-1-40 **DAY.** “Day” means calendar day, unless otherwise provided in this Ordinance. (66-1-4.4 NMSA 1978)

12-1-41 **DAYTIME.** “Daytime” means from a half hour before sunrise to a half hour after sunset. (*)

12-1-42 **DEALER.** “Dealer” except as specifically excluded, means any person who sells or solicits or advertises the sale of new or used motor vehicles, manufactured homes or trailers subject to registration in this state. Dealer does not include:

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

(2) public officers while performing their duties as such officers;

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

(4) finance companies, banks and other lending institutions making sales of repossessed vehicles; or

(5) licensed brokers under the Manufactured Housing Act [Chapter 60, Article 14 NMSA 1978] who, for a fee, commission or other valuable consideration engage in brokerage activities related to the sale, exchange or lease purchase of pre-owned manufactured homes on a site installed for a consumer. (66-1-4.4 NMSA 1978)

12-1-43 **DECLARED GROSS WEIGHT.** “Declared Gross Weight” means the maximum gross vehicle weight or gross combination vehicle weight at which a vehicle or combination will be operated during the registration period, as declared by the registrant for registration and fee purposes; the vehicle or combination shall have only one declared gross weight for all operating considerations. (66-1-4.4 NMSA 1978)

12-1-44 **DEPARTMENT.** “Department” means the taxation and revenue department, the secretary of taxation and revenue or any employee of the department exercising authority lawfully delegated to that employee by the secretary. (66-1-4.4 NMSA 1978)

12-1-45 **DESIGNATED ACCESSIBLE PARKING SPACE FOR PERSONS WITH SIGNIFICANT MOBILITY LIMITATION.** “Designated Accessible Parking Space For Persons With Significant Mobility Limitation” means any space, including an access aisle, that is marked and reserved for the parking of a passenger vehicle that carries registration plates or a parking placard with the international symbol of access issued in accordance with Section 66-3-16 NMSA 1978 and that is designated by a conspicuously posted sign bearing the international symbol of access and, if the parking space is paved, by a clearly visible depiction of this symbol painted in blue on the pavement of the space. (66-1-4.4 NMSA 1978)

12-1-46 **DIRECTOR.** “Director” means the secretary of the state taxation and revenue department. (66-1-4.4 NMSA 1978)

12-1-47 **DISQUALIFICATION.** “Disqualification” means a prohibition against driving a commercial motor vehicle. (66-1-4.4 NMSA 1978)

12-1-48 **DISTINGUISHING NUMBER.** “Distinguishing Number” means the number assigned by the department to a vehicle whose identifying number has been destroyed or obliterated or the number assigned by the department to a vehicle that has never had an identifying number. (66-1-4.4 NMSA 1978)

12-1-49 **DISTRIBUTOR.** “Distributor” means a person who distributes or sells new or used motor vehicles to dealers and who is not a manufacturer. (66-1-4.4 NMSA 1978)

12-1-50 **DIVIDED STREET.** “Divided Street” means any street containing a physical barrier, intervening space or clearly indicated dividing section so construed to impede vehicular traffic and separating vehicular traffic traveling in opposite directions. (*)

12-1-51 **DIVISION.** “Division” without further specification, "division of motor vehicles" or “motor vehicle division” means the department. (66-1-4.4 NMSA 1978)

12-1-52 **DRIVEAWAY-TOWAWAY OPERATION.** “Driveaway-Towaway Operation” means an operation in which any motor vehicle, new or used, is the item being transported, when one set or more of wheels of any such motor vehicle is on the roadway during the course of transportation, whether or not the motor vehicle furnishes the motive power. (66-1-4.4 NMSA 1978)

12-1-53 **DRIVER.** “Driver” means every person who drives or is in actual physical control of a motor vehicle, including a motorcycle, upon a highway, who is exercising control over, or steering, a vehicle being towed by a motor vehicle or who operates or is in actual physical control of an off-highway motor vehicle. (66-1-4.4 NMSA 1978)

12-1-54 **DRIVER-ASSISTED PLATOON.** “Driver-Assisted Platoon” means a series of motor vehicles platooning with a driver in each vehicle. (66-1-4.4 NMSA 1978)

12-1-55 **DRIVER’S LICENSE.** “Driver's License” means a license permit or driving authorization card issued by a state or other jurisdiction recognized under the laws of New Mexico pertaining to the authorizing of persons to operate motor vehicles and includes a REAL ID-compliant driver's license and a standard driver's license. (66-1-4.4 NMSA 1978)

12-1-56 **DYNAMIC DRIVING TASK.** “Dynamic Driving Task” means all of the real-time operational and tactical functions required to operate a vehicle in on-road traffic, excluding the strategic functions such as trip scheduling and selection of destinations and waypoints. (66-1-4.4 NMSA 1978)

12-1-57 **ELECTRIC-ASSISTED BICYCLE.** “Electric-Assisted Bicycle” means a vehicle having two or three wheels, fully operable pedals and an electric motor. (66-1-4.5 NMSA 1978). Electric-assisted bicycles are classified as follows:

(1) “Class 1 electric-assisted bicycle” means an electric-assisted bicycle equipped with a motor not exceeding seven hundred fifty watts of power that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour;

(2) “Class 2 electric-assisted bicycle” means an electric-assisted bicycle equipped with a motor not exceeding seven hundred fifty watts of power that provides assistance regardless of whether the rider is pedaling but ceases to provide assistance when the bicycle reaches a speed of twenty miles per hour; and

(3) “Class 3 electric-assisted bicycle” means an electric-assisted bicycle equipped with a motor not exceeding seven hundred fifty watts of power that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches a speed of twenty-eight miles per hour. (66-1-4.5 NMSA 1978)

12-1-58 **ELECTRIC MOBILITY DEVICE.** “Electric Mobility Device” means a two- or three-wheel vehicle with an electric motor for propulsion that does not meet the

definition of an electric-assisted bicycle and is capable of exceeding a speed of twenty miles per hour on motor power alone. (66-1-4.5 NMSA 1978)

12-1-59 **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.** “Electric Personal Assistive Mobility Device” means a self-balancing device having two nontandem wheels designed to transport a single person by means of an electric propulsion system with an average power of one horsepower and with a maximum speed on a paved level surface of less than twenty miles per hour when powered solely by its propulsion system and while being ridden by an operator who weighs one hundred seventy pounds. (66-1-4.5 NMSA 1978)

12-1-60 **ELECTRONIC CREDENTIAL.** “Electronic Credential” means an electronic extension of the department-issued physical credential that conveys identity and driving privilege information. (66-1-4.5 NMSA 1978)

12-1-61 **ELECTRONIC CREDENTIAL SYSTEM.** “Electronic Credential system” means a digital process that includes a method for loading electronic credentials onto a device, issuing electronic credentials, requesting and transmitting electronic credential data elements and performing tasks to maintain the system. (66-1-4.5 NMSA 1978)

12-1-62 **ESSENTIAL PARTS.** “Essential Parts” means all integral and body parts of a vehicle of a type required to be registered by the provisions of this ordinance, the removal, alteration or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation. (66-1-4.5 NMSA 1978)

12-1-63 **ESTABLISHED PLACE OF BUSINESS.** “Established Place of Business”, for a dealer or auto recycler, means a place:

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

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

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

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

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

(6) where vehicle sales are of new vehicles only, such as a department store or a franchisee of a department store, as long as the department store or franchisee

keeps the books and records of its vehicle business in a general office location at its place of business; as used in this paragraph, “department store” means a business that offers a variety of merchandise other than vehicles, and sales of the merchandise other than vehicles constitute at least eighty percent of the gross sales of the business. (66-1-4.5 NMSA 1978)

12-1-64 EVIDENCE OF REGISTRATION. “Evidence of Registration” means any documentation issued by the department identifying a motor carrier vehicle as being registered with New Mexico or documentation issued by another state pursuant to the terms of a multistate agreement on registration of vehicles to which this state is a party identifying a motor carrier vehicle as being registered with that state; provided that evidence of payment of the weight distance tax and permits obtained under either the Special Fuels Supplier Tax Act [Chapter 7, Article 16A NMSA 1978] or Trip Tax Act [Chapter 7, Article 15 NMSA 1978] are not “evidence of registration”. (66-1-4.21 NMSA 1978)

12-1-65 EXPLOSIVES. “Explosives” means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustive units or other ingredients in such proportions, quantities, or packing that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. (66-1-4.5 NMSA 1978)

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

12-1-67 FINANCIAL RESPONSIBILITY. “Financial Responsibility” means the ability to respond in damages for liability resulting from traffic accidents arising out of the ownership, maintenance or use of a motor vehicle of a type subject to registration under the laws of New Mexico, in amounts not less than specified in the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978] or having in effect a motor vehicle insurance policy. “Financial responsibility” includes a motor vehicle insurance policy, a surety bond or evidence of a sufficient cash deposit with the state treasurer. (66-1-4.6 NMSA 1978)

12-1-68 FIRST OFFENDER. “First Offender” means a person who for the first time under state or federal law or a municipal ordinance or a tribal law has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any other drug that renders the person incapable of safely driving a motor vehicle regardless of whether the person's sentence was suspended or deferred. (66-1-4.6 NMSA 1978)

12-1-69 FLAMMABLE LIQUID. “Flammable Liquid” means any liquid that has a flash point of seventy degrees Fahrenheit, or less, as determined by a tagliabue or equivalent closed-cup test device. (66-1-4.6 NMSA 1978)

12-1-70 **FLEET.** “Fleet” means one or more motor carrier vehicles, either commercial or noncommercial but not mixed, that are operated in this and at least one other jurisdiction. (66-1-4.21 NMSA 1978)

12-1-71 **FOREIGN JURISDICTION.** “Foreign Jurisdiction” means any jurisdiction other than a state of the United States or the District of Columbia. (66-1-4.6 NMSA 1978)

12-1-72 **FOREIGN VEHICLE.** “Foreign Vehicle” means every vehicle of a type required to be registered under the provisions of this ordinance brought into this state from another state, territory or country. (66-1-4.6 NMSA 1978)

12-1-73 **FREIGHT CURB LOADING ZONE.** “Freight Curb Loading Zone” means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight. (*)

12-1-74 **FREIGHT TRAILER.** “Freight Trailer” means any trailer, semitrailer or pole trailer drawn by a truck tractor or road tractor, and any trailer, semitrailer or pole trailer drawn by a truck that has a gross vehicle weight of more than twenty-six thousand pounds, but “freight trailer” does not include manufactured homes, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight. (66-1-4.6 NMSA 1978)

12-1-75 **GROSS COMBINATION VEHICLE WEIGHT.** “Gross combination Vehicle Weight” means the total of the gross vehicle weights of all units of a combination. (66-1-4.7 NMSA 1978)

12-1-76 **GROSS COMBINATION WEIGHT RATING.** “Gross Combination Weight Rating” means the value specified by the manufacturer as the loaded weight of a combination; however, in the absence of a value specified by the manufacturer, the gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit or units and the load on those units. (66-1-4.7 NMSA 1978)

12-1-77 **GROSS FACTORY SHIPPING WEIGHT.** “Gross Factory Shipping Weight” means the weight indicated on the manufacturer's certificate of origin. (66-1-4.7 NMSA 1978)

12-1-78 **GROSS VEHICLE WEIGHT.** “Gross Vehicle Weight” means the weight of a loaded vehicle. (66-1-4.7 NMSA 1978)

12-1-79 **GROSS VEHICLE WEIGHT RATING.** “Gross Vehicle Weight Rating” means the value specified by the manufacturer as the loaded weight of a single vehicle. (66-1-4.7 NMSA 1978)

12-1-80 **HAZARDOUS MATERIAL.** “Hazardous Material” means a substance or material in a quantity and form that may pose an unreasonable risk to health, safety or property when transported in commerce. (66-1-4.8 NMSA 1978)

12-1-81 **HIGHWAY OR STREET.** “Highway” or “Street” means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction. (66-1-4.8 NMSA 1978)

12-1-82 **HISTORIC OR SPECIAL INTEREST VEHICLE.** “Historic or Special Interest Vehicle” means a vehicle of any age that, because of its significance, is being collected, preserved, restored or maintained by a collector as a leisure pursuit. (66-1-4.8 NMSA 1978)

12-1-83 **HORSELESS CARRIAGE.** “Horseless Carriage” means a motor vehicle at least thirty-five years old that is owned as a collector's item and used solely for exhibition and educational purposes. (66-1-4.8 NMSA 1978)

12-1-84 **HOUSE TRAILER.** “House Trailer” means a manufactured home. (66-1-4.8 NMSA 1978)

12-1-85 **IDENTIFICATION CARD.** “Identification Card” means a document issued by the department or the motor vehicle administration of a state or other jurisdiction recognized under the laws of New Mexico that identifies the holder and includes a REAL ID-compliant identification card and a standard identification card. (66-1-4.9 NMSA 1978)

12-1-86 **IMPLEMENT OF HUSBANDRY.** “Implement of Husbandry” means every vehicle that is designed for agricultural purposes and exclusively used by the owner thereof in the conduct of his agricultural operations. (66-1-4.9 NMSA 1978)

12-1-87 **INTERNATIONAL REGISTRATION PLAN.** “International Registration Plan” means the registration reciprocity agreement among the contiguous states of the United States, the District of Columbia and provinces of Canada providing for payment of apportionable fees on the basis of total distance operated in all jurisdictions. The international registration plan is a method of registering fleets of vehicles that travel in two or more member jurisdictions and complies with the federal Intermodal Surface Transportation Efficiency Act of 1991. (66-1-4.9 NMSA 1978)

12-1-88 **INTERSECTION.**

A. “Intersection” means:

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

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

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

12-1-89 **INTERSTATE HIGHWAY.** “Interstate Highway” means any public highway which has been designated as an interstate highway by the government of the United States. (*)

12-1-90 **INVENTORY.** “Inventory”, when referring to a vehicle dealer, means a vehicle held for sale or lease in the ordinary course of business, the cost of which is used in calculating the dealer's cost of goods sold for federal income tax purposes. (66-1-4.9 NMSA 1978)

12-1-91 **JURISDICTION.** “Jurisdiction”, without modification, means “state”. (66-1-4.9 NMSA 1978)

12-1-92 **LANED ROADWAY.** “Laned Roadway” means a roadway that is divided into two or more clearly marked lanes for vehicular traffic. (66-1-4.10 NMSA 1978)

12-1-93 **LAW ENFORCEMENT AGENCY DESIGNATED BY THE DIVISION.** “Law Enforcement Agency Designated by the Division” means the law enforcement agency indicated on the dismantler’s notification form as the appropriate agency for the receipt of the appropriate copy of that form. (66-1-4.10 NMSA 1978)

12-1-94 **LAWFUL STATUS.** “Lawful Status” means the legal right to be present in the United States, as that phrase is used in the federal REAL ID Act of 2005. (66-1-4.10 NMSA 1978)

12-1-95 **LICENSE OR LICENSE TO OPERATE A MOTOR VEHICLE.** “License” or “License to Operate a Motor Vehicle” means any driver's license or any other license or permit to operate a motor vehicle issued under, or granted by, the laws of this state or other jurisdiction recognized under the laws of New Mexico, pertaining to the authorizing of persons to operate motor vehicles and includes a REAL ID-compliant driver's license and a standard driver's license including (66-1-4.10 NMSA 1978):

- (1) any temporary license or instruction permit;
- (2) the privilege of any person to drive a motor vehicle whether or not the person holds a valid license; and
- (3) any nonresident's operating privilege as defined herein. (*)

12-1-96 **LIEN OR ENCUMBRANCE.** “Lien” or “Encumbrance” means every chattel mortgage, conditional sales contract, lease, purchase lease, sales lease, contract, security interest under the Uniform Commercial Code or other instrument in writing having the effect of a mortgage or lien or encumbrance upon, or intended to hold, the title to any vehicle in the former owner, possessor or grantor. (66-1-4.10 NMSA 1978)

12-1-97 **LOCAL AUTHORITIES.** “Local Authorities” means every county, municipality and any local board or body having authority to enact laws relating to traffic under the constitution and laws of this state. (66-1-4.10 NMSA 1978)

12-1-98 **MAIL.** “Mail” means any item properly addressed with postage prepaid delivered by the United States postal service or any other public or private enterprise primarily engaged in the transport and delivery of letters, packages and other parcels. (66-1-4.11 NMSA 1978)

12-1-99 **MANUFACTURED HOME.** “Manufactured Home” means a movable or portable housing structure that exceeds either a width of eight feet or a length of forty feet, constructed to be towed on its own chassis and designed to be installed with or without a permanent foundation for human occupancy. (66-1-4.11 NMSA 1978)

12-1-100 **MANUFACTURER.** “Manufacturer” means every person engaged in the business of constructing or assembling vehicles of a type required to be registered under this ordinance. (66-1-4.11 NMSA 1978)

12-1-101 **MANUFACTURER’S CERTIFICATE OF ORIGIN.** “Manufacturer’s Certificate of Origin” means a certification, on a form supplied by or approved by the department, signed by the manufacturer that the new vehicle or boat described in the certificate has been transferred to the New Mexico dealer or distributor named in the certificate or to a dealer duly licensed or recognized as such in another state, territory or possession of the United States and that such transfer is the first transfer of the vehicle or boat in ordinary trade and commerce. (66-1-4.11 NMSA 1978)

12-1-102 **MEASUREMENT.** “Measurement” means in reference to this ordinance or whenever any provision of the Motor Vehicle Code or regulations promulgated thereunder refers to weight, height, length, width or speed in English units of measurement, it also refers to the metric equivalent of those units or, when adopted, to the metric substitutes for those units adopted by the state highway and transportation department. (66-1-5 NMSA 1978)

12-1-103 **MOBILE HOME.** “Mobile Home” means a house trailer, other than one held as inventory for sale or resale, that exceeds either a width of eight feet or a length of forty feet, when equipped for the road. (*)

12-1-104 **MOPED.** “Moped” means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, that is capable of propelling the vehicle at a maximum speed of not more than thirty miles an hour on level ground at sea level. (66-1-4.11 NMSA 1978)

12-1-105 **MOTORCYCLES.** “Motorcycle” means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles and excluding a tractor. (66-1-4.11 NMSA 1978)

12-1-106 **MOTOR CARRIER.** “Motor Carrier” means any person or firm that owns, controls, operates or manages any motor vehicle with gross vehicle weight of twelve

thousand pounds or more that is used to transport persons or property on the public highways of this state. (66-1-4.21 NMSA 1978)

12-1-107 **MOTOR DRIVEN CYCLE.** “Motor Driven Cycle” means every motorcycle, motor scooter and moped having an engine with less than one hundred cubic centimeters displacement. (*)

12-1-108 **MOTOR HOME** “Motor Home” means a camping body built on a self-propelled motor vehicle chassis so designed that seating for driver and passengers is within the body itself. (66-1-4.11 NMSA 1978)

12-1-109 **MOTOR SCOOTER.** “Motor Scooter” means a motor-driven cycle as defined in this section. (*)

12-1-110 **MOTOR VEHICLE.** “Motor Vehicle” means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from batteries or from overhead trolley wires, but not operated upon rails, including an electronic mobility device, but does not include an electric-assisted bicycle; for the purposes of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], “motor vehicle” does not include “special mobile equipment.” (66-1-4.11 NMSA 1978)

12-1-111 **MOTOR VEHICLE INSURANCE POLICY** “Motor Vehicle Insurance Policy” means a policy of vehicle insurance that covers self-propelled vehicles of a kind required to be registered pursuant to New Mexico law for use on the public streets and highways. A “motor vehicle insurance policy”:

(1) shall include:

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

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

(2) may include:

(a) physical damage coverage;

(b) medical payments coverage; and

(c) other coverages that the insured and the insurer agree to include within the policy. (66-1-4.11 NMSA 1978)

12-1-112 **NATURAL GAS VEHICLE** “Natural Gas Vehicle” means a vehicle operated by an engine that primarily uses natural gas. (66-1-4.12 NMSA 1978)

12-1-113 **NEIGHBORHOOD ELECTRIC CAR** “Neighborhood Electric Car” means a four-wheeled electric motor vehicle that has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour and complies with the federal requirements specified in 49 CFR 571.500. (66-1-4.12 NMSA 1978)

12-1-114 **NIGHTTIME.** “Nighttime” means the hours from a half hour after sunset to a half hour before sunrise. (*)

12-1-115 **NONREPAIRABLE VEHICLE** “Nonrepairable Vehicle” means a vehicle of a type otherwise subject to registration that:

(1) has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction;

(2) has been substantially stripped as a result of theft or is missing all of the bolts on sheet metal body panels, all of the doors and hatches, substantially all of the interior components and substantially all of the grill and light assemblies and has little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; or

(3) is a substantially burned vehicle that has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels or drive train components or that the owner irreversibly designates for destruction or as having little or no resale value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally. (66-1-4.12 NMSA 1978)

12-1-116 **NONREPAIRABLE VEHICLE CERTIFICATE** “Nonrepairable Vehicle Certificate” means a vehicle ownership document conspicuously labeled “NONREPAIRABLE” issued to the owner of the nonrepairable vehicle. (66-1-4.12 NMSA 1978)

12-1-117 **NONRESIDENT OR NON-DOMICILED.** “Nonresident” or “Non-Domiciled” means every person who is not a resident of this state. (66-1-4.12 NMSA 1978)

12-1-118 **NONRESIDENT COMMERCIAL DRIVER’S INSTRUCTION PERMIT OR NON-DOMICILED COMMERCIAL DRIVER’S INSTRUCTION PERMIT.** “Nonresident Commercial Driver’s Instruction Permit” or “Non-Domiciled Commercial Driver’s Instruction Permit” means a commercial driver’s instruction permit issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country. (66-1-4.12 NMSA 1978)

12-1-119 **NONRESIDENT COMMERCIAL DRIVER’S LICENSE OR NON-DOMICILED COMMERCIAL DRIVER’S LICENSE.** “Nonresident Commercial Driver’s License” or “Non-Domiciled Commercial Driver’s License” means a commercial driver’s license issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country. (66-1-4.12 NMSA 1978)

12-1-120 **NONRESIDENT’S OPERATING PRIVILEGE.** “Nonresident’s Operating Privilege” means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state. (66-1-4.12 NMSA 1978)

12-1-121 **ODOMETER.** “Odometer” means a device for recording the total mileage traveled by a vehicle from the vehicle's manufacture and for so long as the vehicle is operable on the highways. (66-1-4.13 NMSA 1978)

12-1-122 **ONE-WAY RENTAL FLEET.** “One-Way Rental Fleet” means two or more vehicles each having a gross vehicle weight of under twenty-six thousand one pounds and rented to the public without a driver. (66-1-4.21 NMSA 1978)

12-1-123 **OFF-HIGHWAY MOTOR VEHICLE.** “Off-Highway Motor Vehicle” means any motor vehicle operated or used exclusively off the highways of this state and that is not legally equipped for operation on the highways of this state, but does not include an electric-assisted bicycle. (66-1-4.13 NMSA 1978)

12-1-124 **OFFICIAL PRINTOUT.** “Official Printout” means any record supplied by the division or a similar agency or government entity that indicates the lienholders of record or owners of record of a vehicle or motor vehicle registered within that government's jurisdiction or indicates information about a driver's license or identification card, including traffic violation history or status. (66-1-4.13 NMSA 1978)

12-1-125 **OFFICIAL TIME STANDARD.** “Official Time Standard” means whenever certain hours are named in this ordinance they shall mean standard time or daylight-saving time as may be in current use in this municipality. (*)

12-1-126 **OFFICIAL TRAFFIC-CONTROL DEVICES.** “Official Traffic-Control Devices” means all signs, signals, markings and devices not inconsistent with this ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic. (66-1-14.13 NMSA 1978)

12-1-127 **OPERATIONAL DESIGN DOMAIN.** “Operational Design Domain” means the specific conditions under which a given automated driving system or feature of the system is designed to function. (66-1-4.13 NMSA 1978)

12-1-128 **OPERATOR.** “Operator” means driver, as defined in Section 66-1-4.4 NMSA 1978. (66-1-4.13 NMSA 1978)

12-1-129 **OWNER.** “Owner” means a person who holds the legal title of a vehicle and may include a conservator, guardian, personal representative, executor or similar fiduciary or, in the event that a vehicle is the subject of an agreement for conditional sale or lease with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or, in the event that a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor. (66-1-4.13 NMSA 1978)

12-1-130 **PARK OR PARKING.** “Park or Parking” means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading. (66-1-4.14 NMSA 1978)

12-1-131 **PARKING LOT.** “Parking Lot” means a parking area provided for the use of patrons of any office of state or local government or of any public accommodation, retail or commercial establishment. (66-1-4.14 NMSA 1978)

12-1-132 **PARTS CAR.** “Parts Car” means a motor vehicle generally in nonoperable condition that is owned by a collector to furnish parts that are usually nonobtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of historic or special interest. (66-1-4.14 NMSA 1978)

12-1-133 **PASSENGER CURB LOADING ZONE.** “Passenger Curb Loading Zone” means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (*)

12-1-134 **PEDESTRIAN.** “Pedestrian” means any natural person on foot. (66-1-4.14 NMSA)

12-1-135 **PERSON.** “Person” means every natural person, firm, copartnership, association, corporation, or other legal entity. (66-1-4.14 NMSA 1978)

12-1-136 **PERSONAL INFORMATION.** “Personal Information” means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address other than zip code, telephone number and medical or disability information, but “personal information” does not include information on vehicles, vehicle ownership, vehicular accidents, driving violations or driver status. (66-1-4.14 NMSA 1978)

12-1-137 **PLACARD OR PARKING PLACARD.** “Placard” or “Parking Placard” means a card-like device that identifies the vehicle as being currently in use to transport a person with severe mobility impairment and issued pursuant to Section 66-3-16 NMSA 1978 to be displayed inside a motor vehicle so as to be readily visible to an observer outside the vehicle. (66-1-4.14 NMSA 1978)

12-1-138 **PLATOON.** “Platoon” means a series of motor vehicles that are traveling in a unified manner by means of being connected with wireless communications or other technology allowing for coordinated movement. (66-1-4.14 NMSA 1978)

12-1-139 **PNEUMATIC TIRE.** “Pneumatic Tire” means every tire in which compressed air is designed to support the load. (66-1-4.14 NMSA 1978)

12-1-140 **POLE TRAILER.** “Pole Trailer” means any vehicle without motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes and structural members capable, generally, of sustaining themselves as beams between the supporting connections. (66-1-4.14 NMSA 1978)

12-1-141 **POLICE OR PEACE OFFICER.** “Police or Peace Officer” means every officer authorized to direct or regulate traffic or to make arrests for violations of this ordinance. (66-1-4.14 NMSA 1978)

12-1-142 **PRECEDING YEAR.** “Preceding Year” means a period of twelve consecutive months fixed by the department, which period is within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought. The department, in fixing that period, shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles. (66-1-4.21 NMSA 1978)

12-1-143 **PRIVATE ROAD OR DRIVEWAY.** “Private Road or Driveway” means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons. (66-1-4.14 NMSA 1978)

12-1-144 **PROPERLY REGISTERED.** “Properly Registered” means bearing the lawfully issued and currently valid evidence of registration of this or another jurisdiction, regardless of the owner’s residence, except in those cases where the evidence has been procured by misrepresentation or fraud. (66-1-4.21 NMSA 1978)

12-1-145 **PROPERTY OWNER.** “Property Owner” means the owner of a piece of land or the agent of that property owner. (66-1-4.14 NMSA 1978)

12-1-146 **PUBLIC HIGHWAY.** “Public Highway” means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction. (66-1-4.21 NMSA 1978)

12-1-147 **PUBLIC HOLIDAYS.** “Public Holidays” means New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day, or any other day designated a holiday by the governing body of this municipality. (*)

12-1-148 **RAILROAD.** “Railroad” means a carrier of persons or property upon cars operated upon stationary rails. (66-1-4.15 NMSA 1978)

12-1-149 **RAILROAD SIGN OR SIGNAL.** “Railroad sign or signal” means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (66-1-4.15 NMSA 1978)

12-1-150 **RAILROAD TRAIN.** “Railroad Train” means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails. (66-1-4.15 NMSA 1978)

12-1-151 **REAL ID-COMPLIANT DRIVER’S LICENSE.** “REAL ID-Compliant Driver's License” means a license or a class of license issued by a state or other jurisdiction pertaining to the authorizing of persons to operate motor vehicles and that meets federal requirements to be accepted by federal agencies for official federal purposes. (66-1-4.15 NMSA 1978)

12-1-152 **REAL ID-COMPLIANT IDENTIFICATION CARD.** “REAL ID-Compliant Identification Card” means an identification card that meets federal requirements to be accepted by federal agencies for official federal purposes. (66-1-4.15 NMSA 1978)

12-1-153 **RECONSTRUCTED VEHICLE.** “Reconstructed Vehicle” means any vehicle assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or that, if originally otherwise assembled or constructed, has been materially altered by the removal of essential parts, new or used. (66-1-4.15 NMSA 1978)

12-1-154 **RECREATIONAL TRAVEL TRAILER.** “Recreational Travel Trailer” means a camping body designed to be drawn by another vehicle. (66-1-4.15 NMSA 1978)

12-1-155 **RECREATIONAL VEHICLE.** “Recreational Vehicle” means a vehicle with a camping body that has its own motive power, is affixed to or is drawn by another vehicle and includes motor homes, travel trailers and truck campers. (66-1-4.15 NMSA 1978)

12-1-156 **REGISTRATION.** “Registration” means registration certificates and registration plates issued under the laws of New Mexico pertaining to the registration of vehicles. (66-1-4.15 NMSA 1978)

12-1-157 **REGISTRATION NUMBER.** “Registration Number” means the number assigned upon registration by the motor vehicle division to the owner of a vehicle or motor vehicle required to be registered by this ordinance. (66-1-4.15 NMSA 1978)

12-1-158 **REGISTRATION PLATE.** “Registration Plate” means the plate, marker, sticker or tag assigned by the motor vehicle division for the identification of the registered vehicle. (66-1-4.15 NMSA 1978)

12-1-159 **RELYING PARTY.** “Relying Party” means an entity to which a credential holder is presenting an electronic credential. (66-1-4.15 NMSA 1978)

12-1-160 **RESIDENCE DISTRICT.** “Residence District” means the territory contiguous to and including a street not comprising a business district when the property on the street for a distance of three hundred feet or more is in the main improved with residences or residences and buildings in use for business. (66-1-4.15 NMSA 1978)

12-1-161 **REVOCATION.** “Revocation” means that the driver's license and privilege to drive a motor vehicle on the public streets are terminated and shall not be renewed or restored, except that an application for a new license may be presented to and acted upon by the division after the expiration of at least one year after date of revocation. (66-1-4.15 NMSA 1978)

12-1-162 **RIGHT OF WAY.** “Right of Way” means the privilege of the immediate use of the roadway. (66-1-4.15 NMSA 1978)

12-1-163 **ROAD TRACTOR.** “Road Tractor” means every motor vehicle designed and used primarily for drawing other vehicles and constructed not to carry a significant load

on the road tractor, either independently or as any part of the weight of a vehicle or load so drawn. (66-1-4.15 NMSA 1978)

12-1-164 **ROADWAY.** “Roadway” means that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder when a street includes two or more separate roadways, the term “roadway” refers to each roadway separately but not to all of the roadways collectively. (66-1-4.15 NMSA 1978)

12-1-165 **SAFETY GLAZING MATERIALS.** “Safety Glazing Materials” means glazing materials constructed, treated or combined with other materials 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 are cracked and broken. (66-1-4.16 NMSA 1978)

12-1-166 **SAFETY ZONE.** “Safety Zone” means the area or space that is officially set apart within a street for the exclusive use of pedestrians and that is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (66-1-4.16 NMSA 1978)

12-1-167 **SALVAGE VEHICLE.** “Salvage Vehicle” means a vehicle:

(1) other than a nonrepairable vehicle, of a type subject to registration that has been wrecked, destroyed or damaged excluding, pursuant to rules issued by the department, hail damage, to the extent that the owner, leasing company, financial institution or the insurance company that insured or is responsible for repair of the vehicle considers it uneconomical to repair the vehicle and that is subsequently not repaired by or for the person who owned the vehicle at the time of the event resulting in damage; or

(2) that was determined to be uneconomical to repair and for which a total loss payment is made by an insurer, whether or not the vehicle is subsequently repaired, if, prior to or upon making payment to the claimant, the insurer obtained the agreement of the claimant to the amount of the total loss settlement and informed the claimant that, pursuant to rules of the department, the title must be branded and submitted to the department for issuance of a salvage certificate of title for the vehicle. (66-1-4.16 NMSA 1978)

12-1-168 **SCHOOL BUS.** “School Bus” means a commercial motor vehicle used to transport preprimary, primary or secondary school students or from home to school, from school to home or to and from school sponsored event, but not including a vehicle:

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

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

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

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

12-1-169 SEAL. “Seal” means the official seal of the taxation and revenue department as designated by the secretary. (66-1-4.16 NMSA 1978)

12-1-170 SECRETARY. “Secretary” means the secretary of taxation and revenue, and, except for the purposes of [Sections 66-2-3](#) and [66-2-12 NMSA 1978](#), also includes the deputy secretary and any division director delegated by the secretary. (66-1-4.16 NMSA 1978)

12-1-171 SEMITRAILER. “Semitrailer” means a vehicle, without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some significant part of its weight and that of its load rests upon or is carried by another vehicle. (66-1-4.16 NMSA 1978)

12-1-172 SIDEWALK. “Sidewalk” means a 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. (66-1-4.16 NMSA 1978)

12-1-173 SLOW-MOVING VEHICLE. “Slow-Moving Vehicle” means a vehicle that is ordinarily moved, operated or driven at a speed less than twenty-five miles per hour. (66-1-4.16 NMSA 1978)

12-1-174 SOLID TIRE. “Solid Tire” means every tire of rubber or other resilient material that does not depend upon compressed air for the support of the load. (66-1-4.16 NMSA 1978)

12-1-175 SPECIAL MOBILE EQUIPMENT. “Special Mobile Equipment” means a vehicle not designed or used primarily for the transportation of persons or property and incidentally operated or moved over the highways, including but not limited to farm tractors, road construction or maintenance machinery, ditch-digging apparatus, well-boring apparatus and concrete mixers. (66-1-4.16 NMSA 1978)

12-1-176 SPECIALLY CONSTRUCTED VEHICLE. “Specially Constructed Vehicle” means a vehicle of a type required to be registered under this ordinance not originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction. (66-1-4.16 NMSA 1978)

12-1-177 STAND OR STANDING. “Stand or Standing” means the halting of vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers. (*)

12-1-178 **STANDARD DRIVER’S LICENSE.** “Standard Driver’s License” means a license or a class of license issued by a state or other jurisdiction recognized by the laws of New Mexico that authorizes the holder to operate motor vehicles and is not guaranteed to be accepted by federal agencies for official federal purposes. (66-1-4.16 NMSA 1978)

12-1-179 **STANDARD IDENTIFICATION CARD.** “Standard identification Card” means an identification card that is not guaranteed to be accepted by federal agencies for official federal purposes. (66-1-4.16 NMSA 1978)

12-1-180 **STATE.** “State” means a state, territory or possession of the United States, the District of Columbia or any state of the Republic of Mexico or the Federal District of Mexico or a province of the Dominion of Canada. (66-1-4.16 NMSA 1978)

12-1-181 **STATE HIGHWAY.** “State Highway” means a public highway that has been designated as a state highway by the legislature, the state transportation commission or the secretary of transportation. (66-1-4.16 NMSA 1978)

12-1-182 **STOP.** “Stop”, when required, means complete cessation from movement. (66-1-4.16 NMSA 1978)

12-1-183 **STOP, STOPPING OR STANDING.** “Stop, Stopping or Standing”, when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic-control sign or signal. (66-1-4.16 NMSA 1978)

12-1-184 **STREET OR HIGHWAY.** “Street or Highway” means a way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction. (66-1-4.16 NMSA 1978)

12-1-185 **SUBSEQUENT OFFENDER.** “Subsequent Offender” means a person who was previously a first offender and who again, under state law, federal law or a municipal ordinance or a tribal law, has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any drug that rendered the person incapable of safely driving a motor vehicle regardless of whether the person’s sentence was suspended or deferred. (66-1-4.16 NMSA 1978)

12-1-186 **SUSPENSION.** “Suspension” means that a person’s driver’s license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn. (66-1-4.16 NMSA 1978)

12-1-187 **TANK VEHICLE.** “Tank Vehicle” means a motor vehicle that is designed to transport any liquid or gaseous material within a tank that is either permanently or temporarily attached to the vehicle or the chassis and that has either a gross vehicle weight rating of twenty-six thousand one or more pounds or is used in the transportation of hazardous materials requiring placarding of the vehicle under applicable law. (66-1-4.17 NMSA 1978)

12-1-188 **TAXICAB.** “Taxicab” means a motor vehicle used for hire in the transportation of persons, having a normal seating capacity of not more than seven persons. (66-1-4.17 NMSA 1978)

12-1-189 **TEMPORARY OFF-SITE LOCATION.** “Temporary Off-Site Location” means a location other than a dealer’s established or additional place of business that is used exclusively for the display of vehicles or vessels for sale or resale and for related business. (66-1-4.17 NMSA 1978)

12-1-190 **THROUGH STREET OR THROUGH HIGHWAY.** “Through Street” or “Through Highway” means every street or highway or portion thereof at the entrance to which vehicular traffic from intersecting streets or highways is required by law to stop before entering or crossing it when stop signs are erected as provided in this ordinance. (66-1-4.17 NMSA 1978)

12-1-191 **TITLE SERVICE COMPANY.** “Title Service Company” means a person, other than the department, an agent of the department, a licensed dealer or the motor transportation division of the department of public safety, who for consideration issues temporary registration plates or prepares and submits to the department on behalf of others applications for registration of or title to motor vehicles. (66-1-4.17 NMSA 1978)

12-1-192 **TRAFFIC.** “Traffic” means pedestrians, ridden or herded animals, vehicles, and other conveyances either singly or together using any street for purposes of travel. (66-1-4.17 NMSA 1978)

12-1-193 **TRAFFIC-CONTROL SIGNAL.** “Traffic-Control Signal” means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (66-1-4.17 NMSA 1978)

12-1-194 **TRAFFIC SAFETY BUREAU.** “Traffic Safety Bureau” means the traffic safety bureau of the department of transportation. (66-1-4.17 NMSA 1978)

12-1-195 **TRAILER.** “Trailer” means any vehicle, without motive power, designed for carrying persons or property and for being drawn by a motor vehicle, and so constructed that no significant part of its weight rests upon the towing vehicle. (66-1-4.17 NMSA 1978)

12-1-196 **TRANSACTION.** “Transaction” means all operations necessary at one time with respect to one identification card, one driver, one vessel or one vehicle. (66-1-4.17 NMSA 1978)

12-1-197 **TRANSPORTATION INSPECTOR.** “Transportation Inspector” means an employee of the motor transportation division of the department of public safety who has been certified by the director of the division to enter upon and perform inspections of motor carriers’ vehicles in operation. (66-1-4.17 NMSA 1978)

12-1-198 **TRANSPORTER OF MANUFACTURED HOMES.** “Transporter of Manufactured Homes” means a commercial motor vehicle operation engaged in the business of transporting manufactured homes from the manufacturer’s location to the first

dealer's location. A "transporter of manufactured homes" may or may not be associated with or affiliated with a particular manufacturer or dealer. (66-1-4.17 NMSA 1978)

12-1-199 **TRAVEL TRAILER.** "Travel Trailer" means a trailer with a camping body and includes recreational travel trailers and camping trailers. (66-1-4.17 NMSA 1978)

12-1-200 **TRIAL COURT.** "Trial Court" means the magistrate, municipal or district court which tries the case concerning an alleged violation of a provision of the Uniform Traffic Ordinance and this ordinance. (66-1-4.17 NMSA 1978)

12-1-201 **TRIBAL COURT.** "Tribal Court" means a court created by a tribe or a court of Indian offense created by the United States secretary of the interior. (66-1-4.17 NMSA 1978)

12-1-202 **TRIBE.** "Tribe" means an Indian nation, tribe or pueblo located wholly or partially in New Mexico. (66-1-4.17 NMSA 1978) For purposes of violations resulting in suspension or revocation of licenses and for DWI offenses (66-5-25, 26, 30 and 66-8-102), "tribe" is further defined as one that has executed an intergovernmental agreement with the state pursuant to Section 66-5-27.1 NMSA 1978. (66-1-4.17 and 66-5-1.2 NMSA 1978) (*)

12-1-203 **TRUCK.** "Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (66-1-4.17 NMSA 1978)

12-1-204 **TRUCK CAMPER.** "Truck Camper" means a camping body designed to be loaded onto, or affixed to, the bed or chassis of a truck. A camping body, when combined with a truck or truck cab and chassis, even though not attached permanently, becomes a part of the motor vehicle, and together they are a recreational unit to be known as a "truck camper"; there are three general types of truck campers:

(1) "slide-in camper" means a camping body designed to be loaded onto and unloaded from the bed of a pickup truck;

(2) "chassis-mount camper" means a camping body designed to be affixed to a truck cab and chassis; and

(3) "pickup cover" or "camper shell" means a camping body designed to provide an all-weather protective enclosure over the bed of a pickup truck and to be affixed to the pickup truck. (66-1-4.17 NMSA 1978)

12-1-205 **TRUCK TRACTOR.** "Truck Tractor" means every motor vehicle designed and used primarily for drawing other vehicles and constructed to carry a part of the weight of the vehicle and load drawn. (66-1-4.17 NMSA 1978)

12-1-206 **UNCLAIMED VEHICLE OR MOTOR VEHICLE.** "Unclaimed Vehicle or Motor Vehicle" means a vehicle or motor vehicle that has been placed in an impound lot by a law enforcement agency or removed to any storage lot by a property owner, and to which no owner or lienholder of record has asserted a valid claim. (66-1-4.18 NMSA 1978)

12-1-207 UTILITY TRAILER. “Utility Trailer” means any trailer, semitrailer or pole trailer, but does not include freight trailers, manufactured homes, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight. (66-1-4.18 NMSA 1978)

12-1-208 VALIDATING STICKER. “Validating Sticker” means the tab or sticker issued by the division to signify, upon a registration plate, renewed registration. (66-1-4.19 NMSA 1978)

12-1-209 VEHICLE. “Vehicle” means every device in, upon, or by which, any person or property is or may be transported or drawn upon a street, including any frame, chassis, body or unitized frame and body of any vehicle or motor vehicle, except devices moved exclusively by human power or used exclusively upon stationary rails or tracks. (66-1-4.19 NMSA 1978)

12-1-210 VEHICLE-BUSINESS NUMBER. “Vehicle-Business Number” means the distinctive registration number given by the division to any manufacturer, auto recycler or dealer. (66-1-4.19 NMSA 1978)

12-1-211 VEHICLE PLATE. “Vehicle Plate” means a plate, marker, sticker or tag similar to a registration plate, but that is issued by the department for vehicles that are exempted from registration under this ordinance. (66-1-4.19 NMSA 1978)

12-1-212 VERIFICATION PROCESS. “Verification Process” means a method of authenticating an electronic credential through the use of secure and encrypted communication. (66-1-4.19 NMSA 1978)

12-1-213 WHOLESALE. “Wholesaler” means any person, except a person making a casual sale of the person’s own vehicle, who sells or offers for sale vehicles of a type subject to registration in this state, to a vehicle dealer who is licensed under this ordinance or who is franchised by a manufacturer, distributor or vehicle dealer; provided, however, that if any person except a person making a casual sale of the person’s own vehicle also sells a vehicle at retail, that person shall be deemed to be a dealer and is subject to the dealer-licensing provisions of this ordinance. (66-1-4.20 NMSA 1978)

12-1-214 WRITTEN CLEARANCE FROM A LAW ENFORCEMENT AGENCY. “Written Clearance From a Law Enforcement Agency” means any written statement signed by a full-time, salaried law enforcement officer stating that a check has been made of the law enforcement agency’s records and the computerized records of the national crime information center and that the check of records indicates that the vehicle or motor vehicle in question has not been reported stolen. (66-1-4.20 NMSA 1978)

12-1-215 ANY OTHER TERM. “Any Other Term” used in this ordinance is used in its commonly accepted meaning except where such term has been defined elsewhere in this ordinance or defined in Sections 66-1-4.1 through 66-1-4.21 NMSA 1978. (*)

ARTICLE V

SIGNS, SIGNALS AND MARKINGS

12-5-1	Authority to Install Traffic-Control Devices
12-5-2	Manual and Specifications for Traffic-Control Devices
12-5-3	Obedience to Required Traffic-Control Devices
12-5-4	When Official Traffic-Control Devices Required for Enforcement Purposes
12-5-5	Official Traffic-Control Devices--Presumption of Legality
12-5-6	Lights and Their Application to Vehicles and Pedestrians
12-5-7	Pedestrian Control Signals
12-5-8	Flashing Signals
12-5-9	Lane-Direction-Control Signals
12-5-10	Display of Unauthorized Signs, Signals or Markings
12-5-11	Interference with Official Traffic-Control Devices or Railroad Signals
12-5-12	Play Streets
12-5-13	Crosswalks and Safety Zones
12-5-14	Traffic Lanes

12-5-1 **AUTHORITY TO INSTALL TRAFFIC-CONTROL DEVICES.**

The administrator shall place and maintain such traffic-control devices as necessary to carry out the provisions of this ordinance and to regulate, warn or guide traffic. (*)

12-5-2 **MANUAL AND SPECIFICATIONS FOR TRAFFIC-CONTROL DEVICES.**

The administrator shall place and maintain such traffic-control devices upon streets under their jurisdiction as they may deem necessary to indicate and to carry out the provisions of this ordinance or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the state manual and specifications. (66-7-103 NMSA 1978)

12-5-3 **OBEDIENCE TO REQUIRED TRAFFIC-CONTROL DEVICES.** The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this ordinance, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this ordinance. (66-7-104 NMSA 1978)

12-5-4 **WHEN OFFICIAL TRAFFIC-CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES.**

No provision of this ordinance for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place. (66-7-104 NMSA 1978)

12-5-5 **OFFICIAL TRAFFIC-CONTROL DEVICES--PRESUMPTION OF LEGALITY.**

A. Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this ordinance, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

B. Any official traffic-control device placed pursuant to the provisions of this ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this ordinance, unless the contrary shall be established by competent evidence. (*)

12-5-6 **LIGHTS AND THEIR APPLICATION TO VEHICLES AND PEDESTRIANS.**

Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one (1) 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 street 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 right as hereinafter provided; and

(2) no pedestrian facing the signal shall enter the street 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 (66-7-105 NMSA 1978), and shall remain stopped until permitted to proceed by a green light or arrow (*), or may then 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. ; and

(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 administrator determines 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 street 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 street 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.

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 Subsection C (1). Vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. (66-7-105 NMSA 1978)

12-5-7 PEDESTRIAN CONTROL SIGNALS.

A. Whenever special pedestrian control signals exhibiting the words “walk” or “don't walk” are in place:

(1) “walk” indicates that pedestrians facing the signal may proceed across the street in the direction of the signal and shall be given the right of way by drivers of all vehicles; and

(2) “don't walk” indicates that no pedestrian shall start to cross the street in the direction of the signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-106 NMSA 1978)

12-5-8 FLASHING SIGNALS.

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(1) flashing red (stop signal)--when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

(2) flashing yellow (caution signal):-when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

B. This section does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Sections 12-6-7.5 - 12-6-7.8 of this ordinance.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-107 NMSA 1978)

12-5-9 LANE-DIRECTION-CONTROL SIGNALS.

When lane-direction-control signals are placed over the individual lanes of a street, vehicular traffic may travel in any lane over which a green signal is shown, but a vehicle shall not enter or travel in any lane over which a red signal is shown. (*)

12-5-10 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.

A. No person shall place, maintain, or display upon or in view of any street any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movements of traffic, or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

B. Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the administrator is hereby empowered to remove the same or cause it to be removed without notice.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-108 NMSA 1978)

D. The provisions of this section shall not prohibit the erection of signs upon private property adjacent to streets if the signs give useful directional information and are of a type that cannot be mistaken for official signs. (*)

12-5-11 **INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL DEVICES OR RAILROAD SIGNALS.**

A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic-control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. (66-7-109 NMSA 1978)

B. No person shall hide or obscure any official traffic-control device or railroad sign or signals by parking a vehicle or erecting any object or by allowing bushes, hedges, trees or other vegetation to grow so as to obscure traffic-control devices or railroad signals. An obstruction includes, but is not limited to, any sign, fence, ornament, hedge, shrub, tree or display, but it does not include a building.

C. Unobstructed vision for traffic safety shall be maintained by the property owner or occupant on all corner lots regardless of the zone classification. No obstruction between three and eight feet above the street level shall be placed or maintained within a triangular area bounded by the street property lines of the corner lot and a line connecting the points 25 feet distant from the intersection of the property lines of such lot.

D. Every obstruction interfering with official traffic-control devices or railroad signals is a public nuisance, and the administrator may remove the obstruction or cause it to be removed without notice and assess costs involved to the violator. (*)

12-5-12 **PLAY STREETS.**

A. The administrator has authority to declare any street or part of a street a temporary play street and to place appropriate signs or devices in the street to indicate and help protect the street.

B. Whenever authorized signs are erected to indicate a play street, no person shall drive on the street except drivers of vehicles whose residences are within the closed area. Such drivers shall exercise the greatest care in driving on the play street. (*)

12-5-13 **CROSSWALKS AND SAFETY ZONES.**

The administrator, upon the basis of engineering and traffic study investigations, may:

(1) designate and maintain crosswalks by appropriate devices, marks or lines on the surface of the street where, in his opinion, there is particular danger to pedestrians crossing the street; and

(2) establish safety zones of the kind and character and at places he deems necessary for the protection of pedestrians. (*)

12-5-14 **TRAFFIC LANES.**

A. The administrator, upon the basis of engineering and traffic study investigations, may mark traffic lanes upon any street where a regular alignment of traffic is necessary.

B. Where such traffic lanes have been marked, it is unlawful for the operator of a vehicle to fail to keep the vehicle within the boundaries of the lane except when lawfully passing another vehicle or when making a lawful turning movement. (*)

ARTICLE IV

ACCIDENT AND ACCIDENT REPORTS

12-4-1	Accidents Involving Death or Personal Injury
12-4-2	Accidents Involving Damage to Vehicle
12-4-3	Duty to Give Information and Render Aid
12-4-4	Duty upon Striking Unattended Vehicle
12-4-5	Duty upon Striking Fixtures or Other Property upon a Street
12-4-6	Immediate Notice of Accidents
12-4-7	Written Reports of Accidents
12-4-8	Garages, Dealers and Wreckers of Vehicles to Report
12-4-9	False Reports
12-4-10	Written Accident Reports Confidential--Exceptions

12-4-1 **ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY.**

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 12-4-3. Every such stop shall be made without obstructing traffic more than is necessary.

B. 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.

C. 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. (66-7-207.1 NMSA 1978)

12-4-2 **ACCIDENTS INVOLVING DAMAGE TO VEHICLE.** 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 12-4-3. 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. (66-7-202 NMSA 1978)

12-4-3 **DUTY TO GIVE INFORMATION AND RENDER AID.** 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. (66-7-203 NMSA 1978)

12-4-4 DUTY UPON STRIKING UNATTENDED VEHICLE. 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. (66-7-204 NMSA 1978)

12-4-5 DUTY UPON STRIKING FIXTURES OR OTHER PROPERTY UPON A STREET. The driver of any vehicle involved in an accident resulting only in damage to fixtures or other property legally upon or adjacent to a street 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 12-4-7. (66-7-205 NMSA 1978)

12-4-6 IMMEDIATE NOTICE OF ACCIDENTS.

