

New Mexico Driver Education Curriculum

February, 2010 Edition

Published by
New Mexico Department of Transportation
Traffic Safety Bureau
PO Box 5824, 604 West San Mateo
Santa Fe, NM 87502
(505) 827-0427

and the Institute of Public Law
University of New Mexico School of Law
MSC11 6060, 1 University of New Mexico
Albuquerque, NM 87131

Introduction

This manual is a guide to teaching the rules of the road in New Mexico, as well as helping young drivers develop attitudes of *cooperation* rather than *competition* in traffic. Attitude determines how knowledge and skills will be applied. It determines whether drivers will take the wheel after drinking too much alcohol or make other plans beforehand. It can mean the difference between a shrug and an incident of escalating road rage. All too often, bad attitudes are passed down from one generation of drivers to the next. In many ways, it falls to the professional driver education instructor to help students develop attitudes of chivalry, empathy and respect for other drivers. This may seem a daunting task for a single driver education course, but it is, nevertheless, an essential element of a good driver education curriculum.

Novice driving education combines hand/eye coordination skills, vehicle handling skills, and information about how drivers act (often unpredictably) with information about the laws. To advance from the beginner stage, the instructor should also teach some *management skills*—good judgment, psychology, sociology and diplomacy. The instructor has to be both technician and philosopher, teaching the skills of driving and the psychology of the driver.

Currently, there is no solid evidence demonstrating that driver education reduces crashes. To the extent that it allows young people to drive sooner, driver education is sometimes blamed for actually *increasing* youth crashes. In 2006, there were *49,318 crashes* in New Mexico (representing over *90,000 vehicles*). Of the drivers in these crashes, 16 percent were teenagers who represent only nine percent of the population. Drivers between 15 and 19 years old had the highest crash rate. Crashes are the number one killer of youth in this country. Driver inattention, following too closely, failure to yield and excessive speed are the top four types of contributing factors for crashes in New Mexico. DWI is the leading cause of FATAL crashes. (See New Mexico Traffic Crash Information Reports, <http://www.unm.edu/~dgrint/dgr.html> NMDOT Traffic Safety Bureau and the Division of Government Research, University of New Mexico).

There are plenty of good reasons for providing driver education - teaching good lifetime habits, teaching courteous driving, reducing roadside disputes and increasing confidence in new drivers to decrease stress, to name a few. *But at the TOP of this list should be crash reduction.* Current driver education programs can help young drivers learn driving skills, but they don't seem to produce safer drivers.

In 1999, the New Mexico Legislature spoke on this issue by putting into place the graduated licensing system for under-18 drivers. Graduated licensing has been shown to be one of the most effective ways to reduce crashes among young drivers. States with night-time driving restrictions show crash reductions up to 60 percent during restricted hours according to the National Highway Traffic Safety Administration.

The goals of GDL must be combined with the goals of driver education to reduce crashes among novice drivers. The AAA Foundation has developed a Novice Driver Education Model Curriculum Outline which includes the following recommendations:

- Developing automated techniques to teach driving basics
- Improving in-car instruction with more driver feedback
- Involving parents in monitoring teen drivers
- Using social pressures to foster safe driving attitudes
- Enacting graduated licensing systems that restrict new drivers to safer times and locations

This curriculum is divided into three sections: The Driving task, the Driver and the Driving Environment, each with an outline of what should be covered by the instructor. Included is substantive information on the laws, statistics and research, and some suggested activities. How to teach this information, of course, is left to the craft of the individual teacher and parent-teacher.

New Mexico Driver Education Curriculum

Table of Contents

Unit 1: The Driving Task

Chapter 1: The Basics: Equipment and Car Control

Objectives.....	1-1
Course Outline.....	1-1
Section One: The basics of car control.....	1-1
Section Two: Moving down the road.....	1-3
Suggested Review Questions.....	1-7
New Mexico Laws.....	1-8

Chapter 2: Defensive Driving Techniques

Objectives.....	2-1
Course Outline.....	2-1
Section One: Ten Common Driving Errors.....	2-1
Section Two: Defensive Driving Concepts and Techniques.....	2-2
Section Three: Communicate with Other Drivers.....	2-2
Section Four: Speeding.....	2-5
Section Five: Parking.....	2-6
Section Six: Road and Weather Conditions.....	2-6
Section Seven: Car Safety Measures.....	2-7
Section Eight: Signs and Roadway Markings.....	2-8
Suggested Review Questions.....	2-10
Resources.....	2-12
New Mexico Laws.....	2-13

Chapter 3: Crashes and Other Roadside Emergencies

Objectives.....	3-1
Course Outline.....	3-1
Section One: Introduction.....	3-1
Section Two: Roadside Emergencies.....	3-1
Section Three: Crashes, Injury and Death.....	3-2
Section Four: Mandatory Minimum Insurance.....	3-3
Section Five: If the Driver Comes Upon a Crash.....	3-3
Suggested Review Questions.....	3-4
New Mexico Laws.....	3-5