A. The driver of a vehicle, the autonomous motor vehicle operator or the autonomous commercial motor vehicle operator, if applicable, involved in an accident resulting in 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 such 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. In the case of an autonomous motor vehicle or autonomous commercial motor vehicle operating without a human driver, the owner of that motor vehicle or person working on behalf of the vehicle owner shall be responsible for providing the notice required by this section. (66-7-206 NMSA 1978)

B. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of an accident as required in subsection A 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. (66-7-208 NMSA 1978)

C. Whenever the driver is physically incapable of making a written report of an accident as required in subsection A 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. (66-7-208 NMSA 1978)

12-4-7 WRITTEN REPORTS OF ACCIDENTS.

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 such accident, forward a written report of such

accident to the police department and state department of transportation. (66-7-207 NMSA 1978)

B. The provisions of this section shall not be applicable when the accident has been investigated at the scene by a police officer while the driver was present.

C. The provisions of this section may be met by submission to the police department of a copy of any accident report required under state law. (*)

D. The police department 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 and may require witnesses of accidents to render reports concerning the accident to the department of transportation.

E. 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 such investigation, forward a written report of such accident to the police department and state 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 safety¹ 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. (66-7-207 NMSA 1978)

12-4-8 GARAGES, DEALERS AND WRECKERS OF VEHICLES TO

REPORT. The person in charge of any garage or repair shop, dealers, or wreckers of vehicles, to which is brought any motor vehicle which shows evidence of having been involved in an accident of which report must be made as provided in this ordinance, or struck by any bullet, shall report to the police department and transportation department within twenty-four hours after such motor vehicle is received, giving the engine number, registration number, and the name and address of the owner or operator of the vehicle. (66-7-212 NMSA 1978)

12-4-9 FALSE REPORTS. No person shall give information to the police department in oral or written reports of accidents, knowing or having reason to believe that the information is false. (*)

12-4-10 WRITTEN ACCIDENT REPORTS CONFIDENTIAL--EXCEPTIONS.

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 police department and state department of transportation or 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 police department and state department of transportation 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 police department and state department of transportation 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 police department and state department of transportation solely to prove a compliance or a failure to comply with the requirement that a report be made to the police 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 police department and 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. (66-7-213 NMSA 1978)

ARTICLE VI

TRAFFIC REGULATIONS

- 12-6-1 Speed Regulations
 - 12-6-1.1 Basic Rule
 - 12-6-1.2 Speed Limits
 - 12-6-1.3 Establishment of Speed Zones
 - 12-6-1.4 Regulation of Speed by Traffic Signals
 - 12-6-1.5 Minimum Speed Regulation
 - 12-6-1.6 Charging Violations
 - 12-6-1.7 Special Speed Limitations
- 12-6-2 Driving on Right Side of Street--Overtaking and Passing--Use of Street
 - 12-6-2.1 Drive on Right Side of Street--Exceptions
 - 12-6-2.2 Passing Vehicles Proceeding in Opposite Direction
 - 12-6-2.3 Overtaking Vehicle on the Left
 - 12-6-2.4 Limitations on Overtaking on the Left
 - 12-6-2.5 Further Limitations on Driving on Left of Center of Street
 - 12-6-2.6 When Overtaking on the Right is Permitted
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 - 12-6-2.8 Authority to Designate One-Way Streets and Alleys
 - 12-6-2.9 Obedience to Signs Designating One-Way Streets and Alleys
 - 12-6-2.10 Rotary Traffic Islands
 - 12-6-2.11 Restricted Direction of Movement on Streets during Certain Periods
 - 12-6-2.12 Driving on Streets Laned for Traffic
 - 12-6-2.13 Following Too Closely
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 - 12-6-2.15 Controlled Access
 - 12-6-2.16 Restrictions on Use of Controlled-Access Streets
- 12-6-3 Designating Stop and Yield Intersections
 - 12-6-3.1 Through Streets Designated
 - 12-6-3.2 Authority to Erect Stop or Yield Signs at Through Streets
 - 12-6-3.3 Authority to Erect Stop or Yield Signs at Other Intersections
- 12-6-4 Right of Way
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- 12-6-5 Turning and Starting and Signals on Stopping and Turning
 - 12-6-5.1 Required Position and Method of Turning at Intersection
 - 12-6-5.2 Authority to Place Devices Altering Normal Course for Turns
 - 12-6-5.3 Authority to Place Restricted Turn Signs
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 - 12-6-5.5 Limitations on Turning Around
 - 12-6-5.6 Turning on Curve or Crest of Grade Prohibited
 - 12-6-5.7 Starting Parked Vehicle
 - 12-6-5.8 Turning and Stopping Movements and Required Signals

- 12-6-5.9 Signals by Hand and Arm or Signal Device
- 12-6-5.10 Method of Giving Hand and Arm Signals

- 12-6-6 Stopping, Standing and Parking
 - 12-6-6.1 Stopping, Standing or Parking Prohibited in Specified Places
 - 12-6-6.2 Additional Parking Regulations
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- 12-6-7 Special Stops Required
 - 12-6-7.1 Emerging from Alley, Building, Driveway or Private Road
 - 12-6-7.2 Stop When Traffic Obstructed
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 - 12-6-7.5 Railroad – Highway Grade Crossing Violations – All Drivers
 - 12-6-7.6 All Vehicles Must Stop at Certain Railroad Grade Crossings
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- 12-6-8 Passenger and Freight Curb Loading Zones
 - 12-6-8.1 Authority to Designate Curb Loading Zones
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 - 12-6-8.3 Stopping, Standing or Parking in Passenger Curb Loading Zones
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- 12-6-9 Public Carrier Stops and Stands
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- 12-6-10 School Crossings

- 12-6-11 Excessive Size and Weight, Slow-Moving and Hazardous Vehicles
 - 12-6-11.1 Permit for Excessive Size and Weight - Special Notification Required on Movement of Manufactured Homes.

- 12-6-11.2 Slow-Moving Vehicle Identification
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- 12-6-12 Driving Regulations and Offenses
- 12-6-12.1 Operating a Motor Vehicle under the Influence of Intoxicating Liquor or Drugs; Chemical Testing; Officer to File Statement; Immediate License Revocation
- 12-6-12.2 Operating a Motor Vehicle under the Influence of Intoxicating Liquor or Drug; Penalties; Sentencing; Fees
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12-6-1 **SPEED REGULATIONS**

12-6-1.1 **BASIC RULE**

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when

approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding street and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions. (*)

12-6-1.2 **SPEED LIMITS**

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

(1) fifteen (15) miles per hour on all streets when passing a school while children are going to, or leaving school, and when the school zone is properly posted:

(2) thirty (30) miles per hour in any business or residence district; or

(3) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the municipality or highway and transportation department, provided that the posted speed limit be determined by an engineering study performed by the state highway and transportation department (66-7-301 NMSA 1978); and

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

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

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

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

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

12-6-1.3 **ESTABLISHMENT OF SPEED ZONES**

A. Whenever the administrator determines, upon the basis of an engineering survey and traffic investigation, a detailed report of which is filed with the traffic safety bureau of the state highway and transportation department, that any speed limit permitted under state law or local ordinance is greater or less than is reasonable or safe under the conditions found to exist upon any part of a street within his jurisdiction, he may declare a speed limit for that part, and that speed limit shall be authorized and effective when appropriate signs giving notice thereof are erected at the particular part of the street; 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.

B. 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.

C. The provisions of Subsection A of this section shall not apply to changes of speed limit in construction zones authorized pursuant to 12-6-1.3 G through K of this section.

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

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

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

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

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

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

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

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

12-6-1.4 REGULATION OF SPEED BY TRAFFIC SIGNALS

The administrator is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the

speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof. (*)

12-6-1.5 **MINIMUM SPEED REGULATION**

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

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

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

12-6-1.6 **CHARGING VIOLATIONS**

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

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

12-6-1.7 **SPECIAL SPEED LIMITATIONS**

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

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

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

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

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

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

(2) when an obstruction exists making it necessary to drive to the left of the center of the street, provided that any person driving to the left shall yield the right of way to all vehicles traveling in the proper direction on the unobstructed portion of the street (*);

(3) when the right half of the street is closed to traffic while under construction or repair

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

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

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

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

12-6-2.2 **PASSING VEHICLES PROCEEDING IN OPPOSITE DIRECTION**

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

12-6-2.3 **OVERTAKING A VEHICLE ON THE LEFT**

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

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

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

12-6-2.4 **LIMITATIONS ON OVERTAKING ON THE LEFT**

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

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

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

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

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

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

B. The foregoing limitations shall not apply:

(1) upon a one-way street;

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

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

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

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

- (1) when the vehicle overtaken is making or about to make a left turn;
- (2) upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction; or
- (3) upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement, where the street is free from obstructions and of sufficient width for two or more lines of moving vehicles.

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

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

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

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

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

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

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

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

A. The administrator may designate and sign streets and alleys as one-way streets and alleys and shall erect appropriate signs giving notice of that designation. (66-7-315 NMSA 1978). The designation shall be made only upon the basis of engineering and traffic investigation.

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

C. The administrator shall maintain a schedule of all streets and alleys which have been established as one-way and shall provide copies of the schedule to the police department, municipal clerk, municipal judge and municipal attorney. (*)

12-6-2.9 **OBEDIENCE TO SIGNS DESIGNATING ONE-WAY STREETS AND ALLEYS**

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

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

12-6-2.10 **ROTARY TRAFFIC ISLANDS.**

A vehicle passing around a rotary traffic island shall be driven only to the right of such island. (66-7-316 NMSA 1978)

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

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

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

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

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

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

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

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 street and drivers of vehicles shall obey the directions of every such sign (66-7-317 NMSA 1978); and

D. official traffic-control devices may be installed prohibiting the changing of lanes on sections of streets, and drivers of vehicles shall obey the directions of every such device. (*)

12-6-2.13 FOLLOWING TOO CLOSELY

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

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

C. Motor vehicles being driven upon any street or 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 (300) feet. This provision shall not apply to

(1) funeral processions, nor shall it apply within or outside of a business or residence district to motor vehicle escort vehicles of a motor vehicle escort service, which may, if necessary to maintain the continuity of the escorted unit or units, precede or follow at a distance closer than three hundred (300) feet to the escorted unit or units.

(2) a vehicle that is part of a driver-assisted platoon and that is not the lead motor vehicle (66-7-318 NMSA 1978)

12-6-2.14 DRIVING ON DIVIDED STREETS

A. Whenever any street has been divided into two (2) roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section so

constructed as to impede vehicular traffic, every vehicle shall be driven only upon the right-hand segment of the divided street (66-7-319 NMSA 1978), unless directed or permitted to use another segment by official traffic-control devices or police officers. (*)

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

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

12-6-2.15 **CONTROLLED ACCESS**

No person shall drive a vehicle onto or from any controlled-access street except at such entrances and exits as are established by public authority. (66-7-320 NMSA 1978)

12-6-2.16 **RESTRICTIONS ON USE OF CONTROLLED-ACCESS STREETS**

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

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

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

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

12-6-3 **DESIGNATING STOP AND YIELD INTERSECTIONS**

12-6-3.1 **THROUGH STREETS DESIGNATED**

A. The administrator, upon traffic and engineering study and investigation, may designate which streets shall be through streets 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. (66-7-345 NMSA 1978)

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

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

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

B. However, at the intersection of two through streets or at the intersection of a through street and heavy traffic street not so designated, stop signs shall be erected at the approaches to both of said streets in a manner determined by the administrator upon the basis of an engineering and traffic study. (*)

12-6-3.3 **AUTHORITY TO ERECT STOP OR YIELD SIGNS AT OTHER INTERSECTIONS**

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

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

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

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

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

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

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

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

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

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

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

- A. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in this ordinance.
- B. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by Section 12-6-4.3(D) and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another street or which is approaching so closely on the street as to constitute an immediate hazard during the time when the driver is moving across or within the intersection.
- C. The driver of a vehicle approaching a yield sign shall, in obedience to the sign, slow down to a speed reasonable for the existing conditions, and shall yield the right of way to any vehicle in the intersection or approaching on another street so closely as to constitute an immediate hazard during the time the driver is moving across or within the intersection. If the driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, the collision shall be deemed prima facie evidence of his failure to yield right of way. (66-7-330 NMSA 1978)
- D. 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.
- E. Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in the Motor Vehicle Code.
- F. Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle, other than a person riding bicycle, 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 street before entering the intersection.

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

H. Except when directed to proceed by a police officer, every person riding a bicycle and approaching:

(1) a stop intersection indicated by a red traffic control signal 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. After stopping, if there is no approaching pedestrian, bicycle or vehicle traffic with the right of way, the person riding a bicycle may proceed through the intersection without waiting for the traffic control signal to turn green; and

(2) an intersection with a stop sign or a yield sign, if there is no approaching pedestrian, bicycle or vehicle traffic with the right of way, the person riding a bicycle may proceed through the intersection without stopping. If required for safety to stop, the person riding a bicycle 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 person riding a bicycle has a view of approaching traffic on the intersecting roadway. (66-7-345 NMSA 1978)

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

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

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

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

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

C. Upon a street with two (2) or more lanes for through traffic in each direction, where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicle shall turn left from any other lane. A

vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. Any maneuver other than a left turn from this center lane will be deemed a violation of this section.

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

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

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

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

12-6-5.3 **AUTHORITY TO PLACE RESTRICTED TURN SIGNS**

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

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

12-6-5.4 **OBEDIENCE TO NO-TURN SIGNS**

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

12-6-5.5 **LIMITATIONS ON TURNING AROUND**

The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street in a business district and shall not upon any other street so turn a vehicle unless the movement can be made in safety and without interfering with other traffic. (*)

12-6-5.6 **TURNING ON CURVE OR CREST OF GRADE PROHIBITED**

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

12-6-5.7 **STARTING PARKED VEHICLE**

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

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

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

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

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

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

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

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

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

B. Any motor vehicle in use on a street shall be equipped with, and required signal shall be given by, a signal lamp or lamps or mechanical signal device when the distance from the center of the top of the steering post to the left outside limit of the body,

cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles. (66-7-326 NMSA 1978)

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

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

- 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. (66-7-327 NMSA 1978)

12-6-6 **STOPPING, STANDING AND PARKING**

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

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

- (1) on a sidewalk;
- (2) in front of a public or private driveway;
- (3) within an intersection;
- (4) within fifteen feet of a fire hydrant;
- (5) on a crosswalk;
- (6) within twenty feet of a crosswalk at an intersection;
- (7) within thirty feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of a street;
- (8) between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- (9) within fifty feet of the nearest rail of a railroad crossing;

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

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

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

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

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

(15) on any railroad track; or

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

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

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

12-6-6.2 **ADDITIONAL PARKING REGULATIONS**

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

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

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

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

highway opposite the standing vehicle for the free passage of other vehicles and he shall take care to provide a clear view of the standing vehicles as far as possible to the front and rear. (66-3-852 NMSA 1978)

12-6-6.4 **PARKING IN ALLEYS**

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

12-6-6.5 **ALL-NIGHT PARKING PROHIBITED**

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

12-6-6.6 **PARKING FOR CERTAIN PURPOSES PROHIBITED**

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

- (1) displaying the vehicle for sale; or
- (2) washing, greasing or repairing the vehicle except repairs necessitated by an emergency. (*)

12-6-6.7 **PARKING ADJACENT TO SCHOOLS PROHIBITED**

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

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

12-6-6.8 **PARKING PROHIBITED ON NARROW STREETS**

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

B. When official signs prohibiting parking are erected on narrow streets as authorized in this section, no person shall park a vehicle on any such street in violation of the sign. (*)

12-6-6.9 **STANDING OR PARKING ON ONE-WAY STREETS**

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

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

12-6-6.10 **STANDING OR PARKING ON DIVIDED STREETS**

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

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

12-6-6.11 **NO STOPPING, STANDING OR PARKING NEAR HAZARDOUS OR CONGESTED PLACES**

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

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

12-6-6.12 **STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS**

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

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

C. The administrator may impose restrictions or prohibitions on standing, stopping or parking and they shall apply as follows:

(1) when signs are erected prohibiting parking at all times on certain streets, no person shall park a vehicle at any time upon any of the streets so designated;

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

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

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

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

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

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

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

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

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

(4) on those streets which have been signed or marked by the administrator for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the street indicated by signs or markings. (*)

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

A. Upon any street outside of a business or residence district no person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled part of the street when it is practicable to stop, park, or leave such vehicle

off such part of said street, but in every event an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of two hundred feet in each direction upon such street.

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

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

12-6-7 SPECIAL STOPS REQUIRED

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

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

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

12-6-7.2 STOP WHEN TRAFFIC OBSTRUCTED

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

12-6-7.3 STOPPING FOR SCHOOL BUS

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

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

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

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

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

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

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

(1) if reasonably safe to do so, drive in a lane not adjacent to the stationary vehicle, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or

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

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

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

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

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

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

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

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

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

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

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

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

B. A person shall not:

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

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

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

C. The penalty assessment for violation of this section is included in the penalty assessment schedule. (66-7-341 NMSA 1978)

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

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

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

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

B. While stopped, the driver shall:

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

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

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

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

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

(1) a railroad-highway grade crossing where a police officer directs traffic to proceed;

(2) a railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;

(3) a railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;

(4) a railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or

(5) an industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.

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

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

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

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

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

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

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

12-6-8 **PASSENGER AND FREIGHT CURB LOADING ZONES**

12-6-8.1 **AUTHORITY TO DESIGNATE CURB LOADING ZONES**

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

12-6-8.2 **PERMITS FOR CURB LOADING ZONES**

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

B. After the administrator has granted a permit and before signs and markings as may be necessary are installed, the applicant shall pay to the city treasurer a

service fee of twenty-five dollars (\$25) per 22-foot stall plus twenty-five cents (\$.25) per foot for additional space per year or fraction thereof.

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

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

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

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

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

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

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

12-6-9 **PUBLIC CARRIER STOPS AND STANDS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. No person shall stop, stand or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed.

B. However, the driver of a passenger vehicle may temporarily stop in a bus stop or taxicab stand for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone. (*)

12-6-10 SCHOOL CROSSINGS

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

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

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

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

(1) at a signalized intersection;

(2) at an intersection where traffic is controlled by a stop sign; or

(3) at a point where a pedestrian tunnel or overhead crossing is provided. (66-7-336 NMSA 1978)

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

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

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

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

(1) The department of public safety or the department of transportation shall provide the escort personnel with a copy of applicable rules and shall inspect the escort vehicles for the safety equipment required by the rules. If the escort vehicles and personnel meet the requirements set forth in the rules, the department of public safety shall issue the special permit;

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

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

C. Except for the movement of manufactured homes, special permits may be issued for a single vehicle or combination of vehicles by the department for a period not to exceed one year for a fee of two hundred fifty dollars (\$250). The permits may allow excessive height, length and width for a vehicle or combination of vehicles or load thereon and may include a provision for excessive weight if the operation is to be within the vicinity of a municipality. Utility service vehicles, operating with special permits pursuant to this subsection, shall be exempt from prohibitions or restrictions relating to hours or days of operation or restrictions on movement because of poor weather conditions.

D. Special permits for a single trip for a vehicle or combination of vehicles or load thereon of excessive weight, width, length and height may be issued by the department of transportation for a single vehicle for a fee of twenty-five dollars (\$25.00) plus the product of two and one-half cents (\$.025) for each two thousand pounds in excess of eighty-six thousand four hundred pounds or major fraction thereof multiplied by the number of miles to be traveled by the vehicle or combination of vehicles on the highways of this state.

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

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

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

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

F. Except as provided in Subsection G of this section, if the movement of a manufactured home originates in this state, no permit shall be issued under Subsection E of this section until the owner of the manufactured home or his authorized agent obtains and presents to the department proof that a certificate has been issued by the county assessor or treasurer of the county in which the manufactured home movement originates showing that either:

(1) all property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid, except for manufactured homes located on an Indian reservation; or

(2) liability for property taxes on the manufactured home does not exist for the current tax year or any past tax years, except for manufactured homes located on an Indian reservation.

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

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

J. The secretary may by regulation provide for movers of manufactured homes to self-issue permits for certain sizes of manufactured homes over specific routes; however, in no case may the cost of each permit be less than twenty-five dollars (\$25.00).

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

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

(1) bodily injury liability, providing;

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

(b) one hundred thousand dollars (\$100,000) for each accident; and

(2) property damage liability, providing twenty-five thousand dollars (\$25,000) for each accident.

M. Any motor carrier requesting an oversize permit shall produce a warrant or a single state registration receipt as evidence that the motor carrier maintains the insurance minimums prescribed by the public regulation commission. (66-7-413 NMSA 1978)

N. A vehicle used to transport loads of hay greater than one hundred two inches wide may be issued a special permit to transport loads pursuant to Section 66-7-413 NMSA 1978; provided that the vehicle is marked on the front and the rear with "OVERSIZED LOAD" signs. The area covered by the special permit shall be specified on the permit. (66-7-413.1 NMSA 1978)

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

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

(2) running between separate farm property of the owner.

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

12-6-11.2 **SLOW-MOVING VEHICLE IDENTIFICATION**

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

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

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

D. No person shall sell, lease, rent or operate any slow-moving vehicle unless the slow-moving vehicle is equipped with a slow-moving vehicle emblem.

E. Any person who violates any provision of this section is guilty of a misdemeanor (66-3-887 NMSA 1978)

12-6-11.3 **ESCORT TO BE FURNISHED FOR MOVEMENT OF HAZARDOUS VEHICLES**

A. When, in the judgment of the administrator, the movement of any vehicle is deemed a hazard to traffic upon a street over which the vehicle is to travel, the granting of permission for the movement thereof may be conditioned upon a special escort accompanying the hazardous vehicle. (66-7-314 NMSA 1978)

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

12-6-12 **DRIVING REGULATIONS AND OFFENSES**

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

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

B. It is unlawful for 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 while under the influence of intoxicating liquor or drugs consists of a person who:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) an alcohol concentration of at least four one-hundredths but less than eight one-hundredths:

(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 or not the person was under the influence of intoxicating liquor; or

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

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

O. 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.

P. 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.

Q. 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 12-6-12.1 NMSA 1978.

R. 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.

S. The presumptions in Subsection O of this section do not limit the introduction of other competent evidence concerning whether or not a person was under the influence of intoxicating liquor. (66-8-110 NMSA 1978)

T. Nothing in this section is intended to authorize any police officer, or any judicial or probation officer, to make any arrest or to direct the performance of chemical blood test, except in the performance of his official duties and as otherwise authorized by law. (66-8-104 NMSA 1978)

U. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 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 or misdemeanor 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 criminal prosecution. (66-8-111 NMSA 1978)

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

W. On behalf of the department, a law enforcement officer requesting a chemical test or directing the administration of a chemical test pursuant to 66-8-107 NMSA 1978 shall serve immediate written notice of revocation and of right to a hearing before the administrative hearings office pursuant to the Implied Consent Act on a person who:

- (1) refuses to permit chemical testing; or
- (2) submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of
 - (a) eight one-hundredths or more if the person is twenty-one years of age or older;
 - (b) four one-hundredths or more if the person is driving a commercial vehicle; or
 - (c) two one-hundredths or more if the person is less than twenty-one years of age.

X. The written notice of revocation and of a right to a hearing served on the driver shall be 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 administrative hearings office issues the order following that hearing; provided that a written notice of revocation and right to a hearing shall not be a temporary license for a driver without any otherwise valid driving privileges in this state.

Y. The law enforcement officer shall send to the department the signed statement required pursuant to Section 66-8-111 NMSA 1978. (66-8-111.1 NMSA 1978)

12-6-12.2 **OPERATING A MOTOR VEHICLE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PENALTIES; SENTENCING; FEES**

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

B. When a person is charged with a violation of 12-6-12.1A through D, any plea of guilty thereafter entered in satisfaction of the charges shall include at least a

plea of guilty to violation 12-6-12.1 A, B, C or D and no other disposition by plea of guilty to any other charge in satisfaction of such charge shall be authorized if:

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

(2) four 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 if the person is driving a commercial vehicle; or

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

C. A person under first conviction pursuant to this section shall be punished by imprisonment for not more than ninety days or by a fine of not more than five hundred ninety-nine dollars (\$500.00), or both; provided that if the sentence is suspended in whole or in part or deferred, the period of probation may extend beyond ninety days but shall not exceed one year. Upon a first conviction pursuant to this section, an offender shall be sentenced to not less than twenty-four hours of community service. In addition, the offender may be required to pay a fine of three hundred dollars (\$300.00). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection F of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school," approved by the traffic safety bureau of the state transportation department and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail. If an offender fails to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or fails to comply with any other condition of parole, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Any jail sentence imposed pursuant to this section for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving while under the influence of intoxicating liquor or drugs shall not be suspended, deferred or taken under advisement. On a first conviction pursuant to this section, time spent in jail for the offense prior to the conviction for that offense shall be credited to any to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

D. A second or third conviction pursuant to this section shall be punished by imprisonment for not more than three hundred sixty-four days or by a fine of not more than one thousand dollars (\$999.00), or both; provided that if the sentence is suspended in whole or part, the period of probation may extend beyond one hundred

seventy-nine days but shall not exceed one year. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

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

(2) upon a third conviction, an offender shall be sentenced to a jail term of not less than thirty consecutive days, not less than ninety-six hours of community service and a fine of seven hundred fifty dollars (\$750.00). In addition to those penalties, when an offender commits aggravated driving under the influence of intoxicating liquor or drugs, the offender shall be sentenced to a jail term of not less than sixty consecutive days. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

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

F. Upon any conviction pursuant to this section and 12-6-12.1A, B, C or D, an offender shall be required to participate in and complete, with a time specified by the court, an alcohol or drug abuse screening program approved by the Department of Finance and Administration and if necessary, a treatment program approved by the court. The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

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

(1) not less than a twenty-eight-day inpatient, residential or in-custody substance abuse program approved by the court;

(2) not less than a ninety-day outpatient treatment program approved by the court;

(3) a drug court program approved by the court; or

(4) any other substance abuse treatment approved by the court.

The requirement imposed pursuant to this section shall not be suspended, deferred or taken under advisement. (66-8-102 NMSA 1978)

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

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

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

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

K. Five years from the date of conviction and every five years thereafter, a fourth or subsequent offender may apply to a district court for removal of the ignition interlock device requirement provided in this section and for restoration of a driver's license. A district court may, for good cause shown, remove the ignition interlock device requirement and order restoration of the license; provided that the offender has not been subsequently convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs. Good cause may include an alcohol screening and proof from the interlock vendor that the person has not had violations of the interlock device.

L. An offender who obtains an ignition interlock license and installs an ignition interlock device prior to conviction shall be given credit at sentencing for the time period the ignition interlock device has been in use. (66-8-102 NMSA 1978)

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

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

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

P. With respect to this section and notwithstanding any provision of law to the contrary, if an offender's sentence was suspended or deferred in whole or in part and the offender violates any condition of probation, the court may impose any sentence that the court could have originally imposed and credit shall not be given for time served by the offender on probation.

Q. As used in this section and in 12-6-12.1:

(1) "bodily injury" means an injury to a person not likely to cause death or great bodily harm to the person, but does cause painful temporary disfigurement

or temporary loss or impairment of the functions of any member or organ of the person's body; and

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

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

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

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

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

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

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

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

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

A. Driving while intoxicated with a minor in the vehicle consists of a person committing a violation of Section 66-8-102 NMSA 1978 when a minor is in the vehicle and when the minor does not suffer great bodily harm or death. Whoever commits driving while intoxicated with a minor in the vehicle is guilty of a misdemeanor.

B. A charge for a violation of Subsection A of this section shall be in addition to a charge for the violation of Section 66-8-102 NMSA 1978 and shall be punished as a separate offense.

C. As used in this section, “minor” means an individual who is younger than thirteen years of age. (66-8-102.5 NMSA 1978)

12-6-12.4 RECKLESS DRIVING

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

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

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

(2) On a second or subsequent conviction by imprisonment for not less than ten days nor more than six months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00), or both.

C. Upon conviction of violation of this section, the administrator may suspend the license or permit to drive and any nonresident operating privilege for not to exceed ninety days. (66-8-113 NMSA, 1978)

12-6-12.5 CARELESS DRIVING

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

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

12-6-12.6 OPERATORS AND CHAUFFEURS MUST BE LICENSED

A. Except those expressly exempted by Section 66-5-4 NMSA 1978, no person shall drive any motor vehicle, neighborhood electric car or moped upon a street in this municipality unless he:

(a) holds a valid license issued under the provisions of the New Mexico Motor Vehicle Code; and

(b) 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 New Mexico Motor Vehicle Code, or expressly exempted from licensure, may exercise the privilege granted upon all streets and highways in this municipality 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 NMSA 1978)

D. No person, whether a resident or non-resident of the State of New Mexico, shall operate a motor vehicle or moped upon a street in this municipality in violation of any restrictions with respect to the type of, or special mechanical devices required on, a motor vehicle which the licensee may operate or any other restrictions applicable to the licensee. (*)

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

12-6-12.9 UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO SO HAS BEEN SUSPENDED OR REVOKED

A. It is a misdemeanor for any person to:

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

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

(3) permit any unlawful use of the driver's license issued to, or received by, him;

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

(5) do any other act forbidden or fail to perform any other act required by Sections 66-5-1.1 through 66-5-47 NMSA 1978 or the provisions of the New Mexico Commercial Driver's License Act; (66-5-37 NMSA 1978)

(6) to drive a motor vehicle on any public highway of this state at a time when the person's privilege to do so is suspended and who knows or should have known that the person's license was suspended is guilty of a misdemeanor and may be punished pursuant to Subsection B of Section 66-8-7 NMSA 1978 or for no more than ninety days of participation in a certified alternative sentencing program. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Any municipal ordinance prohibiting driving with a suspended license shall provide penalties no less stringent than provided in this section (66-5-39 NMSA 1978)

(7) drive a motor vehicle on a highway of this state at a time when the person's privilege to do so is revoked and who knows or should have known that the person's license was revoked is guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished, notwithstanding the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days (90) or by participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than \$500. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court; and

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

(9) drive a motor vehicle on any public highway of this state at a time when the person's privilege to do so is administratively suspended is guilty of a penalty assessment misdemeanor and may be punished in accordance with the provisions of Section 66-8-116 NMSA 1978. (66-5-39.2 NMSA 1978)

C. In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section, or a municipal ordinance that prohibits driving on a suspended license, the motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle. (66-5-39 NMSA 1978)

D. As used in this ordinance or in the Motor Vehicle Code and the Boat Act, “penalty assessment misdemeanor” means violation of any of the listed sections in 66-8-116 NMSA 1978 or of the NMSA 1978 for which, except as provided in 66-8-116 NMSA 1978 Subsections D through F, the listed penalty assessment is established in 66-8-116 NMSA 1978 Section A. 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. 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.

E. The penalty assessment for speeding in violation of Paragraph (5) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A 66-8-116 NMSA 1978 for the equivalent miles per hour over the speed limit.

F. 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). 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 NMSA 1978).

12-6-12.10 DRIVING WHILE LICENSE ADMINISTRATIVELY SUSPENDED

A. The division may 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 a 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; or
- (9) has accumulated at least 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. The division may issue an administrative suspension of the instruction permit, driver's license or provisional license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence, including information provided to the state pursuant to an intergovernmental agreement authorized by Section 66-5-27.1 NMSA 1978, that the licensee has failed to comply with the terms of a citation issued in a foreign jurisdiction that is a party to the Nonresident Violator Compact [66-8-137.1 NMSA 1978] and that has notified the department of the failure in accordance with the Nonresident Violator Compact.

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

D. Upon suspending the license of a person as authorized in this section, the division shall immediately notify the licensee in writing of the licensee's right to a hearing before the administrative hearings office and, upon the licensee's request, shall notify the administrative hearings office. The administrative hearings office shall schedule the hearing to take place as early as practicable, but not later than twenty days, not counting Saturdays, Sundays and legal holidays, after receipt of the request. The hearing shall be held in the county in which the licensee resides unless the hearing officer 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 hearing officer may, in the hearing officer's discretion, extend the twenty-day period. The hearing shall be held as provided in the Administrative Hearings Office Act [Chapter 7, Article 1B NMSA 1978]. After the hearing, the hearing officer shall either rescind the order of suspension or continue, modify or extend the suspension of the license or revoke the license. (66-5-30 NMSA 1978)

12-6-12.12 UNATTENDED MOTOR VEHICLE

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

12-6-12.13 **LIMITATIONS ON BACKING**

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

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

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

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

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

B. In no case shall a vehicle be backed more than 60 feet unless preceded by an observer to safely direct the movement. (*)

12-6-12.14 **OBSTRUCTION TO DRIVER'S VIEW OR DRIVING MECHANISM**

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

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

12-6-12.15 **RESTRICTION ON USE OF VIDEO IN MOTOR VEHICLES**

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

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

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

12-6-12.16 **COASTING PROHIBITED**

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

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

12-6-12.17 **FOLLOWING FIRE APPARATUS PROHIBITED**

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

12-6-12.18 **CROSSING FIRE HOSE PROHIBITED**

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

12-6-12.19 **DRIVING THROUGH SAFETY ZONES PROHIBITED**

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

12-6-12.20 **VEHICLES SHALL BE DRIVEN ONLY ON STREETS, PRIVATE
ROADS AND DRIVEWAYS**

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

12-6-12.21 **DRIVING ON SIDEWALK AND PRIVATE PROPERTY**

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

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

12-6-22 **PROHIBITED ACTIVITIES WHILE DRIVING**

No person shall:

- (1) drive a vehicle while engaged in any activity which interferes with the safe operation of the vehicle;
- (2) drive while having in his lap any person, adult or minor, or any animal;
- (3) drive while seated in the lap of another person while the vehicle is in motion;
- (4) drive a vehicle while having either arm around another person; or
- (5) operate a motor vehicle's equipment, including but not limited to the vehicle horn or lights, in such manner as to distract other motorists on the public way or in such a manner as to disturb the peace. (*)

12-6-12.23 **RACING ON STREETS**

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

B. As used in this section:

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

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

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

12-6-12.24 **PROCESSIONS**

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

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

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

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

12-6-12.25 **DRIVER TO TAKE PRECAUTIONS APPROACHING THE BLIND**

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

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

12-6-12.26 **OFFENSES BY PERSONS OWNING OR CONTROLLING VEHICLES**

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

12-6-12.27 **PERMITTING UNAUTHORIZED PERSONS TO DRIVE**

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

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

12-6-12.28 **PARTIES TO UNLAWFUL ACTS**

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

12-6-13 **MISCELLANEOUS TRAFFIC REGULATIONS**

12-6-13.1 **OFFENSES RELATING TO DRIVING UNDER THE INFLUENCE**

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

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

12-6-13.2 **UNLAWFUL RIDING**

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

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

12-6-13.3 **UNHITCHED TRAILER ON STREET**

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

12-6-13.4 **MOVING OR MOLESTING UNATTENDED VEHICLES**

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

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

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

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

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

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

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

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

(8) purposely release the brake upon a standing motor vehicle with the intent to injure said machine. (30-16D-5 NMSA 1978)

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

12-6-13.5 **DESTRUCTIVE OR INJURIOUS MATERIAL ON STREET**

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

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

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

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. (66-7-364 NMSA 1978)

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

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

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

No person or corporation shall direct the operation of or operate any railroad train or bus in such manner to prevent the use of any street for purposes of travel for a period of time longer than five minutes. (*)

12-6-13.7 **BOARDING OR ALIGHTING FROM VEHICLES**

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

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

12-6-13.8 **IMPROPER OPENING OF DOORS.**

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. (66-7-367 NMSA 1978)

12-6-13.9 **OCCUPIED MOVING HOUSE TRAILER**

It is a misdemeanor for any person to:

- A. occupy a house trailer while it is being towed upon a street; or
- B. tow a house trailer on any street when the house trailer is occupied by any person. (66-7-366 NMSA 1978)

12-6-13.10 **ANIMALS ON STREET**

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

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

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

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-363 NMSA 1978)

12-6-13.11 **DRIVING ON MOUNTAIN STREETS**

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

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

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

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

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

(1) children less than one year of age shall be properly secured in a rear-facing child passenger restraint device that meets federal standards, in the rear seat

of a vehicle that is equipped with a rear seat. If the vehicle is not equipped with a rear seat, the child may ride in the front seat of the vehicle if the passenger-side air bag is deactivated or if the vehicle is not equipped with a deactivation switch for the passenger-side air bag:

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

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

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

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

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

12-6-13.13 MANDATORY USE OF SEATBELTS

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

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

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

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

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

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

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

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

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

(1) the trunk of the vehicle or in some other area of the vehicle not normally occupied by the driver or passengers if the vehicle is not equipped with a trunk. A utility or glove compartment shall be deemed to be within the area occupied by the driver and passengers;

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

(3) a truck camper;

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

This section does not apply to the driver or owner of or any passenger in a bus, taxicab or limousine for hire licensed to transport passengers pursuant to the Motor Carrier Act or proper legal authority.

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

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

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

(3) any person who is employed by a person licensed by the Alcoholic Beverage Control Act, while discharging his duties as an employee (66-8-138 NMSA 1978)

E. Penalties

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

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

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

12-6-13.15 LITTERING

A. Littering consists of discarding refuse:

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

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

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

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

12-6-14 PEDESTRIANS' RIGHTS AND DUTIES

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

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

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. (66-7-333 NMSA 1978)

12-6-14.2 **PEDESTRIANS RIGHT OF WAY IN CROSSWALKS**

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

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

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

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

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

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

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

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

12-6-14.4 **CROSSING AT OTHER THAN CROSSWALKS**

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

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

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

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

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

12-6-14.5 PEDESTRIANS ON STREETS

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

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

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor. (66-7-339 NMSA 1978)

12-6-14.6 PEDESTRIANS SOLICITING RIDES OR BUSINESS

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

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

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

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

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

12-6-14.8 **DRIVERS TO EXERCISE DUE CARE**

Notwithstanding the foregoing provisions of this ordinance and 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 street and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a street. (66-7-337 NMSA 1978)

12-6-15 **REFERENCE TO VEHICLES UPON THE STREETS**

A. The provisions of Article 6 of this ordinance and Chapter 66, Article 7 NMSA 1978 relating to the operation of vehicles, refer exclusively to the operation of vehicles upon the streets or highways, except where a different place is specifically referred to in a given section.

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

12-6-16 **ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES**

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

B. An electric personal assistive mobility device shall be equipped with:
(1) front, rear and side reflectors;
(2) a braking system that enables the operator to bring the device to a controlled stop; and
(3) if operated at any time from one-half hour after sunset to one-half hour before sunrise, a lamp that emits a white light that sufficiently illuminates the area in front of the device.

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

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

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

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

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

12-6-16.1 NEIGHBORHOOD ELECTRIC CARS

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

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

C. A local authority may prohibit the operation of neighborhood electric cars on any road under its jurisdiction if the governing body of the local authority determines that the prohibition is necessary in the interest of safety.

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

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

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

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

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

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

12-6-17.1 **DEFINITIONS**

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

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

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

D. “operate” means to physically handle the controls of a motorboat that is moving on the water. (66-13-2 NMSA 1978)

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

A. It is unlawful for a person who is under the influence of intoxicating liquor to operate a motorboat.

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

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

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

(1) has an alcohol concentration of sixteen one hundredths or more in his blood or breath while operating a motorboat;

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

(3) refused to submit to chemical testing, as provided for in the Boating While Intoxicated Act, and in the judgment of the court, based upon evidence of intoxication presented to the court, was under the influence of intoxicating liquor or drugs.

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

F. A second or subsequent conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than three hundred sixty-four days or by a fine of not more than seven hundred fifty dollars (\$750), or both; provided that if the sentence is suspended in whole or in part, the period of probation shall not exceed one year. In addition to those penalties, when an offender commits aggravated boating while under the influence of intoxicating liquor or drugs, the offender shall be sentenced to not less than forty-eight consecutive hours in jail and may be fined not more than one thousand dollars (\$1,000). (66-13-3 NMSA 1978)

12-6-17.3 **GUILTY PLEAS--LIMITATIONS**

A. When a complaint or information alleges a violation of 12-6-17.2 any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea of guilty to the violation of one of the subsections of 12-6-17.2, and no other disposition by plea of guilty to any other charge in satisfaction of the charge shall be authorized if the results of a test performed pursuant to that act disclose that the blood or breath of the person charged contains an alcohol concentration of eight one hundredths or more. (66-13-4 NMSA 1978)

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

Only a physician, licensed professional or practical nurse, emergency medical technician or certified phlebotomist or a technologist who withdraws blood from a person in the performance of a chemical blood test. No such physician, nurse, technician, phlebotomist or technologist who withdraws blood from a person in the performance of a chemical blood test that has been directed by a police officer or by a judicial or probation officer, shall be held liable in a civil or criminal action for assault, battery, false imprisonment or any conduct of a police officer, except for negligence, nor shall a person assisting in the performance of the test, or a hospital wherein blood is withdrawn in the performance of the test, be subject to civil or criminal liability for assault, battery, false imprisonment or any conduct except for negligence. (66-8-103 NMSA 1978)

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

Nothing in the Boating While Intoxicated Act is intended to authorize a law enforcement officer, or a judicial or probation officer, to make an arrest or direct the performance of a blood-alcohol or drug test, except in the performance of his official duties or as otherwise authorized by law. (66-13-7 NMSA 1978)

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

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

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

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

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

division of the department of health pursuant to the provisions of Section 24-1-22 NMSA 1978. (66-13-8 NMSA 1978)

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

A person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal shall be deemed not to have withdrawn the consent provided by the Boating While Intoxicated Act, and the test designated by the law enforcement officer may be administered. (66-13-9 NMSA 1978)

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

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

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

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

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

E. If a person exercises his right under Subsection B of this section to have a chemical test performed upon him by a person of his own choosing, the cost of that test shall be paid by the agency represented by the law enforcement officer at whose direction a chemical test was administered pursuant to 12-6-17.6. (66-13-10 NMSA 1978)

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

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

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

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

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

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

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

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

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

G. If a person is convicted of operating a motorboat while under the influence of intoxicating liquor or drugs, the trial judge shall be required to inquire into past convictions of the person for operating a motorboat while under the influence of intoxicating liquor or drugs before sentence is entered in the matter. (66-13-11 NMSA 1978)

12-6-17.10 **MOTORBOATS--INFLUENCE OF INTOXICATING LIQUOR OR DRUGS--FEE UPON CONVICTION**

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

B. All fees collected pursuant to the provisions of this section shall be transmitted monthly to the crime laboratory fund. All balances in the crime laboratory fund collected pursuant to this section are appropriated to the administrative office of the courts for payment upon invoice to the scientific laboratory division of the department of health

for the costs of chemical and other tests used to determine the influence of intoxicating liquor or drugs.

C. Payment of funds out of the crime laboratory fund of fees collected pursuant to this section shall be made upon vouchers issued and signed by the director of the administrative office of the courts upon warrants drawn by the department of finance and administration. (63-13-12 NMSA 1978)

12-6-18 **TEXTING WHILE DRIVING**

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

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

C. As used in this section:

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

(2) “handheld mobile communication device” means a wireless communications device that is designed to receive and transmit text or image messages, but “handheld mobile communications device” excludes global positioning or navigation systems, devices that are physically or electronically integrated into a motor vehicle and voice-operated or hands-free devices that allow the user to compose, send or read a text message without the use of a hand except to activate, deactivate or initiate a feature or function; and

(3) “text message” means a digital communication transmitted or intended to be transmitted between communication devices and includes electronic mail, an instant message, a text or image communication and a command or request to an internet site; but “text message” excludes communications through the use of a computer-aided dispatch service by law enforcement or rescue personnel. (66-7-375 NMSA 1978)

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

12-6-22 **DRIVER'S LICENSES AND IDENTIFICATION CARDS**
ACCEPTANCE

A. A standard driver's license or identification card shall be accepted by every state and local public agency and every public accommodation for all of the purposes for which such public agency or public accommodation would accept a REAL ID-compliant driver's license or identification card.

B. It is unlawful for a public accommodation to refuse to accept a standard driver's license or identification card for any purpose for which it would accept a REAL ID-compliant driver's license or identification card. A person harmed by a violation of this subsection may maintain an action for damages or appropriate injunctive or declaratory relief to redress the violation in a district court of the judicial district in which the violation occurred or in which the plaintiff or defendant resides or the defendant may be found.

C. As used in this section, "public accommodation" means any establishment that provides or offers its services, facilities, accommodations or goods to the public, but does not mean a bona fide private club or other place or establishment that is by its nature and use distinctly private. (66-5-15.4 NMSA 1978)

ARTICLE VII

SPECIAL RULES FOR MOTORCYCLES AND OFF-HIGHWAY VEHICLES

- 12-7-1 Traffic Regulations Apply to Persons Operating Motorcycles
- 12-7-2 Operating Motorcycles on Streets Laned for Traffic
- 12-7-3 Clinging to Other Vehicles
- 12-7-4 Riding on Motorcycles
- 12-7-5 Eye-Protective Devices or Windshields
- 12-7-6 Safety Helmets
- 12-7-7 Footrests and Handlebars
- 12-7-8 Motorcycle Maneuverability
- 12-7-8.1 Motorcycle Endorsement Not Needed for Autocycle Operation

- 12-7-9 Off-Highway Motor Vehicles - Definitions
- 12-7-9.1 Off-Highway Motor Vehicles--Registration; Plate Requirement
- 12-7-9.2 Operation of Off-Highway Motor Vehicles on Streets
or Highways - - Prohibited Areas
- 12-7-9.3 Driving Off-Highway Motor Vehicles Adjacent to Streets
- 12-7-9.4 Operation of Off-Highway Motor Vehicles on Private Lands
- 12-7-9.5 Accidents and Accident Reports
- 12-7-9.6 Enforcement of Off-Highway Motor Vehicle Regulations
- 12-7-9.7 Exemptions
- 12-7-9.8 Off-Highway Motor Vehicle Safety Permit; Requirements, Issuance
- 12-7-9.9 Operation and Equipment - -Safety Requirements
- 12-7-9.10 Penalties

- 12-7-10 Mopeds--Standards--Operator Requirements--Application of Motor
Vehicle Code

12-7-1 **TRAFFIC REGULATIONS APPLY TO PERSONS OPERATING MOTORCYCLES.**

Every person operating a motorcycle shall be granted all the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this ordinance, except as to special regulations in Sections 12-7-1 through 12-7-8 and except as to those provisions of this ordinance which by their nature can have no application. (*)

12-7-2 **OPERATING MOTORCYCLES ON STREETS LANED FOR TRAFFIC.**

A. All motorcycles are entitled to full use of a lane and no motor vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of a lane. This section shall not apply to motorcycles operated two abreast in a single lane.

B. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken, except that this provision shall not apply to police officers in the performance of their official duties.

C. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles, except that this provision shall not apply to police officers in the performance of their official duties.

D. Motorcycles shall not be operated more than two abreast in a single lane. (*)

12-7-3 CLINGING TO OTHER VEHICLES.

No person riding upon a motorcycle shall attach himself or the motorcycle to any other vehicle on a street. (*)

12-7-4 RIDING ON MOTORCYCLES.

A. A person operating a motorcycle, other than an autocycle, shall ride only upon the permanent and regular seat attached thereto, shall have the person's feet upon the footrests provided on the machine.

B. The operator shall not carry any other person nor shall any other person ride on a motorcycle, other than an autocycle, unless it is designed to carry more than one person. If a motorcycle, other than an autocycle, 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. (66-7-355 NMSA 1978)

C. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him from keeping both hands on the handlebars.

D. No operator of a motorcycle shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator. (*)

12-7-5 EYE-PROTECTIVE DEVICES OR WINDSHIELDS.

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 faceshield attached to a safety helmet, goggles or safety eyeglasses. All eye-protective devices or windshields shall be of a type approved by regulations authorized by 66-7-355 NMSA 1978. (66-7-355 NMSA 1978)

12-7-6 MANDATORY USE OF PROTECTIVE HELMET.

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 authorized by 66-7-356 NMSA 1978. 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.

C. Autocycles are exempted from the helmet provisions of this section. (66-7-356 NMSA 1978)

12-7-7 FOOTRESTS AND HANDLEBARS.

Any motorcycle carrying a passenger, other than in a sidecar or enclosed cab, shall be equipped with footrests for the passenger. (*)

12-7-8 MOTORCYCLE MANEUVERABILITY.

A. No motorcycle shall be equipped in a manner such that it is incapable of turning a ninety-degree angle with a circle having a radius of not more than fourteen feet. Evidence of a motorcycle being unable to turn a ninety-degree angle within a circle having a radius of not more than fourteen feet shall be prima facie evidence of an unsafe vehicle as described in Section 12-10-1.1.

B. For the purposes of this section, a police officer may require the driver of a motorcycle to demonstrate the ability of any motorcycle to be ridden as described in Subsection A of this section. Failure or refusal of any operator to demonstrate the ability of any motorcycle being operated upon the highways shall be prima facie evidence of an unsafe vehicle as described in Section 12-10-1.1. (66-3-842 NMSA 1978)

12-7-8.1 MOTORCYCLE ENDORSEMENT NOT REQUIRED FOR AUTOCYCLE OPERATION.

Autocycles shall be registered as motorcycles and proof of financial responsibility may characterize them as motorcycles, but a driver shall not be required to have a motorcycle endorsement to operate an autocycle. (66-3-1.4 NMSA 1978)

12-7-9 OFF-HIGHWAY MOTOR VEHICLES - DEFINITIONS

As used in this section:

A. "board" means the off-highway motor vehicle advisory board;

B. "department" means the Department of Game and Fish;

C. “division” means the motor vehicle division of the Taxation and Revenue Department;

D. “fund” means the trail safety fund;

E. “off-highway motor vehicle” means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(1) “all-terrain vehicle,” which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

(2) “off-highway motorcycle,” which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control; or

(3) “snowmobile,” which means a motor vehicle designed to travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;

(4) “recreational off-highway vehicle,” which means a motor vehicle designed for travel on four or more non-highway tires, for recreational use by one or more persons and having;

- (a) a steering wheel for steering control;
- (b) non-straddle seating;
- (c) maximum speed capability greater than 35 miles per hour;
- (d) gross vehicle weight rating no greater than 1,750 pounds;
- (e) less than 80 inches in overall width, exclusive of accessories;
- (f) engine displacement of less than 1,000 cubic centimeters; and
- (g) identification by means of a 17-character vehicle identification number; or
- (h) by rule of the department, any other vehicles that may enter the market that fit the general profile of vehicles operated off-highway for recreational purposes;

F. “staging area” means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and

G. “unpaved public roadway” means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public. (66-3-1001.1 NMSA 1978)

12-7-9.1 OFF-HIGHWAY MOTOR VEHICLES—REGISTRATION; PLATE

REQUIREMENT

Unless exempted from the provisions of this section, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978. (66-3-1003 NMSA 1978)

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

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

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

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

(1) the vehicle has one or more headlights and one or more taillights that comply with the Off-Highway Motor Vehicle Act;

(2) the vehicle has brakes, mirrors and mufflers;

(3) the operator has valid driver's licenses or permits as required under the Motor Vehicle Code and off-highway motor vehicle safety permits as required under the Off-Highway Motor Vehicle Act;

(4) the operator is insured in compliance with the provisions of the Mandatory Financial Responsibility Act; and

(5) the operator of the vehicle is using eye protection that comply with the Off-Highway Motor Vehicle Act; and

(6) if the operator is under eighteen years of age, the operator is wearing a safety helmet that complies with the Off-Highway Motor Vehicle Act.

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

E. By ordinance or resolution, a local authority or the State Transportation Commission may establish separate speed limits and operating restrictions for off-highway vehicles where they are authorized to operate on paved streets or highways pursuant to Subsection C of this section.

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

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

H. Unless authorized, a person shall not:

(1) remove, deface or destroy any official sign installed by a state, federal, local or private land management agency; or

(2) install any off-highway motor vehicle-related sign. (66-3-1011 NMSA)

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

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

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

12-7-9.4 **OPERATION OF OFF-HIGHWAY MOTOR VEHICLES ON PRIVATE LANDS.**

A. A landowner shall not be held liable for damages arising out of off-highway motor vehicle-related accidents or injuries occurring on the landowner's lands in which the landowner is not directly involved unless the entry on the lands is subject to payment of a fee.

B. It is unlawful to operate an off-highway motor vehicle on private lands except with the express permission of the owner of the lands. (66-3-1013 NMSA 1978)

12-7-9.5 **ACCIDENTS AND ACCIDENT REPORTS.**

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

12-7-9.6 **ENFORCEMENT OF OFF-HIGHWAY MOTOR VEHICLE REGULATIONS.**

A wildlife conservation officer, state police officer or peace officer of this state or any of its political subdivisions, upon displaying his badge of office, has the authority to enforce the provisions of Sections 12-7-9.1 through 12-7-9.5 of this ordinance and may:

- A. require the operator of any off-highway motor vehicle to produce:
 - (1) the registration certificate or nonresident permit;
 - (2) proof of successful completion of an off-highway motor vehicle training course conducted by an off-highway safety training organization approved and certified by the department, when required by Section 12-7-9.8; and
 - (3) the personal identification of the operator; and
- B. issue citations for violations of the provisions of Sections 12-7-9.1 through 12-7-9.9 of this ordinance. (66-3-1015 NMSA 1978)

12-7-9.7 **EXEMPTIONS**

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

- A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;
- B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;
- C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;
- D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;
- E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;

F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or

G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current. (66-3-1005 NMSA 1978)

12-7-9.8 **OFF-HIGHWAY MOTOR VEHICLE SAFETY PERMIT;
REQUIREMENTS, ISSUANCE.**

A person under the age of eighteen shall be required to successfully complete an off-highway motor vehicle safety training course for which the person shall have parental permission. The course shall be conducted by an off-highway motor vehicle safety training organization that is approved and certified by the department. Upon successful completion of the course, the person shall receive an off-highway motor vehicle safety permit issued by the organization. (66-3-1010.2 NMSA 1978)

12-7-9.9 **OPERATION AND EQUIPMENT – SAFETY REQUIREMENTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) while carrying a passenger.

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

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

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

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

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

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

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

12-7-9.10 PENALTIES

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

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

CLASS 1 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
failure to possess a registration certificate or nonresident permit	66-3-1010.3	\$10.00
violations involving headlights or taillights	66-3-1010.3	10.00
failure to possess an off-highway motor vehicle safety permit	66-3-1010.3	10.00
selling a vehicle that produces noise in excess of ninety-six decibels	66-3-1010.3	10.00
any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section	66-3-1010.3	10.00
 CLASS 2 VIOLATIONS	 SECTION VIOLATED	 PENALTY ASSESSMENT
failure to complete a required off-highway motor vehicle safety training course	66-3-1010.2	\$50.00

operating a vehicle in excess of ten miles per hour within two hundred feet of a business, animal shelter, horseback rider, bicyclist, pedestrian, livestock or occupied dwelling	66-3-1010.3	50.00
a person under the age of eighteen but at least fifteen years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	50.00
operating an off-highway motor vehicle that produces noise that exceeds ninety-six decibels	66-3-1010.3	50.00
unauthorized installation, removal, destruction or defacing of a motor vehicle sign	66-3-1011	50.00
CLASS 3 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
operating a vehicle that is not equipped with an approved spark arrester	66-3-1010.3	\$100.00
operating an off-highway motor vehicle while in pursuit of and with intent to hunt or take a species of animal or bird protected by law, unless otherwise authorized by the state game commission	66-3-1010.3	100.00
operating an off-highway motor vehicle in pursuit of or harassment of livestock in any manner that negatively affects the livestock's		

condition	66-3-1010.3	100.00
operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water livestock or wildlife	66-3-1010.3	100.00
operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle without wearing eye protection and a safety helmet	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle while carrying a passenger	66-3-1010.3	100.00
a person under the age of fifteen but at least ten years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	100.00
a person under the age of ten operating an all-terrain vehicle or recreational off-highway motor vehicle that is not an age-appropriate size-fit or who operates an off-highway motor vehicle in violation of the supervision requirements of this section	66-3-1010.3	100.00
CLASS 4 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
operating an off-highway motor vehicle in a		

careless, reckless or negligent manner so as to endanger the person or property of another	66-3-1010.3	\$200.00
operating an off-highway motor vehicle on any road or area closed to off-highway motor vehicle traffic under local, state or federal regulations	66-3-1010.3	200.00
operating an off-highway motor vehicle on a limited-access highway or freeway.	66-3-1011	200.00

C. The penalty for second, third and subsequent violations within a three-year time period shall be increased as follows:

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

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

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

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

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

F. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days. (66-3-1020 NMSA 1987)

12-7-10 MOPEDS--STANDARDS--OPERATOR REQUIREMENTS--APPLICATION OF MOTOR VEHICLE CODE.

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

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

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

D. As used in this section, "moped" means a two-wheeled or three-wheeled vehicle with an automatic transmission and a motor having a piston displacement of less than fifty cubic centimeters, which is capable of propelling the vehicle at a maximum speed of not more than thirty miles per hour on level ground at sea level. (66-3-1101 NMSA 1978).

ARTICLE VIII

OPERATION OF BICYCLES

12-8-1	Effect of Regulations
12-8-2	Traffic Ordinance Applies to Persons Riding Bicycles
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12-8-22	Impounding Unlicensed and Unattended Bicycles
12-8-23	Penalties
12-8-24	Electric-Assisted Bicycles; Labels; Standards
12-8-25	Operation of Electric-Assisted Bicycles

12-8-1 **EFFECT OF REGULATIONS.**

A. It is a penalty assessment misdemeanor for a person to do any act forbidden or fail to perform any act required by Sections 12-8-1 through 23 or the Uniform Traffic Ordinance.

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 this ordinance.

C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any street or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. (66-3-701 NMSA 1978)

12-8-2 **TRAFFIC ORDINANCE APPLIES TO PERSONS RIDING BICYCLES.**

Every person riding a bicycle upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle except in regard to the:

(A) Equipment, maintenance and operation of the bicycle pursuant to Sections 12-8-1 through 12-8-23 or

(B) Operation of the bicycle at an intersection pursuant to Section 66-7-645 NMSA 1978. (66-3-702 NMSA 1978)

12-8-3 RIDING BICYCLES.

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. (66-3-703 NMSA 1978)

12-8-4 CLINGING TO VEHICLES.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a street. (66-3-704 NMSA 1978)

12-8-5 RIDING ON STREETS AND BICYCLE PATHS.

A. Every person operating a bicycle upon a street shall ride as near to the right side of the street as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction. (66-3-705 NMSA 1978) It shall not be considered practicable to ride as near to the right side of the street under the following circumstances:

(1) when overtaking and passing another bicycle or vehicle proceeding in the same direction;

(2) when preparing for a left turn at an intersection or into a private road or roadway;

(3) when reasonably necessary to avoid conditions including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and vehicle to travel safely side by side within the lane;

(4) when operating a bicycle or a moped upon a one-way highway with two or more marked traffic lanes may ride as near the left-hand curb or edge of such roadway as practicable.(*).

B. Persons riding bicycles upon a street shall not ride more than two abreast except on paths or parts of streets 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. (66-3-705 NMSA 1978)

12-8-6 **CARRYING ARTICLES.**

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. (66-3-706 NMSA 1978)

12-8-7 **LAMPS AND OTHER EQUIPMENT ON BICYCLES.**

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. (66-3-707 NMSA 1978)

12-8-8 **OBEDIENCE TO TRAFFIC-CONTROL DEVICES.**

A. Any person operating a bicycle shall obey the instructions of official traffic-control devices applicable to vehicles, unless otherwise directed by a police officer.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians. (*)

12-8-9 **PARKING.**

No person shall park a bicycle upon a street other than upon the street against the curb or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic. (*)

12-8-10 **SPEED.**

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing. (*)

12-8-11 **EMERGING FROM ALLEY, DRIVEWAY, PRIVATE ROAD OR BUILDING.**

A. The operator of a bicycle emerging from an alley, private road, driveway or building shall yield the right of way to all pedestrians on the sidewalk or sidewalk area.

B. Upon entering the street, the driver of a bicycle shall yield the right of way to all vehicles approaching on the street. (*)

12-8-12 **RIDING ON SIDEWALKS.**

A. No person shall ride a bicycle upon a sidewalk within a business district.

B. No person shall ride a bicycle on any sidewalk or street when signs are posted prohibiting bicycles on the sidewalk or street.

C. When signs are posted requiring bicycles to use sidewalks or paths adjacent to a street, no person shall ride a bicycle on the street adjacent to the sidewalks or paths.

D. Whenever any person is riding a bicycle upon a sidewalk, the person shall yield the right way to any pedestrian and shall give audible signal before overtaking and passing a pedestrian. (*)

12-8-23 **PENALTIES.**

Every person convicted of a violation of any provision of Sections 12-8-1 through 12-8-23 shall be punished by a fine of not more than twenty-five dollars (\$25.00), or by removal and detention of the license plate or decal from the person's bicycle for a period not to exceed thirty days or by any combination thereof. (*)

12-8-24 **ELECTRIC-ASSISTED BICYCLES; LABELS; STANDARDS.**

A. Every manufacturer or distributor of new electric-assisted bicycles intended for sale or distribution in New Mexico shall permanently affix to each electric-

assisted bicycle, in a prominent location, a label that contains the classification number, top assisted speed and motor wattage of the electric-assisted bicycle. The label shall be printed in arial font in at least nine-point type.

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

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

D. A class 2 electric-assisted bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the brakes are applied. Class 1 and class 3 electric-assisted bicycles shall be equipped with a mechanism or circuit that cannot be bypassed and that causes the electric motor to disengage or cease to function when the rider stops pedaling.

E. A class 3 electric-assisted bicycle shall be equipped with a speedometer that displays, in miles per hour, the speed that the electric-assisted bicycle is traveling. (66-3-708 NMSA 1978)

12-8-25 **OPERATION OF ELECTRIC-ASSISTED BICYCLES.**

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

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

- (1) the path is within a street or highway;
- (2) The pathway is at least eight (8) feet wide or
- (3) a political subdivision of the state permits the operation of a class 2 or class 3 electric-assisted bicycle on a path under its jurisdiction.

C. A person under sixteen years of age shall not operate a class 3 electric-assisted bicycle upon any street, highway or bicycle or pedestrian path, except that a person under sixteen years of age may ride as a passenger on a class 3 electric-assisted bicycle that is designed to accommodate passengers.

D. This section does not apply to a trail that is specifically designated as non-motorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A political subdivision of the state or a state

agency having jurisdiction over a trail described in this subsection may regulate the use of an electric-assisted bicycle on that trail. (66-3-709 NMSA 1978)

ARTICLE IX

PARKING REGULATIONS

12-9-9	Parking in Designated Disabled Parking Spaces
12-9-10	Parking Lots - Standards

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

A. It is unlawful for any person to park a motor vehicle not displaying a special registration plate or a parking placard indicating disability in accordance with 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:

(1) any part of a curb cut designed for access by persons with significant mobility limitations; or

(2) a designated accessible parking space for persons with significant mobility limitation.

C. Any person who violates Subsection A or B of this section shall be subject to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking placard or special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A or B of this section. (66-7-352.5 NMSA 1978)

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

E. 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. (66-7-352.5 NMSA 1978).

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

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

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

12-9-10 PARKING LOTS – STANDARDS

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

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

TOTAL PARKING SPACES IN LOT	REQUIRED MINIMUM NUMBER OF PARKING SPACES FOR PERSONS WITH SIGNIFICANT MOBILITY LIMITATIONS
1 to 25	1
26 to 35	2
36 to 50	3
51 to 100	4
101 to 300	8
301 to 500	12
501 to 800	16
801 to 1,000	20
More than 1,000	20, plus 1 for each 100 over 1,000.

The designated accessible parking spaces for persons with significant mobility limitation shall be located so as to provide the most convenient access to entranceways or to the nearest curb cut. Every parking lot shall have at least one designated accessible parking space for

persons with significant mobility limitation designed to accommodate a motor vehicle passenger van, and there shall be a minimum of one such space for every eight designated accessible parking spaces for persons with significant mobility limitations.

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

ARTICLE X

VEHICLE REGULATIONS

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12-10-2 Transporting or Handling Explosives or Dangerous Articles

- 12-10-3 Regulating the Kinds and Classes of Traffic on the Streets
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12-10-5 Evidence of Registration to Be Signed and Exhibited on Demand

12-10-6 Mandatory Financial Responsibility

12-10-1 EQUIPMENT

12-10-1.1 PROHIBITED ACTS

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

B. Nothing contained in Sections 12-10-1.1 through 12-10-1.51 shall be construed to prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with the provisions of such sections.

C. The provisions of Sections 12-10-1.1 through 12-10-1.51, with respect to equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers or farm tractors, except as made applicable in those sections.

D. The provisions of Sections 12-10-1.1 through 12-10-1.51 apply to vehicles subject to the provisions of the Motor Carrier Safety Act only to the extent that the provisions of Sections 12-10-1.1 through 12-10-1.51 do not conflict with the provisions of the Motor Carrier Safety Act and regulations promulgated under that act. (66-3-801 NMSA 1978)

12-10-1.2 VEHICLES TO BE IN SAFE CONDITION

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

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

12-10-1.3 WHEN LIGHTED LAMPS ARE REQUIRED

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

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

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

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

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

12-10-1.5 HEAD LAMPS ON MOTOR VEHICLES

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

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

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

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

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

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

12-10-1.6 DIMMING OF LIGHTS

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

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

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

12-10-1.7 **TAIL LAMPS**

A. Every motor vehicle, trailer, semi-trailer, and pole trailer, and any other vehicle which is being drawn at the end of a train of vehicles, shall be equipped with at least one tail lamp mounted on the rear, which, when lighted as hereinbefore required in Section 66-3-802 NMSA 1978, shall emit a red light plainly visible from a distance of five hundred feet to the rear; provided that in the case of a train of vehicles only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. And further, every such above mentioned vehicle, other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953, shall be equipped with at least two tail lamps mounted on the rear, which when lighted as herein required shall comply with the provisions of this section.

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

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

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

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

12-10-1.8 **VEHICLES TO BE EQUIPPED WITH REFLECTORS**

A. Every new motor vehicle hereafter sold and operated upon a street, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle 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 to those vehicles.

B. Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in Section 12-10-1.4B, and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

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

12.10-1.9 **STOP LAMPS, SIGNAL LAMPS AND SIGNAL DEVICES**

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

B. No person shall sell or offer for sale or operate on the streets any motor vehicle, trailer, semi-trailer or house trailer registered in this state which was manufactured or assembled after January 1, 1954, unless it is equipped with mechanical or electric turn signals meeting the requirements of Section 66-3-828 NMSA 1978. This subsection shall not apply to any motorcycle or motor-driven cycle. (66-3-807 NMSA 1978)

C. Any motor vehicle, trailer, semi-trailer and house trailer may be equipped and when required under this ordinance shall be equipped with the following stop lamps, signal lamps, or signal devices:

(1) stop lamp or stop lamps on the rear which shall emit a red, amber or yellow light and which shall be actuated upon application of the service brakes and which may but need not be incorporated with one or more other rear lamps; and

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

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

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

12.10-1.10 **MUFFLERS--PREVENTION OF NOISE--EMISSION CONTROL DEVICES**

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

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

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

12-10-1.11 LAMP OR FLAG ON PROJECTING LOAD

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

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

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

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

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

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

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

12-10-1.13 **SUN SCREENING MATERIAL ON WINDSHIELDS AND
WINDOWS; REQUIREMENTS; VIOLATION; PENALTY**

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

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

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

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

C. Each manufacturer shall:

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

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

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

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

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

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

D. No person shall:

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

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

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

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

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

H. As used in this section:

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

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

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

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

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

12-10-1.14 **PROHIBITING LUGS**

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

12-10-1.15 **PERMISSION TO USE EMERGENCY EQUIPMENT ON OTHER THAN OFFICIAL VEHICLES**

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

12-10-1.16 **PROHIBITING METAL TIRES OR DRAGGING LOAD**

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

B. No person shall operate or move on any street any motor vehicle, trailer, or semi-trailer having any tire surface in contact with the street that is wholly or partly of metal or other hard nonresilient material, except that for the purposes of this ordinance a snow tire with metal studs designed to increase traction on ice or snow.

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

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

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

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

12-10-1.17 **BRAKES**

A. Brake equipment is required as follows:

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

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

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

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

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

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

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

(e) motor vehicles of the types named in this section hereinabove, heretofore manufactured prior to July 1, 1963;

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

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

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

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

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

	Feet to stop from 20 miles per hour	Deceleration in ft. 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. (66-3-840 NMSA 1978)

12-10-1.18 HORNS AND WARNING DEVICES

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

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

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

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

12-10-1.19 MIRRORS

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

12-10-1.20 APPLICATION OF SUCCEEDING SECTIONS

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

12-10-1.21 ADDITIONAL EQUIPMENT REQUIRED

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

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

12-10-1.22 COLOR OF CLEARANCE LAMPS, SIDE-MARKER LAMPS AND REFLECTORS

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

- (1) on the front: two headlamps; two amber clearance lamps, one at each side;
- (2) on the rear: one red tail lamp; one red or amber stop lamp; two red clearance lamps, one at each side; two red reflectors, one at each side.
- (3) all lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop light or other signal device, which

may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber; and

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

12-10-1.23 LAMPS AND REFLECTORS--TRUCK TRACTORS AND ROAD TRACTORS

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

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

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

12-10-1.24 LAMPS AND REFLECTORS--LARGE SEMI-TRAILERS, FULL TRAILERS AND HOUSE TRAILERS

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

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

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

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

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

12-10-1.25 LAMPS AND REFLECTORS--SMALL SEMI-TRAILERS, HOUSE TRAILERS AND TRAILERS

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

12-10-1.26 LAMPS AND REFLECTORS--POLE TRAILERS

Every pole trailer shall be equipped as follows:

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

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

12-10-1.27 LAMPS AND REFLECTORS--COMBINATIONS IN DRIVEAWAY-TOWAWAY OPERATIONS

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

- A. On towing vehicle;
- (1) on the front, two head lamps and two amber clearance lamps, one at each side;
 - (2) on each side and near the front, one amber side-marker lamp;
 - (3) on the rear, one red tail lamp; one red or amber stop lamp; and
 - (4) provided, however, that vehicles of less than eighty inches in width shall be equipped as provided in Section 12-10-1.20 of this ordinance.

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

- (1) on each side, and near the rear, one red side-marker lamp; and
- (2) on the rear, one red tail lamp; two red clearance lamps, one at each side; one red or amber stop lamp; two red reflectors, one at each side.

C. On the first saddle-mount of a double saddle-mount combination: one each side and near the rear, one amber side-marker lamp.

D. Combinations of vehicles less than eighty inches in width in driveaway-towaway operations shall carry lamp and reflectors as required in Section 12-10-1.20 of this ordinance. (66-3-815 NMSA 1978)

12-10-1.28 MOUNTING OF REFLECTORS, CLEARANCE LAMPS AND SIDE-MARKER LAMPS

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

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

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

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

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

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

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

(5) no provision of this subsection shall be so construed as to prohibit the use of retroreflective registration plates required by any state or local authorities. (66-3-816 NMSA 1978)

12-10-1.29 CLEARANCE LAMPS TO INDICATE EXTREME WIDTH, HEIGHT AND LENGTH

Clearance lamps shall, so far as is practicable, be mounted as to indicate the extreme width, height and length of the motor vehicle; except that clearance lamps on truck-tractors shall

be so located as to indicate the extreme width of the truck-tractor cab. (66-3-817 NMSA 1978)

12-10-1.30 **SIDE-MARKER LAMPS COMBINED WITH CLEARANCE LAMPS**

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

12-10-1.31 **COMBINATION TAIL AND STOP LAMPS**

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

12-10-1.32 **LIGHTING DEVICES TO BE ELECTRIC**

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

12-10-1.33 **REQUIREMENTS FOR HEADLAMPS AND AUXILIARY ROADLIGHTING LAMPS**

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

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

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

12-10-1.34 **REQUIREMENTS FOR CLEARANCE, SIDE-MARKER AND OTHER LAMPS**

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

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

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

12-10-1.35 OBSTRUCTED LIGHTS NOT REQUIRED

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

12-10-1.36 LAMPS ON PARKED VEHICLES

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

B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half-hour after sunset and a half-hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements:

(1) at least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and

(2) same lamp or at least one other lamp shall display a red light visible, from a distance of five hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

C. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed. (66-3-825 NMSA 1978)

12-10-1.37 **LAMPS ON OTHER VEHICLES AND EQUIPMENT**

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

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

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

12-10-1.38 **SPOT LAMPS AND AUXILIARY LAMPS**

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

B. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed, when the vehicle is not loaded, that none of the high-intensity portion of the light to the left of the center of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps

meeting the above requirements may be used with lower headlamp beams as specified in Section 12-10-1.39B of this ordinance.

C. Any motor vehicle may be equipped with not to exceed one auxiliary passing lamp mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of Section 12-10-1.39 of this ordinance shall apply to any combination of headlamps and auxiliary passing lamps.

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

12-10-1.39 **ADDITIONAL LIGHTING EQUIPMENT**

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

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

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

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

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

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

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

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

12-10-1.41 USE OF MULTIPLE BEAM ROAD LIGHTING EQUIPMENT

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

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

B. The lowermost distribution of light specified in Section 12-10-1.39B of this ordinance shall be deemed to avoid glare at all times, regardless of road contour and loading; 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. (66-3-831 NMSA 1978)

12-10-1.42 SINGLE BEAM ROAD LIGHTING EQUIPMENT

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

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

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

12-10-1.43 ALTERNATE ROAD LIGHTING EQUIPMENT

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

12-10-1.44 **NUMBER OF DRIVING LAMPS REQUIRED OR PERMITTED**

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

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

12-10-1.45 **SPECIAL RESTRICTIONS ON LAMPS**

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, that project a beam of light of an intensity greater than three hundred candle power shall be directed so that no part of the high-intensity portion of the beam strikes the level of the street on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. A person shall drive or move upon a highway a vehicle or equipment with a lamp or device displaying a red light visible from directly in front of the center of the vehicle or equipment, except as expressly authorized or required by the New Mexico Motor Vehicle Code.

C. Flashing lights are prohibited except as provided in this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating turn.

D. A recovery or repair vehicle standing on a highway for the purpose of removing, and actually engaged in removing, a disabled vehicle, and while engaged in towing any disabled vehicle, may display flashing lights in any color except red. This provision shall not be construed as permitting the use of flashing lights by recovery or repair vehicles in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses may display flashing red lights visible from the front of the

vehicle. All other vehicles authorized by the New Mexico Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible. (66-3-835 NMSA 1978)

12-10-1.46 **LIGHTS ON SNOW REMOVAL EQUIPMENT**

It shall be unlawful to operate any snow removal equipment on any street unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted by the State Highway Commission as provided in Section 66-3-836 NMSA 1978. (66-3-836 NMSA 1978)

12-10-1.47 **MEANING OF THE TERM “MOTOR VEHICLE” AS USED IN SECTIONS 12-10-1.47 THROUGH 12-10-1.51 OF THIS ORDINANCE--UNATTENDED VEHICLES**

A. For the purposes of Sections 12-10-1.47 through 12-10-1.51 of this ordinance “motor vehicle” means every bus, truck tractor, road tractor, and every driven vehicle in driveaway-towaway operations, required by Section 12-10-2 of this ordinance to have emergency equipment thereon.

B. No motor vehicle shall be left unattended until the parking brake has been securely set. All reasonable precautions shall be taken to prevent the movement of any vehicle left unattended. (66-3-851 NMSA 1978)

12-10-1.48 **STOPPED VEHICLES NOT TO INTERFERE WITH OTHER TRAFFIC**

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

12-10-1.49 **EMERGENCY SIGNALS--DISABLED VEHICLE**

Whenever any motor vehicle is disabled upon the traveled portion of any street or the shoulder thereof, when lighted lamps are required, except where there is sufficient street lighting to make it clearly discernible to persons and vehicles on the street at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the disabled vehicle, a lighted fuse and lighted red electric lantern, or a red emergency reflector.

B. Except as provided in Subsections C and D of this section, as soon thereafter as possible, but in any event within the burning period of the fuse, the driver shall place three liquid-burning flares or pot torches, or three red emergency reflectors on the traveled portion of the street in the following order:

(1) one at a distance of approximately one hundred feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) one at a distance of approximately one hundred feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) one at the traffic side of the disabled vehicle, not less than ten feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with Subsection A of this section, it may be used for this purpose.

C. If disablement of any motor vehicle shall occur within five hundred feet of a curve, crest of a hill, or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the street, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle; 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 street, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion. (66-3-853 NMSA 1978)

12-10-1.50 **NON-EMERGENCY SIGNALS--STOPPED OR PARKED VEHICLES**

Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any street, or shoulder thereof, during the time lights are required, except where there is sufficient street lighting to make clearly discernible persons and vehicles on the street at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the street at the traffic side of the vehicle, a lighted fuse and lighted red electric lantern, or a red emergency reflector.

B. If the stop is to exceed ten minutes, the driver shall place emergency signals as required and in the manner prescribed by Section 12-10-1.48 of this ordinance. (66-3-854 NMSA 1978)

12-10-1.51 **EMERGENCY SIGNALS--FLAME PRODUCING**

No driver shall attach or permit any person to attach a lighted fuse or other flame producing emergency signal to any part of a motor vehicle. (66-3-855 NMSA 1978)

12-10-1.52 **EMERGENCY SIGNALS--DANGEROUS CARGOES**

No driver shall use or permit the use of any flame producing emergency signal for protecting any motor vehicle transporting explosives, any cargo tank motor vehicle used for the transportation of any flammable liquid or flammable compressed gas, whether loaded or empty; or any motor vehicle using compressed gas as a motor fuel. In lieu thereof, red electric lanterns or red emergency reflectors shall be used, the placement of which shall be in the same manner as prescribed in Section 12-10-1.48 of this ordinance. (66-3-856 NMSA 1978)

12-10-2 **TRANSPORTING OR HANDLING EXPLOSIVES OR DANGEROUS ARTICLES**

A. Any person operating any vehicle transporting explosives or other dangerous articles, as defined in the New Mexico Motor Vehicle Code, as cargo upon a street shall comply with the provisions of Sections 66-3-858 through 66-3-873 NMSA 1978 with respect to marking of vehicles. (66-3-858 NMSA 1978)

B. No motor vehicle transporting any explosive or any other dangerous article shall be left unattended upon any street in any residence or business district except when the driver is engaged in the performance of normal operations incident to his duties as an operator of the vehicle to which he is assigned; provided, however, the chief of police may except any street in any business district from the operation of this subsection.

C. Drivers of motor vehicles transporting explosives, inflammable liquids, or inflammable, noxious or toxic compressed gasses in cargo tanks, shall avoid, so far as practicable, driving into or through congested streets, places where crowds are assembled and dangerous crossings. So far as practicable this shall be accomplished by prearrangement of routes.

D. No blasting caps or other materials designed and used for detonating charges or explosives may be transported in or on a vehicle with any explosive.(*).

E. The administrator shall enforce such rules and regulations adopted and promulgated by the director with respect to the transportation of compressed gases and corrosive liquids by tank vehicle upon the public street. (66-3-873 NMSA 1978)

12-10-3 **REGULATING THE KINDS AND CLASSES OF TRAFFIC ON THE STREETS**

12-10-3.1 **RESTRICTIONS UPON USE OF STREETS BY CERTAIN VEHICLES**

A. The administrator may determine and designate those heavily traveled streets upon which shall be prohibited the use of the street by motor driven cycles, bicycles, horse-drawn vehicles or other non-motorized traffic and shall erect appropriate signs giving notice thereof.

B. When signs are erected giving notice of the restrictions, no person shall disobey the restrictions stated on the signs.(*)

12-10-3.2 **MINIMUM VEHICLE SIZE**

A. It is unlawful to operate on the streets of this municipality any motor vehicle:

(1) with a wheelbase, between two axles, of less than three feet seven inches;

(2) with a motor displacement of less than forty-five (45) cubic centimeters; or

(3) any motorcycle with less than a twenty-five (25) inch seat height measured from the ground to the lowest point on top of the seat cushion, without a rider.

B. For the purpose of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles. (66-7-405 NMSA 1978)

12-10-3.3 **PROJECTING LOADS ON PASSENGER VEHICLES**

No passenger-type vehicle, except a motorcycle, shall be operated on any street with any load carried thereon extending beyond the line of the fenders on the left side of the vehicle nor extending more than six (6) inches beyond the line of the fenders on the right side of the vehicle. (66-7-403 NMSA 1978)

12-10-3.4 **SPECIAL PROJECTING LOAD LIMITS**

The load upon any vehicle operated alone or the load upon the front vehicle of a combination of vehicles shall not extend more than three feet beyond the foremost part of the vehicle, and the load upon any vehicle operated alone or the load upon the rear vehicle of a combination of vehicles shall not extend more than seven feet beyond the rear of the bed or body of such vehicle. (66-7-406 NMSA 1978)

12-10-3.5 **TRAILERS AND TOWED VEHICLES**

A. When one vehicle is towing another the drawbar or other connection shall be of sufficient strength to pull all weight towed thereby. When a combination of vehicles are engaged in transporting poles, pipe, machinery or other objects of structural

nature which cannot readily be dismembered, the load shall be distributed so as to equalize the weights on the axle of each vehicle insofar as possible.

B. When one vehicle is towing another and the connection consists of a chain, rope or cable, there shall be displayed upon such connection a white flag or cloth not less than twelve inches square. (66-7-408 NMSA 1978)

12-10-3.6 **WIDTH OF VEHICLES**

The total outside width of any vehicle or its load, excepting mirrors, shall not exceed eight feet six inches. Safety devices up to three inches on either side of the vehicle and recreational appurtenances, including retracting awnings, up to six inches on either side of the vehicle are also excepted. (66-7-402 NMSA 1978)

12-10-3.7 **HEIGHT AND LENGTH OF VEHICLES AND LOADS**

A. No vehicle, shall exceed a height of fourteen feet.

B. A vehicle shall not exceed a length of forty feet extreme overall dimension and no motor home shall exceed a length of forty-five feet extreme overall dimension, exclusive of front and rear bumpers, except when operated in combination with another vehicle as provided in this section. A bus may exceed a length of forty-five feet when operating on national network highways. A combination of vehicles, unless otherwise exempted in this section, shall not exceed an overall length of sixty-five feet, exclusive of front and rear bumpers.

C. No combination of vehicles coupled together shall consist of more than two units, except:

(1) a truck tractor and semi-trailer shall be permitted to pull one trailer;

(2) a vehicle shall be permitted to pull two units, provided that the middle unit is equipped with brakes and has a weight equal to or greater than the last unit and the total combined gross weight of the towed units does not exceed the manufacturer's stated gross weight of the towing units;

(3) a double or triple saddle-mount or fifth wheel mount of vehicles in transit by driveway-towaway methods shall be permitted;

(4) vehicles and trailers operated by or under contract for municipal refuse systems;

(5) farm trailers, implements of husbandry and fertilizer trailers operated by or under contract to a farmer or rancher in his farming or ranching operations; and

(6) as provided in Subsection D and E of this section.

D. Exclusive of safety and energy conservation devices, refrigeration units and other devices such as coupling devices, vehicles operating a truck tractor semitrailer or truck tractor semitrailer-trailer combinations on the interstate highway system and those qualifying federal aid primary system highways designated by the secretary of the United States department of transportation, pursuant to the United States Surface Transportation Assistance Act of 1982, Public Law 97-424, Section 411, and on those highways designated by the department by rule or regulation with the concurrence of the state transportation department may exceed an overall length limitation of sixty-five feet, provided that the length of the semitrailer in a truck tractor semitrailer combination does not exceed fifty-seven feet six inches and the length of the semitrailer or trailer in a truck tractor semitrailer-trailer combination does not exceed twenty-eight six inches. The department shall adopt rules and regulations granting reasonable access to terminals, facilities for food, fuel, repairs and rest and points of loading and unloading for household goods carriers to vehicles operating in combination pursuant to this subsection. As used in this subsection, "truck tractor" means a non-cargo carrying power unit designed to operate in combination with a semitrailer or trailer, except that a truck tractor and semitrailer engaged in the transportation of automobiles may transport motor vehicles on part of the truck tractor.

E. The following combination vehicles are specialized equipment and may exceed an overall length of sixty-five feet pursuant to the [Code of Federal Regulations, Title 23, Section 658.13](#):

- (1) automobile transporters;
- (2) boat transporters;
- (3) beverage semitrailers; and
- (4) munitions carriers using dromedary equipment.

F. A saddle-mount vehicle is specialized equipment and may not exceed an overall length of ninety-seven feet pursuant to the [Code of Federal Regulations, Title 23, Section 658.13](#).

G. Notwithstanding any other subsection of this section, any trailer or semitrailer combination of such dimensions as those that were in actual and lawful use in this state on December 1, 1982 may be lawfully operated on the highways of this state. (66-7-404 NMSA 1978)

12-10-3.8 EXCEPTIONS ON SIZE, WEIGHT AND LOAD

A. A. It is a misdemeanor for any person to drive or move, or for the owner, lessee or other person directing the operation to cause or permit to be driven or moved, on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in Sections 66-7-401 through 66-7-416 NMSA 1978 or otherwise in violation of said sections, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said

limitations except as express authority may be granted in said sections.

B. The provisions of Sections 12-10-3.1 through 12-10-3.7 of this ordinance governing size, weight and load shall not apply to fire apparatus, road machinery engaged in street construction or maintenance, or to implements of husbandry, including farm tractors, temporarily moved upon a street, or to a vehicle operated under the terms of a special permit issued as herein provided.

C. Upon the declaration of a national emergency pursuant to federal law or a declaration by the governor of an emergency pursuant to the Emergency Powers Code [Chapter 12, Articles 10, 10A, 11 and 12 NMSA 1978], the secretary of transportation may issue an order suspending or modifying the requirements for vehicular size, weight and load pursuant to Sections 66-7-401 through [66-7-416 NMSA 1978](#) for the duration of the emergency; provided that the order shall be published on the department of transportation's website. (66-7-401 NMSA 1978)

12-10-4 **VEHICLE SUBJECT TO REGISTRATION; EXCEPTIONS**

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

(1) any such vehicle driven or moved upon a highway in conformance with the provisions of the Motor Vehicle Code relating to manufacturers, dealers, lienholders or nonresidents;

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

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

(4) special mobile equipment;

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

(6) a freight trailer if it is:

(a). properly registered in another state;

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

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

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

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

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

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

(8) a moped;

(9) an electric personal assistive mobility device;

(10) a vehicle moved on a highway by a towing service as defined in Section 59A-50-2 NMSA 1978; and

(11) an off-highway motor vehicle exempted pursuant to Section 66-3-1005 NMSA 1978. (*)

12-10-4.1 DISPLAY OF CURRENT VALID REGISTRATION PLATE

A. It is a violation of this ordinance for any person to drive or park upon a public street or public parking area of this municipality any motor vehicle or trailer which does not display one or more visible current valid registration plates as required by state law. (*)

B. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front of a road tractor or truck tractor. The plate shall be securely fastened at all times, in a fixed horizontal position, at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as to be clearly visible, and it shall be maintained free from foreign material and in a condition to be clearly legible.

C. A demonstration or temporary registration permit shall be firmly affixed to the inside left rear window of the vehicle to which it is issued, unless such display presents a safety hazard or the demonstration or temporary registration permit is not visible or readable from that position, in which case, the demonstration or temporary registration permit shall be displayed in such a manner that it is clearly visible from the rear or left side of the vehicle.

D. No vehicle, while being operated on the streets of this municipality, shall have displayed thereon, either on the front or the rear thereof, any license plate, including tab or sticker, other than one issued, or validated, for the current registration period, by the division or any other licensing authority having jurisdiction over the vehicle. No expired license plate, tab or sticker shall be displayed on such vehicle, other than an expired special license plate which may be exhibited on the front of the vehicle.

E. Nothing contained herein shall be construed as prohibiting the use, of a promotional or advertising plate on the front of the vehicle.

F. A violation of Subsection B through E of this section is a penalty assessment misdemeanor. (66-3-18 NMSA 1978)

E. Any police officer may, upon discovering that the registration plate of any vehicle is illegible because of wear or damage or other causes, issue a citation to the owner or operator of the vehicle. The citation shall provide that the owner shall, within thirty days from the date of the citation, apply for and obtain a duplicate or replacement plate from the division. (66-3-17 NMSA 1978)

F. Any motor vehicle owner who has been issued a citation for an illegible registration plate and who fails to comply with the terms of the citation requiring the acquisition of a duplicate or replacement plate within thirty days of the date of the citation is guilty of a misdemeanor. (66-8-10 NMSA 1978)

12-10-5 **EVIDENCE OF REGISTRATION TO BE SIGNED AND EXHIBITED ON DEMAND**

A. Every owner, upon receipt of registration evidence, shall write his signature thereon in a space provided. Every such registration evidence or duplicates thereof validated by the division shall be exhibited upon demand of any police officer.

B. A person charged with violating the provisions of this section shall not be convicted if the person produces, in court, evidence of a signed registration valid at the time of issuance of the citation. (66-3-13 NMSA 1978)

12-10-6 **MANDATORY FINANCIAL RESPONSIBILITY.**

A. No owner shall permit the operation of an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless he is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

C. For the purposes of the Mandatory Financial Responsibility Act, “uninsured motor vehicle” means a motor vehicle for which a motor vehicle insurance policy meeting the requirements of the laws of New Mexico and of the secretary, or a surety bond or evidence of a sufficient cash deposit with the state treasurer, is not in effect. (66-5-205 NMSA 1978)

D. When financial responsibility is satisfied through coverage under a motor vehicle insurance policy, the owner’s or operator’s carrying of evidence in print or accessible through a portable electronic device is acceptable. An owner or operator of a vehicle who provides evidence of financial responsibility through a portable electronic device.

(1) assumes all liability for any resulting damage to the portable electronic evidence; and

(2) is presumed not to consent to provide access to a law enforcement officer to any other information stored in the portable electronic device. (66-5-229 NMSA 1978)

E. “Evidence of Financial Responsibility”, as used in this Section, means evidence of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:

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

(2) subject to this limit for one person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two or more persons in any one accident;

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

(4) if evidence is in the form of a surety bond or a cash deposit with the state treasurer, the total amount shall be sixty thousand dollars (\$60,000). (66-5-208 NMSA 1978)

F. Exemptions--Exempted from the mandatory financial responsibility provisions of this Section are the following:

(1) a motor vehicle owned by the United States government, any state or any political subdivision of a state;

(2) an implement of husbandry or special mobile equipment which is only incidentally operated upon the streets or highways within the limits of the municipality;

(3) a motor vehicle operated upon a street or highway within the limits of the municipality only for the purpose of crossing such street or highway from one property to another;

(4) a commercial motor vehicle registered or proportionally registered in New Mexico and any other jurisdiction, provided such motor vehicle is covered by a motor vehicle insurance policy or equivalent coverage or other form of financial responsibility in compliance with the laws of any other jurisdiction in which it is registered;

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

(6) any motor vehicle when the owner has submitted to the department a signed statement, in the form prescribed by the department, declaring that the vehicle will not be operated on the highways of New Mexico and explaining the reasons therefore. (66-5-207 NMSA 1978)

G. The office of the municipal court shall notify the Division of Motor Vehicles of the Transportation Department of the State of New Mexico of the conviction of any person violating the provisions of this Section.

H. Penalty. Any person found guilty of violating this Section shall be fined not more than three hundred dollars (\$300) (66-5-205 E NMSA 1978); provided however, that no person charged with violating this section shall be convicted if he produces in court evidence of financial responsibility valid at the time of issuance of the citation. (*)

I. When a law enforcement officer issues a driver who is involved in an accident a citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act, the law enforcement officer shall at the same time:

(1) issue to the driver cited a temporary operation sticker, valid for thirty days after the date the sticker is issued, and forward by mail or delivery to the department a duplicate of the issued sticker; and

(2) remove the license plate from the vehicle and send it with the duplicate of the sticker to the department or, if it cannot be removed, permanently deface the plate. (66-5-205.1 NMSA 1978)

ARTICLE XI

TRAFFIC VIOLATIONS BUREAU

12-11-1	Traffic Violations Bureau Created
12-11-2	Fines Accepted by the Traffic Violations Bureau
12-11-3	When Person Charged May Elect to Appear at Bureau or Before Municipal Judge
12-11-4	Duties of Traffic Violations Bureau

12-11-1 **TRAFFIC VIOLATIONS BUREAU CREATED.**

A. A traffic violations bureau is established to assist the municipal court in its administrative work.

B. The personnel of the bureau shall be responsible to the municipal judge.

C. The bureau shall be open at such hours as the municipal judge may designate.(*)

12-11-2 **FINES ACCEPTED BY THE TRAFFIC VIOLATIONS BUREAU.**

A. The municipal judge who hears traffic cases shall designate by rule as provided in the Rules of Procedure for the Municipal Courts, adopted by the New Mexico Supreme Court, as amended, the specified offenses under the traffic ordinance of this municipality in respect to which payments of fines may be accepted by the traffic violations bureau.

B. The municipal judge shall specify by rule as provided in the Rules of Procedure for the Municipal Courts, adopted by the New Mexico Supreme Court, as amended, suitable schedules of the amount of the fines for first, second and subsequent offenses, provided the fines are within the limits declared by law or ordinance, and shall further specify what number of offenses shall require appearance before the judge.(*)

12-11-3 **WHEN PERSON CHARGED MAY ELECT TO APPEAR AT BUREAU OR BEFORE MUNICIPAL JUDGE.**

A. Any person charged with an offense for which payment of a fine may be made to the traffic violations bureau under the foregoing provisions shall have the option of:

(1) paying the fine within the time specified in the notice of arrest at the traffic violations bureau upon entering a plea of guilty and upon waiving appearance in court; or

(2) upon a plea of not guilty shall be entitled to a trial as authorized by law and depositing any bail required as provided in the Rules of Procedure for the Municipal Courts, adopted by the New Mexico Supreme Court, as amended.

B. For the purpose of this ordinance, the payment of a fine to the traffic violations bureau shall be deemed an acknowledgment of conviction of the alleged offense. The traffic violations bureau, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment of the fine.(*).

12-11-4 DUTIES OF TRAFFIC VIOLATIONS BUREAU.

A. The traffic violations bureau shall accept designated fines, issue receipts and represent in court violators who are permitted and who desire to plead guilty, waive appearance and give power of attorney.

B. The traffic violations bureau shall receive and issue receipts for cash bail from the persons who must or wish to be heard in court, enter the time for their appearance on the court docket and notify the arresting officer or the municipal attorney or the liaison officer if any are to be present.

C. The traffic violations bureau shall keep a record of all violations of the traffic ordinance together with a record of a final disposition of all such alleged offenses:

(1) the record shall be maintained to show all types of violations and the total of each; and

(2) the record shall accumulate during at least a two-year period and from that time on shall be maintained complete for at least the most recent two-year period.

D. The traffic violations bureau shall study the cases of drivers charged with frequent or serious violations of traffic ordinances or involved in frequent traffic accidents or any one serious accident, shall attempt to discover the reasons therefore and shall take whatever steps are lawful and reasonable to prevent the recurrence thereof or to have the licenses of the persons suspended or revoked.

E. The traffic violations bureau shall keep records and submit summarized monthly reports to the administrator of all notices issued and arrests made for violations of the traffic ordinances and of all fines collected by the traffic violations bureau of the court and of the final disposition or current status or every case of violations of the

provisions of the said ordinances. The records shall be so maintained as to show all types of violations and the totals of each.

F. The traffic violations bureau shall follow such procedures as may be prescribed by the traffic ordinances of this municipality or as may be required by any law of this state. (*)

ARTICLE XII

PENALTIES AND PROCEDURES ON ARREST

12-12-1	Penalties
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12-12-2	Forms and Records of Traffic Citations and Arrests
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12-12-1 **PENALTIES.**

12-12-1.1 **MAXIMUM PENALTY.** Unless another penalty is expressly provided in this ordinance or as otherwise provided by state law, every person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than 90 days or by both such fine and imprisonment. (*)

12-12-1.2 **PENALTY ASSESSMENT PROGRAM.**

A. Any municipality may, by passage of an ordinance, establish a municipal penalty assessment program similar to that established in Section 66-8-116 NMSA 1978 through 66-8-117 NMSA 1978 for violations of provisions of the Motor Vehicle Code. If the municipality has adopted an ordinance to establish a penalty assessment program shall assess on all penalty assessment misdemeanors after January 1, 1984, in addition to the penalty assessment, a penalty assessment fee of ten dollars (\$10.00)

to be deposited in a special fund in the municipal treasury for use by the municipality only for municipal jailer training; for the construction planning, construction, operation and maintenance of the municipal jail; for paying the costs of housing that municipality's prisoners in other detention facilities in the state; or for complying with match or contribution requirements for the receipt of federal funds relating to jails. Such a municipal program shall be limited to violations of municipal traffic ordinances.

B. If a municipality with a population less than three thousand according to the most recent federal decennial census has a balance in its special fund pursuant to Subsection A of this section that is over the amount projected to be needed for the next fiscal year for the purposes set forth in that subsection, the municipality may transfer the unneeded balance to the municipality's general fund.

C. All penalty assessments under a municipal program authorized by this section shall be processed by the municipal court and all fines and fees collected shall be deposited in the treasury of the municipality. A copy of each penalty assessment processed shall be forwarded to the division within ten days of completion of local processing for posting to the driver's record. With the prior approval of the director, the required information may be submitted to the division by electronic means in lieu of forwarding copies of the penalty assessments.

D. Each agency shall provide itself with copies conforming exactly in size and format with the uniform traffic citation and the electronic version of the uniform traffic citation if applicable, prescribed by the director, and any alterations to the format to conform with local conditions must be approved by the director. (66-8-130 NMSA 1978)

12-12-2 FORMS AND RECORDS OF TRAFFIC CITATIONS AND ARRESTS.

A. The municipality shall provide books to include uniform traffic citation forms authorized by state law for notifying alleged violators to appear and answer to charges of violating traffic ordinances in the municipal court.

B. The municipality shall issue uniform traffic citation books to the chief of police or his authorized agent and shall maintain a record of every book issued and shall require a written receipt for every book.

C. The chief of police shall keep a record and require a receipt for each serially numbered citation issued to individual officers. (*)

12-12-3 CONDUCT OF ARRESTING OFFICER--NOTICES BY CITATION.

A. Except as provided in Section 12-12-5, unless a penalty assessment or warning notice is given, whenever a person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, the arresting officer,

using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare a notice to appear in court, specifying the time and place to appear, have the arrested person sign the agreement to appear as specified, give a copy of the citation to the arrested person and release him from custody.

B. Whenever a person is arrested for violation of a penalty assessment misdemeanor and elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation in paper or electronic form, shall complete the information section and prepare the penalty assessment notice indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay the amount prescribed, give a copy of the citation along with a business reply envelope addressed to the municipal court with jurisdiction and release him from custody. No officer shall accept custody or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment notice, the officer shall issue a notice to appear.

C. The arresting officer may issue a warning notice, but shall fill in the information section of the uniform traffic citation in paper or electronic form and give a copy to the arrested person after requiring his signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of suspension or revocation of license under Section 66-5-30 NMSA 1978.

D. In order to secure his release, the arrested person must give his written promise to appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning notice.

E. Any officer violating this section is guilty of misconduct in office and is subject to removal.

F. A law enforcement officer who arrests a person without a warrant for a misdemeanor violation of the Motor Carrier Act, the Criminal Code, the Liquor Control Act or other New Mexico law may use the uniform traffic citation in paper or electronic form, issued pursuant to procedures outlined in Subsections B through F of Section 31-1-6 NMSA 1978, in lieu of taking the person to jail.

G. An electronic traffic citation, prescribed by Sec 12-12-3.1, is an electronic version of the uniform traffic citation. For the purposes of this section, an electronic citation may be completed instead of a uniform traffic citation; provided, however, that where this section requires a copy of a citation to be given to an arrested person, a physical copy of the citation shall be provided whether a uniform traffic citation or an electronic form of the uniform traffic citation was used. An electronic form of the uniform traffic citation may be signed electronically. (66-8-123 NMSA 1978)

12-12-3.1 ELECTRONIC UNIFORM TRAFFIC CITATION

A. An electronic version of a uniform traffic citation shall include the same information required to be included in a uniform traffic citation. An electronic version

of a uniform traffic citation may be signed electronically and a law enforcement officer may submit or file with a court an electronic version of a uniform traffic citation if prior permission of the department has been secured. Where the law requires a law enforcement officer to provide a copy of a citation to a person cited or arrested, a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

12-12-4 **UNIFORM TRAFFIC CITATION IS COMPLAINT.** The uniform traffic citation used as a notice to appear is a valid complaint, though not verified. (66-8-131 NMSA 1978)

12-12-5 **ARREST WITHOUT WARRANT.**

A. Members of the municipal police force may arrest without warrant any person:

- (1) present at the scene of a motor vehicle accident;
- (2) on a street when charged with theft of a motor vehicle;
- (3) charged with crime in another jurisdiction, upon receipt of a message giving the name or a reasonably accurate description of the person wanted, the crime alleged and a statement he is likely to flee the jurisdiction of the state; (66-8-125 NMSA 1978)
- (4) charged with driving while under the influence of intoxicating liquor or drugs;
- (5) charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;
- (6) charged with reckless driving;
- (7) the arresting officer has good cause to believe has committed a felony;
- (8) who refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; (1961-62 Op. Atty. Gen. No. 61-117) or
- (9) who is charged with driving when his privilege to do so was suspended or revoked pursuant to Section 66-8-111 NMSA 1978 or pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs. (66-8-122 NMSA 1978)

B. To arrest without warrant, the arresting officer must have reasonable grounds, based on personal investigation which may include information from eyewitnesses, to believe the person arrested has committed a crime.

C. Members of the municipal police force may not make arrests for traffic violations if not in uniform; however, nothing in this section shall be construed to prohibit the arrest, without warrant, by a peace officer of any person when probable cause exists to believe that a felony crime has been committed or in non-traffic cases. (66-8-125 NMSA 1978)

D. This section governs all police officers in making arrests without warrant for violations of the New Mexico Motor Vehicle Code, this ordinance and other laws relating to motor vehicles but the procedure prescribed is not exclusive of any other method prescribed by law for the arrest and prosecution of a person violating these laws. (66-8-127 NMSA 1978)

12-12-6 **IMMEDIATE APPEARANCE BEFORE MUNICIPAL OR
MAGISTRATE JUDGE.**

Whenever any person is arrested for any violation of this ordinance or other law relating to motor vehicles punishable as a misdemeanor, he shall be immediately taken before an available municipal or magistrate judge who has jurisdiction of the offense when the:

- (1) person requests immediate appearance;
- (2) person is charged with driving while under the influence of intoxicating liquor or narcotic drugs;
- (3) person is charged with failure to stop in the event of an accident causing death, personal injuries or damage to property;
- (4) person is charged with reckless driving;
- (5) arresting officer has good cause to believe the person arrested has committed a felony;
- (6) person refuses to give his written promise to appear in court or acknowledge receipt of a warning notice; or
- (7) person is charged with driving when his privilege to do so was suspended or revoked pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs. (66-8-122 NMSA 1978)

12-12-7 **FAILURE TO OBEY NOTICE TO APPEAR.**

A. It is a misdemeanor for any person to violate his written promise to appear in court given to an officer upon issuance of a uniform traffic citation, regardless of the disposition of the charge for which the citation was issued.

B. A written promise to appear in court may be complied with by appearance of counsel. (66-8-126 NMSA 1978)

12-12-8 **ARRESTING OFFICER TO BE IN UNIFORM.**

A. No person shall be arrested for violating this ordinance or other law relating to motor vehicles punishable as a misdemeanor except by a commissioned, salaried peace officer who, at the time of arrest, is wearing a uniform clearly indicating the peace officer's official status.

B. Notwithstanding the provisions of Subsection A of this section, a municipality may provide by ordinance that uniformed private security guards may be commissioned by the local police agency to issue parking citations for violations of clearly and properly marked fire zones and access zones for persons with significant mobility limitation. Prior to the commissioning of any security guard, the employer of the security guard shall agree in writing with the local police agency to the commissioning of the employer's security guard. The employer of any security guard commissioned under the provisions of this section shall be liable for the actions of that security guard in carrying out the security guard's duties pursuant to that commission. Notwithstanding the provisions of the Tort Claim Act, private security guards commissioned under this section shall not be deemed public employees under that act. (66-8-124 NMSA 1978)

12-12-9 **HANDLING OF CITATIONS**

A. Any entity that wishes to submit electronic traffic citations instead of or with paper uniform traffic citations required to be submitted to the department by electronic means must secure the prior permission of the department. An electronic version of a uniform traffic citation shall include the same information required to be included in a uniform traffic citation. An electronic version of a uniform traffic citation may be signed electronically and a law enforcement officer may submit or file with a court an electronic version of a uniform traffic citation if prior permission of the department has been secured. Where the law requires a law enforcement officer to provide a copy of a citation to a person cited or arrested, a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

B. Every police officer issuing a uniform traffic citation to an alleged violator of this ordinance or other law relating to motor vehicles shall dispose of the citations as indicated on the back of each copy.

C. Citations spoiled or issued in error shall be marked "void" in large letters on the face, signed by the officer, and the copies disposed of as a valid warning notice. (66-8-133 NMSA 1978)

D. Upon filing of the uniform traffic citation in the municipal court, the citation may be disposed of only by trial in the court or by other official action by a judge of the court including, at the discretion of the municipal judge, forfeiture of bail or by payment of a fine to the traffic violations bureau of the court.

E. The chief of police shall maintain or cause to be maintained a record of serially numbered warrants issued by the municipal court on traffic violation charges which are delivered to the police department for service and of the final disposition of all such warrants. (*)

F. The chief of police shall issue, keep a record and require a receipt for each serially numbered citation issued to individual police officers. (66-8-132 NMSA 1978)

G. It is a misdemeanor and official misconduct for any officer or other public official or employee to dispose of a uniform traffic citation except as provided in this section. (66-8-133 NMSA 1978)

12-12-10 ILLEGAL CANCELLATION--AUDIT OF CITATION RECORDS.

A. Any person who cancels or solicits the cancellation of any uniform traffic citation other than as provided in this ordinance is guilty of a misdemeanor.

B. Every record of uniform traffic citations required in this ordinance shall be audited monthly by the appropriate fiscal officer of this municipality.

C. The fiscal officer shall publish an annual summary of all traffic violation notices issued by the traffic-enforcement agency. (66-8-134 NMSA 1978)

12-12-11 ABSTRACT OF TRAFFIC CASES--REPORT ON CONVICTIONS.

A. Every municipal 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 this ordinance 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 municipal 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 local law, ordinance or regulation under which the defendant was tried;

(3) the plea, finding of the court and disposition of the charge, including fine or jail sentence or bot;

- (4) total costs assessed to the defendant;
- (5) the date of the hearing;
- (6) the court's name and address;
- (7) whether defendant was a first or subsequent offender; and
- (8) whether the defendant was represented by counsel or waived his right to counsel and, if represented, the name and address of counsel.

D. The abstract of record prepared and forwarded under Subsection B 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 in Subsection B of this Section may be transmitted electronically to the department. 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 in 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 (10) 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.

E. The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal. (66-8-135 NMSA 1978)

12-12-12 CITATION ON ILLEGALLY PARKED VEHICLE.

Whenever any motor vehicle without driver is found parked, standing or stopped in violation of any of the restrictions imposed by this ordinance, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user and shall conspicuously affix to the vehicle a traffic citation on a form provided by the municipality for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation. (*)

12-12-13 FAILURE TO COMPLY WITH TRAFFIC CITATION ATTACHED TO PARKED VEHICLE.

If a violator of the restrictions on stopping, standing or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to the motor vehicle within a period of five days, the traffic violations bureau or clerk of the municipal court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter

informing him of the violation and warning him that in the event the letter is disregarded for a period of five days a warrant of arrest will be issued. (*)

12-12-14 **PRESUMPTION IN REFERENCE TO ILLEGAL PARKING.**

A. In any prosecution charging a violation of any ordinance governing the standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of the ordinance, together with proof that the defendant named in the complaint was at the time of the parking the registered owner of the vehicle, shall constitute in evidence a prima facie presumption that the registered owner of the vehicle was the person who parked or placed the vehicle at the point where, for the time during which, the violation occurred.

B. The foregoing stated presumption shall apply only when the procedure as prescribed in Sections 12-12-12 and 12-12-13 has been followed. (*)

12-12-15 **WHEN WARRANT TO BE ISSUED.**

In the event any person fails to comply with a traffic citation given to the person or attached to a vehicle or fails to make appearance pursuant to a summons directing an appearance in the municipal court or the traffic violations bureau, or if any person fails or refuses to deposit bail as required and within the time permitted by ordinance, the municipal judge shall issue either a summons or a warrant for his arrest. (*)

12-12-16 **DISPOSITION OF TRAFFIC FINES AND FORFEITURES.**

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any of the provisions of this ordinance shall be paid into the municipal treasury. (*)

12-12-17 **OFFICIAL MISCONDUCT.**

Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any fine or forfeiture, either before or after a deposit in the municipal treasury, shall constitute misconduct in office and shall be grounds for removal. (*)

12-12-18 **AUTHORITY TO REMOVE OR RELOCATE VEHICLES.**

A. Definitions--For purposes of this section:

(1) "Chief" shall mean the Chief of Police of the municipal police department or his designated representative.

(2) "Impound" shall mean the towing and storage of a motor vehicle as authorized in this section.

(3) "Owner" of a vehicle shall mean the registered owner or owners of a vehicle as recorded with the New Mexico department of motor vehicles or similar agency of a state outside New Mexico. Where written notice to the owner is required by this section, such notice shall be given to each registered owner. Where appearance of

the owner is required by this section, appearance may be by a person authorized by the owner to appear on his behalf.

(4) “Sign” shall mean a printed notification to the public giving notice of the possibility of removal of a vehicle by stating that the area is a tow-away zone, or that the violation of the restrictions stated on the sign may result in towing, and the sign must be readily visible from the point of removal.

(5) “Written Notice” shall mean notice sent by certified mail, return receipt requested, to the last known address of the owner:

a) When such notice is required under the terms of this section, weekends and holidays shall not be included when calculating the time for mailing notice.

b) When a vehicle is registered in a state outside New Mexico, the Chief shall make all reasonable and diligent efforts to ascertain the name and address of all registered owners. If the name and address information for an in-state or out-of-state registered vehicle is not available soon enough to meet the time deadlines for mailing written notice, then the notice shall be mailed as soon as possible after the information is received.

c) As a valid substitute for “written notice” as defined herein, notice may be given by personal service or in any other reasonable manner, so long as actual notice is given to at least one owner within the time limits provided. Notice may be effected by verbal notice to an owner, or to the driver or passenger of a vehicle, if the driver or passenger reasonably appears to have custody of the vehicle with the owner's knowledge and permission. Verbal notice to the owner, driver or passenger shall be valid, however, only if the person so notified is given all the information required in the written notice and the person is given in writing a phone number where the owner, driver or passenger can obtain further information from a municipal employee.

d) If notice cannot be given per the other provisions of this paragraph, notice shall be given by publication once in a newspaper of general circulation in the community as soon as practicable after reasonable and diligent efforts to give notice as provided elsewhere in this paragraph prove fruitless. (*)

C. Impoundment of Vehicles Generally.

(1) Any vehicle impounded pursuant to this section shall be towed in accordance with state and local law to an authorized private storage facility or an area designated or maintained by the police department or by the municipality. The person authorizing impoundment shall issue signed and dated instructions in writing to the storage facility specifically stating whether the vehicle is to be held for investigation or as evidence, or whether it may be released to the owner after all attendant charges have been satisfied pursuant to Subsection H of this section. If the vehicle has been in storage for over 30 days

after written notice is given and no hearing has been requested or the vehicle has not been claimed per the provisions of this section, then the storage facility operator may sell the vehicle per the provisions of applicable state law.

(2) If any vehicle is about to be removed, relocated or is in the process of being removed or relocated and the owner thereof or his agent appears and claims the vehicle and agrees forthwith to remove it or relocate it, such vehicle shall be delivered to such owner or agent upon demand therefore and upon furnishing satisfactory evidence of identity and ownership or agency. If any such owner or agent shall fail, refuse or neglect to forthwith remove such vehicle, such vehicle shall nevertheless be impounded or relocated. Removal by such owner or agent shall not relieve the offender of liability for any towing costs already incurred or for any fine or penalty for the violation of any law or ordinance for which the vehicle was to be removed or relocated. (*)

E. Circumstances Permitting Summary Vehicle Impoundment or Relocation

c) when an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the street, alley, or public way or its physical appearance is causing traffic to be impeded;

d) when any vehicle is parked or left standing where stopping is prohibited by ordinance or other state or local law. No vehicle may be removed pursuant to this paragraph unless signs are posted at least 24 hours prior to the removal giving notice that the area is a tow-away zone;

e) when any vehicle is parked or standing in a manner so as to obstruct necessary emergency services, law enforcement services, the routing of traffic at the scene of a disaster, or when removal is otherwise necessary in the interest of public safety because of any emergency, and moving the vehicle to a legal parking location is impractical. However, the owner or operator of a vehicle so relocated or removed shall not be subject to any relocation, removal or storage charges, if the vehicle is otherwise lawfully parked. Such charges shall be paid by the municipality, except that in the case of emergency utility repairs such charges shall be paid by the utility company seeking removal;

f) when a vehicle is parked, left unattended or abandoned during a fire, flood, storm or other public emergency which is apt to cause substantial damage to the vehicle, removal is in the best interest of the owner, and moving the vehicle to a safe legal location is impractical;

g) when a vehicle is either unattended or disabled and loaded with either a dangerous, flammable, combustible or explosive substance which, either by its presence or load conditions is likely to harm the health or safety of the public and moving the vehicle to a safe, legal location is impractical; or

h) when any vehicle is parked in such a manner as to obstruct or interfere with any road, sidewalk or right-of-way maintenance or construction, or any non-emergency utility work, and it is impractical to relocate the vehicle to another point where parking is legal. No vehicle shall be removed unless signs are posted giving notice of the work to be done and the possibility of removal at least 24 hours prior to the removal. (*)

F. Notice and Procedure Following Summary Impoundment or Relocation.

(1) After a vehicle is towed or relocated pursuant to subsection D of this section, the Chief shall send written notice within 24 hours of the towing to the owner of the vehicle.

(2) The notice shall contain the following information:

a) the license plate number, make, type and color of the vehicle;

b) the location of the vehicle at the time of impoundment or relocation;

c) a statement that the vehicle has been taken into custody and stored, or a statement that the vehicle has been relocated;

d) the reason for impoundment or relocation;

e) the location and telephone number of the storage facility where the vehicle is being kept or the place to which the vehicle was relocated;

f) a statement that daily storage charges will be assessed in addition to a towing charge if the removal was proper;

g) a statement that the owner may obtain release of the vehicle by posting bond or paying all amounts due under this ordinance;

h) a statement that the owner has the right to contest the validity of the impoundment or relocation by requesting in writing a hearing before the municipal judge within thirty (30) days after written notice is given;

i) a statement that failure to obtain release of the vehicle if impounded will cause it to be sold or otherwise disposed of in accordance with state law; and

j) a phone number and name or title of a municipal employee from whom the owner can obtain further information.

(3) The hearing, if requested in a timely manner, shall be held within 120 hours (excluding weekends and holidays) of receipt of the request unless the hearing is continued with the agreement of the owner. The municipal judge's decision shall be limited to:

- a) whether the vehicle was lawfully impounded or relocated for one or more of the reasons set forth in Subsection D of this section and
- b) whether the vehicle, if lawfully impounded, should be released at the City's expense.

Upon receipt of the request for a hearing on the legality of an impoundment, the municipal judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by state law until the judge has ruled on the legality of the impoundment. If the municipal judge finds that the vehicle in question was not lawfully impounded or that the vehicle should otherwise be released at the municipality's expense, he shall issue and date a Certificate of Release, indicating the unlawful impoundment, or the release at municipal expense, or both, and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the municipality in accordance with arrangements to be made between the municipality and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within 24 hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement.

(4) The decision of the municipal judge may be appealed to the district court. (*)

G. Abandoned Vehicles.

(1) Any municipal police officer, or any municipal employee who is authorized to direct traffic or enforce state or local parking or motor vehicle laws, may order the impoundment of any abandoned vehicle within the municipal corporate limits. A vehicle is abandoned if:

- a) the vehicle is parked on or along any street, alley or public way and the vehicle displays no current license plate; or
- b) the vehicle is left unattended on or along any street, alley or public way in the same place for a period of 72 hours without a valid police sticker as defined in paragraph 2 of this subsection.

(2) The Chief may issue a sticker temporarily permitting street storage, upon application of any owner or agent of an owner for any vehicle which is

operable and has a current license plate. Stickers shall expire fifteen (15) days after issuance. No owner, whether an individual, business, corporation, organization, partnership or trust, is entitled to more than four stickers at any time.

(3) When a vehicle is abandoned on or along a street, alley or public way under circumstances which do not allow summary removal or relocation pursuant to subsection D of this section, a notice shall be attached to the vehicle in a manner which is readily visible containing the following information:

a) the date and time the notice is affixed to the automobile;

b) a statement that, pursuant to this section of this ordinance the vehicle will be considered abandoned and may be towed and stored at the owner's expense if it is not removed within ten (10) days of the time that the notice is affixed;

c) a statement that if the vehicle is impounded and no hearing is requested or it is not claimed, it can be sold after thirty (30) days as provided in state law;

d) a statement that the owner has the opportunity to challenge the proposed action at a hearing if a written request is submitted to the municipal judge within 72 hours after notice is given as provided in paragraph 4 of this subsection;

e) the telephone number where additional information can be obtained; and

f) the identity of the person affixing the notice.

(4) Written notice containing the same information specified in paragraph 3 of this subsection plus the location and a description of the vehicle shall be mailed to the owner of the vehicle within 24 hours after the notice is affixed. However, if written notice is not given within 24 hours after the notice is placed on the vehicle, then the ten (10) day waiting period shall be extended the amount of time between the placing of notice on the vehicle and the giving of written notice.

(5) Upon timely receipt of a request for a hearing, the municipal judge shall order a delay of the impoundment of the vehicle until after the hearing.

(6) The hearing, if requested in a timely manner, shall be held within 120 hours (excluding weekends and municipal holidays) of receipt of the request, unless the hearing is continued with the agreement of the owner. At the hearing, the municipal judge shall only determine whether the vehicle is or is not abandoned.

(7) If the municipal judge determines that the vehicle is abandoned, he shall so notify the Chief, who shall cause the impoundment of the vehicle, unless the vehicle is removed within 24 hours of the judge's decision.

(8) If the vehicle is removed pursuant to paragraph 7 of this subsection, a person challenging the impoundment shall be entitled to challenge the decision of the municipal judge by appeal to District Court.

(9) If an abandoned vehicle is impounded, and the owner has not obtained a hearing prior to the impoundment, the owner may file a request for a hearing with the municipal judge on the legality of the impoundment within thirty (30) days after impoundment. Upon receipt of the request for a hearing, the municipal judge shall notify the storage facility of the hearing and no lien shall be foreclosed by the storage facility as allowed by state law until the judge has ruled on the legality of the impoundment. If the municipal judge rules that the impoundment was illegal, then the municipal judge shall issue and date a Certificate of Release and a copy of the release shall be given to the owner of the vehicle. Upon receipt of the owner's copy of such certificate, the authorized storage facility having custody of the vehicle shall release the vehicle to its owner and towing and storage fees shall be paid by the municipality in accordance with arrangements to be made between the municipality and the authorized storage facility. If the owner fails to present such certificate to the authorized storage facility having custody of the vehicle within 24 hours of its receipt, excluding days when the authorized storage facility is not open for business, the owner shall assume liability for all subsequent storage charges. The certificate shall advise the owner of such requirement. (*)

H. Impoundment for Investigation Evidence or Forfeiture.

The notice, hearing and bond provisions set forth in this section shall not apply to impoundment of the following vehicles for which impoundment is hereby authorized:

(1) a vehicle which is impounded for purposes of a criminal investigation or as evidence of a crime; or

(2) a vehicle which is lawfully seized pursuant to state or federal law. (*)

I. Release of Vehicles.

(1) The municipal judge or his designated representatives may order the release of an impounded vehicle if a hearing has been requested on the legality of impoundment and upon the posting of bond as set by the municipal judge or his designee. When bond is posted the vehicle shall be released into the possession of the owner or his designee.

(2) In all other cases, upon proof of ownership, an impounded vehicle shall be released only after payment of the accumulated penalties by the owner or his designee, as provided in subsection I.

(3) The owner shall forfeit the bond if the owner fails to appear at the hearing before the municipal court.

(4) The owner shall be entitled to reimbursement from the municipality for all bonds posted and penalties paid if after hearing and appeal, if any, it is determined that the impoundment or relocation was not valid.

(5) This subsection does not authorize release of any vehicle held for investigation or as evidence of a crime or seized pursuant to state or federal law. Such vehicle shall be released only upon the written order of the police officer responsible for its impoundment or upon an affirmative written statement by the Chief that such vehicle is no longer needed for investigative or evidentiary purposes or for forfeiture proceedings. The municipality shall bear the cost of towing and storage for such impoundments. (*)

J. Penalties.

(1) Each time a vehicle is lawfully towed or relocated pursuant to this section the owner shall pay a fine of fifty dollars (\$50.00), unless the municipality is required to pay for removal or relocation.

(2) Each day a vehicle is stored pursuant to a lawful impoundment, the owner shall pay a fine of ten dollars (\$10.00) a day unless the municipality is required to pay for removal or relocation.

(3) Nothing in this section shall prevent a person from being found in violation of any other part of this ordinance and from being liable for any other penalty, fee or charge assessed pursuant to this ordinance. (*)

12-12-19 **ABANDONED VEHICLES ON PRIVATE PROPERTY.**

A. A person upon whose property or in whose possession is found an abandoned vehicle or motor vehicle, shall have authority to sell, retain, give away or dispose of the abandoned vehicle or motor vehicle to any person licensed under Sections 66-4-1 through 66-4-9 NMSA 1978 provided that he notifies a law enforcement agency prior to such disposal and obtains from that agency a written clearance stating that neither the agency's records nor the computerized records of the National Crime Information Center indicates that the vehicle or motor vehicle has been reported as stolen, and either:

(1) the vehicle or motor vehicle in question regardless of its age, is either totally wrecked or in such a state of disrepair that it is suitable only for dismantling purposes;

(2) the vehicle or motor vehicle in question is at least eight (8) years of age or older; or

(3) the vehicle in question has been placed in any storage or wrecker yard at the request of a law enforcement agency or a property owner upon whose property the vehicle or motor vehicle was abandoned and has remained unclaimed in said yard for a period of thirty (30) days, in which case the owner of the storage yard may proceed to make a claim against the motor vehicle or vehicle, as specified in Subsection C of Section 66-3-119 NMSA 1978 as though it were abandoned. Any person wishing to obtain such vehicle may not charge more than fifty cents (\$.50) per day for storage unless he is licensed as a vehicle storage yard, and he must notify owners and lien-holders within thirty (30) days or lose all rights to claim such vehicle.

B. Any vehicle which is less than eight (8) years of age or in such a state of repair that it will be placed back into service or which is not to be used for dismantling purposes, or which a property owner wishes to retain for his own use or to sell to any one other than a licensed dismantler, said person shall proceed to make claim for such vehicle or motor vehicle through a lien process and obtain a new certificate of title prior to disposal. (66-3-121 NMSA 1978)

12-12-20 AUTHORIZED IMMOBILIZATION OF VEHICLE.

When a driver, owner or person in charge of any vehicle has received a notice to answer to a charge against him for violation of any parking provisions of this ordinance and the driver, owner or person in charge of the vehicle has failed to appear and answer the charge, members of the police department or employees of this municipality acting in their official capacity may temporarily and for a period of 48 hours immobilize the vehicle when found upon a street by installing on or attaching to the vehicle a device designed to restrict the normal movement of the vehicle.

A. When the vehicle is so immobilized, the member of the police department or employee of this municipality installing or attaching the device shall conspicuously affix to the vehicle a notice in writing on a form to be provided by the chief of police advising the driver, owner or person in charge of the vehicle that the vehicle has been immobilized by this municipality for violation of this ordinance and also advising him of the provisions for release of the vehicle.

B. No person shall remove the immobilizing device or move the vehicle before the device is released by the police department or the clerk of the municipal court.

C. Where the vehicle has been properly immobilized as provided in this section, a fee of ten dollars (\$10.00) shall be charged by the police department or clerk of the municipal court before releasing the vehicle.

D. Parking restrictions, if any, otherwise applicable shall not apply while the vehicle is immobilized as provided in this section. (*)

12-12-21 LIABILITY FOR DAMAGE.

A. The public highways in the municipality are dedicated to the reasonable use thereof by the public.

B. It shall be unlawful for any person to injure or damage any public street or any bridge, culvert, sign, signpost, or structure upon or used or constructed in connection with any public street for the protection thereof or for protection or regulation of traffic thereon by any unusual, improper or unreasonable use thereof, or by the careless driving or use of any vehicle thereon, or by willful mutilation, defacing or destruction thereof.

C. It shall be considered unreasonable use of any bridge or structure to operate or conduct upon or over the same any vehicle, tractor or engine, not in accordance with Sections 66-7-401 through 66-7-416 NMSA 1978.

D. It shall be considered unreasonable use of any improved roadway or street, to operate, drive or haul thereon any truck, tractor or engine in such manner or at times when the surface thereof is in a soft or plastic condition and the road or portion thereof has been closed pursuant to law, or by order of the administrator.

E. It shall be unlawful to erect or maintain any fence or any other structure across any street, highway or roadway without written permit from the authorities having control thereof.

F. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or by imprisonment in the county jail not less than five days nor more than thirty days or by both such fine and imprisonment, and the operator and the owner of such vehicle, truck, tractor or engine from whom the driver or operator has permitted possession at the time thereof shall be jointly and severally liable to the state, county or municipality as the case may be for the actual damage caused by the operation, conducting or hauling thereof over any public highway, street, bridge, culvert or structure in violation of any provision of this act to be collected by suit brought in the name of the state, county or municipality having control of such highway or street; and such vehicle, truck, tractor or engine may be attached and held to satisfy any judgment for such damages.

G. The proceeds of any such judgment shall be paid to the treasurer of this municipality and placed to the credit of the fund for the construction and improvement of roads and streets. (66-7-416 NMSA 1978)

12-12-22 SUNDAY ACTIONS.

Judicial proceedings under any provision of this ordinance are valid when performed on Sunday, the same as on other days of the week. (66-8-8 NMSA 1978)



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: FINAL ADOPTION: Ordinance No. 1166 - Amending Chapter 1 of the Hobbs Municipal Code Establishing Civil Infraction Violations and Enforcement Procedures

DEPT OF ORIGIN: Legal

DATE SUBMITTED: 10/24/2025

SUBMITTED BY: Medjine Desrosiers-Douyon, Deputy City Attorney

Summary:

Pursuant to the Hobbs Municipal Code Chapter 1.16, a violation of the Code is generally punishable by a \$500 fine or imprisonment for not more than 90 days or both. The City has identified various sections of the Hobbs Municipal Code that, if violated, should not warrant incarceration for any amount of time. NMSA 1978, §3-17-1, allows a municipality to adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity, and improving the morals, order, comfort and convenience of the municipality and its inhabitants. Also, the Constitution of New Mexico Art. X, §6(D) grants powers to home rule municipalities to enact civil laws governing civil relationships incident to the exercise of an independent municipal power. As such, this ordinance would establish a process for enforcing civil infractions. The Commission approved publication of the proposed ordinance on October 6, 2025. The legal notice was published in the News Sun on October 14, 2025.

Fiscal Impact:

Attachments:

Updated Civil Infraction Ordinance
CITY OF HOBBS

Recommendation:

The Commission should consider the adoption of the proposed ordinance.

Approved By:

Medjine Desrosiers-Douyon, Deputy City Attorney	10/27/2025
Toby Spears, Finance Director	10/27/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/27/2025
Manny Gomez, City Manager	10/27/2025

CITY OF HOBBS

ORDINANCE NO. 1166

AN ORDINANCE AMENDING CHAPTER 1 OF THE HOBBS MUNICIPAL CODE
ESTABLISHING CIVIL INFRACTION VIOLATIONS AND ENFORCEMENT_
PROCEDURES

WHEREAS, NMSA 1978, §3-17-1 allows a municipality to adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity, and improving the morals, order, comfort, and convenience of the municipality and its inhabitants; and

WHEREAS, the Constitution of New Mexico Art. X, §6(D) grants powers to home rule municipalities, such as the City of Hobbs, to enact civil laws governing civil relationships incident to the exercise of an independent municipal power; and

WHEREAS, pursuant to the Hobbs Municipal Code Chapter 1.16, a violation of the Code is generally punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days or both; and

WHEREAS, staff for the City of Hobbs have identified various sections of the Hobbs Municipal Code that, if violated, should not warrant incarceration for any amount of time; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 1 is hereby amended as more specifically described as follows:

TITLE 1

GENERAL PROVISIONS

Chapter 1.13 – Civil Infractions

1.13.010 Civil Infractions – Establishment and Purpose.

A procedure to address certain violations of the Hobbs Municipal Code as civil infractions, subject to the provisions below, is hereby established. To accommodate the City's desire to address these matters, a civil infraction procedure has been established for the purpose of decriminalizing penalties for violations of certain City ordinances and providing an efficient and practical forum for the hearing and determination of cases arising from these violations.

1.13.020 Definitions.

As used in this Section:

"Authorized official" means the City Manager or the City Manager's designee.

"Civil infraction" means an act or admission that is prohibited by an ordinance, is not a crime under that ordinance, and for which a civil penalty may be ordered.

"Civil action" means a legal process in which the defendant is alleged to be responsible for a civil infraction.

"Informal hearing" means a court proceeding in which the alleged violator admits responsibility for a civil infraction and appears in court, discusses the facts of the case with the Municipal Court Judge, and presents evidence in mitigation of the alleged violation for the Judge's consideration prior to the Judge entering an order.

"Formal hearing" means a court proceeding in which the alleged violator denies responsibility for a civil infraction and the Municipal Court Judge conducts a civil bench trial, and the parties may call witnesses, present evidence, and argue the facts of the case.

"The Court" means Hobbs Municipal Court.

1.13.030 Application.

Notwithstanding the procedures outlined in Hobbs Municipal Code Chapter 1.12, the procedures set forth in Chapter 1.13 apply to violations of ordinances specifically designated as civil infractions by in the Hobbs Municipal Code, or for which a civil penalty only is assigned therein.

1.13.040 Action – Commencement – Citations – Issuance and Service.

- A. A civil action may be commenced upon the issuance, by an authorized official, of a civil infraction citation advising the alleged violator of the civil infraction and directing the alleged violator to appear in court. Any civil infraction citation issued as a notice to appear is a valid complaint, though not verified, in the event the person receiving it voluntarily appears in court.
- B. An authorized official may issue a civil infraction citation to a person if:
 - 1. The authorized official witnesses a person commit a civil infraction; or
 - 2. Based upon an investigation, the authorized official has reasonable cause to believe that the person is responsible for a civil infraction.
- C. Civil infraction citations shall be served by an authorized official as follows:
 - 1. Except as otherwise provided by law, an authorized official shall personally serve a copy of the civil infraction citation upon the alleged violator.
 - 2. If the civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the civil infraction citation may be personally served upon the alleged violator or alternatively, may be served upon an owner or occupant of the land, building, or structure by posting or attaching a copy of the citation to the building or structure. In addition to posting or attaching a copy of the civil infraction citation, a copy of the citation shall be sent by certified mail to the owner of the land, building, or structure at the owner's last known address.
 - 3. The alleged violator must sign the civil infraction citation acknowledging receipt of the same. In the event the alleged violator refuses to sign the civil infraction citation, or the civil infraction citation is posted and mailed, the authorized official shall note the refusal or posting and shall file the civil infraction citation with the court and request a summons be issued for the alleged violator's appearance before the court for a formal hearing.

1.13.050 Civil Infraction Citation – Contents – Options.

- A. The civil infraction citation shall: contain an information section that specifically identifies the relevant facts alleged to constitute a civil infraction; be serially numbered; contain spaces for the name, physical address and mailing address, city and state of the alleged violator; contain a section for the alleged violator's physical description, age and sex; state the municipal ordinance alleged to have been violated, the date and time of the alleged violation; contain the authorized

official's signature; state the place where the alleged violator will appear in court; state a day and time by which the alleged violator must appear in court.

- B. Further, a civil infraction citation must inform the alleged violator that he or she has one of the following options:
1. Admit responsibility for the civil infraction and appear on the date specified on the civil infraction citation for an informal hearing before the Hobbs Municipal Judge;
 2. Deny responsibility for the civil infraction and appear on the date specified on the civil infraction citation for a formal hearing before the Hobbs Municipal Judge; or
 3. Admit responsibility and pay a fine when specified.
- C. The civil infraction citation must also inform the alleged violator of all of the following:
1. That by admitting responsibility for the civil infraction, the alleged violator will waive the right to a formal hearing. Said waiver means that the alleged violator will not be able to contest the allegations at the informal hearing and the alleged violator also waives any possible appeal.
 2. That by admitting responsibility for the civil infraction, the alleged violator must still appear in person before the municipal court for an informal hearing.
 3. That by denying responsibility for the civil infraction, the alleged violator must appear in person before the municipal court at a formal hearing, and must secure private counsel prior to the date of the formal hearing, or in the alternative, appear pro se.
 4. That the civil penalty associated with the civil infraction shall not exceed \$500 but may include costs, damages, expenses, and other fees as authorized by law.
 5. That the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for a hearing or appearance will result in entry of a Default Judgment against the alleged violator on the civil infraction. The amount of the Default Judgment shall be determined by the Municipal Court Judge and shall be based on the allegations contained in the civil infraction citation.

1.13.060 Trial – Burden of Proof.

- A. The trial of a civil infraction shall be by formal hearing before the court without a jury.
- B. At a formal hearing, the City shall have the burden of proving the alleged civil infraction by a preponderance of the evidence. The City shall not be required to appear or establish the civil infraction at an informal hearing.
- C. The defendant may be represented by counsel, but counsel shall not be provided at public expense.
- D. After due consideration of the evidence and arguments presented at the hearing, the court shall determine whether the violation as alleged in the civil infraction citation has been established. If the violation is not established, an order dismissing the civil infraction citation shall be entered in the court records. If a determination is made that a violation has been established, an appropriate order shall be entered in the court records. The order shall specify all fines, costs, damages, expenses and other fees that the defendant shall be required to pay along with the date in which payment shall be due to the court.

1.13.070 General Penalties for Violations of Civil Infractions.

- A. Civil infractions must be specifically designated as such in the specific ordinance section of the Hobbs Municipal Code.
- B. Unless a specific amount is designated by ordinance, the civil penalty for a violation that is designated as a civil infraction shall be a fine in an amount not exceeding \$500 plus any costs, damages, expenses, and other fees as authorized by law.

1.13.080 Enforcement.

The City may collect any delinquent fines in a manner permitted by law. Delinquent fines and those brought to default judgment, which were assessed for infractions occurring on real property, may be held as city liens against the real property and collected in the same manner as other such debts owing to the City if the owner of the property is notified of the infraction before entry of judgment.

1.13.090 Appeal and Default Remedies

A determination that a violation has been established following a formal hearing may be appealed pursuant NMSA 1978, §35-15-7, if the required notice of appeal is filed within fifteen (15) days after the judgment or final order with the district court. For good cause shown, the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside. However, the court may refuse to set aside any default judgment where it makes specific findings that the defendant failed to establish

inadvertence or excusable neglect, or that the defendant had a good and valid defense to the cause of action.

1.13.100 Dismissal of Action.

The City Attorney is authorized to file a dismissal, on behalf of the City of Hobbs as plaintiff, of any civil action filed in the Municipal Court when, in his or her opinion, the pursuit of such civil action is not justified.

1.13.110 Time of taking effect.

Upon passage of the same, the civil infraction ordinance shall take effect on December 1, 2025. The ordinance does not have a retroactive effect and does not apply to any cause of action occurring prior to the effect date outlined herein.

PASSED, ADOPTED AND APPROVED this 3rd day of November, 2025.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Affidavit of Publication

STATE OF NEW MEXICO
COUNTY OF LEA

I, Daniel Russell, Publisher of the Hobbs News-Sun, a newspaper published at Hobbs, New Mexico, solemnly swear that the clipping attached hereto was published in the regular and entire issue of said newspaper, and not a supplement thereof for a period of 1 issue(s).

Beginning with the issue dated
October 14, 2025
and ending with the issue dated
October 14, 2025.



Publisher

Sworn and subscribed to before me this
14th day of October 2025.



Business Manager

My commission expires

January 29, 2027
STATE OF NEW MEXICO
(Seal) **NOTARY PUBLIC**
GUSSIE RUTH BLACK
COMMISSION # 1087526
COMMISSION EXPIRES 01/29/2027

This newspaper is duly qualified to publish legal notices or advertisements within the meaning of Section 3, Chapter 167, Laws of 1937 and payment of fees for said publication has been made.

LEGAL NOTICE
October 14, 2025

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 3rd day of November, 2025, at its meeting at 6:00 p.m., in the City Commission Chamber at City Hall, 1st Floor Annex, 200 East Broadway, Hobbs, New Mexico, the governing body of the City of Hobbs proposes to adopt an ordinance establishing civil infraction violations and enforcement procedures. The title of the Ordinance is:

AN ORDINANCE AMENDING CHAPTER 1 OF THE HOBBS MUNICIPAL CODE ESTABLISHING CIVIL INFRACTION VIOLATIONS AND ENFORCEMENT PROCEDURES

WHEREAS, NMSA 1978, §3-17-1 allows a municipality to adopt ordinances not inconsistent with the laws of New Mexico for the purpose of providing for the safety, preserving the health, promoting the prosperity, and improving the morals, order, comfort, and convenience of the municipality and its inhabitants; and

WHEREAS, the Constitution of New Mexico Art. X, §6(D) grants powers to home rule municipalities, such as the City of Hobbs, to enact civil laws governing civil relationships incident to the exercise of an independent municipal power; and WHEREAS, pursuant to the Hobbs Municipal Code Chapter 1.16, a violation of the Code is generally punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety (90) days or both; and

WHEREAS, staff for the City of Hobbs have identified various sections of the Hobbs Municipal Code that, if violated, should not warrant incarceration for any amount of time; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 1 is hereby amended as more specifically described as follows:

TITLE 1 GENERAL PROVISIONS Chapter 1.13 – Civil Infractions

1.13.010 Civil Infractions – Establishment and Purpose.

A procedure to address certain violations of the Hobbs Municipal Code as civil infractions, subject to the provisions below, is hereby established. To accommodate the City's desire to address these matters, a civil infraction procedure has been established for the purpose of decriminalizing penalties for violations of certain City ordinances and providing an efficient and practical forum for the hearing and determination of cases arising from these violations.

1.13.020 Definitions.

As used in this Section:

"Authorized official" means the City Manager or the City Manager's designee.

"Civil infraction" means an act or admission that is prohibited by an ordinance, is not a crime under that ordinance, and for which a civil penalty may be ordered.

"Civil action" means a legal process in which the defendant is alleged to be responsible for a civil infraction.

"Informal hearing" means a court proceeding in which the alleged violator admits responsibility for a civil infraction and appears in court, discusses the facts of the case with the Municipal Court Judge, and presents evidence in mitigation of the alleged violation for the Judge's consideration prior to the Judge entering an order.

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"The Court" means Hobbs Municipal Court.

1.13.030 Application.

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B. An authorized official may issue a civil infraction citation to a person if:

1. The authorized official witnesses a person commit a civil infraction; or
2. Based upon an investigation, the authorized official has reasonable cause to believe that the person is responsible for a civil infraction.

C. Civil infraction citations shall be served by an authorized official as follows:

1. Except as otherwise provided by law, an authorized official shall personally serve a copy of the civil infraction citation upon the alleged violator.
2. If the civil infraction involves the use or occupancy of land, a building, or other structure, a copy of the civil infraction citation may be personally served upon the alleged violator or alternatively, may be served upon an owner or occupant of the land, building, or structure by posting or attaching a copy of the citation to the building or structure. In addition to posting or attaching a copy of the civil



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Resolution No. 7698 - Authorizing Renewal of 2026 Benefit Plan Offerings

DEPT OF ORIGIN: Human Resources

DATE SUBMITTED: 10/21/2025

SUBMITTED BY: Nicholas Goulet, HR Director

Summary:

As prepared by our partners at HUB, a market search was conducted for potential vendors for the City's calendar 2026 benefit coverages. Hub received quotes from both United Health Care (UHC) Surest and Blue Cross Blue Shield (BCBS), but Cigna declined to quote as they could not be competitive. Both BCBS and UHC Surest quotes were lower than the projections in the calendar 2025 plan year (\$12,223,435). The BCBS quote, which included administrative fees, stop-loss coverage, and projected claims was \$10,025,845. The UHC Surest quote, which included administrative fees, stop-loss coverage, and projected claims, was \$10,119,601. Both received quotes were below last year's projection by \$2,197,590 (BCBS) and \$2,103,590 (UHC Surest) respectively. Though the BCBS quote was slightly less than the UHC Surest quote, the difference was the cost associated with stop-loss products. In last year's renewal, the cost quoted by BCBS for stop-loss was over \$4 million dollars, but they had lowered it in this year's proposal to just over \$2 million dollars.

However, the claim costs estimated by BCBS were above the claim costs estimated by UHC Surest by approximately \$92,000. This offset makes both proposals equally competitive as the claim year closes. As such, staff proposes remaining with UHC Surest for the 2026 plan year despite the reduction of cost proposed by BCBS.

The UHC Surest medical plan is performing well from a claims' perspective in the 2025 plan year with an expected funding surplus to assist with rebuilding the reserves used to offset the premiums associated with previous plan years. The request in the 2026 plan year is to not increase employee or city contributions, but to keep them at the 2025 plan year amounts.

The Ameritas dental plan is under a rate guarantee for the 2026 plan year and is performing well with claims running at \$106,773 through August, but an expected funding surplus as we are at 76.2% of budget. The vision plan is an employee-selected plan that is not subsidized by the City, but also performing well. There are no administrative fee increases to the flexible spending account provided by Chard Snyder, and we have extended that rate for the next three years. HUB marketed the remaining elective insurance products (Hospital Indemnity, Accident, Critical Illness, and Long-Term Disability), with no competitive proposals. Recommendation to stay with the Hartford.

Fiscal Impact:

The total active and retiree medical insurance fund expenditure budget is approximately **\$9,952,400**. The total active and retiree medical insurance fund revenue budget is

approximately ***\$9,133,121**. The active medical insurance cash balance at 9 30 2025 is ***\$2,782,114**. The retiree medical insurance cash balance at 9 -30- 2025 is **\$5,634,285**.

* = Budget transfer/adjustment will need to be made in January 2026 to correct the City of Hobbs employer portion of revenue to the Active Medical Insurance Fund.

Note: The Other Pensions and Employee Benefits liability (future retiree subsidy payments for health insurance/GASB 75) is approximately 27.6 million at 6-30-2024.

Attachments:

2026 Insurance Renewal - November 2025 Resolution

City Commission - Benefit Renewal Presentation - 2026 v3

Recommendation:

It is staff's recommendation to renew the City's medical coverage with UHC Surest with the current individual stop-loss limits of \$150,000. Though the premiums for projected medical coverage are lower than last year, we need to continue to build back the reserves used in prior plan years. However, the current selection will not result in premium increases to the City or employees from the current 2025 plan year to the 2026 plan year. We ask to continue with Ameritas as the vendor for both dental and vision coverages in the coming plan year. We ask to continue with Chard Snyder as the vendor for flexible spending account management. We ask you to continue with the Hartford for short-term and long-term disability, group accident, hospital indemnity, and critical illness coverages.

Approved By:

Nicholas Goulet, HR Director	10/27/2025
Toby Spears, Finance Director	10/27/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/27/2025
Manny Gomez, City Manager	10/27/2025

CITY OF HOBBS

RESOLUTION NO. 7698

A RESOLUTION AUTHORIZING THE MAYOR TO APPROVE RENEWALS OF MEDICAL, DENTAL, VISION, LIFE INSURANCE, SHORT TERM DISABILITY, LONG TERM DISABILITY, CRITICAL ILLNESS COVERAGE, HOSPITAL INDEMNITY COVERAGE AND ACCIDENT COVERAGE.

WHEREAS, The City's medical, dental, life, disability, critical illness, hospital indemnity, accident coverage, and vision insurance are due to expire and must be renewed; and

WHEREAS, premium costs to renew these various insurance coverages' have been researched through an annual health insurance market comparison by our Agent of Record HUB International; and

WHEREAS, it is City staff's recommendation that medical insurance coverage be renewed with UMR Surest through United Health Care with the individual stop loss option of \$150,000, dental insurance coverage and vision coverage be renewed with Ameritas, life insurance be renewed with The Hartford, short and long term disability coverage's be renewed with The Hartford, critical illness, hospital indemnity and group accident coverage's be renewed with The Hartford, and flexible spending account administration (FSA) be renewed with Chard Snyder.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor be and hereby is authorized and directed to approve on behalf of the City of Hobbs the following:

1. Renewing the City's medical insurance coverage to UMR Surest through United Health Care as outlined in the staff summary, renewing the City's dental coverage and vision coverage with Ameritas, and renewal of the FSA program's administration through Chard Snyder.
2. The City renews the agreement with The Hartford to provide life insurance, short term disability coverage, long term disability coverage, critical illness, accident and hospital indemnity coverage as outlined in the staff summary.

PASSED, ADOPTED AND APPROVED this 3rd day of November, 2025.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

Insurance Renewal 2026

City of Hobbs

Katie Roth

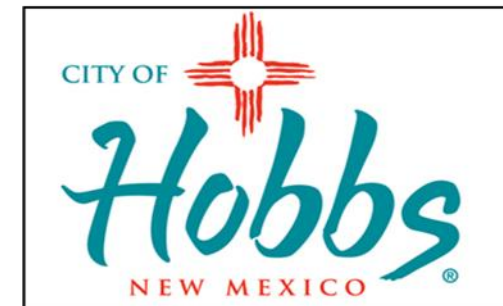
Vice-President, Employee Benefits
HUB International

Shawne Cihak

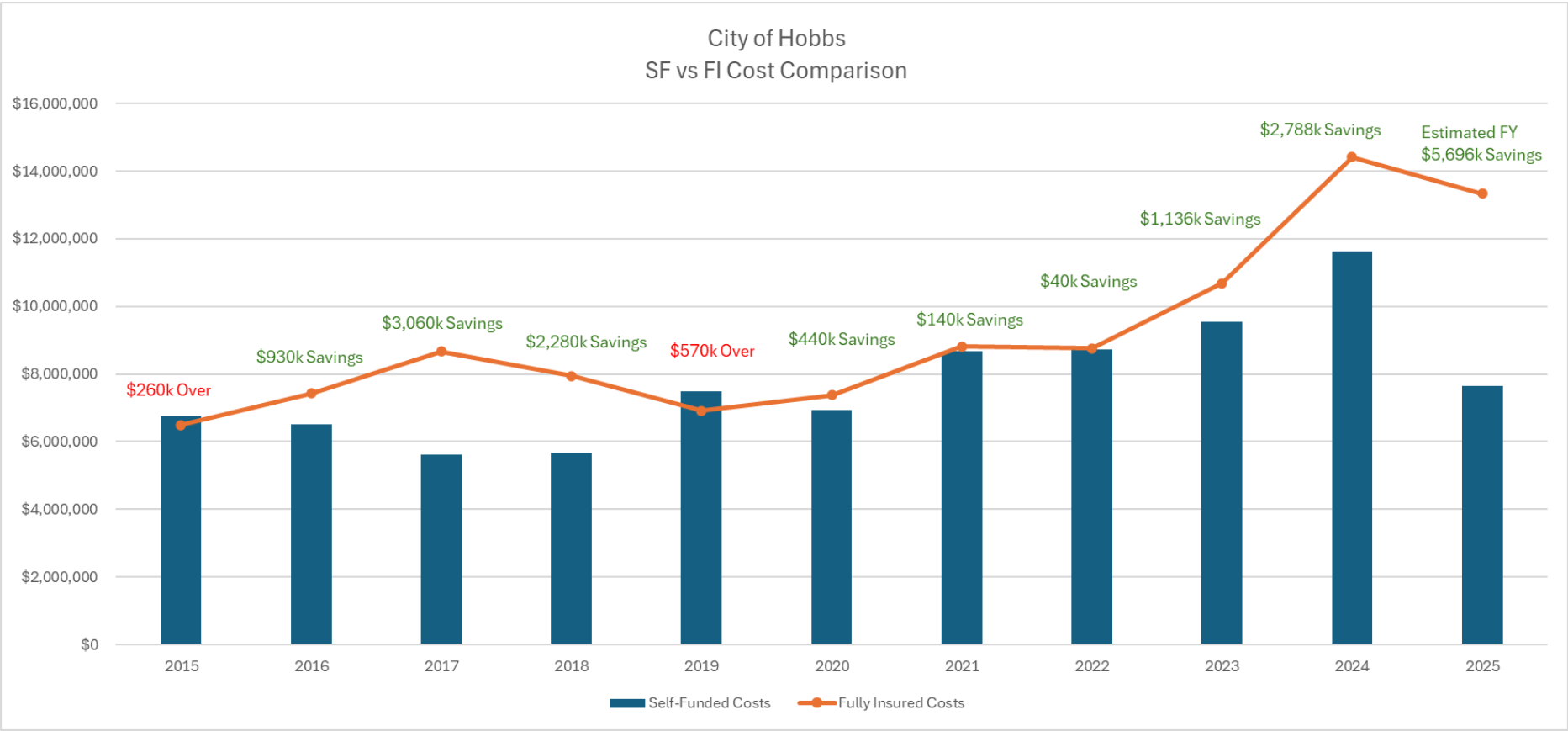
Vice-President, Consultant
HUB International

Patrick Beneke-Kobliska

Senior Financial Consultant
HUB International



Self-Funded vs Fully Insured Annual Cost Comparison



11-Year Estimated Aggregate Cost/Savings: \$15.6M Savings

Medical / Rx Historical Plan Performance

	Medical / Rx Plan Performance								
	2025 (Thru Aug)	2024	2023	2022	2021	2020	2019	2018	2017
Average Enrolled	425	449	437	452	473	498	475	464	458
Medical/Rx Claims	\$4,514,817	\$8,946,755	\$10,421,757	\$10,846,235	\$10,089,707	\$7,133,676	\$7,622,977	\$4,876,103	\$4,642,633
Stop Loss Reimbursements	(\$315,765)	(\$1,228,368)	(\$2,941,538)	(\$3,437,985)	(\$2,397,731)	(\$1,457,526)	(\$1,147,601)	(\$228,171)	(\$26,313)
Estimated Fixed Costs *	\$894,749	\$3,912,175	\$2,069,385	\$1,308,289	\$983,704	\$1,266,368	\$1,015,069	\$1,014,282	\$987,651
Total Spend	\$5,093,801	\$11,630,562	\$9,549,604	\$8,716,539	\$8,675,680	\$6,942,518	\$7,490,445	\$5,662,214	\$5,603,971
Employer/Employee Contributions	\$8,155,158	\$9,282,056	\$7,502,965	\$7,133,242	\$7,866,086	\$7,803,659	\$6,724,160	\$7,638,892	\$7,611,449
Loss Ratio	62%	125%	127%	122%	110%	89%	111%	74%	74%
Net Cost PEPM	\$1,332	\$2,878	\$1,821	\$1,607	\$1,528	\$1,162	\$1,314	\$1,017	\$1,020
Net Claims PEPM	\$1,098	\$1,910	\$1,426	\$1,366	\$1,355	\$950	\$1,136	\$835	\$840
Aggregate Maximum PEPM	\$2,155	\$1,985	\$1,817	\$1,433	\$1,637	\$1,345	\$1,155	\$1,389	\$1,617
Individual Stop Loss Deductible	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000	\$115,000	\$115,000	\$115,000	\$115,000

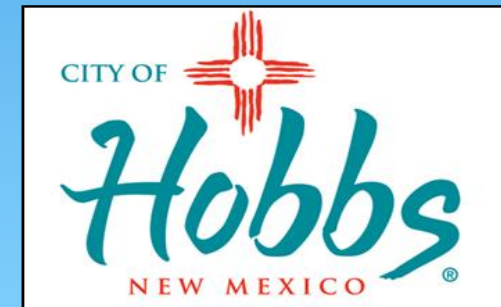
* ASO Fees, Stop Loss Premiums

Green Highlight is YTD numbers

Insurance Renewal 2025

City of Hobbs

Nicholas Goulet
Human Resources Director
City of Hobbs



Human Resources

Medical Claim Report Review (through August 2025)

Enrollment			Fixed Costs			Claims				Stop Loss		Medical Plan Cost
COBRA & Retiree Medical	Active Medical		Admin	Stop Loss	Total	Medical	Rx	BCBS NM Run-Out Med/Rx	Total	Over ISL	Net Claims	
Jan-25	46	385	\$24,136	\$86,903	\$111,039	\$51,872	\$140,429	\$404,620	\$596,921	\$0	\$596,921	\$707,960
Feb-25	45	387	\$24,192	\$87,104	\$111,296	\$184,488	\$157,261	\$195,857	\$537,607	\$0	\$537,607	\$648,903
Mar-25	44	388	\$24,192	\$87,104	\$111,296	\$272,200	\$172,669	\$65,763	\$510,632	\$0	\$510,632	\$621,928
Apr-25	45	390	\$24,360	\$87,709	\$112,069	\$469,107	\$282,417	\$32,441	\$783,965	\$0	\$783,965	\$896,034
May-25	45	401	\$24,976	\$89,927	\$114,903	\$196,216	\$129,872	\$85,982	\$412,070	\$0	\$412,070	\$526,973
Jun-25	44	394	\$24,528	\$88,314	\$112,842	\$339,697	\$107,871	\$7,507	\$455,075	\$36,758	\$418,317	\$531,159
Jul-25	43	391	\$24,304	\$87,507	\$111,811	\$415,422	\$210,695	\$6,200	\$632,317	\$149,399	\$482,918	\$594,729
Aug-25	43	382	\$23,800	\$85,693	\$109,493	\$488,089	\$215,149	\$21,912	\$725,150	\$129,608	\$595,542	\$705,034
2025												
Total	355	3,118	\$194,488	\$700,261	\$894,749	\$2,417,092	\$1,416,363	\$820,282	\$4,653,737	\$315,765	\$4,337,971	\$5,232,720
Avg Month	44	390	\$24,311	\$87,533	\$111,844	\$302,136	\$177,045	\$102,535	\$581,717	\$39,471	\$542,246	\$654,090
PEPM			\$56.00	\$201.63	\$257.63	\$695.97	\$407.82	\$236.19	\$1,339.98	\$90.92	\$1,249.06	\$1,506.69
% Change	-23.2%	-0.3%	-17.2%	-69.4%	-64.5%	-42.5%	-23.2%	N/A	-23.0%	-60.1%	-17.4%	-32.7%
2024												
Total	693	4,693	\$364,201	\$3,547,974	\$3,912,175	\$6,516,163	\$2,861,472	\$0	\$9,377,635	\$1,228,368	\$8,149,267	\$12,061,442
Avg Month	58	391	\$30,350	\$295,665	\$326,015	\$543,014	\$238,456	\$0	\$781,470	\$102,364	\$679,106	\$1,005,120
PEPM			\$67.62	\$658.74	\$726.36	\$1,209.83	\$531.28	\$0.00	\$1,741.11	\$228.07	\$1,513.05	\$2,239.41

Current (through August) Claims/Fixed Costs (Surest)

Last Year Claims/Fixed Cost Totals (BCBS)

Estimated Total Plan Performance		
	Budget	Actual
YTD Internal Accruals:	\$8,155,158	\$5,232,720
YTD Rx Rebates Received:	(\$138,920)	(\$138,920)
YTD Total Hobbs Med/Rx Plan Cost:	\$8,016,238	\$5,093,800
YTD Surplus(Deficit)		\$2,922,438
Actual Plan Cost vs. Accrual:		63.5%

Comparison of Stop Loss Costs with UMC Surest (through August) and BCBS (plan year)

Average Monthly Cost Comparison 2025 (Surest) vs. 2024 (BCBS)

Medical

Medical Projections Based On Monthly Cost Average:

The City of Hobbs is current tracking for an improved medical claims year.

UHC - Surest (Calendar 2025 Projection) Claims/Fixed Costs:

- Current through September: \$6,898,294
- Remaining Calendar: \$2,299,431 (average monthly, three remaining months)

Projected Total: **\$9,197,725**

Initial Projections in the Calendar 2025 Marketing Analysis: **\$12,223,435**

Executive Summary

The medical plan and FSA administration are scheduled to renew January 1, 2026. The dental, vision, life & disability plans are under rate guarantee for the 2026 plan year. Staff recommends no changes to current insurance providers.

Medical Renewal Projection –

- HUB analyzed the prior 24 months of claim data to project cost into the 2026 plan year
- The projection results in an estimated 13.8% reduction to the funding rates based on the following factors, however, HUB recommends retaining the current funding and contribution rates for the 2026 plan year. This is an important consideration as the City attempts to build back the reserves used over previous plan years.
 - Claims are projected at \$1,692.96 PEPM (Average 390-Active, 44-Retiree), an 18.8% reduction from the 2025 claim funding rate
 - UHC provided a renewal with a 3% increase to the administration fee
 - UHC provided a renewal with a 13.5% increase to the individual stop loss rate (over current w/laser) and a reduction of 7.5% to the current aggregate stop loss rate

Medical

HUB requested rates from health insurance market providers for the City's 2026 renewal:

UHC - Surest (2025 Projection): \$12,223,435

	Cost Decrease	Percentage Decrease
• UHC - Surest (Current Provider)	\$2,103,834	17.2%
• BCBS	\$2,197,590	17.9%
• Cigna (Declined to Quote)	N/A	N/A

Fully Insured Quote with UHC Surest: \$13,337,264

Medical Renewal – Projected Cost

	Current Surest	Renewal Surest	Option #1 BCBSNM	Cigna
Projected Claims – PEPM	\$2,084.02	\$1,622.04	\$1,639.74	Declined to Quote
Fixed Costs – PEPM:				
Administration Fee	\$56.00	\$57.68	\$59.23	
Individual Stop Loss \$150,000 Level	\$185.26	\$236.62	\$215.13	
Aggregate Stop Loss 120% – Surest 125% - BCBS	\$16.37	\$15.15	\$6.56	
Total Fixed Costs	\$257.63	\$316.58	\$280.92	
Monthly Funding Rate	\$2,341.65	\$1,938.62	\$1,920.66	
Total Annual Fixed Cost	\$1,344,829	\$1,652,558	\$1,466,402	
Annual Projected Claims	\$10,878,606	\$8,467,043	\$8,559,443	
Total Annual Projected Cost	\$12,223,435	\$10,119,601	\$10,025,845	

Medical

Though BCBS has provided a quote that is less than the current provider, it is important to note the following:

- In the 2025 renewal process, BCBS had provided a quote for stop loss coverage that was 21.9% higher than the prior plan year. This was after double digit increase in previous plan years prior. This increase would have set the pricing of stop loss for the City of Hobbs at **\$4,275,323** for the plan year. In addition, BCBS quoted aggregate stop loss at a 1.4% increase to bring that cost to **\$144,506**.
- The City of Hobbs has had a relatively good plan year in 2025 in relation to the total cost associated with claims, even while continuing to pay the run out claims associated with the previous BCBS insurance. Interestingly, BCBS is attempting to use that good plan year (trend) to quote a much lower number for stop loss insurance bringing the quote down this year to less than half of what was quoted last year.
- In considering both quotes, City staff also realized that the claims projected through Surest remain lower than the projected claims by BCBS by approximately \$92,000. As such, City staff recommend staying with the current provider.

Medical

- * As we continue to re-build the reserves that have used over the past several health insurance cycles to offset the overall cost of insurance to our employees, staff is recommending no change to the contribution levels of the City or the employees in 2026.
- * As you may recall last year, this Commission approved the two-tier system for benefit contribution levels: 85% and 90%. If an employee makes over \$70,000 in annual salary, the City picks up 85% of the total premium costs, and if the employee makes less than \$70,000 in annual salary, the City picks up 90% of the total premium costs. Current paycheck (employee) deduction amounts below with the exception of two times per year (24 total/26 pay periods)

	Bi-Weekly Employee Portion
90/10	
Employee Only:	\$69.12
Employee Plus One:	\$131.13
Family:	\$200.24

	Bi-Weekly Employee Portion
85/15	
Employee Only:	\$103.67
Employee Plus One:	\$196.69
Family:	\$300.36

2026 Insurance Premiums

- * **No cost increase** to the City or Employees premiums for medical insurance through UMC Surest.
- * **No cost increase** to the City or Employees premiums for dental and vision coverage through Ameritas (rate guarantee through 2026).
- * **No vendor change/rate increase** for additional insurance products through the Hartford (Hospital Indemnity, Critical Illness, and Accident), FSA through Chard Snyder (no admin fee increase/rate guarantee for 3 additional years).



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Consideration of Approval of the Purchase of a Heavy Rescue/Hazardous Material Vehicle from Pierce Manufacturing, Inc., Utilizing HGAC Contract

DEPT OF ORIGIN: Fire

DATE SUBMITTED: 10/22/2025

SUBMITTED BY: Mark Doporto, Fire Chief

Summary:

A State of New Mexico 2024 Legislative Capital Appropriation Project in the amount of \$1,500,000 has been awarded to the City of Hobbs Fire Department to purchase and equip heavy rescue hazardous material vehicles. This project will address the need to replace two existing apparatus that are reaching the end of operational capability. This project allows the department to continue the high level of service expected and currently provided throughout the community.

The Hobbs Fire Department wishes to purchase (1) EVI Freightliner M2-106 Plus Rescue Fire Apparatus in the amount of \$490,645.00. The purchase will be made utilizing a HGAC contract.

Fiscal Impact:

The total cost of purchasing the Apparatus is \$490,645.00. (Budget line # 214021-44901-00381 - \$488,645.00 and Budget line # 010220-43014 - \$2,000.00) A state appropriation was received in the amount of \$1,500,000 and the grant agreement was approved by the City Commission on August 5, 2024. This will utilize the remaining balance of the state appropriated funds.

Attachments:

FY 26 Hobbs FD EVI HazMat Rescue 3205 Proposal
3205 SMEG EVI Combined
Hobbs NM 3205 Rescue HGAC 10-27-2025
HGAC Contract Expiration for Pierce Manufacturing

Recommendation:

Mayor and Commission approve the purchase of (1) EVI Freightliner M2-106 Plus Rescue Fire Apparatus supplied per specifications through a HGAC contract for \$490,645.00.

Approved By:

Mark Doporto, Fire Chief

10/22/2025

Toby Spears, Finance Director

10/28/2025

Medjine Desrosiers-Douyon, Deputy City Attorney 10/28/2025

Manny Gomez, City Manager 10/28/2025

Siddons Martin Emergency Group, LLC
4214 2nd St NW
Albuquerque, NM 87107
Dealer License # 3100



October 27, 2025

Adam Marinovich, Fire Chief
HOBBS FIRE DEPARTMENT
301 E WHITE ST
HOBBS, NM 88240

Proposal For: FY 26 Hobbs Haz-Mat / Rescue

Siddons-Martin Emergency Group, LLC is pleased to provide the following proposal to HOBBS FIRE DEPARTMENT. Unit will comply with all specifications attached and made a part of this proposal. Total price includes delivery FOB HOBBS FIRE DEPARTMENT and training on operation and use of the apparatus.

Description	Amount	
Qty. 1 - 3205 - EVI Freightliner M2-106 Plus Rescue, Non-Walk-In (Unit Price - \$488,645.00) Delivery within 6-7 months of order date QUOTE # - SMEG-0010511-0		
	Vehicle Price	\$488,645.00
	3205 - UNIT TOTAL	\$488,645.00
	SUB TOTAL	\$488,645.00
	HGAC FS12-23 (FIRE)	\$2,000.00
	TOTAL	\$490,645.00

Price guaranteed until 12/2/2025

Additional: 'Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible.
Persistent Inflationary Environment Notification: If the Producer Price Index of Components for Manufacturing [www.bls.gov Series ID: WPUID6112] (the "PPI") has increased at a compounded annual growth rate greater than 5.0% from the date of acceptance of this proposal letter (the "Order Month") and 14 months prior to the anticipated Ready for Pickup Date (the "Evaluation Month"), then the proposal price may be increased by an amount equal to any increase exceeding 5.0% for the time period between the Order Month and the Evaluation Month. Siddons Martin and Pierce will provide documentation of such increase and the updated price for the customer's approval before proceeding with completion of the order along with an option to cancel the order.'

Taxes: Tax is not included in this proposal. In the event that the purchasing organization is not exempt from sales tax or any other applicable taxes and/or the proposed apparatus does not qualify for exempt status, it is the duty of the purchasing organization to pay any and all taxes due. Balance of sale price is due upon acceptance of the apparatus at the factory.

Late Fee: A late fee of .033% of the sale price will be charged per day for overdue payments beginning ten (10) days after the payment is due for the first 30 days. The late fee increases to .044% per day until the payment is received. In the event a prepayment is received after the due date, the discount will be reduced by the same percentages above increasing the cost of the apparatus.

Cancellation: In the event this proposal is accepted and a purchase order is issued then cancelled or terminated by Customer before completion, Siddons-Martin Emergency Group may charge a cancellation fee. The following charge schedule based on costs incurred may be applied:

- (A) 10% of the Purchase Price after order is accepted and entered by Manufacturer;
- (B) 20% of the Purchase Price after completion of the approval drawings;
- (C) 30% of the Purchase Price upon any material requisition.

The cancellation fee will increase accordingly as costs are incurred as the order progresses through engineering and into manufacturing. Siddons-Martin Emergency Group endeavors to mitigate any such costs through the sale of such product to another purchaser; however, the customer shall remain liable for the difference between the purchase price and, if applicable, the sale price obtained by Siddons-Martin Emergency Group upon sale of the product to another purchaser, plus any costs incurred by Siddons-Martin to conduct such sale.

Acceptance: In an effort to ensure the above stated terms and conditions are understood and adhered to, Siddons-Martin Emergency Group, LLC requires an authorized individual from the purchasing organization sign and date this proposal and include it with any purchase order. Upon signing of this proposal, the terms and conditions stated herein will be considered binding and accepted by the Customer. The terms and acceptance of this proposal will be governed by the laws of the state of New Mexico. No additional terms or conditions will be binding upon Siddons-Martin Emergency Group, LLC unless agreed to in writing and signed by a duly authorized officer of Siddons-Martin Emergency Group, LLC.

Sincerely,



Jessica Frastaci

I, _____, the authorized representative of HOBBS FIRE DEPARTMENT, agree to purchase the proposed and agree to the terms of this proposal and the specifications attached hereto.

Signature & Date

Prepared for:
Kirk Givler
SIDDONS MARTIN
EMERGENCY GROUP
14233 INTERDRIVE W

HOUSTON, TX 77032
Phone: 281-442-6806

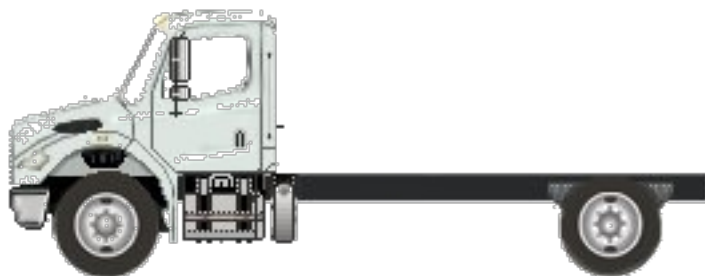
Prepared by:
Jason Young
Houston Freightliner, Sterling
and Western Star
9550 North Loop East
Houston, TX 77029
Phone: 713-580-8118

A proposal for
SIDDONS MARTIN EMERGENCY GROUP

Prepared by
Houston Freightliner, Sterling and Western Star
Jason Young

Jan 04, 2024

Freightliner M2 106 Plus



Components shown may not reflect all spec'd options and are not to scale

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SPECIFICATION PROPOSAL

Description	Weight Front	Weight Rear
Price Level		
M2 PRL-28M (EFF:MY25 ORDERS)		
Data Version		
SPECPRO21 DATA RELEASE VER 024		
Vehicle Configuration		
M2 106 PLUS CONVENTIONAL CHASSIS	5,709	3,450
2025 MODEL YEAR SPECIFIED		
SET BACK AXLE - TRUCK		
STRAIGHT TRUCK PROVISION, NON-TOWING		
LH PRIMARY STEERING LOCATION		
General Service		
TRUCK CONFIGURATION		
DOMICILED, USA 50 STATES (INCLUDING CALIFORNIA AND CARB OPT-IN STATES)		
EPA EMISSIONS CERTIFICATION FOR 50 STATE REGISTRATION - CARB EXEMPT, FIRE AND EMERGENCY VEHICLES ONLY (INCLUDES 6X4 INCH LABEL ON LOWER FORWARD OF DRIVER DOOR)		
NO STATE/PROVINCE INITIAL REGISTRATION SELECTED		
RESCUE AND EMERGENCY SERVICE		
EMERGENCY VEHICLES BUSINESS SEGMENT		
FIXED LOAD COMMODITY		
TERRAIN/DUTY: 100% (ALL) OF THE TIME, IN TRANSIT, IS SPENT ON PAVED ROADS		
MAXIMUM 8% EXPECTED GRADE		
SMOOTH CONCRETE OR ASPHALT PAVEMENT - MOST SEVERE IN-TRANSIT (BETWEEN SITES) ROAD SURFACE		
MEDIUM TRUCK WARRANTY		
EXPECTED FRONT AXLE(S) LOAD : 12000.0 lbs		



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Description	Weight Front	Weight Rear
EXPECTED REAR DRIVE AXLE(S) LOAD : 21000.0 lbs EXPECTED GROSS VEHICLE WEIGHT CAPACITY : 33000.0 lbs		
Truck Service		
RESCUE - STRAIGHT (NON DROP) FRAME NO MAIN DRIVELINE DRIVEN SPLIT-SHAFT PTO EMERGENCY VEHICLES, INC. EXPECTED BODY/PAYLOAD CG HEIGHT ABOVE FRAME "XX" INCHES : 32.0 in		
Engine		
CUM L9 360EV HP @ 2200 RPM, 2200 GOV RPM, 1150 LB-FT @ 1200 RPM, R/F/E	640	30
Electronic Parameters		
68 MPH ROAD SPEED LIMIT CRUISE CONTROL SPEED LIMIT SAME AS ROAD SPEED LIMIT PTO MODE ENGINE RPM LIMIT - 1350 RPM PTO GOVERNOR RAMP RATE - 25 RPM PER SECOND ONE REMOTE PTO SPEED PTO SPEED 1 SETTING - 1125 RPM PTO MINIMUM RPM - 700 REGEN INHIBIT SPEED THRESHOLD - 5 MPH PTO 1, NO SWITCH, TEM SUPPLIED REQUEST AND INTERLOCK, WITH PTO CONNECTIONS, NO INTERLOCKS		
Engine Equipment		
EPA 2010/GHG 2024 CONFIGURATION STANDARD OIL PAN ENGINE MOUNTED OIL CHECK AND FILL SIDE OF HOOD AIR INTAKE WITH NFPA COMPLIANT EMBER SCREEN AND FIRE RETARDANT DONALDSON AIR CLEANER LN 12V 325 AMP BLP4002H BRUSHLESS PAD ALTERNATOR WITH REMOTE SENSE AND LAMP TERMINAL (2) DTNA GENUINE, FLOODED STARTING, MIN 2000CCA, 370RC, THREADED STUD BATTERIES BATTERY BOX FRAME MOUNTED STANDARD BATTERY JUMPERS	10 10	

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Description	Weight Front	Weight Rear
SINGLE BATTERY BOX FRAME MOUNTED LH SIDE UNDER CAB		
WIRE GROUND RETURN FOR BATTERY CABLES WITH ADDITIONAL FRAME GROUND RETURN		
NON-POLISHED BATTERY BOX COVER		
PROGRESSIVE LOW VOLTAGE DISCONNECT AT 12.3 VOLTS FOR DESIGNATED CIRCUITS		
CUMMINS TURBOCHARGED 18.7 CFM AIR COMPRESSOR WITH INTERNAL SAFETY VALVE		
STANDARD MECHANICAL AIR COMPRESSOR GOVERNOR		
AIR COMPRESSOR DISCHARGE LINE		
GVG, FIRE AND EMERGENCY SERVICE VEHICLES ENGINE WARNING		
CUMMINS ENGINE INTEGRAL BRAKE WITH VARIABLE GEOMETRY TURBO ON/OFF WITH BRAKE LAMPS	20	
RH OUTBOARD UNDER STEP MOUNTED HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH HORIZONTAL TAILPIPE		
ENGINE AFTERTREATMENT DEVICE, AUTOMATIC OVER THE ROAD REGENERATION AND VIRTUAL REGENERATION REQUEST SWITCH IN CLUSTER		
STANDARD EXHAUST SYSTEM LENGTH		
RH STANDARD HORIZONTAL TAILPIPE		
6 GALLON DIESEL EXHAUST FLUID TANK		
100 PERCENT DIESEL EXHAUST FLUID FILL		
LH MEDIUM DUTY STANDARD DIESEL EXHAUST FLUID TANK LOCATION		
STANDARD DIESEL EXHAUST FLUID PUMP MOUNTING		
STANDARD DIESEL EXHAUST FLUID TANK CAP		
AIR POWERED ON/OFF ENGINE FAN CLUTCH		
AUTOMATIC FAN CONTROL WITHOUT DASH SWITCH, NON ENGINE MOUNTED		
CUMMINS SPIN ON FUEL FILTER		
COMBINATION FULL FLOW/BYPASS OIL FILTER		
900 SQUARE INCH ALUMINUM RADIATOR	15	
ANTIFREEZE TO -34F, OAT (NITRITE AND SILICATE FREE) EXTENDED LIFE COOLANT		
GATES BLUE STRIPE COOLANT HOSES OR EQUIVALENT		

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Description	Weight Front	Weight Rear
CONSTANT TENSION HOSE CLAMPS FOR COOLANT HOSES		
RADIATOR DRAIN VALVE		
LOWER RADIATOR GUARD		
ALUMINUM FLYWHEEL HOUSING		
ELECTRIC GRID AIR INTAKE WARMER		
DELCO 12V 38MT HD STARTER WITH INTEGRATED MAGNETIC SWITCH		
Transmission		
ALLISON 3000 EVS AUTOMATIC TRANSMISSION WITH PTO PROVISION	200	60
Transmission Equipment		
ALLISON VOCATIONAL PACKAGE 198 - AVAILABLE ON 3000/4000 PRODUCT FAMILIES WITH VOCATIONAL MODEL EVS		
ALLISON VOCATIONAL RATING FOR FIRE TRUCK/EMERGENCY VEHICLE APPLICATIONS AVAILABLE WITH ALL PRODUCT FAMILIES		
PRIMARY MODE GEARS, LOWEST GEAR 1, START GEAR 1, HIGHEST GEAR 6, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
SECONDARY MODE GEARS, LOWEST GEAR 1, START GEAR 1, HIGHEST GEAR 6, AVAILABLE FOR 3000/4000 PRODUCT FAMILIES ONLY		
PRIMARY SHIFT SCHEDULE RECOMMENDED BY DTNA AND ALLISON, THIS DEFINED BY ENGINE AND VOCATIONAL USAGE		
SECONDARY SHIFT SCHEDULE RECOMMENDED BY DTNA AND ALLISON, THIS DEFINED BY ENGINE AND VOCATIONAL USAGE		
PRIMARY SHIFT SPEED RECOMMENDED BY DTNA AND ALLISON, THIS DEFINED BY ENGINE AND VOCATIONAL USAGE		
SECONDARY SHIFT SPEED RECOMMENDED BY DTNA AND ALLISON, THIS DEFINED BY ENGINE AND VOCATIONAL USAGE		
ENGINE BRAKE RANGE PRESELECT RECOMMENDED BY DTNA AND ALLISON, THIS DEFINED BY ENGINE AND VOCATIONAL USAGE		
ENGINE BRAKE RANGE ALTERNATE PRESELECT RECOMMENDED BY DTNA AND ALLISON, THIS DEFINED BY ENGINE AND VOCATIONAL USAGE		
NEUTRAL AT STOP ENABLED		

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Description	Weight Front	Weight Rear
DRIVER SWITCH INPUT - DEFAULT - NO SWITCHES		
QUICKFIT BODY LIGHTING CONNECTOR UNDER CAB, WITH BLUNTCUTS		
ELECTRONIC TRANSMISSION WIRING TO CUSTOMER INTERFACE CONNECTOR		
CUSTOMER INSTALLED CHELSEA 280 SERIES PTO		
PTO MOUNTING, LH SIDE OF MAIN TRANSMISSION ALLISON		
MAGNETIC PLUGS, ENGINE DRAIN, TRANSMISSION DRAIN, AXLE(S) FILL AND DRAIN		
PUSH BUTTON ELECTRONIC SHIFT CONTROL, DASH MOUNTED		
TRANSMISSION PROGNOSTICS - ENABLED 2013		
WATER TO OIL TRANSMISSION COOLER, IN RADIATOR END TANK		
TRANSMISSION OIL CHECK AND FILL WITH ELECTRONIC OIL LEVEL CHECK		
SYNTHETIC TRANSMISSION FLUID (TES-295 COMPLIANT)		

Front Axle and Equipment

DETROIT DA-F-12.0-3 12,000# FF1 71.5 KPI/3.74
DROP SINGLE FRONT AXLE
MERITOR 16.5X5 Q+ CAST SPIDER CAM FRONT BRAKES, DOUBLE ANCHOR, FABRICATED SHOES
FIRE AND EMERGENCY SEVERE SERVICE, NON-ASBESTOS FRONT LINING
CAST IRON OUTBOARD FRONT BRAKE DRUMS
FRONT BRAKE DUST SHIELDS
FRONT OIL SEALS
VENTED FRONT HUB CAPS WITH WINDOW, CENTER AND SIDE PLUGS - OIL
STANDARD SPINDLE NUTS FOR ALL AXLES
MERITOR AUTOMATIC FRONT SLACK ADJUSTERS
TRW THP-60 POWER STEERING
POWER STEERING PUMP
2 QUART SEE THROUGH POWER STEERING RESERVOIR

5

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Description	Weight Front	Weight Rear
CURRENT AVAILABLE SYNTHETIC 75W-90 FRONT AXLE LUBE		
Front Suspension		
12,000# MONO TAPERLEAF FRONT SUSPENSION		
MAINTENANCE FREE RUBBER BUSHINGS - FRONT SUSPENSION		
FRONT SHOCK ABSORBERS		
Rear Axle and Equipment		
MS-21-14X 21,000# R-SERIES SINGLE REAR AXLE		10
5.57 REAR AXLE RATIO		
IRON REAR AXLE CARRIER WITH STANDARD AXLE HOUSING		
RPL10 MERITOR SERVICE-FREE MAIN DRIVELINE WITH HALF ROUND (16T) YOKES	-20	-20
MERITOR 16.5X7 Q+ CAST SPIDER CAM REAR BRAKES, DOUBLE ANCHOR, FABRICATED SHOES		
FIRE AND EMERGENCY SEVERE SERVICE NON- ASBESTOS REAR BRAKE LINING		
BRAKE CAMS AND CHAMBERS ON FORWARD SIDE OF DRIVE AXLE(S)		
CAST IRON OUTBOARD REAR BRAKE DRUMS		
REAR BRAKE DUST SHIELDS		5
REAR OIL SEALS		
WABCO TRISTOP D LONGSTROKE 1-DRIVE AXLE SPRING PARKING CHAMBERS		
MERITOR AUTOMATIC REAR SLACK ADJUSTERS		
CURRENT AVAILABLE SYNTHETIC 75W-90 REAR AXLE LUBE		
Rear Suspension		
21,000# 52 INCH VARIABLE RATE MULTI-LEAF SPRING REAR SUSPENSION WITH LEAF SPRING HELPER		100
SPRING SUSPENSION - NO AXLE SPACERS		
STANDARD U-BOLT PAD WITH U-BOLTS EXTENDED 1.00" LONGER THAN STANDARD		
Pusher / Tag Equipment		
NO PUSHER/TAG BRAKE DUST SHIELDS		

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Description	Weight Front	Weight Rear
Brake System		
AIR BRAKE PACKAGE		
WABCO 4S/4M ABS WITH TRACTION CONTROL		
REINFORCED NYLON, FABRIC BRAID AND WIRE BRAID CHASSIS AIR LINES		
FIBER BRAID PARKING BRAKE HOSE		
STANDARD BRAKE SYSTEM VALVES		
STANDARD AIR SYSTEM PRESSURE PROTECTION SYSTEM		
STD U.S. FRONT BRAKE VALVE		
RELAY VALVE WITH 5-8 PSI CRACK PRESSURE, NO REAR PROPORTIONING VALVE		
BW AD-9SI BRAKE LINE AIR DRYER WITH HEATER		
AIR DRYER FRAME MOUNTED		
STEEL AIR BRAKE RESERVOIRS		
BW DV-2 AUTO DRAIN VALVE WITH HEATER - WET TANK, PETCOCKS ALL OTHERS		
Trailer Connections		
NO TRAILER AIR HOSE		
NO AIR HOSE HANGER		
NO TRAILER ELECTRICAL CABLE		
Wheelbase & Frame		
4725MM (186 INCH) WHEELBASE		
11/32X3-1/2X10-15/16 INCH STEEL FRAME (8.73MMX277.8MM/0.344X10.94 INCH) 120KSI	70	130
1/4 INCH (6.35MM) C-CHANNEL INNER FRAME REINFORCEMENT	130	350
1900MM (75 INCH) REAR FRAME OVERHANG		
FRAME OVERHANG RANGE: 71 INCH TO 80 INCH	-30	120
CALC'D BACK OF CAB TO REAR SUSP C/L (CA) : 120.47 in		
CALCULATED EFFECTIVE BACK OF CAB TO REAR SUSPENSION C/L (CA) : 117.47 in		
CALC'D FRAME LENGTH - OVERALL : 299.8 in		
CALCULATED FRAME SPACE LH SIDE : 91.43 in		
CALCULATED FRAME SPACE RH SIDE : 93.52 in		
SQUARE END OF FRAME		
FRONT CLOSING CROSSMEMBER		

Prepared for:
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Description	Weight Front	Weight Rear
STANDARD WEIGHT ENGINE CROSSMEMBER		
STANDARD CROSSMEMBER BACK OF TRANSMISSION		
STANDARD MIDSHIP #1 CROSSMEMBER(S)		
STANDARD REARMOST CROSSMEMBER		
STANDARD SUSPENSION CROSSMEMBER		
Chassis Equipment		
THREE-PIECE 14 INCH CHROMED STEEL BUMPER WITH COLLAPSIBLE ENDS	30	
FRONT TOW HOOKS - FRAME MOUNTED	15	
SINGLE LICENSE PLATE BUMPER MOUNTING ON LH SIDE		
NO MUDFLAP BRACKETS		
NO REAR MUDFLAPS		
FENDER AND FRONT OF HOOD MOUNTED FRONT MUDFLAPS		
GRADE 8 THREADED HEX HEADED FRAME FASTENERS		
EXTERIOR HARNESSSES WRAPPED IN ABRASION TAPE		
Fifth Wheel		
NO FIFTH WHEEL		
Fuel Tanks		
50 GALLON/189 LITER SHORT RECTANGULAR ALUMINUM FUEL TANK - LH	20	
RECTANGULAR FUEL TANK(S)		
PLAIN ALUMINUM/PAINTED STEEL FUEL/HYDRAULIC TANK(S) WITH PAINTED BANDS		
FUEL TANK(S) FORWARD		
PLAIN STEP FINISH		
FUEL TANK CAP(S)		
DETROIT FUEL/WATER SEPARATOR WITH WATER IN FUEL SENSOR	-5	
EQUIFLO INBOARD FUEL SYSTEM		
HIGH TEMPERATURE REINFORCED NYLON FUEL LINE		
Tires		
MICHELIN XZE2 11R22.5 16 PLY RADIAL FRONT TIRES	24	

Prepared for:
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Description	Weight Front	Weight Rear
MICHELIN X MULTI D+ 11R22.5 16 PLY RADIAL REAR TIRES		60
Hubs		
CONMET PRESET PLUS PREMIUM IRON FRONT HUBS		
CONMET PRESET PLUS PREMIUM IRON REAR HUBS		
Wheels		
ALCOA ULA18X 22.5X8.25 10-HUB PILOT 5.81 INSET ALUMINUM DISC FRONT WHEELS	-62	
ALCOA ULA18X 22.5X8.25 10-HUB PILOT ALUMINUM DISC REAR WHEELS		-124
POLISHED FRONT WHEELS; OUTSIDE ONLY		
POLISHED REAR WHEELS; OUTSIDE OF OUTER WHEELS ONLY		
FRONT WHEEL MOUNTING NUTS		
REAR WHEEL MOUNTING NUTS		
Cab Exterior		
106 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB		
AIR CAB MOUNTING		
LH AND RH EXTERIOR GRAB HANDLES WITH SINGLE RUBBER INSERT		
HOOD MOUNTED CHROMED PLASTIC GRILLE		
CHROME HOOD MOUNTED AIR INTAKE GRILLE		
FIBERGLASS HOOD		
TUNNEL/FIREWALL LINER		
DUAL 25 INCH ROUND STUTTER TONE HOOD MOUNTED AIR HORNS WITH DUAL LANYARDS	8	
SINGLE ELECTRIC HORN		
DUAL HORN SHIELDS		
REAR LICENSE PLATE MOUNT END OF FRAME		
LED HEADLIGHT ASSEMBLY AND INCANDESCENT MARKER/TURN LAMP WITH CHROME BEZEL		
LED AERODYNAMIC MARKER LIGHTS		
DAYTIME RUNNING LIGHTS		
OMIT STOP/TAILO/BACKUP LIGHTS AND PROVIDE WIRING WITH SEPARATE STOP/TAILO WIRES TO 7 FEET BEYOND END OF FRAME		-5
STANDARD FRONT TURN SIGNAL LAMPS		

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Phone: 713-580-8118

Description	Weight Front	Weight Rear
DUAL WEST COAST BRIGHT FINISH HEATED MIRRORS WITH LH AND RH REMOTE DOOR MOUNTED MIRRORS 102 INCH EQUIPMENT WIDTH LH AND RH 8 INCH BRIGHT FINISH CONVEX MIRRORS MOUNTED UNDER PRIMARY MIRRORS STANDARD SIDE/REAR REFLECTORS RH AFTERTREATMENT SYSTEM CAB ACCESS WITH PLAIN DIAMOND PLATE COVER NO REAR WINDOW TINTED DOOR GLASS LH AND RH WITH TINTED NON-OPERATING WING WINDOWS RH AND LH ELECTRIC POWERED WINDOWS 1-PIECE SOLAR GREEN GLASS WINDSHIELD 2 GALLON WINDSHIELD WASHER RESERVOIR WITHOUT FLUID LEVEL INDICATOR, FRAME MOUNTED	-20	

Cab Interior

RUGGED TRIM PACKAGE
GRAY & CARBON VINYL INTERIOR "RUGGED"
CARBON WITH PREMIUM GUNMETAL ACCENT
(RUGGED)
MOLDED PLASTIC DOOR PANEL
MOLDED PLASTIC DOOR PANEL
BLACK MATS WITH SINGLE INSULATION
(1)DASH MOUNTED 12V POWER OUTLET,
(1)DASH MOUNTED DUAL USB-C OUTLET
FORWARD ROOF MOUNTED CONSOLE
LH AND RH KICKPLATES
DIGITAL ALARM CLOCK IN DRIVER DISPLAY
(2) CUP HOLDERS LH AND RH DASH
M2/SD DASH
HEATER, DEFROSTER AND AIR CONDITIONER
STANDARD HVAC DUCTING
MAIN HVAC CONTROLS WITH RECIRCULATION
SWITCH
STANDARD HEATER PLUMBING
VALEO HEAVY DUTY A/C REFRIGERANT
COMPRESSOR
BINARY CONTROL, R-134A

Prepared for:
Kirk Givler
SIDDONS MARTIN
EMERGENCY GROUP
14233 INTERDRIVE W

HOUSTON, TX 77032
Phone: 281-442-6806

Prepared by:
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Houston Freightliner, Sterling
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9550 North Loop East
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Phone: 713-580-8118

Description	Weight Front	Weight Rear
PREMIUM INSULATION		
SOLID-STATE CIRCUIT PROTECTION AND FUSES		
12V NEGATIVE GROUND ELECTRICAL SYSTEM		
PREMIUM LED CAB LIGHTING		
NO SECURITY DEVICE		
DOOR LOCKS AND IGNITION SWITCH KEYED THE SAME		
KEY QUANTITY OF 4		
LH AND RH ELECTRIC DOOR LOCKS		
SEATS INC 911 UNIVERSAL SERIES HIGH BACK AIR SUSPENSION DRIVER SEAT WITH NFPA 1901-2009/2016 COMPLIANT SEAT SENSOR	50	
SEATS INC 911 UNIVERSAL SERIES HIGH BACK AIR SUSPENSION PASSENGER SEAT WITH NFPA 1901-2009/2016 COMPLIANT SEAT SENSOR	40	15
LH AND RH INTEGRAL DOOR PANEL ARMRESTS		
BLACK CORDURA PLUS CLOTH DRIVER SEAT COVER		
BLACK CORDURA PLUS CLOTH PASSENGER SEAT COVER		
NFPA 1901-2009 HIGH VISIBILITY ORANGE SEAT BELTS		
ADJUSTABLE TILT AND TELESCOPING STEERING COLUMN		
4-SPOKE 18 INCH (450MM) BLACK STEERING WHEEL WITH SWITCHES		
DRIVER AND PASSENGER INTERIOR SUN VISORS		

Instruments & Controls

ELECTRONIC ACCELERATOR CONTROL
CONFIGURABLE UPPER PANEL WITH INTEGRATED LOWER STORAGE
ENGINE REMOTE INTERFACE WITH PARK BRAKE INTERLOCK
BRIGHT ARGENT FINISH GAUGE BEZELS
LOW AIR PRESSURE INDICATOR LIGHT AND AUDIBLE ALARM
DUAL NEEDLE PRIMARY AND SECONDARY AIR PRESSURE GAUGE
INTAKE MOUNTED AIR RESTRICTION INDICATOR WITHOUT GRADUATIONS

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Description	Weight Front	Weight Rear
87 DECIBELS TO 112 DECIBELS AUTOMATIC SELF-ADJUSTING BACKUP ALARM		3
ELECTRONIC CRUISE CONTROL WITH CONTROLS ON STEERING WHEEL SPOKES		
KEY OPERATED IGNITION SWITCH AND INTEGRAL START POSITION; 4 POSITION OFF/RUN/START/ACCESSORY		
PREMIUM INSTRUMENT CLUSTER WITH 5.0 INCH TFT COLOR DISPLAY		
DIGITAL PANEL LAMP DIMMER SWITCH IN DRIVER DISPLAY		
HEAVY DUTY ONBOARD DIAGNOSTICS INTERFACE CONNECTOR LOCATED BELOW LH DASH		
2 INCH ELECTRIC FUEL GAUGE		
ENGINE REMOTE INTERFACE WITH ONE OR MORE SET SPEEDS		
QUICKFIT POWERTRAIN INTERFACE CONNECTOR UNDER CAB WITH BLUNTCUTS		
NO ADDITIONAL EXTRA SWITCH ACCUATORS		
ENGINE REMOTE INTERFACE CONNECTOR AT POWERTRAIN INTERFACE CONNECTOR		
ELECTRICAL ENGINE COOLANT TEMPERATURE GAUGE		
DIGITAL TRANSMISSION OIL TEMPERATURE IN DRIVER DISPLAY		
ELECTRONIC OUTSIDE TEMPERATURE SENSOR DISPLAY IN DRIVER MESSAGE CENTER		
ENGINE AND TRIP HOUR METERS INTEGRAL WITHIN DRIVER DISPLAY		
PTO CONTROLS FOR ENHANCED VEHICLE ELECTRIC/ELECTRONIC ARCHITECTURE		
NO OBSTACLE DETECTION SYSTEM		
NO DR ASSIST SYSTEM		
ELECTRONIC STABILITY CONTROL,4X2 W/SAFETY MIN BODY WEIGHT EXCEEDS 4,000LBS REQ		
NO LANE DEPARTURE WARNING SYSTEM		
ELECTRIC ENGINE OIL PRESSURE GAUGE		
NFPA VEHICLE DATA RECORDER AND SEATBELT DISPLAY		
AM/FM/WB WORLD TUNER RADIO WITH BLUETOOTH, USB AND AUXILIARY INPUTS, J1939		

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Description	Weight Front	Weight Rear
DASH MOUNTED RADIO		
(2) RADIO SPEAKERS IN CAB		
AM/FM ANTENNA MOUNTED ON FORWARD LH ROOF		
STANDARD RADIO WIRING WITH STEERING WHEEL CONTROLS		
ELECTRONIC MPH SPEEDOMETER WITH SECONDARY KPH SCALE, WITHOUT ODOMETER		
STANDARD VEHICLE SPEED SENSOR		
ELECTRONIC 3000 RPM TACHOMETER		
DETROIT CONNECT PLATFORM HARDWARE		
3 YEARS DAIMLER CONNECTIVITY BASE PACKAGE (FEATURES VARY BY MODEL) POWERED BY DETROIT CONNECT		
(2) TMC RP1226 ACCESSORY CONNECTORS: (1) LOCATED BEHIND PASSENGER SIDE REMOVABLE DASH PANEL (1) CENTER OF OVERHEAD CONSOLE		
IGNITION SWITCH CONTROLLED ENGINE STOP		
(2) OVERHEAD MOUNTED LANYARD CONTROLS: (1) OFFICER AIR HORN AND (1) DRIVER AIR HORN		
NO TRAILER HAND CONTROL BRAKE VALVE		
DIGITAL VOLTAGE DISPLAY INTEGRAL WITH DRIVER DISPLAY		
SINGLE ELECTRIC WINDSHIELD WIPER MOTOR WITH DELAY		
ROTARY HEADLAMP SWITCH, MARKER LIGHTS/HEADLIGHTS SWITCH WITH PULL OUT FOR OPTIONAL FOG/ROAD LAMPS		
ONE VALVE PARKING BRAKE SYSTEM WITH WARNING INDICATOR		
SELF CANCELING TURN SIGNAL SWITCH WITH DIMMER, HEADLAMP FLASH, WASH/WIPE/INTERMITTENT		
INTEGRAL ELECTRONIC TURN SIGNAL FLASHER WITH 40 AMP (20 AMP PER SIDE) TRAILER LAMP CAPACITY		

Design

TWO COLOR CUSTOM PAINT

Color

CAB COLOR A: L0006EY WHITE ELITE EY

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Description	Weight Front	Weight Rear
CAB COLOR B: L4664EY RED PIERCE #90 ELITE EY		
BLACK, HIGH SOLIDS POLYURETHANE CHASSIS PAINT		
NO CAB/BODY EXTERIOR DECALS		
STANDARD E COAT/UNDERCOATING		

Certification / Compliance

U.S. FMVSS CERTIFICATION, EXCEPT SALES
CABS AND GLIDER KITS

TOTAL VEHICLE SUMMARY

Weight Summary

	Weight Front	Weight Rear	Total Weight
Factory Weight ⁺	6859 lbs	4184 lbs	11043 lbs
Total Weight ⁺	6859 lbs	4184 lbs	11043 lbs

Extended Warranty

TC4: MD MODERATE 6 YEARS/250,000 MILES/402,500 KM.
EXTENDED TRUCK COVERAGE FEX APPLIES

(+) Weights shown are estimates only.

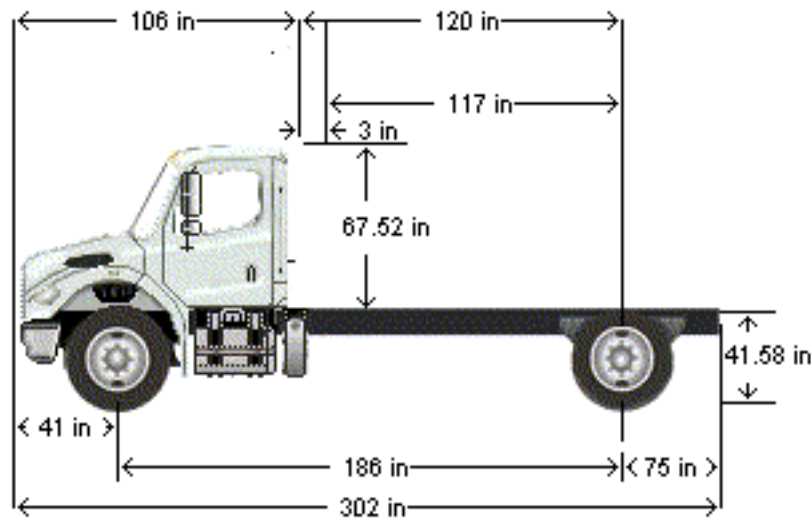
If weight is critical, contact Customer Application Engineering.

(***) All cost increases for major components (Engines, Transmissions, Axles, Front and Rear Tires) and government mandated requirements, tariffs, and raw material surcharges will be passed through and added to factory invoices.

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DIMENSIONS



VEHICLE SPECIFICATIONS SUMMARY - DIMENSIONS

Model	M2106
Wheelbase (545)	4725MM (186 INCH) WHEELBASE
Rear Frame Overhang (552)	1900MM (75 INCH) REAR FRAME OVERHANG
Fifth Wheel (578)	NO FIFTH WHEEL
Mounting Location (577)	NO FIFTH WHEEL LOCATION
Maximum Forward Position (in)	0
Maximum Rearward Position (in)	0
Amount of Slide Travel (in)	0
Slide Increment (in)	0
Desired Slide Position (in)	0.0
Cab Size (829)	106 INCH BBC FLAT ROOF ALUMINUM CONVENTIONAL CAB
Sleeper (682)	NO SLEEPER BOX/SLEEPERCAB
Exhaust System (016)	RH OUTBOARD UNDER STEP MOUNTED HORIZONTAL AFTERTREATMENT SYSTEM ASSEMBLY WITH RH HORIZONTAL TAILPIPE



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TABLE SUMMARY - DIMENSIONS

Dimensions	Inches
Bumper to Back of Cab (BBC)	106.3
Bumper to Centerline of Front Axle (BA)	40.7
Front Axle to Back of Cab (AC)	65.6
Min. Cab to Body Clearance (CB)	3.0
Back of Cab to Centerline of Rear Axle(s) (CA)	120.5
Effective Back of Cab to Centerline of Rear Axle(s) (Effective CA)	117.5
Back of Cab Protrusions (Exhaust/Intake) (CP)	2.0
Back of Cab Protrusions (Side Extenders/Trim Tab) (CP)	0.0
Back of Cab Protrusions (CNG Tank)	0.0
Back of Cab Clearance (CL)	3.0
Back of Cab to End of Frame	195.3
Cab Height (CH)	67.5
Wheelbase (WB)	186.0
Frame Overhang (OH)	74.8
Overall Frame Length	299.8
Overall Length (OAL)	301.6
Rear Axle Spacing	0.0
Unladen Frame Height at Centerline of Rear Axle	41.6

Performance calculations are estimates only. If performance calculations are critical, please contact Customer Application Engineering.



QUOTATION

Emergency Vehicles, Inc.

Siddons-Martin Emergency Group
Kirk Givler
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Houston, TX 77073
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Quote No: SIDDONSMARTIN-0001
01/04/2024

Page 1

PART NO	QTY	DESCRIPTION
AG-02-0204	1	== FREIGHTLINER M2 PLUS 2-DOOR CHASSIS == 2025 FREIGHTLINER M2 PLUS 2-DOOR, SINGLE AXLE CHASSIS CAB: -- 2-Door Conventional -- 106" BBC (Bumper to Back of Cab) GVWR: -- 33,000 Pounds WHEELBASE: -- 186" CAB-TO-AXLE: -- 120" FRAME: -- 75" Frame Overhang (AF) -- Steel Channel 11/32" x 3-1/2" x 10-15/16" - 120KSI -- 1/4" Steel Frame Reinforcement -- Rated for GVWR FRONT BUMPER: -- Three-Piece 14" Chromed Steel with Collapsible Ends -- (2) Frame-Mounted Front Tow Hooks -- Fender and Front of Hood Mounted Front Mudflaps FRONT AXLE: -- 12,000 Pound Rating Front Oil Seals -- Bonded Rubber Spring Pin Bushings FRONT SUSPENSION: -- 12,000 Taperleaf REAR AXLE: -- 21,000 Pound Rating -- Ratio for 68 MPH (Top Speed - NFPA) REAR SUSPENSION: -- 21,000 Pound Variable Rate Multileaf w/Helper SHOCKS: -- Heavy Duty Front STEERING: -- Power Hydraulic Assist -- Four Spoke 18" Steering Wheel -- Adjustable Tilt/Telescoping Steering Column BRAKES: -- Anti-Lock Braking System with Traction Control -- Roll Stability Control (NFPA) -- Full Air Cam Type Dual System -- Front and Rear Brake Dust Shields -- Cummins 18.7 CFM Air Compressor -- (2) Steel Air Brake Reservoirs -- BW DV-2 Auto Drain Valve w/Heater - Wet Tank, Petcocks All Others -- Automatic Slack Adjusters -- Bendix AD-9 Heated Air Dryer

PART NO	QTY	DESCRIPTION
		-- BW DV-2 Auto Drain w/Heater - Wet Tank, Petcock Drain Valves on all Other Air Tanks PARKING BRAKE: -- MGM TR Parking Chambers (Axle Cam) ENGINE: -- Cummins L9 Turbo Diesel - EV -- 360 Horsepower @ 2200 RPM -- 1150 Lb-Ft @ 1200 RPM -- Cummins Engine Integral Compression Brake w/Variable Geometry Turbo On/Off w/Brake Switch - Tail Light Activation -- Cummins Full Flow / Bypass Oil Filter -- Engine Speed Control (Set @ 1400 RPM) -- Heavy Duty Engine Cooling -- Coolant Recovery System -- Automatic On/Off Fan Drive Fan Control without Dash Switch -- Air Intake w/Ember Screen EXHAUST: -- RH Horizontal Muffler/Exhaust -- Engine After Treatment Device -- Automatic Over the Road Regeneration -- Dash Mounted Regeneration Request Switch -- 6-Gallon Diesel Exhaust Fluid Tank, Mounted Next to Fuel Tank on Drivers Side TRANSMISSION: -- Allison 3000EVS 6-Speed Automatic w/Auto Neutral -- Push Button Electric Shift Control - Dash Mounted -- Vehicle Interface Wiring and PDM -- Body Builder Connector - Back of Cab -- PTO Provisions -- Transmission Oil Check and Fill with Electronic Oil Level Check DRIVE SHAFT: -- RPL10 Meritor Service-Free Main Driveline w/Half Round Yokes FUEL TANK: -- 50-Gallon Capacity Short Rectangular (Aluminum) - LH Side -- Heated Fuel/Water Separator ELECTRICAL SYSTEM: -- Delco 12V Starter with Integrated Magnetic Switch -- Engine Warning System Buzzer and Light -- Warning Alarms: Low Oil Low Water High Water Temperature -- Tail Light Connector - Back of Cab ALTERNATOR: -- 325 Amp Leece Neville w/Remote Battery Voltage Sensor BATTERIES: -- (2) Group 31, 12-Volt Maintenance-Free 2000 CCA (Total) -- Single Battery Box LH - Frame Mounted Under Cab HORNS: -- Dual Electric -- Hood Mounted Dual Stuttertone Air Horns w/Dual Lanyards HOOD: -- 1-Piece Moulded Fiberglass w/Firewall Insulation -- Tilting Hood and Fenders -- Chrome Front Grille CAB GLASS: -- Tinted Safety Glass - All Windows -- No Rear Window MIRRORS: -- Dual West Coast Bright Finish Heated -- LH/RH Remote Control -- 102" Wide Mirror Spacing -- 8" LH/RH Bright Finish Convex GAUGES: -- Driver and Center Instrument Panel -- Tachometer with Hourmeter

PART NO	QTY	DESCRIPTION
		-- Speedometer -- Odometer -- Fuel Level -- Voltmeter -- Transmission Temperature Gauge -- Engine Coolant Temperature -- Engine ECM Customer Access -- Dual Air Pressure -- Air Restriction Indicator WIPERS: -- Electric Wipers and Washers -- Intermittent Wiper Switch PAINT COLOR: -- White over Red -- Paint Codes: To Be Determined -- Base Coat / Clear Coat Premium Paint ENVIRONMENTAL: -- Cab Air Conditioning -- Heavy Duty Heater -- Windshield Defroster CAB SEATING: -- Seats Inc. 911 High-Back Driver Air Ride Seat with NFPA 1901-2009 Compliant Seat Sensor -- Seats Inc. 911 High-Back Passenger Air Ride Seat with NFPA 1901-2009 Compliant Seat Sensor -- Black Cordura Seat Covering -- 3-Point High Visibility Orange Retractor Type Seat and Seat Belt Sensors NFPA -- VDR / Seat Belt Monitoring System - Dash Mounted CAB TRIM/COLOR: -- Rugged Trim Package -- Gray and Carbon Vinyl Interior -- Black Floor Mats with Insulation TIRES: -- Michelin -- (2) Front: 11R22.5, 16-Ply Highway Tread: XZE -- (4) Rear: 11R22.5, 16-Ply Highway Tread: X Multi D+ WHEELS: -- (6) 22.5 x 8.25 Alcoa Polished Aluminum MISCELLANEOUS: -- LH/RH NFPA Exterior Grab Handles -- Self-Canceling Turn Signal Switch with Dimmer -- Integral Headlight Beam 4-way Flasher -- Day Time Running Lights -- 12 Volt Power Supply USB USB-C -- Dual Interior Sun Visors -- LED Head Lamps -- LED Marker Lights -- LED Premium Cab Lighting -- Wiring with Separate Stop/Turn Wires to 4-Feet Beyond End of Frame -- Forward Roof Mounted Console with Upper Storage Compartment -- AM/FM/WB - Bluetooth Stereo w/Speakers -- (2) Cup Holders - LH/RH Dash -- Power Windows and Door Locks -- 87 to 112 Auto Self Adjusting Back Up Alarm -- (1) Owner's Manual Booklet == 16FT NON-WALK-IN RESCUE ==
BA-00-0000	1	CHASSIS PREPARATION - GENERAL
BA-02-4010	1	TIRE PRESSURE INDICATOR(S)
BB-00-0000	1	CHASSIS FRAME RAIL PREPARATION
BB-00-2000	1	DROP REAR FRAME OF CHASSIS

PART NO	QTY	DESCRIPTION
BB-50-0000	1	EXHAUST PIPE EXTENSION -- Curbside, ahead of the rear wheels
BC-50-0000	1	DIAMOND PLATE FUEL TANK COVER - LH -- The diamond plate utilized shall be "slip resistant", meeting NFPA requirements
BC-60-0010	1	DIAMOND PLATE CAB STEP - RH -- The diamond plate utilized shall be "slip resistant", meeting NFPA requirements
BE-00-1705	1	ENGRAVED LABEL - ULTRA LOW SULFUR DIESEL FUEL ONLY
BE-00-1715	1	ENGRAVED LABEL - DEF FLUID ONLY
BF-05-0500	1	REAR STEP AND BUMPER ASSEMBLY -- The diamond plate utilized shall be "slip resistant", meeting NFPA requirements
BG-00-1000	1	PAIR REAR BLACK RUBBER WHEEL MUD FLAPS
BG-08-4010	1	PAIR TOW RINGS 3/4" PAINTED STEEL PLATE - BLACK
BH-06-0500	1	SET CHROME HUBS & NUTS W/ AIR INFLATION & WRENCH KIT - 19.5" MED/ 22.5" HVY DUTY
C0-01-0000	1	ALL ALUMINUM MODULAR BODY
CA-BB-1605	1	MODULE BODY PACKAGE 16-FT NON-WALK-IN
CA-BD-0020	1	-- MODULE BODY LENGTH - 193" O.D.
CA-BD-0040	1	-- MODULE BODY WIDTH - 100" O.D.
CA-BD-0060	1	-- MODULE BODY COMPARTMENT HEIGHT - 70"
CA-CC-0020	1	-- DIAMOND PLATE MODULE ROOF
CA-CE-0040	1	-- MODULE FRONT WALL - SMOOTH PAINTED
CB-75-0000	1	-- SET STONE GUARDS
CA-CF-0020	1	-- EXTERIOR SHEETING - 1/8" THICKNESS
CA-CG-0020	1	-- SET ROUNDED BODY VERTICAL CORNERS
CA-CG-1020	1	-- DRIP RAIL PACKAGE
CA-CG-2040	1	-- PAIR PAINTED EXTERIOR WHEELWELL PANELS
CA-CG-3020	1	-- REAR DIAMOND PLATE KICK PANEL
CC-BC-1600	1	-- LOWER BODY RUB RAILS - "C" CHANNEL Scotchlite Stripe Color: -- To be determined
CJ-BB-1600	1	-- BODY INSTALLATION
CB-50-2000	1	RECESSED LIGHT TOWER COMPARTMENT
CB-50-200A	2	-- 1" DRAIN(S)
CC-60-0200	1	LICENSE PLATE HOUSING W/ LED LIGHT
CC-90-0051	1	PAIR 51" SS REAR WHEEL FENDERETTES
CD-40-K01M	2	KNURLED GRAB RAIL(S) - MEDIUM Location: -- On the rear of the body, one (1) each side of the rear compartment
CG-70-1000	2	ZICO #SAC-44-E COLLAPSIBLE WHEEL CHOC(S)
CG-70-1100	2	-- ZICO #SQCH-44-H HORIZONTAL FOLDING CHOC HOLDER(S)
DA-40-000A	9	1/8" EXTERIOR COMPARTMENTS - DIAMOND PLATE Compartment Floors: -- 3/16" (.188") thick brushed aluminum
DA-40-0010	7	-- 1/8" EXTERIOR COMPARTMENTS (REG) - DIAMOND PLATE Location: -- Compartments #1, #2, #4, #5, #6, #8 and #9

PART NO	QTY	DESCRIPTION
DA-40-0012	2	-- 1/8" EXTERIOR COMPARTMENTS (LG) - DIAMOND PLATE Location: -- Compartments #3 and #7
DA-71-000R	7	COMPARTMENT DOOR CONSTRUCTION ROLL-UP
DA-72-0001	1	ALUMINUM DOOR MANUFACTURER - ROBINSON
DA-72-1MAL	7	ALUMINUM "ANODIZED" ROLL-UP COMPARTMENT DOOR(S) - LOCKING (MED) Location: -- Compartments #1, #2, #4, #5, #6, #8 and #9
IA-12-1854	14	-- HANSEN #LED10WH12V-54 54"LED COMPARTMENT STRIP LIGHT(S) Note: -- LED compartment lights to come on automatically whenever the compartment door is opened, not to be switched
DA-72-2LAL	2	ALUMINUM "ANODIZED" ROLL-UP COMPARTMENT DOOR(S) - LOCKING (LRG) Location: -- Compartments #3 and #7
IA-12-1825	4	-- HANSEN #LED10WH12V-25 25"LED COMPARTMENT STRIP LIGHT(S) Note: -- LED compartment lights to come on automatically whenever the compartment door is opened, not to be switched
DA-76-0210	7	ROLL-UP DOOR COIL SHIELD - DIAMOND PLATE Location: -- All exterior compartments
DA-76-0225	7	ROLL-UP COMPARTMENT DOOR PULL ROPE Note: -- To be ROM elastic straps w/foot mans loop -- For all exterior compartment doors
DA-97-1000	4	COMPARTMENT MODIFICATION - REAR SUSPENSION Location: -- Compartments #2, #4, #6 and #8
DB-00-0200	2	EXTERIOR COMPARTMENT (REG) SHELF TRACKS Location: -- One (1) set in compartments #4 and #6
DB-00-0202	4	EXTERIOR COMPARTMENT (LG) SHELF TRACKS Location: -- One (1) set in compartments #2, #5, #8 and #9
DB-00-1000	4	3/16" (.188") EXTERIOR COMPARTMENT SHELVES (REG) - ADJUSTABLE Location: -- Two (2) in compartments #4 and #6

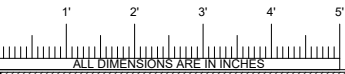
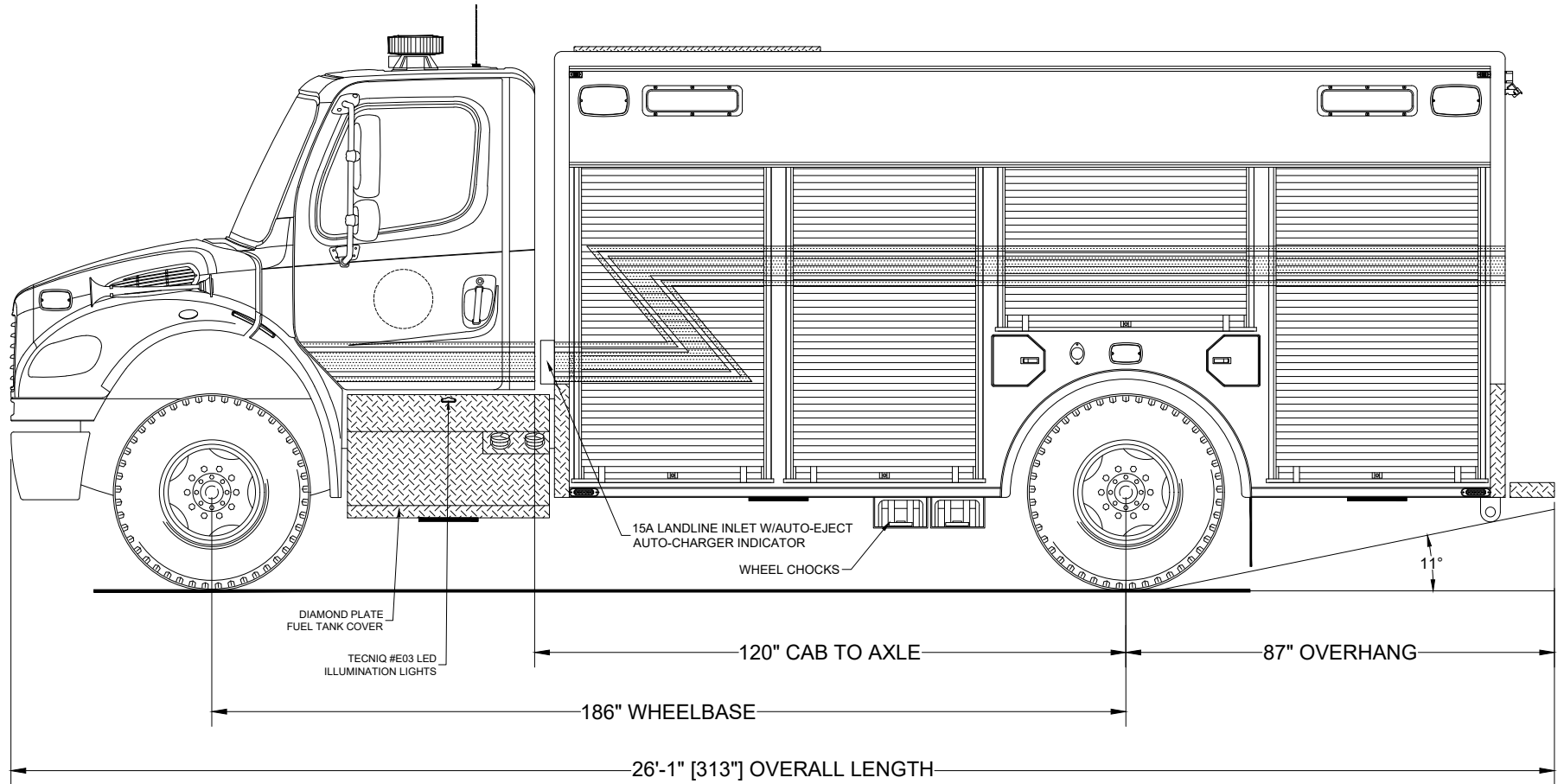
PART NO	QTY	DESCRIPTION
DB-31-2510	1	1" FRAMED w/ .125" ALUMINUM VERTICAL COMPARTMENT DIVIDER(S) - (REG) Location: -- One (1) in compartment #6
DB-35-0017	2	SLIDE-OUT TOOL BOARD(S) - 100% EXTENSION HEAVY-DUTY STEEL - SMALL
DB-35-011D	2	-- 3/16" DUAL ALUMINUM PLATE - SMOOTH HEAVY DUTY - SMALL Location: -- Two (2) in compartment #6
DB-54-0000	7	4" DIAMETER COMPARTMENT VENT(S) Location: -- One (1) in each exterior compartment
DB-55-1000	6	TURTLE TILE COVERING FOR COMPARTMENT FLOORS Color: -- Black
DB-55-1100	1	TURTLE TILE COVERING FOR COMPARTMENT SHELVES/TRAYS Color: -- Black
DB-55-1101	5	-- REGULAR UP TO 25" DEEP
DB-55-1102	15	-- LARGE UP TO 45" DEEP
DB-61-1020	4	CAST #AD2001 STAINLESS SCBA ACCESS DOOR W/STRAP & 8" TUBE W/ KEY - SINGLE Finish: -- Brushed
DB-64-0000	1	STOKES AND BACKBOARD STORAGE RACK Quantity of Stokes Baskets: -- One (1) Quantity of Backboards: -- Three (3) Location: -- Compartment #3/#7
DB-64-0500	4	ON-SCENE SOLUTIONS QUICK RELEASE CARGO STRAP(S) Buckle Length : -- 3" Mating Strap Length: -- 27" Note: -- For stokes/backboard rack
DF-01-0045	2	SLIDE-MASTER ROLL-OUT/DROP-DOWN EQUIPMENT TRAY(S) - UP TO 45" Deep - 250# STEEL Location: -- One (1) in compartments #2 and #8 -- Both to be adjustable
DF-28-0120	2	-- BLACK POWDER COATED SLIDES
DF-01-0060	2	SLIDE-MASTER ROLL-OUT/DROP-DOWN EQUIPMENT TRAY(S) - UP TO 60" Deep - 250# STEEL

PART NO	QTY	DESCRIPTION
		Location: -- One (1) in compartment #5 -- One (1) in compartment #9 - Tray depth to be 66" -- Both to be adjustable
DF-28-0120	2	-- BLACK POWDER COATED SLIDES
DF-03-1024	2	SLIDE-MASTER ROLL-OUT TRAY/STEEL SLIDES: Up to 24" Deep - 600# w/100% Extension Location: -- One (1) in compartment #4 -- One (1) in compartment #5 Depth: -- 24" for both
DF-20-0032	2	-- IMS PUSH/PULL LOCK - 3-RAIL (100% EXTENSION)
DF-28-0048	2	-- BLACK POWDER COATED SLIDES (3-RAIL)
DF-03-1048	5	SLIDE-MASTER ROLL-OUT TRAY/STEEL SLIDES: Up to 48" Deep - 600# w/100% Extension Location: -- One (1) in compartments #1, #2, #5, #8 and #9 Depth: -- Compartments #1, #2, #8 and #9 - 48" -- Compartment #5 - 46"
DF-20-0032	5	-- IMS PUSH/PULL LOCK - 3-RAIL (100% EXTENSION)
DF-28-0048	5	-- BLACK POWDER COATED SLIDES (3-RAIL)
DF-05-0090	1	SLIDE-MASTER DUAL DIRECTIONAL TRAY/STEEL SLIDES: Up to 90" Deep - 1000# Location: -- Compartment #3/#7 Width: -- 47"
DF-20-0032	1	-- IMS PUSH/PULL LOCK - 3-RAIL (100% EXTENSION)
DF-28-0084	1	-- BLACK POWDER COATED SLIDES (3-RAIL)
FA-BC-1600	1	EXTERIOR MODULAR BODY PAINTED POLYURETHANE - NON-WALK-IN (ROLL-UP DOORS) Color: -- Red Code: -- To match Pierce #90
FD-BB-1600	1	BODY UNDERCOATING
FF-20-0507	26	(SQ. FT.) ORALITE RED/LIME CHEVRON STRIPING
FH-20-0005	15	REFLECTIVE CONSPICUITY MARKINGS Color: -- Red / White Location: -- Sides of all slide-out trays + tool boards
FH-20-0015	2	INTERIOR CAB/CREW DOOR REFLECTIVE MATERIAL ON ALUMINUM PLATE
IA-05-1M00	1	12-VOLT ELECTRICAL SYSTEM
IA-05-8040	1	-- SAFETY DISCONNECT
IA-05-804B	1	-- FLAMING RIVER #FR1003 HEAVY-DUTY BATTERY DISCONNECT BIG SWITCH
IA-06-1000	1	DRIVER'S CONSOLE - FLOOR MOUNT -- To be fabricated out of aluminum and Raptor coated black

PART NO	QTY	DESCRIPTION
IA-10-0500	1	SWITCH LABEL PACKAGE
IA-10-1200	1	I.C.C. MARKER LIGHT/REFLECTOR PACKAGE - LED
IA-12-0560	1	WHELEN #60CREGCS RED/WHITE LED CAB DOME LIGHT(S) W/SWITCH
IA-12-0925	4	WHELEN #3SC0CDCR LED 3" EXTERIOR COMPARTMENT LIGHT(S) Note: -- LED compartment lights to come on automatically whenever the compartment door is opened, not to be switched
IA-12-1500	4	TECNIQ #E03-W000-1 EON LINEAR LED ILLUMINATION LIGHT(S) w/ SS HOUSING & GASKET Includes: - E03-0SH0-1 Eon Linear Horizontal Stainless Steel Housing and E03-00HG-1 Gasket Location: -- One (1) by each cab door -- Two (2) above the rear step/bumper -- To come on automatically with the chassis park brake
IA-12-3205	9	"DOOR OPEN" WARNING CIRCUIT(S) W/LED LIGHT
IA-12-4000	2	CAB DOORS CONNECTED TO DOOR OPEN WARNING CIRCUIT
IA-13-0540	6	AMDOR #AY-LB-12HW012 LUMABAR H20 LED GROUND ILLUMINATION LIGHT(S) Note: -- To be switched and come on automatically when the park brake is set
IA-13-0570	1	PAIR OF AMDOR #AY-LB-12HW012 LUMABAR H20 LED CAB AREA GROUND ILLUMINATION LIGHTS
IA-13-0600	1	-- GROUND LIGHTS ACTIVATION - CAB DOOR(S) + ON/OFF SWITCH IN CAB (NFPA)
IA-14-1002	1	PAIR LED SIDE FACING TURN SIGNALS
IA-15-0025	1	PAIR WHELEN #M6-SERIES STOP-TAIL / BACK-UP / DIRECTIONAL LIGHTS
IA-15-0027	1	-- PAIR WHELEN #M62BTT LED STOP/TAI LIGHTS
IA-15-0028	1	-- PAIR WHELEN #M62BU LED BACK-UP LIGHTS
IA-15-0029	1	-- PAIR WHELEN #M62T LED AMBER DIRECTIONAL LIGHTS
TC-16-0902	6	-- WHELEN #M6FC CHROME FLANGE
IC-40-1400	1	DOOR OPEN AUDIBLE ALARM (GEAR ACTIVATED)
IC-40-2000	1	GREEN BATTERY INDICATOR LIGHT
IF-00-0400	1	COAXIAL WIRING FOR ANTENNA WITH MOUNTING BASE Location: -- On the roof of the cab and to terminate in the cab floor console
IF-00-3200	1	COMPARTMENT WIRE COVER PACKAGE
IF-00-5600	1	WIRING FOR FUTURE RADIO(S) -- Includes 12V circuit 20 amp breaker, #12 battery switched red wire and a battery direct ground lug
IK-00-0027	1	PRO-VISION #RV-505A REAR VISION CAMERA W/7" LCD MONITOR W/SIDE CAMERA System Includes: -- 18 Infra Red LED - Night Vision -- 120 Degrees (h) Camera View Area -- Audio -- Waterproof Camera -- Waterproof Connectors -- 7" Digital LCD Color Monitor -- (1) Side mounted camera
JC-00-0015	1	INPOWER #DSP-DCS1 DIGITAL VOLTMETER / AMMETER W/LOW VOLT ALARM & LIGHT (SINGLE) Location: -- Cab floor console

PART NO	QTY	DESCRIPTION
JC-20-0200	1	ELECTRONIC THROTTLE DEVICE Note: -- To be sealed Carling rocker switch with blue indicator light
JC-90-1210	1	KUSSMAUL 1000 PLC ON-BOARD BATTERY CHARGER
JC-90-121D	1	-- REMOTE OUTDOOR - #091-215-12-194B-WT WATERTIGHT STATUS CT - BLACK COVER -1000PLC Auto Charge Location: -- Upper section of compartment #1/#9 Indicator Location: -- Above landline inlet
LB-25-2012	1	-- KUSSMAUL #091-55-15-120 15A SUPER L/L INLET W/AUTO-EJECT RED
JC-90-5050	1	12 VDC BATTERY/CHARGING SYSTEM - SINGLE
JD-70-0000	1	KUSSMAUL "LOAD MANAGER" SYSTEM W/SEQUENCER
JD-75-0000	1	-- (NFPA) CLEAR LIGHT CUT-OUT - PARK POSITION
KA-10-0000	1	GENERATOR INSTALLATION - 120/240 VOLT
KC-00-0005	1	120/240 VOLT CIRCUIT BREAKER PANEL (MAX 6 CIRCUITS) W/MAIN BREAKER Location: -- Front wall in compartment #1 -- To be a Square D panel
KC-09-0501	1	LANDLINE TRANSFER RELAY - 30 AMP
KC-50-0050	1	120/240 VAC HIGH VOLTAGE ELECTRICAL SYSTEM - SINGLE SOURCE
KC-55-0005	1	FRC FROG-D 120/240 VAC HIGH VOLTAGE MULTI-METER - 1PH
KE-50-1500	1	15KW MARATHON P.T.O. GENERATOR
LB-16-1500	1	HOUSEHOLD 15 AMP INTERIOR RECEPTACLE(S) - DUPLEX Location: -- To be determined -- To be shoreline/generator powered
LL-20-01LP	1	WIRING PROVISIONS FOR LIGHT TOWER - RECESSED LIGHT TOWER COMPARTMENT
MB-00-1616	1	HANNAY #ECR1616-17-18 ELECTRIC CORD REEL(S), 12V ELEC REWIND, 3-COND, GRAPHITE Location: -- Compartment #1 Note: -- Rewind button to be protected by stainless steel push button guard
MB-03-2000	1	-- 200 FEET OF 10/3 SO SAFETY ELECTRICAL CORD
ME-00-0020	1	-- BALL STOP(S)
ME-01-0200	1	-- FOUR-WAY ROLLER GUIDE(S) - REEL
ME-05-1000	1	-- EXTENDA-LITE 4-WAY JUNCTION BOX(ES) Type Outlets: -- Household - 15 amp Outlet Nema #: -- Household - 15 amp
ME-05-2000	1	-- JUNCTION BOX MOUNTING BRACKET(S)
OF-00-1000	1	ON-BOARD 1/4" MALE AIR INLET
RE-13-1002	1	PAIR CAST SPEAKERS - THROUGH BUMPER FREIGHTLINER
RF-05-0110	1	WHELEN #295HFS2 SIREN SYSTEM

PART NO	QTY	DESCRIPTION
SD-03-1055	6	FIRETECH #FT-MB-2.15-FT-W-CPREC 150 WATT SEMI-RECESSED SCENE LIGHT(S) - 12VDC
SD-99-0020	1	REVERSE RELAY FOR REAR SCENE LIGHTS
SE-00-1050	1	FIRETECH #FT-B-46-W LED BROW LIGHT(S) 46" - WHITE - FRONT
TA-08-0200	1	VANNER #9860GCPE ELECTRONIC LED FLASHER UNIT
TC-10-02LP	4	WHELEN #TLIR ION T-SERIES SUPER-LED WARNING LIGHT(S) - RED W/CHROME FLANGE
TC-16-0022	10	WHELEN #M6RCS SERIES SUPER-LED WARNING LIGHT(S) - RED - CLEAR LENS -STEADY BURN
TC-16-0902	10	-- WHELEN #M6FC CHROME FLANGE
TC-19-0007	2	WHELEN #M9ACS SERIES SUPER-LED WARNING LIGHT(S) AMBER - CLEAR LENS -STEADY BURN
TC-19-0902	2	-- WHELEN #M9FC CHROME FLANGE
TC-19-0022	6	WHELEN #M9RCS SERIES SUPER-LED WARNING LIGHT(S) - RED - CLEAR LENS -STEADY BURN
TC-19-0902	6	-- WHELEN #M9FC CHROME FLANGE
UA-10-0250	1	WHELEN #TAM85 SUPER LED TRAFFIC ADVISOR WITH CONTROL HEAD TACTLD1 -- To go on flash mode when emergency master switch is on and to be switched from cab floor console
UB-10-15LP	1	WHELEN #F4N0QLED FREEDOM IV 60" SUPER-LED LIGHT BAR (FULL) Added To Light Bar: -- (6) F4DLR - Super-LED Lighthouse, 1 Long Red/Red
UC-00-CALP	1	WHELEN #MK8H PERMANENT LIGHT BAR MOUNTING KIT - CAB ROOF
WA-90-0050	2	BODY MANUFACTURER'S MANUAL(S)
WA-90-0055	2	-- BODY MANUFACTURER'S MANUAL(S) - ELECTRONIC FORMAT
WA-95-0055	2	-- WIRING MANUAL(S) - ELECTRONIC FORMAT
WA-95-0050	2	-- WIRING MANUAL(S)
WB-00-NFPA	1	NFPA LABEL PACKAGE
WB-05-0500	1	-- SEATING CAPACITY TAG
WB-05-0600	1	-- DO NOT WEAR HELMET WHILE SEATED LABEL
WB-05-1000	1	-- NO SMOKING/FASTEN SEAT BELT LABEL
WB-05-1500	1	-- ENGRAVED FLUID CAPACITY AND TYPE PLATE
WB-05-2000	1	-- OVERALL HEIGHT/LENGTH/GVWR PLATE When manufactured, this vehicle was: XX FT XX IN HIGH XX FT XX IN LONG XXXX LB GVWR > Changes in height since the apparatus was manufactured shall be noted on this plate by the department <
WB-05-2200	1	-- REAR STEP LABEL
WB-05-2500	1	POWER SOURCE/GEN. POWER UP/DOWN LABEL
WB-05-3000	1	ELECTRIC CORD REEL LABEL
WB-05-4000	1	ENGRAVED DISTRIBUTION PANEL LABEL
ZA-00-0002	1	CHASSIS RELATED EXPENSES - DEALER SUPPLIED
ZB-00-0004	1	LOCAL REPRESENTATION
ZC-00-0002	1	ADMINISTRATIVE
ZC-05-001A	1	-- 12-MONTH / 12,000 MILE CONVERSION/UPFIT WARRANTY
ZC-05-004B	1	-- 20-YEAR LIMITED MODULAR BODY STRUCTURAL WARRANTY
ZC-05-005B	1	-- 5-YEAR / 60,000 MILE LIMITED ELECTRICAL WARRANTY
ZC-05-006A	1	-- 10-YEAR / 100,000 MILE LIMITED PAINT WARRANTY
ZD-00-000A	1	-- FACTORY LIAISON PROJECT COORDINATOR
ZD-00-000B	1	-- ENGINEERING/PRE-CONSTRUCTION REVIEW
ZD-00-000C	1	-- IN-HOUSE PRE-DELIVERY / DETAILING / INSPECTION [01.01.24]
ZD-00-0600	1	DELIVERY TO END USER - DEALER



REVISED:

CHANGE ORDER REFERENCE:

SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

STREETSIDE OVERALL

REVISIONS

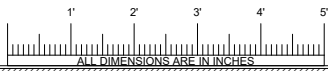
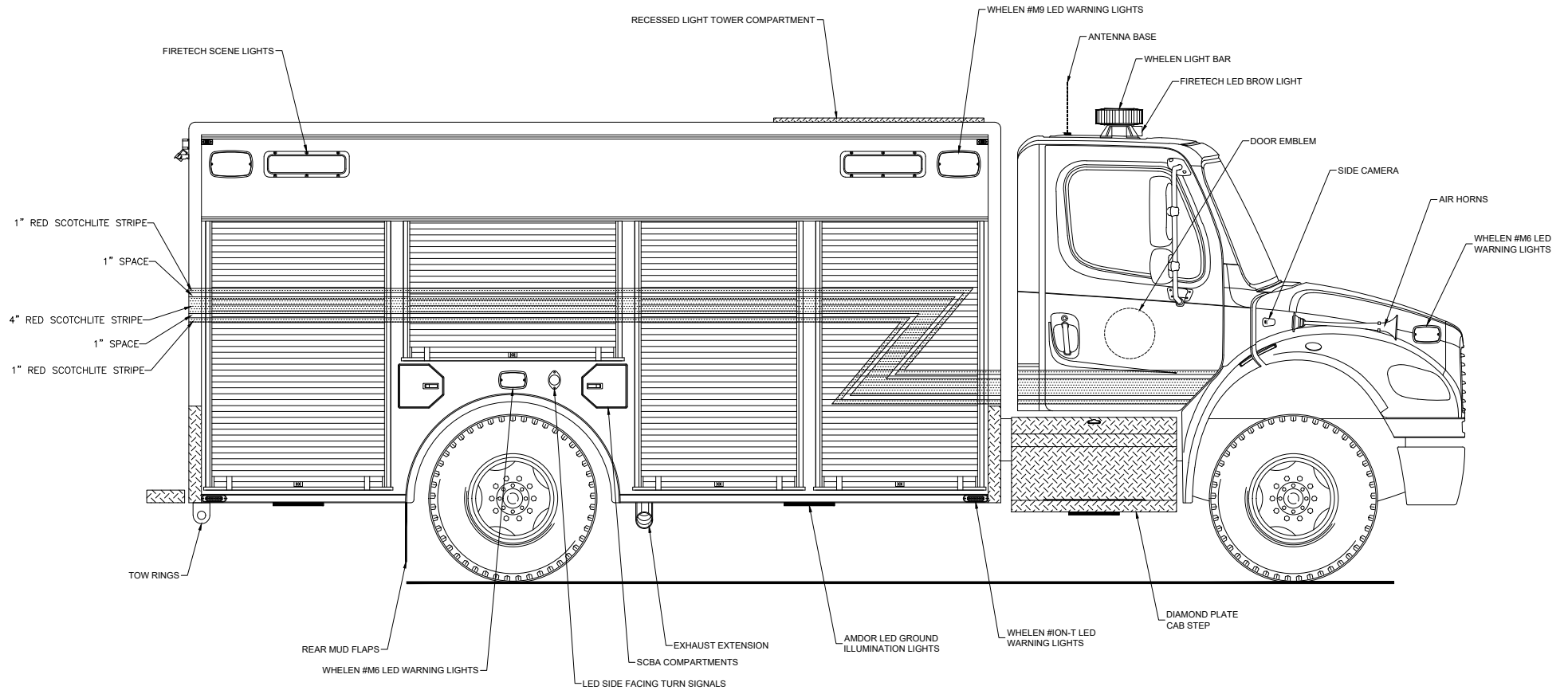
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SCALE
N.T.S.
ALL DIMS IN INCHES

DRAWING NO.
RM3205-06

DRAWN BY
N. PIRES

DATE
01/26/24



REVISED:

CHANGE ORDER REFERENCE:

SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

CURBSIDE OVERALL

REVISIONS

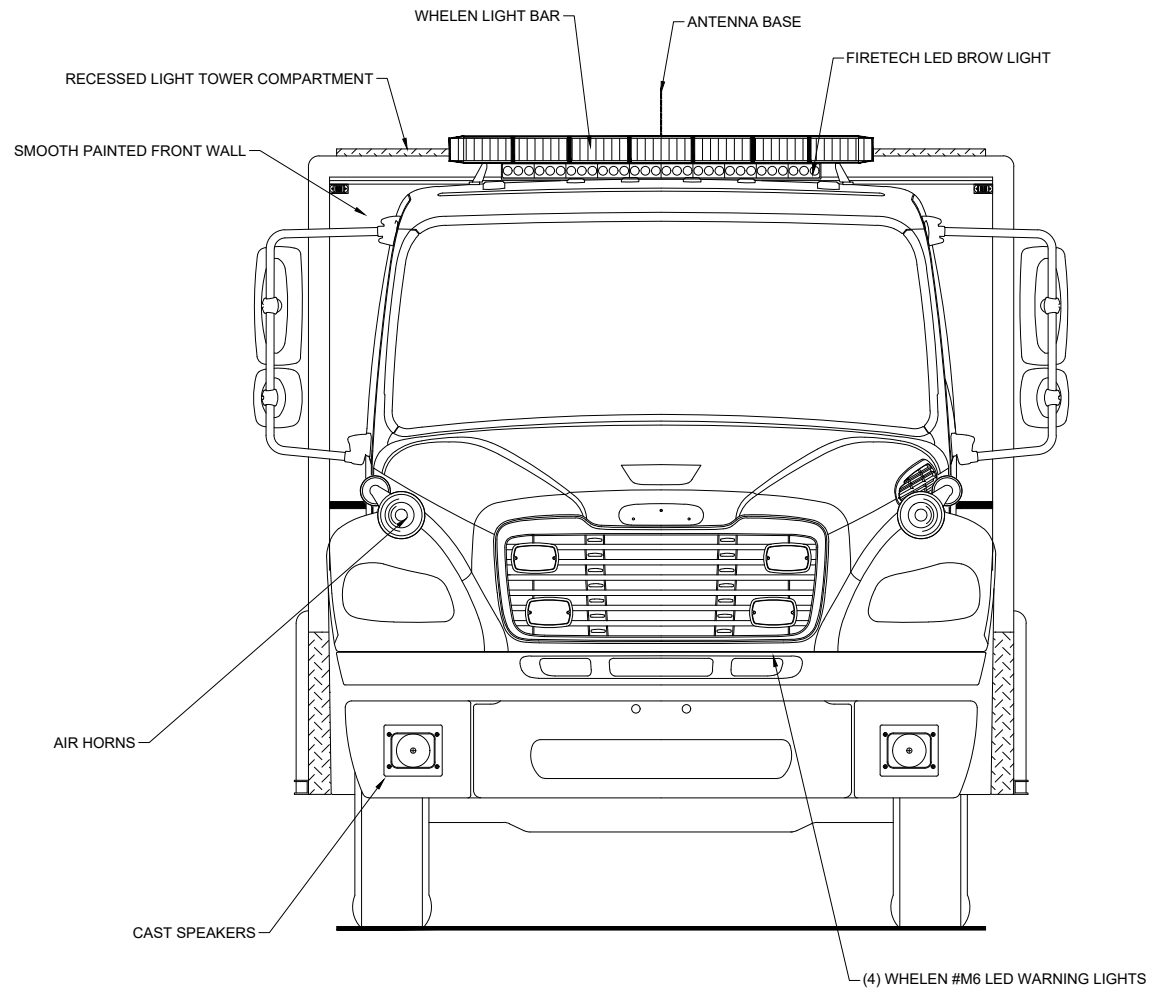
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N.T.S.
ALL DIMS IN INCHES

DRAWING NO.
RM3205-06

DRAWN BY
N.PIRES

DATE
01/26/24



1' 2' 3' 4' 5'

ALL DIMENSIONS ARE IN INCHES

REVISED:

CHANGE ORDER REFERENCE:

SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

FRONT VIEW

REVISIONS

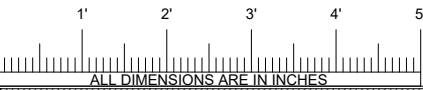
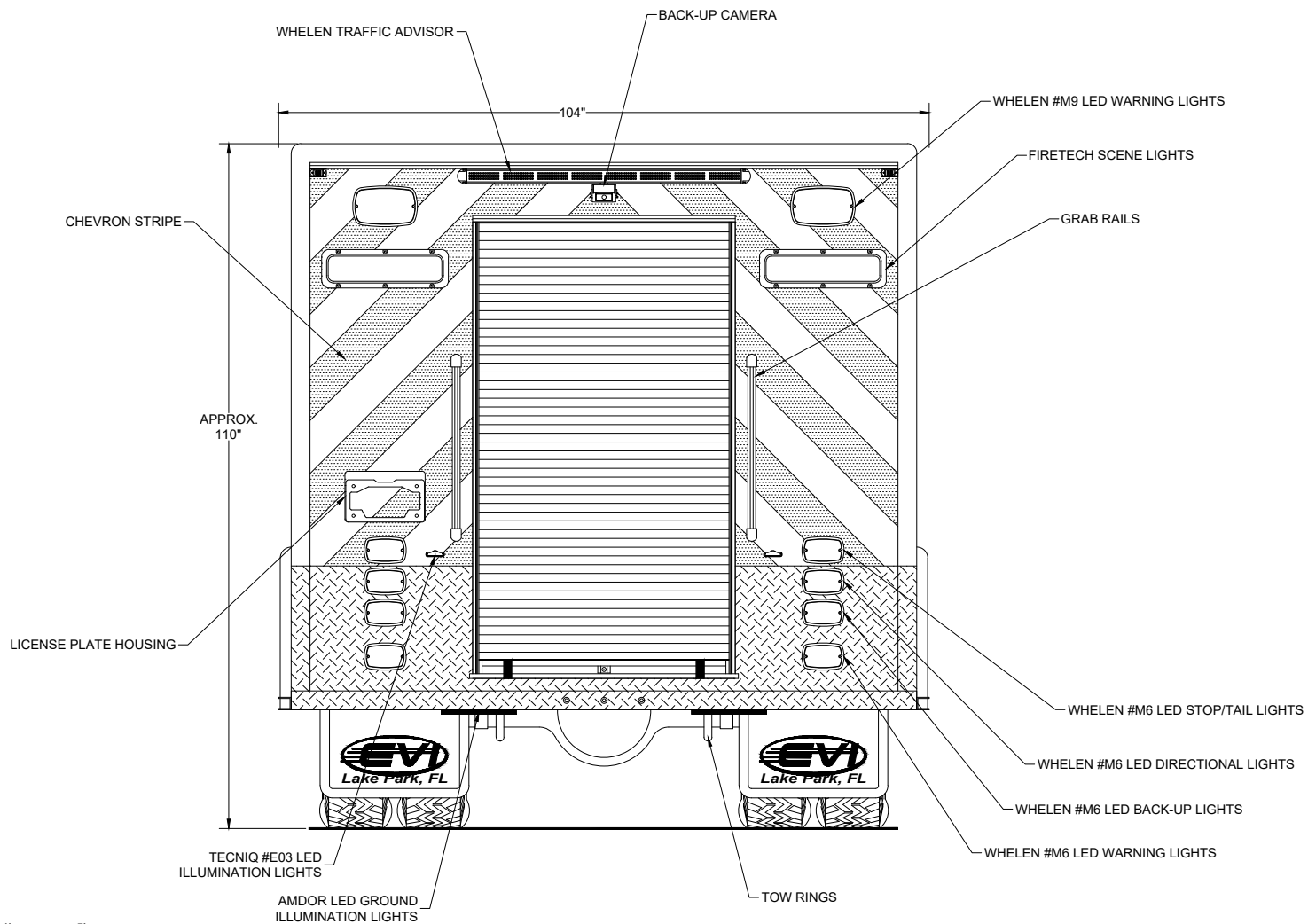
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N.T.S.
ALL DIMS IN INCHES

DRAWING NO.
RM3205-06

DRAWN BY
N. PIRES

DATE
01/26/24



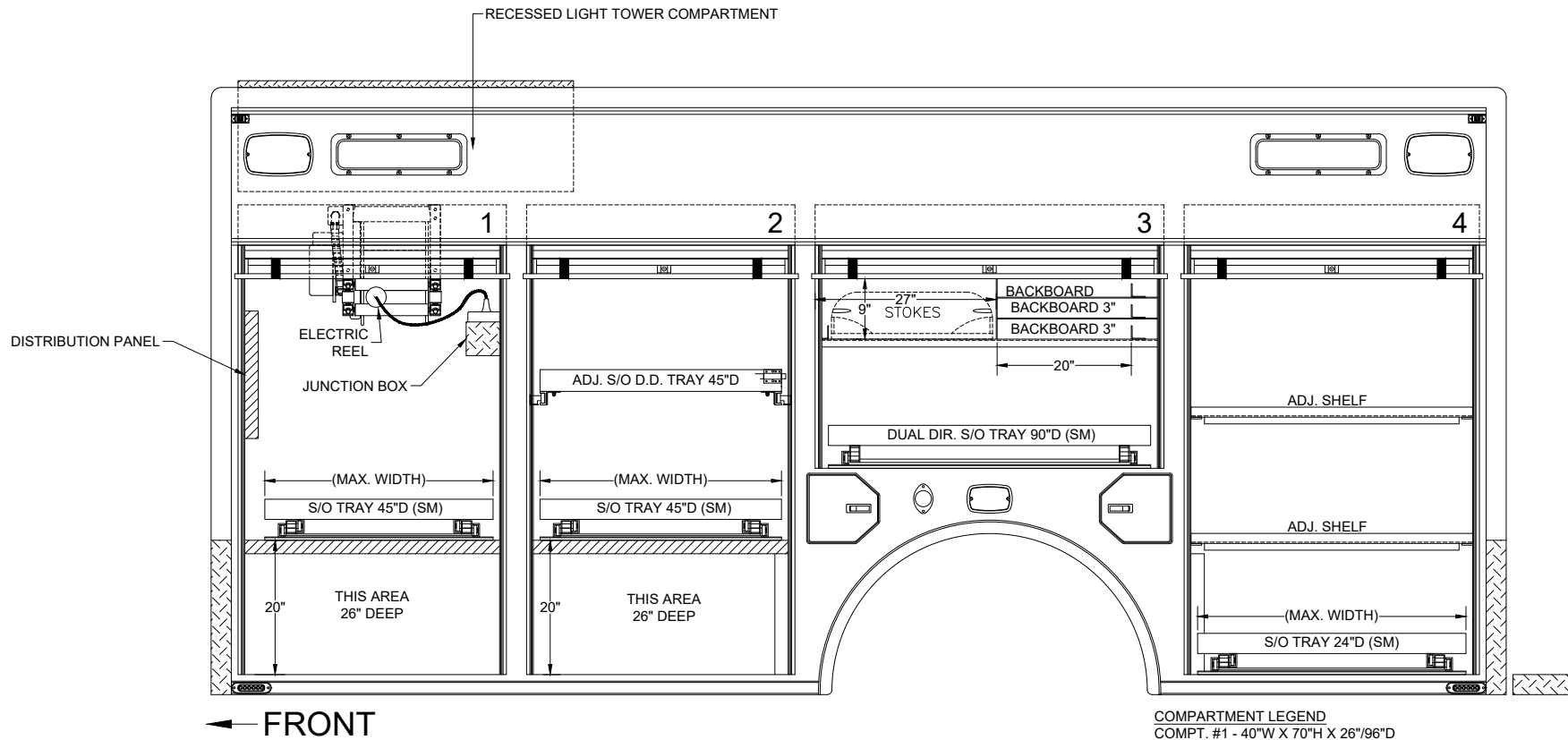
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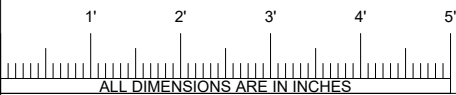
SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

REAR VIEW

REVISIONS		SCALE	DRAWN BY
1	NS - 08/23/24	N.T.S. ALL DIMS IN INCHES	N. PIRES
2			
3		DRAWING NO.	DATE
4			
5		RM3205-06	01/26/24
6			



COMPARTMENT LEGEND
COMPT. #1 - 40"W X 70"H X 26"/96"D
COMPT. #2 - 40"W X 70"H X 26"/96"D
COMPT. #3 - 52"W X 39.25"H X 96"D
COMPT. #4 - 44"W X 70"H X 26"D



ALL DIMENSIONS ARE IN INCHES

REVISED:

CHANGE ORDER REFERENCE:

SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

STREETSIDE BODY

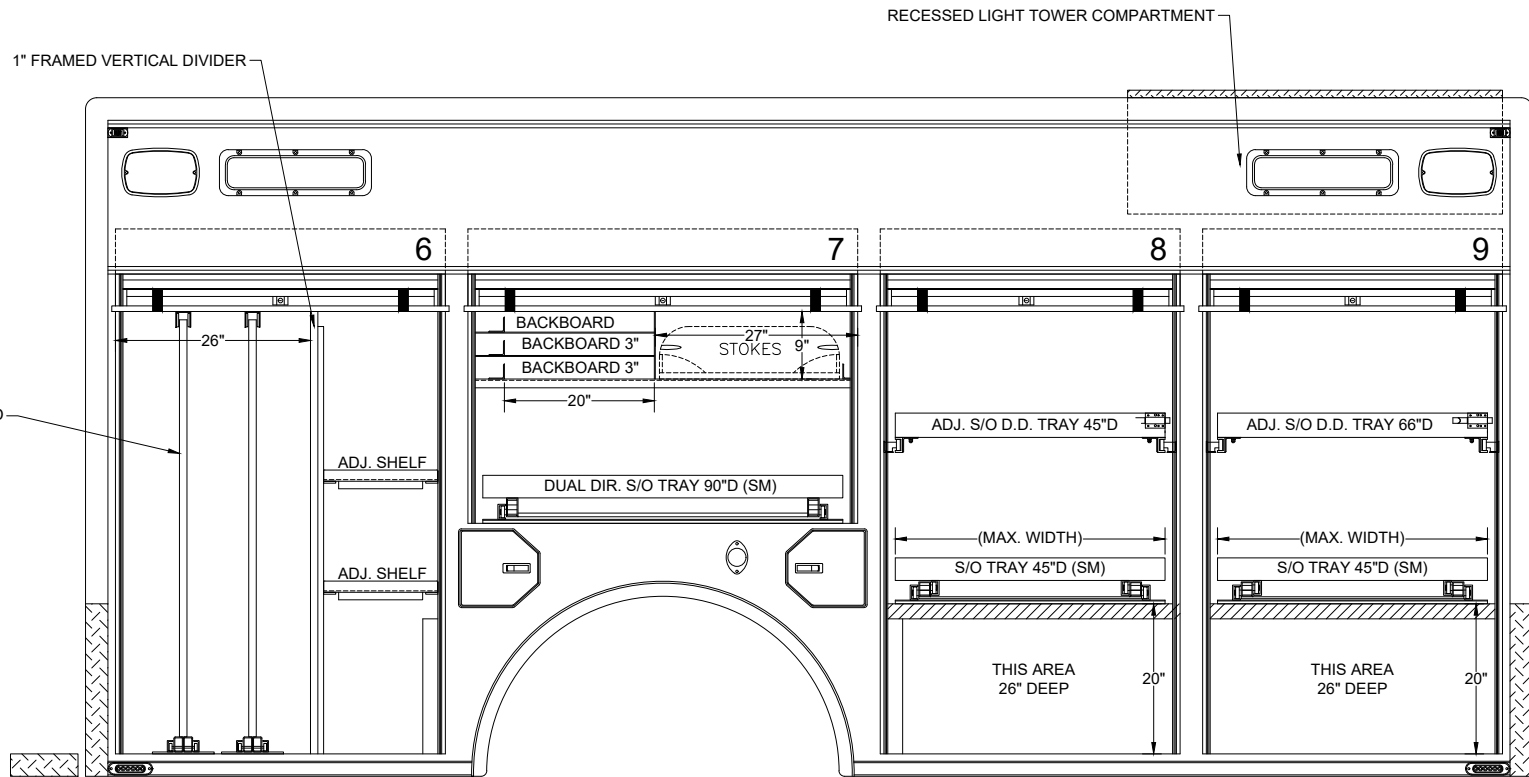
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SCALE
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ALL DIMS IN INCHES

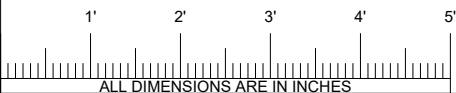
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RM3205-06

DRAWN BY
N. PIRES

DATE
01/26/24



COMPARTMENT LEGEND
COMPT. #6 - 44"W X 70"H X 26"D
COMPT. #7 - 52"W X 39.25"H X 96"D
COMPT. #8 - 40"W X 70"H X 26"/96"D
COMPT. #9 - 40"W X 70"H X 26"/96"D



REVISED:

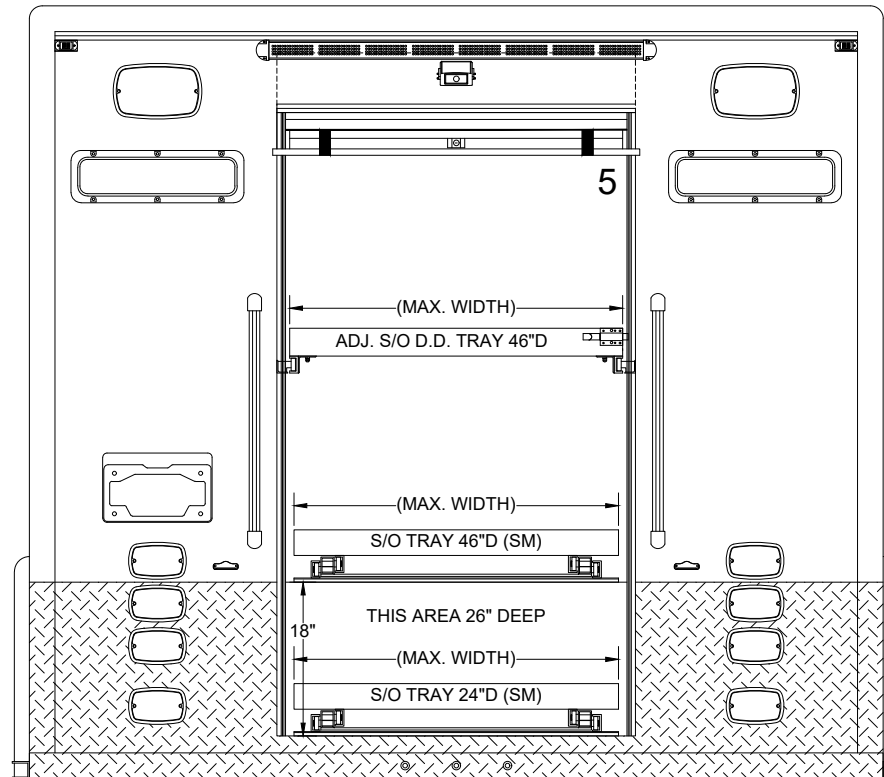
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SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

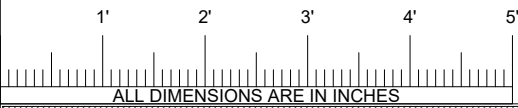
CURBSIDE BODY

FRONT →

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COMPARTMENT LEGEND
COMPT. #5 - 42"W X 80"H X 26"/48"D



REVISED:

CHANGE ORDER REFERENCE:

SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

REAR OPEN VIEW

REVISIONS

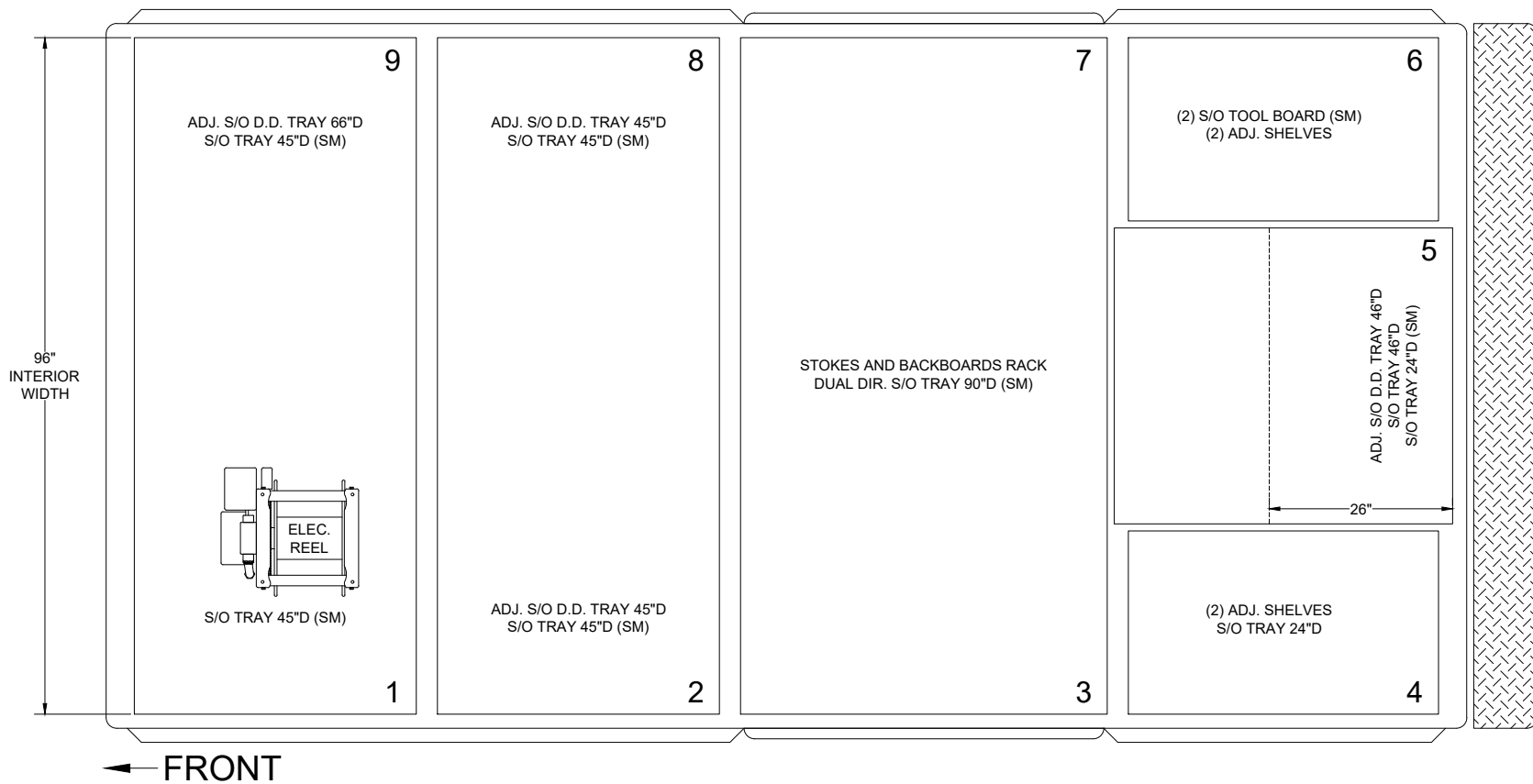
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SCALE
N.T.S.
ALL DIMS IN INCHES

DRAWING NO.
RM3205-06

DRAWN BY
N. PIRES

DATE
01/26/24



ALL DIMENSIONS ARE IN INCHES

REVISED:

CHANGE ORDER REFERENCE:

SIDDONS-MARTIN EMERGENCY GROUP
HOUSTON, TEXAS

BODY PLANVIEW

REVISIONS

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SCALE

N.T.S.
ALL DIMS IN INCHES

DRAWING NO.

RM3205-06

DRAWN BY

N. PIRES

DATE

01/26/24



CONTRACT PRICING WORKSHEET
For MOTOR VEHICLES Only

Contract
No.:

FS12-23

Date
Prepared:

10/27/2025

Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract. As needed, delivery updates will be provided as soon as possible.

Buying Agency:	Hobbs Fire Department	Contractor:	Siddons-Martin Emergency Group
Contact Person:	Chief Marinovich	Prepared By:	Jeffrey Doran
Phone:	1-575-691-7847	Phone:	1-800-784-6806
Fax:		Fax:	
Email:	amarinovich@hobbsnm.org	Email:	jdoran@siddons-martin.com

Product Description	NW116-2D	3205	Freightliner 18' Non-Walk-in Rescue
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract:	\$508,081.00
--	--------------

B. Published Options - Itemize below - Attach additional sheet(s) if necessary.

(Note: Published Options are "manufacturer standard options" which were submitted and priced in Contractor's proposal.)

Description	Cost	Description	Cost
		Subtotal From Additional Sheet(s):	\$0.00
		Subtotal B:	\$0.00

C. Customization Category Totals - Itemize below / Attach additional sheet(s) if necessary.

(Note: Customization options are "manufacturer non-standard options" which were submitted and priced in Contractor's proposal.)

Description	Cost	Description	Cost
		Subtotal From Additional Sheet(s):	\$0.00
		Subtotal C:	\$0.00

Check: Total cost of Customization Categories (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B).	For this transaction the percentage is:	0%
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D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	508,081	=	Subtotal D:	\$508,081.00
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E. H-GAC Order Processing Charge (Amount Per Current Policy)	Subtotal E:	\$2,000.00
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F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
		Contract Stock model Discount	-\$19,436.00
		Subtotal F:	-\$19,436.00

Delivery Date:	6-7 months ARO	G. Total Purchase Price (D+E+F):	\$490,645.00
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Fire Apparatus and Related Vehicles

Contract Information

Contract Number

FS12-23

Effective Dates

12/01/2023 - 11/30/2027 ✓

Contract Details

These contracts cover a variety of manufacturers, and include all types of apparatus such as aerials, pumpers, tankers, heavy rescues, airport crash, hazmat, command and specialty.

[View Contacts \(/contracts/contact-information?contractid=132\)](/contracts/contact-information?contractid=132)

[View Documents \(/contracts/documents?contractid=132\)](/contracts/documents?contractid=132)

[Return to Products & Services \(/products-and-services?contractid=132\)](/products-and-services?contractid=132)

All Products

Search Products Q				
Description	Code	Manufacturer	Price	Discoi
aluminum flatbed, aluminum compartments, 800 gallon tank, Diesel 300 gpm pump. Emergency lighting packag. (/products-and-services/view-product?productid=32681)	TB20	Nevada Pacific Services, Inc.		0%
"Crime Scene Van, GM 2500, gas, insulated, cabinets, scene lighting" (/products-and-services/view-product?productid=32723)	TOSV-VAN-CS-GM1	TechOps Specialty Vehicle LLC		0%



CITY OF HOBBS
STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Resolution No. 7699 - Approving FY 25-26 Memorandum of Agreement with New Mexico Department of Transportation (NMDOT) for Hobbs Express

DEPT OF ORIGIN: City Clerk
DATE SUBMITTED: 10/22/2025
SUBMITTED BY: Jan Fletcher, City Clerk

Summary:

The attached Memorandum of Agreement is for operation of Public Transportation Services for Hobbs Express during Federal FY 25-26 beginning October 1, 2025, through September 30, 2026. The formulary grant costs of the program are shared as follows:

	Total	Federal	City
Admin (80/20) Section 5311	\$106,826.47	\$85,461.18	\$21,365.29
Oper (50/50) Section 5311	\$1,317,640.01	\$658,820.01	\$658,820.01
Capital (80/20) Section 5339	\$270,000.00	\$216,000.00	\$54,000.00
TOTAL	\$1,694,466.48	\$960,281.18	\$734,185.30

Fiscal Impact:

The City's FY 25-26 Budget approved by DFA includes \$1,812,826.84 for personnel, operating and capital expenditures. For FY 26 grant revenue, a total of \$868,450.00 was approved in the preliminary budget, including fares.

Attachments:

Resolution - Hobbs Express MOA FY 25-26
FY 26 MOA - CITY OF HOBBS.signed1

Recommendation:

Motion to approve the resolution and agreement.

Approved By:

Jan Fletcher, City Clerk	10/23/2025
Toby Spears, Finance Director	10/24/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/24/2025
Manny Gomez, City Manager	10/27/2025

CITY OF HOBBS

RESOLUTION NO. 7699

**A RESOLUTION AUTHORIZING A MEMORANDUM OF AGREEMENT
WITH THE NEW MEXICO DEPARTMENT OF TRANSPORTATION (NMDOT)
FOR FEDERAL FY 25-26 FOR PUBLIC TRANSPORTATION SERVICES**

WHEREAS, the State of New Mexico, under 49 U.S.C. Section 5311, authorizes Federal assistance to local communities for public transportation in rural and non-urbanized areas; and

WHEREAS, the City of Hobbs applied for financial assistance for administrative, operating and capital funding for public transportation services, which was approved by the NMDOT and the Federal Transit Administration (FTA).

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that the Mayor be, and he hereby is, authorized and directed to take all necessary and appropriate action to effectuate this resolution and specifically to execute, on behalf of the City of Hobbs, a Memorandum of Agreement with the New Mexico Department of Transportation. A copy of the Memorandum of Agreement is attached hereto and incorporated herein by reference.

PASSED, ADOPTED AND APPROVED this 3rd day of November, 2025.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

FISCAL YEAR 2026 (FY 26)

MEMORANDUM OF AGREEMENT

BETWEEN

THE NEW MEXICO DEPARTMENT OF TRANSPORTATION

AND

CITY OF HOBBS

This Agreement is between the **STATE OF NEW MEXICO**, acting through its **DEPARTMENT OF TRANSPORTATION**, Transit and Rail Division (Department), and the **CITY OF HOBBS** (Subrecipient). This Agreement is effective as of the date of the last party to sign it on the signature page below.

RECITALS

Whereas, 49 U.S.C. Section 5305(e) provides federal assistance for public transportation statewide planning that can be used to provide technical assistance to subrecipients for planning purposes;

Whereas, 49 U.S.C. Section 5307 provides federal assistance for public transportation in small urbanized areas by way of a formula grant program which may be administered by the State;

Whereas, 49 U.S.C. Section 5310 provides federal assistance for public transportation to meet the special needs of seniors and individuals with disabilities by way of a formula grant program administered by the State;

Whereas, 49 U.S.C. Section 5311 provides federal assistance for public transportation in rural areas by way of a formula grant program administered by the State;

Whereas, 49 U.S.C. Section 5339 provides federal assistance for buses and bus-related equipment and facilities by way of a formula and discretionary grant program administered by the State;

Whereas, the State of New Mexico participates in the 49 U.S.C. Section 5305(e), 49 U.S.C. Section 5307, 49 U.S.C. Section 5310, 49 U.S.C. Section 5311, and U.S.C. Section 5339 programs, collectively referred to herein as the Program;

Whereas, the Governor of the State of New Mexico designated the Department to administer the Program funds; and

Whereas, the Subrecipient applied for financial assistance for public transportation services, which was approved by the Department and the Federal Transit Administration (FTA).

Now, therefore, pursuant to Section 67-3-69 NMSA 1978, the parties agree as follows:

1. Scope of Program.

- A. **Operations Profile.** The Subrecipient shall provide transportation services to the public within its service area as specified in the Operations Profile submitted with the Application, which is incorporated by reference and is on file with the Department and the Subrecipient.
- B. **Use of Program Equipment.** The Subrecipient agrees that any Program equipment purchased under this Agreement shall be used to provide public transportation service within the area described in the Operations Profile. If the equipment is not used in this manner or withdrawn from service, the Subrecipient shall notify the Department in accordance with *Section 15. Use of Program Equipment*.

- C. **Use of Program Funds.** The services described in the Operations Profile shall remain intact throughout the term of this Agreement. If the services change, the Subrecipient must submit a revised Operations Profile. The Subrecipient shall notify and seek prior approval from the Department if there will be an elimination or a reduction of services greater than twenty percent (20%). Failure to provide notice shall give the Department cause for termination, as described in *Section 7. Termination for Cause*.
- D. **Fare Schedule.** The fare schedule, which shall be approved by the Subrecipient's governing body, shall be stated in the approved Operations Profile. The Subrecipient shall provide the Department with prior notification of any changes to the fare schedule and documentation of governing body approval.
- E. **Advertising and Public Information (Section 5311).** The Subrecipient shall implement an advertising and information program. Acceptable methods include but are not limited to websites, social media, apps, trip planners, brochures, fliers and handbills, signs and posters, radio announcements, press releases and articles in local and organization newspapers, bulletins, and newsletters. Subrecipients operating fixed and deviated routes shall maintain and update as needed General Transit Feed Specification (GTFS) data. In addition, the name of the service together with the words "Public Transportation" shall be prominently displayed on all vehicle(s) and be readable at a distance of no less than thirty (30) feet. Painted or affixed signing with a decal is acceptable. Magnetic signs are not acceptable. The name shall indicate that the service is a transportation system open to the public. The Subrecipient shall have a telephone number established and operative during hours of transportation services so that the public can access information. All methods of advertising and the signs on the vehicles shall include the telephone number.
- F. **Personnel.** The Subrecipient shall maintain and update organizational contacts in BlackCat Transit Data Management System (BlackCat).

2. Cost of Program.

The Department shall provide partial funding to the Subrecipient to cover expenses of the Program as described in the approved Operations Profile in an amount described below:

Subaward FY 26

City of Hobbs	Total	Federal	Local
Administration (80/20) Section 5311	\$ 106,826.47	\$ 85,461.18	\$ 21,365.29
Operating (50/50) Section 5311	\$ 1,317,640.01	\$ 658,820.01	\$ 658,820.01
Capital to Sub-recipient (80/20) Section 5339	\$ 250,000.00	\$ 200,000.00	\$ 50,000.00
Capital to Sub-recipient (80/20) Section 5339	\$ 20,000.00	\$ 16,000.00	\$ 4,000.00
Total Administration, Operating and Capital	\$ 1,694,466.48	\$ 960,281.18	\$ 734,185.30

Vehicle acquisition funds that designate payment as capital to subrecipient that are not obligated by contract by September 30, 2026, may revert to the Department.

Capital equipment acquisition funds that are not obligated by contract by September 30, 2027, may revert to the Department.

Capital rehab/renovation and construction project funds that are not obligated by contract by September 30, 2028, may revert to the Department.

This program is funded with grants provided by the FTA Section 5305 Statewide Transportation Planning Formula Program, Assistance Listing number 20.505; FTA Section 5307 Urbanized Area Formula Program, Assistance Listing number 20.507; FTA Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities Program, Assistance Listing number 20.513; FTA Section 5311 Formula Grants for Rural Areas, Assistance Listing number 20.509; and FTA Section 5339 Bus and Bus Facilities Formula and Discretionary Program, Assistance Listing number 20.526. (**Attachment A.**) The Department's share of Program expenses

shall be obtained from the federal government. State funds will not be earmarked or disbursed to fund the Program. The Department shall not be responsible for any other costs incurred by the Subrecipient. The Subrecipient shall take all actions necessary to fund its share of the Program.

3. Method of Payment.

The Department shall reimburse the Subrecipient for the Department's share of Program administration, operating assistance, and capital upon receipt of invoices with sufficient supporting documentation as determined and approved by the Department indicating that expenses have been paid and/or money is owed.

The Subrecipient shall submit Budget Summary Reports for administration and/or operating assistance on a monthly basis to be received by the Department by the 25th day of the following month in which expenses were incurred. Reimbursement requests for vehicles and capital equipment shall be submitted within 30 days of payment to the vendor.

All reimbursement requests shall be submitted to the Department utilizing BlackCat. All expenses must be actual and listed on the invoice as charged. Rounding up or down, other than the total, is not permitted. Only those expenses or percentage thereof, properly documented and deemed eligible, shall be reimbursed. The Department may withhold payment of invoices that are incorrect and/or incomplete.

Subrecipients that receive capital assistance for vehicle purchases are expected to submit payment to the vendor, within 30 days of vehicle delivery.

Subrecipients with capital to subrecipient designation will pay the vendor in full for the cost of the vehicle and invoice NMDOT for reimbursement of the federal share (80/20).

Reimbursements will be issued upon receipt of invoices, with sufficient supporting documentation as determined and approved by the Department, indicating that expenses have been paid and/or money is owed. The Subrecipient should refer to the Vehicle Purchase Procedures in the Global Resources section of BlackCat for payment procedures.

4. Eligible Costs.

- A. Eligible Costs are those costs attributable to and allowed under the Program and the provisions of 2 CFR Parts 200 and 1201, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.
- B. Costs incurred by the Subrecipient prior to the effective date of this Agreement or after termination are not eligible for reimbursement.
- C. Within forty-five (45) days after completion of this Agreement, the Subrecipient shall submit a final invoice to the Department for Administration and Operating expenses and a financial statement showing the total expenses of the Program.
- D. Match shall be provided from eligible matching sources.

5. State General Appropriation Funds Not Obligated.

Nothing in this Agreement shall be construed as obligating State general appropriation funds for payment of any debt or liability arising under this Agreement. The parties expressly acknowledge that all payments made under this Agreement are from federal funds appropriated for these purposes.

6. Term.

Upon the signature of all parties, this Agreement becomes effective with a starting date of October 1, 2025.

Costs incurred under this agreement for Administration and Operating expenses from October 1, 2025, to September 30, 2026, are eligible for reimbursement.

Vehicle acquisition funds that designate payment as capital to subrecipient that are obligated by contract by September 30, 2026, are eligible for reimbursement.

Capital equipment acquisition funds obligated by contract by September 30, 2027, are eligible for reimbursement.

Capital rehab/renovation and construction project funds obligated by contract by September 30, 2028, are eligible for reimbursement.

7. Termination for Cause.

The Department has the option to terminate this Agreement if the Subrecipient fails to comply with any provision. A written notice of termination shall be given at least thirty (30) days prior to the intended date of termination and shall identify all of the Subrecipients breaches on which the termination is based.

The Department may provide the Subrecipient with a reasonable opportunity to correct the breach. If within ten (10) days after receipt of a written notice of termination, the Subrecipient has not corrected the breach or, in the case of a breach which cannot be corrected in ten (10) days, the Subrecipient has not begun and proceeded in good faith to correct the breach, the Department may declare the Subrecipient in default and terminate the Agreement. The Department shall retain any and all other remedies available to it under the law. Upon termination of this Agreement, the Subrecipient shall return the Program equipment as specified in *Section 1. Scope of the Program*.

8. Appropriations.

The terms of this Agreement are contingent upon sufficient appropriations and authorizations being made by the Congress of the United States. If sufficient appropriations and authorizations are not made, this Agreement shall terminate upon written notice from the Department to the Subrecipient. The Department's decision as to whether sufficient appropriations are available shall be accepted by the Subrecipient and shall be final.

9. Termination Management, Allowable Costs.

In the event of termination, neither party may nullify obligations already incurred for performance or failure to perform. The Subrecipient shall be paid for all the allowable costs incurred prior to the date of termination, subject to audit verification by the Department or its duly authorized representative. The Subrecipient shall not be paid for any costs incurred that are inconsistent with, or contrary to, the terms and conditions of this Agreement.

10. Breach and Dispute Resolution.

Disputes which cannot be resolved informally by the parties shall be decided in writing by a representative of the Department's Transit and Rail Division. The Subrecipient has ten (10) days from receipt of the decision to file a written appeal with the Transit and Rail Division. Upon appeal, the Subrecipient will be afforded an opportunity to be heard and to offer evidence in support of its position. The decision of the Transit and Rail Division on appeal shall be binding.

11. Procurement Requirements.

The Subrecipient shall purchase Program equipment pursuant to procedures established by 2 CFR Parts 200 and 1201, the United States Department of Transportation (U.S. DOT), the FTA, applicable New Mexico State Law, and the standards set forth in: Third Party Contracting Guidance, FTA Circular 4220.1G; and the Americans with Disabilities Act of 1990, Pub. L. No. 101-336.

The Subrecipient agrees to comply with 49 U.S.C. Section 5323(j) as amended by the Infrastructure Investment in Jobs Act (IIJA).

For procurements in excess of \$10,000, the Subrecipient shall seek concurrence in writing from the Department at the pre-solicitation and pre-award stages.

12. Rolling Stock.

In acquiring rolling stock, the Subrecipient agrees that the parties are bound by the following provisions:

- A. **Method of Acquisition.** In compliance with 49 U.S.C. Section 5325(f), the Subrecipient agrees that any third party contract award it makes for rolling stock will be based on initial capital costs, or on performance, standardization, life cycle costs, and other factors, or on a competitive procurement process.
- B. **Multi-year Options.** In accordance with 49 U.S.C. Section 5325(e)(1), the Subrecipient procuring rolling stock financed with Federal assistance under 49 U.S.C. Chapter 53 may not enter into a multiyear contract with options, exceeding five (5) years after the date of the original contract, to purchase additional rolling stock and replacement parts.
- C. **Buy America.** The Subrecipient agrees to comply with the requirements of 49 U.S.C. Section 5323(j) and FTA regulations, "Buy America Requirements," 49 C.F.R. Part 661, and any amendments to those regulations that may be promulgated.
- D. **Pre-Award and Post-Delivery Audits.** The Subrecipient agrees to comply with the requirements of 49 U.S.C. Section 5323(m) and FTA regulations, "Pre Award and Post Delivery Audits of Rolling Stock Purchases," 49 C.F.R. Part 663, and any amendments to those regulations that may be promulgated.
- E. **Bus Testing.** To the extent applicable, the Subrecipient agrees to comply with the requirements of 49 U.S.C. Section 5318(e) and FTA regulations, "Bus Testing," 49 C.F.R. Part 665, and any amendments to those regulations that may be promulgated.

13. Insurance.

The Subrecipient shall maintain liability, comprehensive, collision, and uninsured motorist insurance adequate to protect the Program equipment, and satisfactory to the Department. The Department shall be named as an additional insured and a loss payee on Subrecipient's policy for each vehicle on which the Department has a lien. A certificate of insurance shall be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance. The Subrecipient shall provide the Department with documentation of subsequent renewals and shall keep on file a copy of the insurance policy, which shall be accessible to the Department.

The Subrecipient shall require contractors and subcontractors hired to perform the services under this Agreement to have a commercial general liability insurance policy. The Department shall be named as an additional insured on the contractor's and subcontractor's policy and a certificate of insurance shall be provided to the Department and it shall state that coverage provided under the policy is primary over any other valid insurance.

The Subrecipient shall require contractors and subcontractors hired to perform services under this Agreement to indemnify, defend and hold harmless the State of New Mexico, the Department, its officers, agents and employees from and against all suits, actions or claims of any character brought because of any injury, including death or damages arising out of contractors' or subcontractors' construction or maintenance activities pursuant to this Agreement, as memorialized herein and subject to any additional permit that may be required of the contractor or subcontractor to perform said activities.

14. New Mexico Tort Claims Act.

As between the Department and the Subrecipient, neither party shall be responsible for liability incurred as a result of the other party's acts or omissions in connection with this agreement. Any liability incurred in connection with this Agreement is subject to the immunities and limitations of the New Mexico Tort Claims Act, Sections 41-4-1, *et seq.*, NMSA 1978. This paragraph is intended only to define the liabilities between the parties and it is not intended to modify, in any way, the parties' liabilities as governed by the common law of the New Mexico Tort Claims Act.

15. Use of Program Equipment.

- A. A Program Vehicle Inventory shall be completed for each vehicle used in the program and entered into BlackCat within thirty (30) days of delivery. Vehicle Inventory shall be reported and updated within BlackCat on a quarterly schedule, and as changes to the vehicle inventory occur.
- B. The Subrecipient shall maintain a current written fleet maintenance plan that includes procedures for preventive and corrective maintenance, warranty tracking and claims recovery, and recall notification and follow-up. Major corrective maintenance, warranty tracking and claims recovery, and recall notifications shall be reported in BlackCat as they are received and updated as repairs are completed.
- C. The Subrecipient shall follow the equipment manufacturer's minimum standards and recommended preventive maintenance schedules. The Subrecipient shall maintain the equipment in a clean, safe, and mechanically sound condition. The Department or its authorized representative has the right to conduct periodic inspections during normal business hours for the purpose of confirming property maintenance pursuant to this clause.
- D. The Subrecipient shall keep Vehicle Inspection Records before and/or after the use of each transit vehicle for at least three (3) years.
- E. Each vehicle shall be equipped with a fire extinguisher, first aid kit (including a blood borne pathogens/biohazard kit), fluorescent triangles and/or safety flares, reflective vests for drivers, flashlights, and web cutters/seat belt cutters, while the vehicle is in operation.
- F. Program Equipment Inventory shall be completed for each piece of equipment used in the Program with an acquisition value of \$50,000 or greater. The Program Equipment Inventory shall be reported and updated within BlackCat on an annual schedule, and, as changes to the equipment inventory occur.
- G. The Subrecipient shall maintain a current written equipment maintenance plan that includes procedures for preventive and corrective maintenance, warranty tracking and claims recovery, and recall notification and follow-up. The plan will address maintenance of equipment with an acquisition value of \$10,000 or more.
- H. Program Facilities Inventory shall be completed for each facility used in the Program. The Program Facility Inventory shall be reported and updated within BlackCat on an annual schedule, and, as changes to the facility inventory occur.
- I. The Subrecipient shall maintain a current written facility maintenance plan that includes procedures for preventive and corrective maintenance, warranty tracking and claims recovery, and recall notification and follow-up.
- J. The Program equipment shall be used to provide public transportation service within the described service area and in the manner described in *Section 1. Scope of Program*.
- K. Failure to use Program equipment as described in *Section 1. Scope of Program* shall be considered a material breach of contract subject to the provisions of *Section 7. Termination for Cause*.

- L. The Subrecipient shall notify the Department immediately of vehicular/facilities accidents, thefts, or vandalism involving Program equipment. All supporting documentation relating to the incident, including police reports, damage assessments, and insurance claims shall be reported and uploaded in BlackCat to the corresponding inventory record. Failure to notify the Department shall be considered a material breach of contract subject to the provisions of *Section 7. Termination for Cause*.
- M. All Program equipment that is damaged in an accident, by vandalism, or weather is to be repaired or replaced depending on the physical and monetary extent of the damage and according to its scheduled final disposition.
- N. If the Subrecipient wants to remove any Program equipment from service or dispose of such equipment either as a result of planned withdrawal, casualty loss, or transfer, the Subrecipient shall submit a completed disposition or transfer request in BlackCat including all relevant and required supporting documentation. The Subrecipient should refer to the Vehicle Disposition Procedures in the Global Resources section of BlackCat.
- O. The Department may require that Program equipment purchased under FTA programs, on which liens are held, be returned to the Department. Such Program equipment shall be returned in good working condition within ten (10) business days or as stipulated by the Department. If the Subrecipient fails to return the equipment, the Department, as the recorded lien holder, shall have the right to immediately repossess the vehicle(s) by whatever means available to it under New Mexico law.
- P. Upon termination of the Agreement under *Section 7. Termination for Cause*, the Subrecipient shall not be eligible for reimbursement of any costs associated with the vehicle(s) purchase or be entitled to damages arising from Program operations, except that the Subrecipient shall be reimbursed for its pro-rata share of the Program equipment's depreciated value as determined by the straight-line depreciation method.
- Q. The Subrecipient agrees that no modifications will be made to Program vehicle(s) with liens held by the Department without prior written approval of the Department. If unapproved modifications are made, the Subrecipient is responsible for the cost of restoring the vehicle(s) to its original condition.

16. Charter Bus Requirements.

The Subrecipient agrees to comply with 49 U.S.C. Section 5323(d) and 49 C.F.R. Part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except under one of the exceptions at 49 C.F.R. Part 604.9. Any charter service provided under one of the exceptions shall be "incidental." For example, it shall not interfere with or detract from the provision of mass transportation.

17. School Bus Requirements.

Pursuant to 49 U.S.C. Section 5323(f) and 49 C.F.R. Part 605, recipients and subrecipients of FTA assistance may not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators unless qualified under specified exemptions. When operating exclusive school bus service under an allowable exemption, recipients and sub recipients may not use federally funded equipment, vehicles, or facilities.

18. Certificate of Title for Vehicles.

Any title to capital equipment the Subrecipient purchases will reflect in a lien in favor of the Department. The liens will remain in effect according to the following schedule:

Category	Approx. GVW	Minimum Life (either years or miles)	
		Years	Miles
Heavy-Duty Large Bus	33,000 to 40,000lbs	15	625,000
Medium-Duty and Purpose-Built Bus	16,000 to 26,000lbs	10	285,000
Light-Duty Mid-Sized Bus	10,000 to 16,000lbs	8	240,000
Light-Duty Small Bus, Cutaway, and Modified Van	6,000 to 14,000	7	175,000

The Subrecipient shall pay all costs associated with obtaining, securing, and maintaining titles and liens including the payment of all applicable taxes and fees.

19. Duration of Lien.

The Subrecipient shall not pledge or collateralize any vehicles purchased under this Agreement without written authorization from the Department. This restriction is in effect from the date a title certificate is issued to when the Department releases the lien pursuant to *Section 18. Certificate of Title for Vehicles*. For specifics on disposition of vehicles after title lien is released, the Subrecipient should refer to the Vehicle Disposition Procedures in the Global Resources section of BlackCat.

20. Reporting Requirements.

- A. **Monthly Budget Summary Reporting.** Section 5311 Subrecipients shall submit a monthly invoice/report using BlackCat to include financial expenditures and service data, as described in *Section 3. Method of Payment*. This monthly invoice shall be submitted to the Department by the 25th of the following month. The invoice shall include the supporting documentation as requested by NMDOT.
- B. **Final Administration and Operating Invoice.** Section 5311 Subrecipients shall submit a final invoice to the Department for Administration and Operating expenses and a financial statement showing the total expenses within 45 days of the end of the agreement.
- C. **Semi-annual Disadvantaged Business Enterprise (DBE) Reporting.** Section 5311 Subrecipients shall submit in BlackCat semi-annual DBE reports due May 15 (for the period October 1 to March 31) and due November 15 (for the period April 1 to September 30).
- D. **Vehicle/ Equipment/ Facility Updates.** Section 5310 and Section 5311/5339 Subrecipients shall report vehicle/ equipment/ facility inventories within the BlackCat system as well as updates to the vehicle/ equipment/facility inventories on a quarterly schedule or as they occur. Reporting requirements apply to equipment valued at \$50,000 or greater.
- E. **Quarterly Section 5310 Ridership Reporting.** Section 5310 Subrecipients shall report Section 5310 ridership statistics quarterly within BlackCat system. Quarterly Ridership Reports are due thirty (30) days after each quarter ends. Reports are due January 30, April 30, July 30, and October 30 respectively.
- F. **Drug and Alcohol Quarterly Testing Report.** Section 5311 Subrecipients will submit a quarterly Testing Report in BlackCat for each quarter of the calendar year. Subrecipients will also conduct one (1) breath alcohol test observation and two (2) urine collection observations during the calendar year. Completed checklists shall be submitted with the corresponding quarterly testing report during the quarter in which the test(s) were observed. Reports are due January 31, April 30, July 31, and October 31 respectively.

- G. **National Transit Database (NTD) Rural Report.** Section 5311 Subrecipients will submit an annual NTD report, as required by 49 U.S.C. Section 5335, due December 15. More information on NTD Reporting can be found in the Global Resources Section of BlackCat.
- H. **Drug and Alcohol Management Information System (MIS) Data.** Section 5311 Subrecipients will submit drug and alcohol testing data for the previous calendar year using the Management Information System (MIS) Data Collection Form to the entity designated by the Department before March 1 of each year.
- I. **Drug and Alcohol Compliance Review/Report.** Section 5311 Subrecipients will participate in an annual Drug and Alcohol Compliance Review by the Department. Once a final report has been issued, the Subrecipient will begin to implement corrective actions, providing supportive documentation for all deficiencies for all deficiencies and responding to all recommendations cited in the final report. All corrective actions and recommendations should be addressed and closed within 4 months of issuance of the final report.
- J. **Technical Assistance and Compliance Review/Report.** Section 5310 and Section 5311/5339 Subrecipients will participate in a Technical Assistance and Compliance Review by the Department. Once a final report has been issued, the Subrecipient will begin to implement corrective actions, providing supportive documentation for all deficiencies and responding to all recommendations cited in the final report. All corrective actions and recommendations should be addressed and closed within 4 months of issuance of the final report.
- K. **Transit Asset Management (TAM) Reporting.** Section 5310 and Section 5311 Public Transit Providers may participate in a group TAM Plan sponsored by The Department (49 U.S.C. 625). All TAM plan participants shall sign a TAM Plan Approval Statement and assign an Accountable Executive to be identified in BlackCat. TAM reporting requires participants to maintain updated asset/facility inventories and condition assessments in BlackCat.

The Department may withhold payment of monthly invoices if reports are not submitted in a timely manner, are incorrect and/or incomplete. The Subrecipient's failure to submit reports in a timely manner on the dates specified shall be a material breach of this Agreement and shall be subject to termination as provided in *Section 7. Termination for Cause*.

21. Retention of Records.

The Subrecipient shall maintain all books, documents, papers, accounting records, reports and other evidence pertaining to costs incurred in the Program for three (3) years after the date of termination or expiration of this Agreement.

22. Access to Records.

The Subrecipient shall grant authorized representatives of the Department, the State, and the federal government access to books, documents, papers, reports, and records of the Subrecipient or its contractors or subcontractors, which are directly pertinent to this Agreement, for the purpose of making audits, examination excerpts, and transcriptions. The Subrecipient agrees to permit any of the foregoing parties to reproduce by any means whatsoever or to copy excerpts and transcriptions as reasonably needed. The Subrecipient shall reimburse the Department for any expenditure for which it receives payment or reimbursement, as applicable, which is disallowed by an audit exception by the Department, the State or federal government.

23. Audit.

Pursuant to New Mexico administrative code 2.2.2.8(D), all governmental agencies are required to have their financial affairs thoroughly examined and audited each year by the Office of the State Auditor or independent auditors approved by the Office of the State Auditor. The list of approved auditors can be found [here](#).

The Subrecipient shall ensure that an annual audit of the Program based on the Subrecipient's fiscal year shall be conducted pursuant to 2 CFR Parts 200 and 1201.

24. Audit Exceptions.

If federal or State audit exceptions are made, the Subrecipient shall reimburse all costs incurred by the State and the Department associated with defending against the exceptions, which includes but is not limited to costs of performing a new audit or a follow-up audit, court costs, attorneys' fees, travel costs, penalty assessments.

Immediately upon notification from the Department, the Subrecipient shall reimburse the amount of the audit exception and any other related costs directly to the Department. In the notification, the Department may inform the Subrecipient of the Department's election to withhold an amount equal to the payment owed under this Section from any future distribution owed to Subrecipient under this Agreement.

25. Third Party Beneficiaries.

It is not intended by any of the provisions of any part of this Agreement to create in the public or any member thereof a third party beneficiary or to authorize anyone not a party to the Agreement to maintain a suit(s) for wrongful death(s), bodily and/or personal injury(ies) to person(s), damage(s) to property(ies), and/or any other claim(s) whatsoever pursuant to the provisions of this Agreement.

26. Contracting and Assignment.

The Subrecipient shall not contract or permit to have subcontracted any portion of this Agreement without prior written approval of the Department. No such contracting or subcontracting shall relieve the Subrecipient from its obligations and liabilities under this Agreement, nor shall any contracting or subcontracting obligate payment from the Department.

Except to a successor in kind, the Subrecipient shall not assign or transfer any interest in this Agreement or assign any claim for money due or to become due under this Agreement without the prior written approval of the Department.

Should contract(s), subcontract(s) or an assignment be authorized by the Department, the contractor(s), subcontractor(s) and assignor(s) shall be subject to all provisions of this Agreement. It shall be the Subrecipient's responsibility to duly inform the contractor(s), subcontractor(s) and assignor(s) by means of a contract or other legally binding document stipulating responsibility to this Agreement.

27. Training.

The Subrecipient shall ensure that all drivers described in the Operations Profile are trained in accordance with the Department's Training Standard Operating Procedures. The Subrecipient should refer to the Training Procedures in the Global Resources section of BlackCat. Should the Subrecipient fail to satisfy the terms and conditions as outlined, the Subrecipient may be found to be in breach of contract and subject to the provisions of *Section 7. Termination for Cause*.

28. No Federal Government Obligation to Third Parties.

- A. The Department and Subrecipient acknowledge and agree that, notwithstanding any concurrence by the federal government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the federal government, the federal government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Department, Subrecipient, or any other party (whether or not a party to the Agreement or any contract or subcontract) pertaining to any matter resulting from the Agreement.

- B. The Subrecipient agrees to include the above clause in each contract or subcontract financed in whole or in part with federal assistance provided by FTA. It further agrees that the clause shall not be modified, except to identify the contractor or subcontractor who will be subject to its provisions.

29. Drug and Alcohol Testing (Section 5311).

- A. The Subrecipient will implement a drug and alcohol testing program that complies with 49 C.F.R. Parts 40 and 655 for its Section 5311 and 5310 programs.
- B. The Subrecipient shall produce documentation necessary to establish its compliance, permit authorized representatives of the U.S. DOT or the Department to inspect the facilities and records associated with the drug and alcohol testing program, and review the testing process.
- C. The Subrecipient will submit for review and approval a copy of its Policy Statement developed to implement its drug and alcohol testing program.
- D. The Subrecipient agrees to participate in the Department's consortium.
- E. The Subrecipient agrees to develop a drug and alcohol program standard operating procedures desk manual.
- F. The Subrecipient will participate in Department-provided training opportunities.

30. Labor Warranty (Section 5311).

The Subrecipient agrees to comply with the terms and conditions of the Special 49 U.S.C. Section 5333(B) Labor Protection Warranty. The Subrecipient will assume all legal and financial responsibility related to compliance with the terms and conditions of the Warranty.

31. Civil Rights Laws and Regulations Compliance.

The Subrecipient shall comply with all federal, State, and local laws and ordinances applicable to the work called for under this Agreement.

- A. **Nondiscrimination.** In accordance with Title VI of the Civil Rights Act, 42 U.S.C. § 2000d, Section 303 of the Age Discrimination Act of 1975, 42 U.S.C. § 6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the Subrecipient shall not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, age, disability, or other protected class. The Subrecipient shall comply with applicable Federal implementing regulations and such other implementing requirements FTA may issue. The Nondiscrimination Assurance is attached as **Assurance 3**.
- B. **Equal Employment Opportunity.** The following equal employment opportunity requirements apply to this Agreement:
 - 1. **Race, Color, Religion, National Origin, Sex.** In accordance with Title VII of the Civil Rights Act, 42 U.S.C. Section 2000e, and Federal transit laws at 49 U.S.C. Section 5332, the Subrecipient agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Part 60 *et seq.*, (which implement Executive Order No. 11246, "Equal Employment Opportunity," as amended by Executive Order No. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," 42 U.S.C. Section 2000e note), and with any applicable federal statutes, executive orders, regulations, and federal policies that may in the future affect construction activities undertaken in the course of the project. The Subrecipient agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including gender

identity and sexual orientation). Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the awarded contractor shall comply with any implementing requirements FTA may issue.

2. **Age.** In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, 29 U.S.C. Section 623 and Federal transit law at 49 U.S.C. Section 5332, the Subrecipient agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Subrecipient shall comply with any implementation requirements FTA may issue.
 3. **Disabilities.** In accordance with Section 102 of the Americans with Disabilities Act, 42 U.S.C. Section 12112, the Subrecipient agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, "Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act," 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the awarded contractor shall comply with any implementing requirements FTA may issue.
- C. The Subrecipient shall include these requirements in each contract financed in whole or in part with federal assistance provided by FTA, modified only if necessary to identify the affected parties.
 - D. The Subrecipient also agrees to ensure that these requirements are included in each subcontract financed in whole or in part with federal assistance provided by FTA, modified only if necessary to identify the affected parties.

32. DBE Policy.

- A. This Agreement is subject to the requirements of 49 CFR Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The Department's proposed overall goal for FTA participation for the 2026 fiscal year is 8.13%, through race-neutral means.
- B. The Subrecipient shall not discriminate on the basis of race, color, national origin, sex, or other protected class in the performance of the Agreement. The Subrecipient shall carry out applicable requirements of 49 CFR Part 26 in the administration of the Program. Failure by the Subrecipient to carry out these requirements is a material breach of the Agreement, which may result in the termination or other such remedy as the Department deems appropriate. Each contract the Subrecipient signs with a contractor shall include the assurance in this paragraph (see 49 CFR 26.13(b)).
- C. The Subrecipient agrees to ensure that DBEs as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of Contracts and subcontracts financed in whole or in part with Federal funds. In this regard, all recipients or contractors shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to ensure that DBEs have the maximum opportunity to compete for and perform contracts. Recipients and their contractors shall not discriminate on the basis of race, color, national origin, sex, or other protected class in the award and performance of U.S. DOT assisted contracts. The Subrecipient will be required to report on its DBE participation obtained through race-neutral means throughout the period of performance.
- D. The Subrecipient is required to pay its contractors performing work related to this contract for satisfactory performance of that work no later than thirty (30) days after the awarded contractor's receipt of payment for that work from the Department.
- E. The Subrecipient shall promptly notify the Department whenever a DBE contractor is terminated or fails to complete its work and shall make good faith efforts to engage another DBE contractor to perform at least the same amount of work. The Subrecipient may not terminate any DBE subcontractor and perform that work through its own forces or those of an affiliate without prior written consent of the Department.

A subrecipient of FTA funds shall meet applicable DBE requirements when funds are used in whole or in part to finance procurements of and contracts for applicable products and services. A subrecipient with contracting opportunities shall sign and submit a *Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for Federal Transit Administration Subrecipients*, which is attached as **Certification 1**.

33. ADA Access.

The Subrecipient shall comply with 49 U.S.C. Section 5301(d), which states the Federal policy that elderly individuals and individuals with disabilities have the same right as other individuals to use public transportation services and facilities, and that special efforts shall be made in planning and designing those services and facilities to implement transportation accessibility rights for seniors and individuals with disabilities. The Subrecipient also agrees to comply with all applicable provisions of section 504 of the Rehabilitation Act of 1973; with 29 U.S.C. Section 794, which prohibits discrimination on the basis of disability; with the Americans with Disabilities Act of 1990 (ADA); 42 U.S.C. Sections 12101 *et seq.*, which requires that accessible facilities and services be made available to individuals with disabilities; and with the Architectural Barriers Act of 1968, 42 U.S.C. Sections 4151 *et seq.*, which requires that buildings and public accommodations be accessible to individuals with disabilities.

34. Program Fraud and False or Fraudulent Statements or Related Acts.

- A. The Subrecipient acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. Sections 3801 *et seq.* and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this program. The Subrecipient certifies or affirms the truthfulness and accuracy of any statement it makes pertaining to the resultant Agreement or the FTA assisted program for which this work is being performed. The Subrecipient further acknowledges that if it makes, or causes to be made, a false, fictitious or fraudulent claim, statement, submission or certification, the federal government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on Subrecipient to the extent the federal government deems appropriate.
- B. The Subrecipient also acknowledges that if it makes, or causes to be made, a false, fictitious or fraudulent claim, statement, submission or certification to the federal government under a contract connected with a program that is financed in whole or in part with federal assistance originally awarded by FTA, the federal government reserves the right to impose the penalties of 18 U.S.C. Section 1001 on the Subrecipient to the extent the federal government deems appropriate.
- C. The Subrecipient certifies to abide by these clauses and include the clauses in each subcontract financed in whole or in part with Federal Transit Administration funds. The Subrecipient further agrees that these clauses shall not be modified, except to identify the contractor or subcontractor subject to its provisions.
- D. All claims for compensation reimbursement and payment of any amounts due pursuant to this Agreement are governed by the Fraud Against Taxpayers Act, NMSA 1978, Sections 44-9-1 through 44-9-14.

35. Lobbying.

A subrecipient receiving \$100,000 or more of 49 U.S.C. Section 5311 funds shall file the Lobbying Certification required by 49 C.F.R. Part 20, "New Restrictions on Lobbying" with the application. The Subrecipient shall certify that it has not used federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of a member of Congress in connection with obtaining any federal contract, grant or any other award covered by 31 U.S.C. Section 1352.

Before awarding a third-party contract exceeding \$100,000, the Subrecipient shall obtain a signed Lobbying Certification from the contractor. Each tier below the contractor awarded a subcontract exceeding \$100,000 shall also provide a Lobbying Certification. Such disclosures are forwarded from tier to tier up to the Subrecipient.

36. Officials Not to Benefit.

Neither any member of the New Mexico Legislature nor any member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit that may arise therefrom. The provisions of this clause shall be extended to all public employees, officers, or tribal council members.

37. Clean Water and Air Requirements.

- A. The Subrecipient agrees to comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, 33U.S.C. Sections 1251 *et seq.*, and the Clean Air Act, 42 U.S.C. Sections 7401 *et seq.* The Subrecipient agrees to report each violation to the Department and understands and agrees that the Department will, in turn, report each violation as required to assure notification to FTA and the appropriate United States Environmental Protection Agency Regional Office.
- B. The Subrecipient agrees to include these requirements in each contract or subcontract exceeding \$150,000.00 and financed in whole or in part with federal assistance provided by the FTA.

38. Energy Conservation

The Subrecipient agrees to comply with mandatory standards and policies relating to energy efficiency which are contained in the State Energy Conservation Plan issued in compliance with the Energy Policy and Conservation Act, 42 U.S.C. §§ 6321 *et seq.*

39. Debarment and Suspension.

Executive Order No. 12549, "Debarment and Suspension of Participants in Federal Programs," February 18, 1986, 31 U.S.C. Section 6101 note, as amended by Executive Order No. 12689, "Debarment and Suspension," August 16, 1989 31 U.S.C. Section 6101 note, as implemented by 2 C.F.R. Part 180, subpart C, as adopted and supplemented by U.S. DOT regulations at 2 C.F.R. part 1200 prohibits FTA subrecipients from contracting for goods and services from organizations that have been suspended or debarred from receiving federally-assisted contracts. Subrecipients shall include the certification and instruction language contained at 2 C.F.R. Part 1200 in all Invitations for Bids and Requests for Proposals (for inclusion by contractors and subcontractors in their bids or proposals) for all contracts expected to equal or exceed \$25,000.00, regardless of the type of contract to be awarded.

The Subrecipient is required to verify that none of the Subrecipient's principals or affiliates are excluded or disqualified as defined, as defined by 2 C.F.R. Part 1200. By signing and submitting this Agreement, the Subrecipient certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Department. If it is later determined that the bidder/Subrecipient or proposer/Subrecipient knowingly rendered an erroneous certification, in addition to remedies available to the Department, the federal government may pursue available remedies, including but not limited to suspension and/or debarment. The bidder/Subrecipient or proposer/Subrecipient agrees to comply with the requirements of 2 C.F.R. Part 1200 while this offer is valid and throughout the period of any contract that may arise from this offer. The bidder/Subrecipient or proposer/Subrecipient further agrees to include a provision requiring such compliance in its lower tier covered transactions.

40. Notification Related to Fraud, Waste, Abuse, or Other Legal Matters

If a current or prospective legal matter that may affect the Federal Government emerges, the Subrecipient shall promptly notify the Department so that it can notify the Federal Government. The Subrecipient shall include a similar notification requirement in its third-party agreements and shall require each third-party participant to include an equivalent provision in its subagreements at every tier, for any agreement that is a "covered transaction" according to 2 C.F.R. §§ 180.230 and 1200.230. The types of legal matters that require notification

include, but are not limited to, a major dispute, breach, default, litigation, or naming the Federal Government as a party to litigation or a legal disagreement in any forum for any reason. Matters that may affect the Federal Government include, but are not limited to, the Federal Government's interests in the Award, the accompanying Underlying Agreement, and any Amendments thereto, or the Federal Government's administration or enforcement of federal laws, regulations, and requirements.

41. Seat Belt Use

The Subrecipient agrees to implement Executive Order No. 13043, "Increasing Seat Belt Use in the United States," April 16, 1997, 23 U.S.C. § 402 note, (62 Fed. Reg. 19217), by: 90 (1) Adopting and promoting on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned vehicles, company-rented vehicles, or personally operated vehicles.

42. Safe Operation of Motor Vehicles

The Subrecipient agrees to comply with: (1) Executive Order No. 13513, "Federal Leadership on Reducing Text Messaging While Driving," October 1, 2009, 23 U.S.C. § 402 note, (74 Fed. Reg. 51225); (2) U.S. DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009; and (3) The following U.S. DOT Special Provision pertaining to Distracted Driving:

(i) Safety. The Subrecipient agrees to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle Subrecipient owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Award, or when performing any work for or on behalf of the Award;

(ii) Recipient Size. The Subrecipient agrees to conduct workplace safety initiatives in a manner commensurate with its size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving; and

(iii) Extension of Provision. The Subrecipient agrees to encourage its contractors to comply with this Special Provision and include this Special Provision in each third-party contract at each tier supported with federal assistance.

43. Prohibition on Certain Telecommunications and Video Surveillance Services or Equipment

[Public Law 115-232](#), section 889, prohibits entering into a contract (or extending or renewing a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

44. Federal Tax Liability and Recent Felony Convictions.

The Subrecipient hereby certifies that it does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability; and was not convicted of the felony criminal violation under any Federal law within the preceding 24 months.

45. Trafficking in Persons.

The Subrecipient agrees that it and its employees that participate in this contract, may not engage in severe forms of trafficking in persons during the period of time that this agreement is in effect, procure a commercial sex act during the period of time that this agreement is in effect, or use forced labor in the performance of any activities covered by this agreement.

46. Central Contractor Registration Requirements.

Prior to payment of invoices and receipt of vehicles and equipment, the Subrecipient shall register and maintain current registration in the Central Contractor Registration website, <http://www.sam.gov>. Registration requires having a Dun and Bradstreet Data Universal Number (DUNS), see <http://www.dnb.com>. The Department will not provide vehicles, or make payments, until the Subrecipient demonstrates that it is registered with the System for Award Management (SAM) website.

47. Federal Grant Reporting Requirements.

Under the Federal Funding Accountability and Transparency Act, the Department is required to report on projects or activities, which are awarded federal grants of \$25,000 or more. This information will be made available to the public on www.USAspending.gov.

The type of information the Department is required to report includes:

- Name of Subrecipient receiving the award,
- Amount of Award,
- Funding Agency,
- NAICS code for contracts or the Catalog of Federal Domestic Assistance program number for grants,
- Program source,
- Award title descriptive of the purpose of the funding action,
- Location of the Subrecipient, which includes the Congressional District,
- Place of performance of the program or activity, which includes the Congressional District,
- Unique Entity Identifier of the Subrecipient and its parent organization, if one exists, and
- Total compensation and names of the top five executives of the Subrecipient. This information is required if the Subrecipient in the preceding year received eighty (80) percent or more of its annual gross revenues in federal awards, which exceeds \$25 million annually, and the public has no access to this information under the Securities Exchange Act or the Internal Revenue Code.

The Department will extract as much information as possible from the Subrecipient's grant application and standard reports. However, the Subrecipient will be required to provide additional information, which includes the total compensation and names of the Subrecipient's top five executives, if applicable. As specified earlier in Section 42, "Central Contractor Registration Requirements," of this Agreement, the Subrecipient shall register with SAM.gov and provide that information to the Department.

48. Severability.

In the event that any portion of this Agreement is determined to be void, unconstitutional or otherwise unenforceable, the remainder of this Agreement shall remain in full force and effect.

49. Scope of Agreement.

This Agreement incorporates all of the agreements, covenants, and understandings between the parties concerning the subject matter. All such covenants, agreements, and understandings have been merged into this written Agreement. No prior agreements or understandings of the parties or their agents shall become valid or enforceable unless embodied in this Agreement.

50. Applicable Law and Venue; Federal Changes.

The Subrecipient shall comply with all federal, State, and local laws, ordinances, rules, warranties, assurances, and regulations applicable to the performance of this Agreement. This includes all applicable FTA regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the current year's Master Agreement between the Department and the FTA. The Subrecipient shall make as part of this Agreement between the Department and the Subrecipient the assurances and warranties which were signed as part of the grant award. Venue shall be proper only in a New Mexico court of competent jurisdiction in accordance with NMSA 1978, Section 38-3-1(G).

51. Incorporation of FTA Terms.

Provisions of this Agreement include, in part, certain Standard Terms and Conditions required by the U.S. DOT. All contractual provisions required by the U.S. DOT, as set forth in FTA Circulars 4230.1F, and 9040.1F, are incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Subrecipient shall not perform any act, fail to perform any act, or refuse to comply with any Department request, which would cause the Department to be in violation of FTA terms and conditions, as referenced in the current Federal Transit Administration Master Agreement shall prevail and be the instrument governing the receipt of Federal assistance from the Federal Transit Administration. The Master Agreement can be viewed on the web at <https://www.transit.dot.gov/funding/grantee-resources/sample-fta-agreements/fta-grant-agreements>.

52. Amendment.

The terms of this Agreement may be altered, modified or amended by an instrument in writing executed by the parties. Specifically excluded from this requirement are revisions to transportation services and fare schedules identified in the Operations Profile. *Section 1. Scope of Program, Paragraphs C and E*, details how such changes are to be approved and documented.

The remainder of this page is intentionally left blank.

In witness whereof, each party is signing this Agreement on the date stated below that party’s signature. This Agreement becomes effective on the date the last party signed the Agreement.

New Mexico Department of Transportation

CITY OF HOBBS

NMDOT Cabinet Secretary or Designate

Signature

Name/Title (please print)

Date

Date

Approved as to Form and Legal Sufficiency by the Department’s Office of General Counsel.


Signed by:
John Newell
Acting General Counsel
C750CEC1625D488...

NMDOT Deputy General Counsel

10/08/25

Date

ATTACHMENT A

§200.331 Requirements for pass-through entities.

All pass-through entities must:

Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward.

ATTACHMENT A-1

§200.331 Requirements for pass-through entities.

All pass-through entities must:
Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

Federal Award Identification.

(i) Subrecipient name (which must match the name associated with its unique entity identifier);	Hobbs, City of
(ii) Subrecipient's unique entity ID;	T6JWFF1SWNW3
(iii) Federal Award Identification Number (FAIN);	TBD
(iv) Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	3/9/2024
(v) Subaward Period of Performance Start and End Date;	10-01-2025 thru 09-30-2026
(vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;	Administrative \$85,461.18 Operating \$658,820.01
(vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;	Administrative \$85,461.18 Operating \$658,820.01
(viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;	Administrative \$85,461.18 Operating \$658,820.01
(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	FY24 5311 Rural Transit Appropriation for FY26 Program Funding Award
(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;	Federal Transit Administration, New Mexico Department of Transportation David Harris - 505 -699-4350, DavidC.Harris@dot.nm.gov, P.O. Box 1149 Santa Fe, NM 87501-1149
(xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;	20.509
(xii) Identification of whether the award is R&D; and	No R&D
(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).	N/A

ATTACHMENT A-2

§200.331 Requirements for pass-through entities.

All pass-through entities must:
Ensure that every subaward is clearly identified to the subrecipient as a subaward and includes the following information at the time of the subaward and if any of these data elements change, include the changes in subsequent subaward modification. When some of this information is not available, the pass-through entity must provide the best information available to describe the Federal award and subaward. Required information includes:

Federal Award Identification.

(i) Subrecipient name (which must match the name associated with its unique entity identifier);	Hobbs, City of
(ii) Subrecipient's unique entity ID;	T6JWFF1SWNW3
(iii) Federal Award Identification Number (FAIN);	TBD
(iv) Federal Award Date (see §200.39 Federal award date) of award to the recipient by the Federal agency;	3/9/2024
(v) Subaward Period of Performance Start and End Date;	10-01-2025 thru 09-30-2027
(vi) Amount of Federal Funds Obligated by this action by the pass-through entity to the subrecipient;	Capital \$216,000.00
(vii) Total Amount of Federal Funds Obligated to the subrecipient by the pass-through entity including the current obligation;	Capital \$216,000.00
(viii) Total Amount of the Federal Award committed to the subrecipient by the pass-through entity;	Capital \$216,000.00
(ix) Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA);	FY24 5339(a) Buses and Bus Facilities Formula Appropriation for FY26 Program Funding Award
(x) Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity;	Federal Transit Administration, New Mexico Department of Transportation David Harris - 505 -699-4350, DavidC.Harris@dot.nm.gov, P.O. Box 1149 Santa Fe, NM 87501-1149
(xi) CFDA Number and Name; the pass-through entity must identify the dollar amount made available under each Federal award and the CFDA number at time of disbursement;	20.526
(xii) Identification of whether the award is R&D; and	No R&D
(xiii) Indirect cost rate for the Federal award (including if the de minimis rate is charged per §200.414 Indirect (F&A) costs).	N/A

**NEW MEXICO DEPARTMENT OF TRANSPORTATION
TRANSIT AND RAIL DIVISION**

**NONDISCRIMINATION ASSURANCE AGREEMENT
FOR
FEDERAL TRANSIT ADMINISTRATION SUBRECIPIENTS**

INTRODUCTION AND INSTRUCTIONS:

Please read the entire Agreement before completing, and do not change or add to the wording of the Agreement. The Agreement is incorporated into and becomes a material part of your contract with NMDOT, and Subrecipients are responsible for complying with the requirements contained therein.

On behalf of this Agreement, the **CITY OF HOBBS**; hereinafter referred to as “**Subrecipient**” assures that:

1. Subrecipient will comply with the following laws, regulations, and requirements so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in, any U.S. DOT or FTA assisted program or activity (particularly in the level and quality of transportation services and transportation-related benefits) based on race, color, national origin, religion, sex, disability, or age including:

- a. Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity),
- b. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d,
- c. Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (prohibiting discrimination based on race, color, religion, sex, (including gender identity and sexual orientation) or national origin,
- d. Executive Order No. 11246, “Equal Employment Opportunity” September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it in part and is applicable to federal assistance programs,
- e. Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 et seq., f. U.S. DOT regulations, “Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance,” 49 CFR part 25,
- g. The Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, et seq.,
- h. The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 et seq.,
- i. U.S. DOT regulations, “Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964,” 49 CFR part 21,
- j. U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
- k. Any other applicable federal statutes that may be signed into law, federal regulations that may be issued, or federal requirements that may be imposed.

2. Subrecipient will comply with federal guidance implementing federal nondiscrimination laws, regulations, or requirements, except as FTA determines otherwise in writing.

NONDISCRIMINATION ASSURANCE 3

3. As required by 49 CFR § 21.7:

a. Subrecipient will comply with 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 in the manner that:

- (1) Subrecipient implements its Award,
- (2) Subrecipient undertakes property acquisitions, and
- (3) Subrecipient operates all parts of its facilities, as well as its facilities operated in connection with its Award.

b. This assurance applies to its Award and to all parts of its facilities, as well as its facilities used to implement its Award.

c. Subrecipient will promptly take the necessary actions to carry out this assurance, including the following:

- (1) Notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA Headquarters Office of Civil Rights, and
- (2) Submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request.

d. If Subrecipient transfers U.S. DOT or FTA assisted real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination:

- (1) While the property is used for the purpose that the federal assistance is extended, or
- (2) While the property is used for another purpose involving the provision of similar services or benefits.

e. The United States has a right to seek judicial enforcement of any matter arising under:

- (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
- (2) U.S. DOT regulations, 49 CFR part 21, or
- (3) This assurance.

f. Subrecipient will make any changes in its Title VI implementing procedures, as U.S. DOT or FTA may request, to comply with:

- (1) Title VI of the Civil Rights Act, 42 U.S.C. § 2000d,
- (2) U.S. DOT regulations, 49 CFR part 21, and
- (3) Federal transit law, 49 U.S.C. § 5332.

g. Subrecipient will comply with applicable federal guidance issued to implement federal nondiscrimination requirements, except as FTA determines otherwise in writing.

h. Subrecipient will extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each Third Party Participant, including any:

- (1) Subrecipient,
- (2) Transferee,
- (3) Third Party Contractor or Subcontractor at any tier,
- (4) Successor in Interest,
- (5) Lessee, or
- (6) Other Participant in its Award, except FTA and the Applicant (and later, the Recipient).

i. Subrecipient will include adequate provisions to extend the requirements of 49 U.S.C. § 5332, 42 U.S.C. § 2000d, and 49 CFR part 21 to each third party agreement, including each:

- (1) Subagreement at any tier,
- (2) Property transfer agreement,
- (3) Third party contract or subcontract at any tier,

NONDISCRIMINATION ASSURANCE 3

- (4) Lease, or
- (5) Participation agreement.
- j. The assurances you have made on your behalf remain in effect as long as FTA determines appropriate, including, for example, as long as:
 - (1) Federal assistance is provided for its Award,
 - (2) Subrecipient property acquired or improved with federal assistance is used for a purpose for which the federal assistance is extended, or for a purpose involving similar services or benefits,
 - (3) Subrecipient retains ownership or possession of its property acquired or improved with federal assistance provided for its Award,
 - (4) Subrecipient transfers property acquired or improved with federal assistance, for the period during which the real property is used for a purpose for which the financial assistance is extended or for another purpose involving the provision of similar services or benefits, or
 - (5) FTA may otherwise determine in writing.
- 4. As required by U.S. DOT regulations, “Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance,” 49 CFR part 27, specifically 49 CFR § 27.9, and consistent with 49 U.S.C. § 5332, you assure that:
 - a. Subrecipient will comply with the following prohibitions against discrimination based on disability listed below in subsection 4.b of this Category 01.D Assurance, of which compliance is a condition of approval or extension of any FTA assistance awarded to:
 - (1) Construct any facility,
 - (2) Obtain any rolling stock or other equipment,
 - (3) Undertake studies,
 - (4) Conduct research, or
 - (5) Participate in any benefit or obtain any benefit from any FTA administered program.
 - b. In any program or activity receiving or benefiting from federal assistance that U.S. DOT administers, no qualified individual with a disability will, because of his or her disability be:
 - (1) Excluded from participation,
 - (2) Denied benefits, or
 - (3) Otherwise subjected to discrimination.

AFFIRMATION OF APPLICANT

Name of Applicant: _____

Printed Name of Authorized Representative: _____

Relationship of Authorized Representative: _____

In signing this document, I declare under penalties of perjury that the foregoing certifications and assurances, and any other statements made by me on behalf of the Applicant are true and correct.

Signature: _____ Date: _____

Printed Name of Signing Official: _____

DISADVANTAGE BUSINESS ENTERPRISE CERTIFICATION 1

**NEW MEXICO DEPARTMENT OF TRANSPORTATION
TRANSIT AND RAIL DIVISION**

**DISADVANTAGED BUSINESS ENTERPRISE
RACE-NEUTRAL IMPLEMENTATION AGREEMENT
FOR
FEDERAL TRANSIT ADMINISTRATION SUBRECIPIENTS**

INTRODUCTION AND INSTRUCTIONS:

The New Mexico Department of Transportation (NMDOT) Transit and Rail Division, through the NMDOT Office of Equal Opportunity Programs (OEOP), must ensure that Subrecipient of Federal Transit Administration (FTA) funds meet applicable DBE requirements when funds are used in whole or in part to finance procurement and contracts of products and service(s). To that end, Subrecipient with contracting opportunities must submit a *Disadvantaged Business Enterprise Race-Neutral Implementation Agreement for Federal Transit Administration Subrecipients* (Agreement).

Please read the entire Agreement before completing, and do not change or add to the wording of the Agreement. The Agreement is incorporated into and becomes a material part of your contract with NMDOT, and Subrecipients are responsible for complying with the requirements contained therein.

DISADVANTAGE BUSINESS ENTERPRISE CERTIFICATION 1

DISADVANTAGED BUSINESS ENTERPRISE RACE-NEUTRAL IMPLEMENTATION AGREEMENT for CITY OF HOBBS; hereinafter referred to as “Subrecipient.”

I. Definition of Terms

The terms used in this agreement have the meanings defined in 49 CFR Part 26.5.

II. OBJECTIVE/POLICY STATEMENT (§26/1. 26/23)

The Subrecipient intends to receive federal financial assistance from the U.S. Department of Transportation (USDOT) through the New Mexico Department of Transportation (NMDOT), and as a condition of receiving this assistance, the Subrecipient will sign the New Mexico Department of Transportation’s Disadvantaged Business Enterprise Race Neutral Implementation Agreement (hereinafter referred to as Agreement).

The Subrecipient must implement a policy to ensure that DBEs, as defined in 49 CFR Part 26 (also referred to as the DBE Program), have an equal opportunity to receive and participate in DOT-assisted contracts. It is also their policy:

To ensure nondiscrimination in the award and administration of DOT-assisted procurement and contracts of products and services contracts.

To create a level playing field on which DBE’s can compete fairly for DOT-assisted procurement and contracts of products and services contracts.

To ensure that their annual overall DBE participation percentage is narrowly tailored, in accordance with applicable law.

To ensure that only firms that fully meet 49 CFR, Part 26 eligibility standards are permitted to participate as DBEs.

To help remove barriers to the participation of DBEs in DOT-assisted procurement and contracts of products and services contracts.

To assist the development of firms that can compete successfully in the marketplace outside the DBE Program.

III. Nondiscrimination (§26.7)

Subrecipient will never exclude any person from participation in, deny any person the benefits of, or otherwise discriminate against anyone in connection with the award and performance of any contract covered by 49 CFR Part 26 on the basis of race, color, sex, or national origin. Subrecipient will not, directly, or through contractual or other arrangements, use criteria or methods of administration that have the effect of defeating or substantially impairing accomplishment of the objectives of the DBE Program with respect to individuals of a particular race, color, sex, or national origin.

IV. Race-Neutral Means of Meeting the Annual DBE Goal (§26.51)

Subrecipient will assist NMDOT to achieve its Overall Statewide DBE Goal by race-neutral means of facilitating DBE participation. Race-neutral DBE participation includes any time a DBE wins a prime contract through customary competitive procurement procedures, is awarded a subcontract on a prime contract that does not carry a DBE goal, or even if there is a DBE goal, wins a subcontract from a prime contractor that did not consider its DBE status in making the award (e.g., a prime contractor that uses a strict low-bid system to award subcontracts).

Race-neutral means include, but are not limited to, the following:

DISADVANTAGE BUSINESS ENTERPRISE CERTIFICATION 1

1. Arranging solicitations, times for the presentation of bids, quantities, specifications, and delivery schedules in ways that facilitate DBE, and other small businesses, participation (e.g., unbundling large contracts to make them more accessible to small businesses, requiring or encouraging prime contractors to subcontract portions of work that they might otherwise perform with their own forces);
2. Providing assistance in overcoming limitations such as inability to obtain bonding or financing (e.g., by such means as simplifying the bonding process, reducing bonding requirements, eliminating the impact of surety costs from bids, and providing services to help DBEs, and other small businesses, obtain bonding and financing);
3. Providing technical assistance and other services;
4. Carrying out information and communication programs on contracting procedures and specific contract opportunities (e.g., ensuring the inclusion of DBEs, and other small businesses, on recipient mailing lists of bidders; ensuring the dissemination to bidders on prime contracts of lists of potential subcontractors; provision of information in languages other than English, where appropriate);
5. Implementing a supportive services program to develop and improve immediate and long-term business management, record keeping, and financial and accounting capability for DBEs and other small businesses;
6. Providing services to help DBEs, and other small businesses, improve long-term development, increase opportunities to participate in a variety of kinds of work, handle increasingly significant projects, and achieve eventual self-sufficiency;
7. Establishing a program to assist new, start-up firms, particularly in fields in which DBE participation has been historically low;
8. Ensuring distribution of the New Mexico DBE directory, through print and electronic means, to the widest feasible universe of potential contractors; and
9. Assisting DBEs, and other small businesses, to develop their capability to utilize emerging technology and conduct business through electronic media.

Subrecipient will encourage utilization of DBE contractors whenever possible on its USDOT-assisted contracts. New Mexico Certified DBE firms and the fields of work in which they participate are listed in the electronic web-based DBE Directory located at <https://nmdot.dbesystem.com>

V. Quotas (§26.43)

Subrecipient will not use quotas or set asides in any way in the administration of the DBE Program.

VI. DBE Liaison Officer (§26.25)

Subrecipient must designate a DBE Liaison Officer (DBELO). DBELO is responsible for implementing the DBE Program as it pertains to the Subrecipient and ensures that the Subrecipient is fully and properly advised concerning DBE Program matters.

DISADVANTAGE BUSINESS ENTERPRISE CERTIFICATION 1

VII. Federal Financial Assistance Agreement Assurance (§26.13)

The Subrecipient will sign the following assurance, applicable to and to be included in all USDOT-assisted procurements and contracts for products and services:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract, or in the administration of its DBE Program, or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR, Part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. The recipient's DBE Program, as required by 49 CFR, Part 26 as approved by USDOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the Department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

VIII. Required Contract Clauses (§§26.13, 26.29)

Subrecipient assures that the following clauses will be included in each USDOT-assisted prime contract:

A. Contract Assurance

The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR, Part 26 in the award and administration of DOT-assisted procurement and contracts of products and services contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as recipient deems appropriate.

B. Prompt Payment**Prompt Progress Payment to Subcontractors**

A prime contractor or subcontractor shall pay to any subcontractor not later than 10 days of receipt of each progress payment. The 10-days is applicable unless a longer period is agreed to in writing. Any delay or postponement of payment over 30 days may take place only for good cause and with NMDOT's prior written approval. Any violation of this Section shall subject the violating contractor or subcontractor to penalties, sanctions, and other remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

Prompt Payment of Retainage

Subrecipient shall include either (1), (2), or (3) of the following provisions in their USDOT-assisted contracts to ensure prompt and full payment of retainage (withheld funds) to subcontractors in compliance with 49 CFR 26.29.

DISADVANTAGE BUSINESS ENTERPRISE CERTIFICATION 1

1. No retainage will be held by the agency from progress payments due to the prime contractor. Prime contractors and subcontractors are prohibited from holding retainage from subcontractors. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and other remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

2. No retainage will be held by the agency from progress payments due to the prime contractor. Any retainage kept by the prime contractor or by a subcontractor must be paid in full to the earning subcontractor within 30 days after the subcontractor's work is satisfactorily completed. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating contractor or subcontractor to the penalties, sanctions, and remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of a dispute involving late payment or nonpayment by the contractor, deficient subcontractor performance, and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

3. The agency shall hold retainage from the prime contractor and shall make prompt and regular incremental acceptances of portions, as determined by the agency of the contract work and pay retainage to the prime contractor based on these acceptances. The prime contractor or subcontractor shall return all monies withheld in retention from all subcontractors within 30 days after receiving payment for work satisfactorily completed and accepted including incremental acceptances of portions of the contract work by the agency. Any delay or postponement of payment may take place only for good cause and with the agency's prior written approval. Any violation of these provisions shall subject the violating prime contractor to the penalties, sanctions, and other remedies provided by law. This requirement shall not be construed to limit or impair any contractual, administrative, or judicial remedies, otherwise available to the contractor or subcontractor in the event of: a dispute involving late payment or nonpayment by the contractor; deficient subcontractor performance; and/or noncompliance by a subcontractor. This clause applies to both DBE and non-DBE subcontractors.

IX. Bidders List (§26.11)

The Subrecipient will create and maintain a bidders list, consisting of information about all DBE and non-DBE firms that bid or quote on its USDOT-assisted procurement and contracts for products and services. The bidders list will include the name, address and telephone number of each quoting firm and whether the quoter is a New Mexico certified DBE. Subrecipient will include language in its procurement documents that require each bidding Contractor, at the time that bids are submitted, to list the quotes received for the project as detailed above.

X. Reporting

Subrecipient will report bidders list and related DBE information to the NMDOT Transit and Rail Division or the NMDOT Office of Equal Opportunity Programs upon request.

Subrecipient will complete and submit annually to the NMDOT Office of Equal Opportunity Programs the NMDOT Annual Profile Registration Form. This Form will be mailed to Subrecipient.

DISADVANTAGE BUSINESS ENTERPRISE CERTIFICATION 1

Subrecipient will compile and provide other information related to its procurements and the DBE Program as deemed necessary by the NMDOT Transit and Rail Division or the NMDOT Office of Equal Opportunity Programs.

XI. Incorporation of Agreement

This Agreement is incorporated into Subrecipient’s financial assistance agreement with NMDOT by reference and made a part of that agreement.

Date:
Signature of Subrecipient Official:
Printed Name of Subrecipient Official:
Title of Subrecipient Official:



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Consideration of Approval of a Professional Services Agreement with Parkhill Utilizing CES Contract No. (2023-01-C1110-ALL) for Construction Phase Services for the HIAP and Jefferson Ground Storage Tank Rehabilitation Projects.

DEPT OF ORIGIN: Engineering

DATE SUBMITTED: 10/23/2025

SUBMITTED BY: Anthony Henry, City Engineer

Summary:

On September 15, 2025 the City of Hobbs Commission awarded Bid No. 1621-25 for the rehabilitation of the 600,000 Gallon Concrete Water Storage Tank located at the HIAP Booster Pump Station to Viking Industrial Painting, LLC. Also on September 15, 2025 the City of Hobbs Commission awarded Bid No. 1622-25 for the rehabilitation of the 2,000,000 Gallon Concrete Water Storage Tank located at the Jefferson Booster Pump Station to Viking Industrial Painting, LLC. The pre-construction meeting is tentatively scheduled to be held the second week of November, construction will commence shortly thereafter.

Parkhill will provide specialized Resident Project Representative (RPR) services for the duration of construction. This will include verification and accuracy of dimensions, contractor installations, layouts, levels, alignments, and elevations. Also, Parkhill will provide observation of the contractor's work in progress to determine compliance with plans and specifications, record quantities of materials received and used on the project, and coordinate compliance testing. Finally, the RPR will document construction progress with photographs and daily logs, maintain a set of record drawings, and verify quantities for payment applications.

Fiscal Impact:

Budget Line:	61-4061-44901-00139	
Budget Available:	\$1,715,900.00	
Construction Cost:	\$1,288,319.31	(Not including NMGR)
RPR Cost:	\$122,162.00	(Not including NMGR)

Attachments:

Hobbs Jefferson and HIAP GST Rehab-CPS Fee Proposal
HIAP and Jefferson GST Rehab COST breakdown

Recommendation:

Approved By:

Anthony Henry, City Engineer	10/23/2025
Toby Spears, Finance Director	10/23/2025
Medjine Desrosiers-Douyon, Deputy City Attorney	10/24/2025
Manny Gomez, City Manager	10/24/2025



October 22, 2025

Tim Woomer
Director of Utilities
200 E Broadway St.
Hobbs, NM

Re: **CES Parkhill Contract Number 2023-01-C1110-ALL Construction Phase Services - HIAP and Jefferson Ground Storage Tank Rehabilitation Projects**

Mr. Woomer,

Parkhill, Smith & Cooper, Inc. (dba Parkhill) is pleased to provide this proposal to deliver the requested Construction Phase Services (Resident Project Representative) for the referenced projects.

- | Please see Exhibit A, attached, for a detailed listing of the scope of work to be accomplished as requested.
- | This work can be completed for a not to exceed hourly cost of \$130,484.28. Please see Exhibit B, which is the compiled fee sheet used to develop this initial phase of work.
- | The planned hours are assuming the work on both tanks will occur concurrently but are still valid if the work occurs consecutively.

Thank you for the opportunity to provide our services for the City of Hobbs on these projects. We trust this letter is responsive to your request, and we look forward to your approval. Should you have any questions, please do not hesitate to call me at 806-281-7666.

Sincerely,

Mark Aaron Carpenter
Director of CPS/CM | PARTNER
PARKHILL

By: _____

Enclosures

Cc:

Name: _____

Title: _____

EXHIBIT A

PROFESSIONAL ENGINEERING & CONSTRUCTION SERVICES

SCOPE OF SERVICES: Resident Project Representative

- | Measures distances to verify accuracy of dimensions of installations and layouts.
- | Verify levels, alignment, and elevation of installations.
- | Observe work in progress to determine if procedures and materials comply with plans and specifications.
- | Conduct field checks of materials and equipment.
- | Record quantities of materials received or used during specified periods.
- | Review of drawings and specifications for constructability
- | Advises project engineer of any deficiencies and assists in developing solutions.
- | Reviews project materials, documents, submittals, and schedules.
- | Coordinates on-site compliance testing.
- | Reviews test results for conformity with plans and specifications.
- | Advises project engineer of deficiencies in materials or workmanship and assists in developing solutions.
- | Documents construction progress with photographs and written daily logs.
- | Maintains a set of marked-up record drawings.
- | Verifies construction quantities for payment applications



EXHIBIT B

Fee: Hourly, plus reimbursables, not to exceed \$130,484.28

[illegible]

Project: Jefferson and HIAP Ground Storage Tanks Rehabilitation Project
 Construction Services Cost Proposal
 10/22/2025

				November 2025	December 2025	January 2026	February 2026
Hour Breakdown							
Role	Level	Person	Rate				
Resident Project Representative	V	Logan Herberger	\$192	165	165	165	60
Principal -Lvl7	VII	MAC	\$326	5	5	5	2
Monthly Hours				170	170	170	62

Cost Breakdown							
Role	Level	Person	Rate				
Resident Project Representative	V	Logan Herberger	\$192	31,680	31,680	31,680	11,520
Principal -Lvl7	VII	MAC	\$326	1630	1630	1630	652
Reimbursable (mileage)				3220	3220	3220	400
Monthly Cost				36,530	36,530	36,530	12,572

Cost of CPS Service =	\$122,162
NM GRT - Hobbs, NM @ 6.8125%	\$8,322.28
Final Total	\$130,484.28

Project Duration:

Jefferson GST
 90 days to substantial
 105 days to final

HIAP GST
 80 days to substantial
 95 days to final

*Both projects will run concurrently
 *NTP will be early November



CITY OF HOBBS

STAFF SUMMARY FORM

MEETING DATE:
November 3, 2025

SUBJECT: Resolution No. 7700 - Approving the HIAP Summary Subdivision Replat Located Within the Hobbs Industrial Air Park, City of Hobbs, Lea County, New Mexico

DEPT OF ORIGIN: Planning

DATE SUBMITTED: 10/30/2025

SUBMITTED BY: Todd Randall, Assistant City Manager

Summary:

The City Commission previously approved Ordinance No. 1164, authorizing the sale and conveyance of approximately 6.83 acres of City-owned land within the Hobbs Industrial Air Park to Stag Amazon, LLC.

To complete the transaction, the property must be formally subdivided to create a separate legal parcel for conveyance. The HIAP Summary Subdivision Replat provides the legal description and plat necessary for closing on the sale.

This resolution formally approves and authorizes recordation of the replat consistent with the property boundaries established in Ordinance No. 1164.

Fiscal Impact:

No direct fiscal impact. Revenue from the property sale will be deposited into the **Land Acquisition Fund**.

Attachments:

RESO - HIAP Replat

HIAP Summary Subdivision_Amazon Sub

Recommendation:

Motion to approve the resolution.

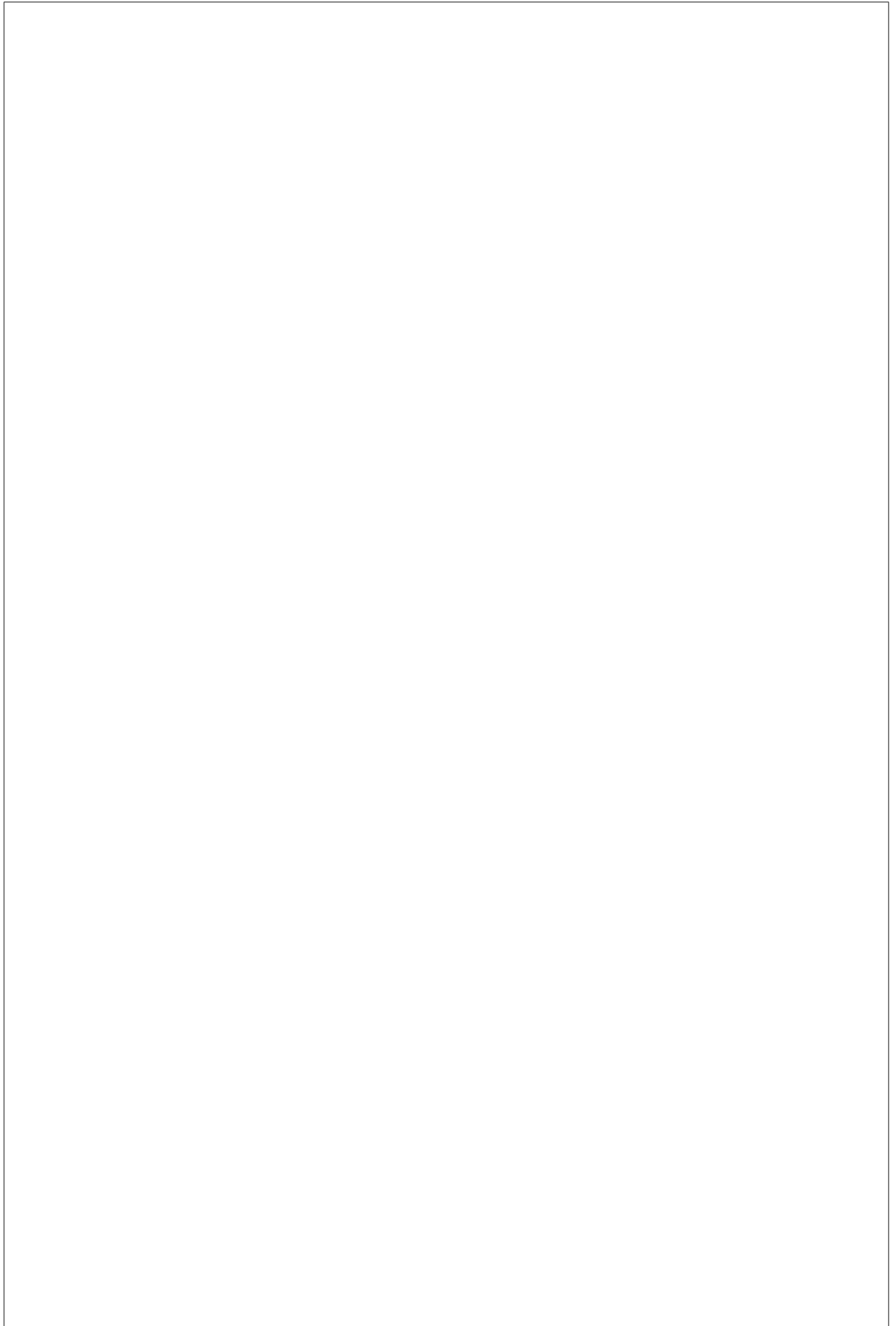
Approved By:

Todd Randall, Assistant City Manager 10/31/2025

Toby Spears, Finance Director 10/31/2025

Medjine Desrosiers-Douyon, Deputy City Attorney 10/31/2025

Manny Gomez, City Manager 10/31/2025



CITY OF HOBBS

RESOLUTION NO. 7700

A RESOLUTION APPROVING THE HIAP SUMMARY SUBDIVISION REPLAT LOCATED WITHIN THE HOBBS INDUSTRIAL AIR PARK, CITY OF HOBBS, LEA COUNTY, NEW MEXICO

WHEREAS, the proposed plat was reviewed and approved in compliance with the City's Alternative Summary Subdivision process, as set forth in Hobbs Municipal Code Title 16.12.010; and

WHEREAS, the City Commission approved the sale of certain property through Ordinance No. 1164 to Stag Amazon, LLC; and

WHEREAS, the subdivision is necessary to create the parcel of land to be sold as part of said transaction;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO:

1. The City of Hobbs hereby approves the HIAP Summary Subdivision Replat located within the Hobbs Industrial Air Park, City of Hobbs, Lea County, New Mexico.
2. The City officials and staff are directed to do all acts necessary to carry out the intent of this Resolution.

PASSED, ADOPTED, AND APPROVED this 3rd day of November, 2025.

SAM D. COBB, Mayor

ATTEST:

JAN FLETCHER, City Clerk

HIAP SUMMARY SUBDIVISION REPLAT

LOCATED IN THE NORTH 1/2 OF SECTION 7,
T18S, R38E, N.M.P.M., CITY OF HOBBS, LEA COUNTY, NEW MEXICO



ENGINEERING | SURVEYING | CONSTRUCTION SERVICES
DEFINING QUALITY SINCE 1965
100 E. Navajo Drive Suite 100 Hobbs, NM 88240
T 575 393 9827 F 575 393 1543 Pettigrew.us

PROJECT SURVEYOR: MIKAELA R. HICKS
DRAWN BY: C. ORTIZ



INDEXING INFORMATION FOR COUNTY CLERK

OWNER:
CITY OF HOBBS

LOCATION:
THE N1/2 OF SECTION 7, T18S, R38E,
N.M.P.M., CITY OF HOBBS,
LEA COUNTY, NEW MEXICO

REVISIONS

No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I here by certify that this instrument was filed for
record on:

The _____ Day of _____,
20 _____ A.D.

At _____ O'Clock _____ M.

Cabinet _____ Slide _____

Book _____ Page _____

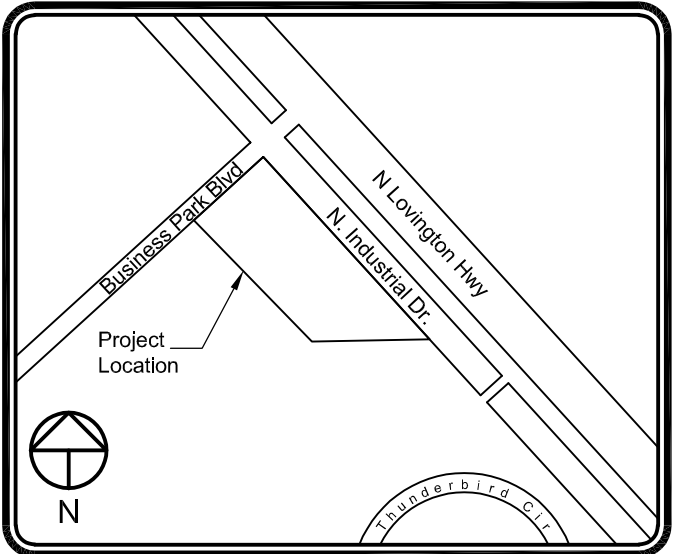
By _____
County Clerk

By _____
Deputy

SUMMARY REPLAT
OF
HIAP SUMMARY
SUBDIVISION REPLAT
FOR
CITY OF HOBBS

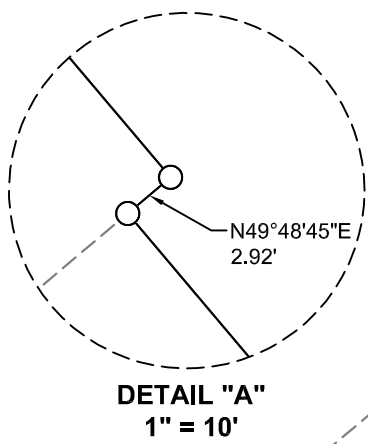
PROJECT NUMBER:
2025.1217

SHEET: 1 of 2
SU - 101

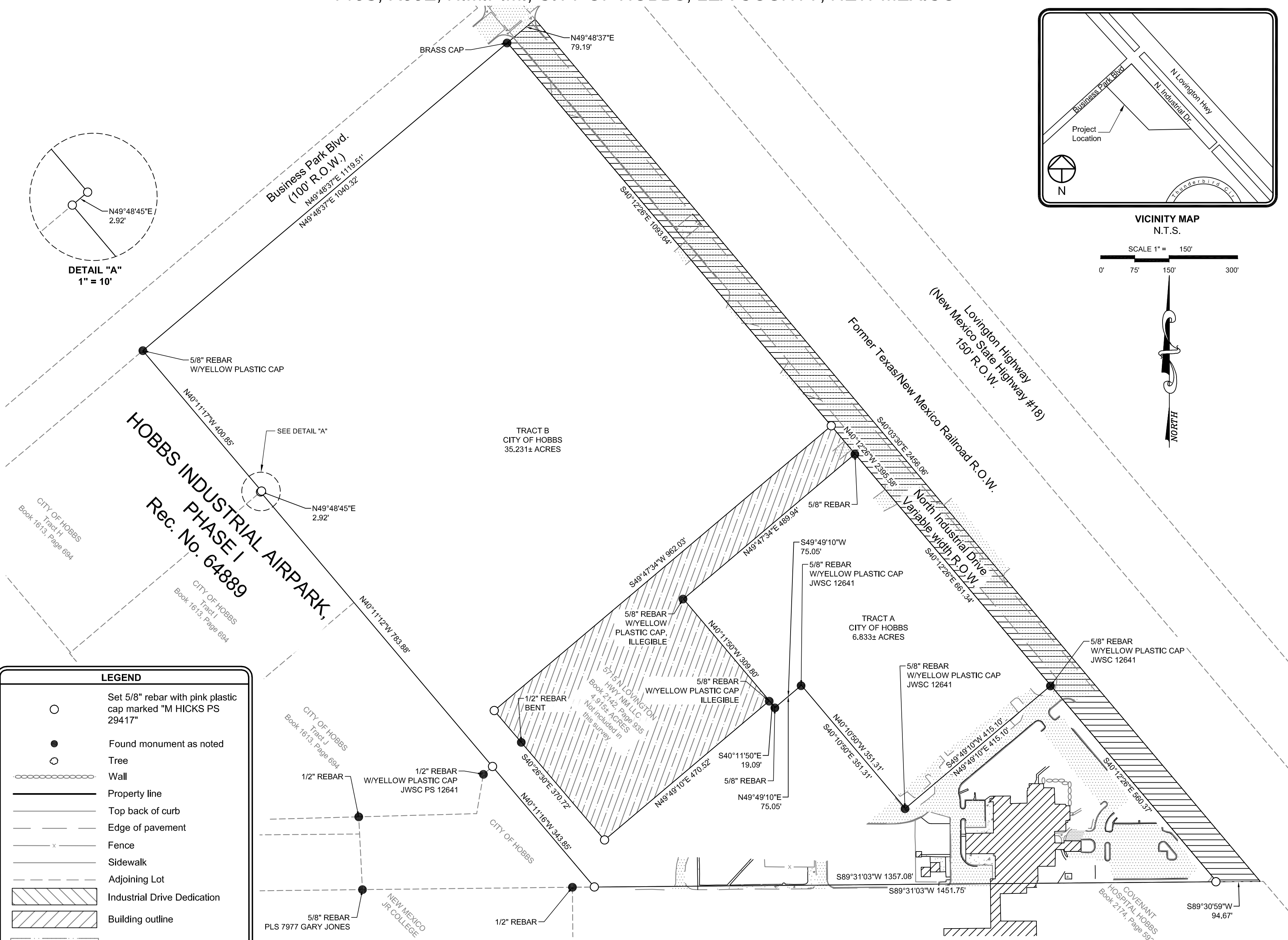


VICINITY MAP
N.T.S.

SCALE 1" = 150'
0' 75' 150' 300'



DETAIL "A"
1" = 10'



LEGEND

- Set 5/8" rebar with pink plastic cap marked "M HICKS PS 29417"
- Found monument as noted
- Tree
- Wall
- Property line
- Top back of curb
- Edge of pavement
- Fence
- Sidewalk
- Adjoining Lot
- Industrial Drive Dedication
- Building outline
- Pavement
- Concrete
- xx°xx'xx" xx.xx' Measured bearing and distance
- (xx°xx'xx" xx.xx') Record bearing and distance

BASIS OF BEARING

The basis of bearing for this survey is Grid North based on the New Mexico State Plane Coordinate System, East Zone, as determined by GPS/GNSS observations. Ground coordinates were obtained by applying a combined grid to ground scale factor of 1.0001136329 at control point located at N30°59'18.40371", W106°03'38.98730". True North can be obtained by applying a convergence angle of 0°37'14.8" at this point.

SURVEY NOTES

- This plat was created to satisfy requirements put forth in City of Hobbs Resolution No. _____.

HIAP SUMMARY SUBDIVISION REPLAT
LOCATED IN THE NORTH 1/2 OF SECTION 7,
T18S, R38E, N.M.P.M., CITY OF HOBBS, LEA COUNTY, NEW MEXICO

DESCRIPTION OF THE EXISTING PARCEL INCLUDED IN THIS SUBDIVISION

PARCEL 1

A previously undescribed tract of land located in the north half of Section 7, Township 18 South, Range 38 East, N.M.P.M., City of Hobbs, Lea County, New Mexico more particularly described as follows:

Beginning at the southwestern corner of said tract of land, a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence North 40°11'16" West 343.85' along an eastern line of Hobbs Industrial Airpark Subdivision, Phase I to a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence North 40°11'12" West 783.88' along an eastern line of the Hobbs Industrial Park Subdivision, Phase I to a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence North 49°48'45" East 2.92' along said eastern line to a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence North 40°11'17" West 400.85' along said eastern line to a 5/8" rebar with a yellow plastic cap; thence North 49°48'37" 1119.51' along a southern line of said Hobbs Industrial Park Subdivision, Phase I; thence South 40°03'30" East 2456.06'; thence South 89°31'03" West 1451.75' along the northern boundary line of the Covenant Hospital property, as recorded in Book 2174, Page 593, Lea County Clerk and Recorder's office to the Point of Beginning.

EXCEPT a tract of land recorded at Book 2142 Page 935, Lea County Clerk and Recorder, and being more particularly described as follows:

Situated in the City of Hobbs, County of Lea and State of New Mexico, and known as being part of the North 1/2 of Section 7, Township 18 South, range 38 East, N.M.P.M., being a parcel of land now or formerly conveyed to Cam-Hobbs, LLC as recorded in Book 923, Page 252 of the Lea County Records and being more particularly described as follows:

Commencing at the Southeast Corner of said Section 7; Thence North 00°13'00" West, a distance of 182.27 feet; Thence North 39°35'00" West a distance of 2,211.75; thence North 89°35'00" West, a distance of 1,246.81 feet to a ½-inch iron pin found at the most southerly corner and Point of Beginning of the parcel being described;

Thence North 39°20'39" West, along the northeasterly line of a parcel conveyed to the City of Hobbs, a distance of 370.72 feet; Thence North 50°25'09" East,, along the southeasterly line of a parcel conveyed to the City of Hobbs, a distance of 960.00 feet to a 5/8-inch iron pin with cap labeled "JWSC PS 1262" found; Thence South 39°34'23" East, along the southwesterly right-of-way of Lovington Highway (Frontage Road) (an 80-foot-wide public right-of-way), a distance of 80.00 feet to a ¾-inch iron pin found; Thence South 50°25'18" West, along the northwesterly line of a parcel conveyed to the City of Hobbs , a distance of 490.00 feet; Thence South 39°18'10" East, along the southwesterly line of a parcel conveyed to the City of Hobbs, a distance of 290.72 feet to a ½-inch iron pin found, referenced by a 5/8-inch iron pin with cap labeled "JWSC PS 1264" found North 68°42'22" East, at a distance of 2.06 feet; thence South 50°25'00" West, along the northwesterly line of a parcel conveyed to the City of Hobbs, a distance of 470.11 feet to the ½-inch iron in found at the Point of Beginning and being the Surveyor's Legal Description as shown in that certain survey dated 2-14-13, filed 11-21-14, in Book 1928, Page 569, Lea County Records, Lea County, New Mexico.

Said parcel of land containing 46.298 acres, more or less.

NEW DESCRIPTION OF TRACT A

A tract of land located in the north half of Section 7, Township 18 South, Range 38 East, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described as follows:

Commencing at a set 5/8" rebar with pink plastic cap marked "M HICKS 29417" for the southeastern corner of Tract B; thence North 40°12'26"W 560.37' along the west right-of-way line of Industrial Drive to a found 5/8" rebar with a yellow plastic cap marked "JWSC 12641" for the Point of Beginning; thence South 49°49'10" West 415.10' to a found 5/8" rebar with a yellow plastic cap marked "JWSC 12641"; thence North 40°10'50" West 351.31' to a 5/8" rebar with a yellow plastic cap marked "JWSC 12641"; thence South 49°49'10" West 75.05' to a found 5/8" rebar; thence North 40°11'50" West 309.80' to a found 5/8" rebar with a yellow plastic cap, illegible; thence North 49°47'34" East 489.94' to a found 5/8" rebar; thence South 40°12'26" East 661.34' along said west right-of-way line of North Industrial Drive to the Point of Beginning, said tract of land containing 6.833 acres, more or less.

NEW DESCRIPTION OF TRACT B

A tract of land located in the north half of Section 7, Township 18 South, Range 38 East, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described by as follows:

Beginning at the southeastern corner of this tract, thence South 89°31'03" West 1357.08' along the north line of the Covenant Hospital property, as recorded in Book 2174, Page 593, Lea County Clerk and Recorder's office; thence North 40°11'16" West 343.85' along an east line of Hobbs Industrial Airpark Subdivision, Phase I; thence North 40°11'12" 783.88' along said east line of Hobbs Industrial Airpark Subdivision, Phase I; thence North 49°48'45" East 2.92' along said east line of Hobbs Industrial Airpark Subdivision, Phase I; thence North 40°11'17" West 400.85' along said east line of Hobbs Industrial Airpark Subdivision, Phase I; thence North 49°48'37" 1040.32' along a south line of Hobbs Industrial Airpark Subdivision, Phase I to a found brass cap; thence South 40°12'26" East 1093.64' along the west right-of-way line of North Industrial Drive to a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence South 49°47'34" West 962.03' along the north line of a tract of land owned by 5715 N Lovington Hwy NM LLC as recorded in Book 2142, Page 935, Lea County Clerk and Recorder's Office to a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence South 40°26'30" East 370.72' along the east line of said tract of land owned by 5715 N Lovington Hwy NM LLC to a set 5/8" rebar with a pink plastic cap marked "M HICKS 29417"; thence North 49°49'10" 470.52' along the south line of said tract of land owned by 5715 N Lovington Hwy NM LLC to a found 5/8" rebar with a yellow plastic cap, illegible; thence South 40°11'50" East 19.09' to a found 5/8" rebar; thence North 49°49'10" East 75.05' to a found 5/8" rebar with a yellow plastic cap marked "JWSC 12641"; thence South 40°10'50" East 351.31' to a found 5/8" rebar with a yellow plastic cap marked "JWSC 12641"; thence North 49°49'10" East 415.10' to a found 5/8" rebar with a yellow plastic cap marked "JWSC 12641"; thence South 40°12'26" East 560.37' along the west right-of-way line of North Industrial Drive to the Point of Beginning, said tract of land containing 35.231 acres, more or less.

NORTH INDUSTRIAL DRIVE RIGHT-OF-WAY DEDICATION PER THIS PLAT - VARIABLE WIDTH

A tract of land located in the north half of Section 7, Township 18 South, Range 38 East, N.M.P.M., City of Hobbs, Lea County, New Mexico and being more particularly described as follows:

Beginning at a set 5/8" rebar with pink plastic cap marked "M HICKS 29417" for the eastern corner of Parcel B; thence North 40°12'26" West 2395.58' along the northeasterly lines of Parcel B, Parcel C, Parcel A, a parcel belonging to 5715 N Lovington Highway NM LLC, as recorded in Book 2142, Page 35, and Parcel E; thence North 49°48'37" East 79.19'; thence South 40°03'30" East 2456.06'; thence South 89°30'59" West 94.67' to the Point of Beginning, said tract of land containing 4.235 acres, more or less, herein dedicated to the City of Hobbs.

CERTIFICATE OF SURVEY

I, Mikaela R. Hicks New Mexico Professional Surveyor No. 29417., do hereby certify that this Summary Plat and the actual survey on the ground upon which it is based were performed by me or under my direct supervision; that I am responsible for this survey; that this survey meets the Minimum Standards for Surveying in New Mexico; and that it is true and correct to the best of my knowledge and belief. I further certify that this survey is a land division or subdivision as defined in the New Mexico Subdivision Act.

Mikaela R. Hicks NMPS #29417

Date

OWNERS STATEMENT AND AFFIDAVIT

State of New Mexico: _____
County of Lea: _____

The undersigned first duly sworn on oath, state: On behalf of the owners and proprietors we have of our own free will and consent caused this plat with its tracts to be subdivided and platted into the tract and rights-of-ways as shown on this plat. The property described on this plat lies within the platting jurisdiction of City of Hobbs.

By _____
Mayor Sam Cobb
City of Hobbs

ACKNOWLEDGMENT

State of New Mexico:
County of Lea:

On this _____ day of _____, 20_____, before me, _____, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires:_____.

Notary Public

CERTIFICATE OF MUNICIPAL APPROVAL

I, Todd Randall Assistant City Manager for the City of Hobbs, Lea County, New Mexico, do hereby certify that the foregoing plat in the City of Hobbs, Lea County, New Mexico, was reviewed and deemed compliant with the Municipal Summary Process Regulations on this _____ day of _____, 20_____.

Todd Randall, Assistant City Manager

Jan Fletcher, City Clerk

ACKNOWLEDGMENT

State of New Mexico:
County of Lea:

On this _____ day of _____, 20_____, before me, Todd Randall and Jan Fletcher to me known to be the persons described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.

Witness my hand and official seal the day and year last above written.

My Commission Expires:_____.

Notary Public



PETTIGREW
& ASSOCIATES PA

ENGINEERING | SURVEYING | CONSTRUCTION SERVICES

DEFINING QUALITY SINCE 1965

100 E. Navajo Drive Suite 100 Hobbs, NM 88240

T 575 393 9827 F 575 393 1543 Pettigrew.us

PROJECT SURVEYOR:
MIKAELA R. HICKS

DRAWN BY:
C. ORTIZ



INDEXING INFORMATION
FOR COUNTY CLERK

OWNER:
CITY OF HOBBS

LOCATION:
THE N1/2 OF SECTION 7, T18S, R38E,
N.M.P.M., CITY OF HOBBS,
LEA COUNTY, NEW MEXICO

REVISIONS		
No.	DATE	DESCRIPTION

State of New Mexico, County of _____,
I here by certify that this instrument was filed for
record on:

The _____ Day of _____,
20 _____ A.D.

At _____ O'Clock _____M.

Cabinet _____ Slide _____

Book _____ Page _____

By _____,
County Clerk

By _____,
Deputy

SUMMARY REPLAT
OF
HIAP SUMMARY
SUBDIVISION REPLAT
FOR
CITY OF HOBBS

PROJECT NUMBER:
2025.1217

SHEET:
2 of 2
SU - 102