Chapter 4: Sharing the Road

Objectives.....	4-1
Course Outline.....	4-1
Section One: National Bicycling & Walking Study.....	4-1
Section Two: National Statistics.....	4-1
Section Three: Bicycles.....	4-2
Section Four: Pedestrians.....	4-2
Section Five: Motorcycles.....	4-3
Resources.....	4-4
New Mexico Laws.....	4-5

Unit 2: The Driver

Chapter 5: Characteristics of Good Drivers

Objectives.....	5-1
Course Outline.....	5-1
Section One: Physical Skills.....	5-1
Section Two: Mental Skills and Attitudes.....	5-2
Section Three: Social Skills.....	5-4
Section Four: Emotional Process.....	5-4
Section Five: Student Driver Checklist.....	5-5
Student Driver Checklist.....	5-6
Teaching Tips.....	5-7
Suggested Review Questions.....	5-7
Resources.....	5-9
Tip Sheet for Parents.....	5-10

Chapter 6: Challenges to Good Driving

Objectives.....	6-1
Course Outline.....	6-1
Section One: Stress.....	6-1
Section Two: Fatigue.....	6-1
Section Three: Physical Limitations.....	6-2
Section Four: Aggressive Driving and “Road Rage”.....	6-3
Section Five: Distraction and Inattention.....	6-4
Suggested Review Questions.....	6-6
Resources.....	6-7

Chapter 7: Driving Under the Influence

Objectives.....	7-1
Course Outline.....	7-1
Section One: Description of the Problem.....	7-1
Section Two: Attitudes about Driving after Drinking.....	7-2
Section Three: Effects of Impaired States of Alertness.....	7-2
Section Four: Why do People Drink?.....	7-2
Section Five: Health Effects of Heavy and Chronic Drinking.....	7-2
Section Six: Driving Under the Influence of Alcohol & Other Drugs.....	7-3
Section Seven: Overview of the Laws and the DWI Process.....	7-4
Activity: Victim for an Hour.....	7-6
Suggested Review Questions.....	7-8
Resources.....	7-10
New Mexico Laws.....	7-11

<p>Unit 3: The Driving Environ- ment</p>

Chapter 8: Licensing

Objectives.....	8-1
Course Outline.....	8-1
Section One: Introduction.....	8-1
Section Two: Graduated Drivers' Licensing.....	8-1
Section Three: Suspension & Revocation.....	8-3
New Mexico Laws.....	8-6

Chapter 9: Adverse Driving Conditions

Objectives.....	9-1
Course Outline.....	9-1
Section One: Introduction.....	9-1
Section Two: Driving in Adverse Conditions.....	9-1
Resources.....	9-4

Chapter 10: Highway and Traffic Engineering

Objectives.....	10-1
Course Outline.....	10-1
Section One: Design and Engineering Standards.....	10-1
Section Two: Geometric Design.....	10-2
Section Three: Functional Classification.....	10-2
Section Four: Design Speed.....	10-2
Section Five: Specific Design Features Relevant to Driving.....	10-2
Section Six: Traffic Control Devices.....	10-4
Section Seven: Regulatory Signs.....	10-4
Section Eight: Warning Signs.....	10-6
Section Nine: Guide Signs.....	10-9
Section Ten: Pavement Markings.....	10-9
Section Eleven: Traffic Signals.....	10-10
Frequently Asked Questions.....	10-12
Suggested Review Questions.....	10-14
Resources.....	10-17
Sign Images.....	10-19

Unit 1 - The Driving Task

Chapter 1 - The Basics: Equipment and Car Control

Objectives

Section One: Students will become familiar with the dashboard instruments, steering wheel/column, stick shift/gear lever and descriptions of each, adjusting mirrors, safety belts and their use.

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

Course Outline

1. Section One: The basics of car control

a. Introduction:

No doubt you have spent some time at an amusement park and driven around in a bumper car. You know how to steer a car, and how to stop. It's easy, a child can do it. So why do we expect teenagers to wait so long for their first driver's license? A good driver is a careful, responsible individual who knows the vehicle, the route and is awake and alert. A good driver can make split second decisions when conditions demand. A good driver does not allow the potential power of an automobile to become a destructive weapon used against another. All of this figures into car control. In addition, the driver of the vehicle is responsible for the safety of the passengers in the car. Knowing where an air bag is located and seating small children away from it are part of the responsibility. In this chapter, we will cover the workings of the interior instruments on the vehicle, the exterior instruments, the effects of steering and braking and the relationship of the vehicle to the outside surroundings.

b. Who should drive?

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

c. Know your vehicle: Questions to ask before you drive

- i. Are the tires properly inflated?
- ii. Are the mirrors (rear and side view) clean and adjusted?
- iii. Is the seat positioned appropriately in order to reach all controls?
- iv. Where are the buttons for the emergency lights, the exterior lights, and the windshield

- wiper/washer fluid? The horn? Are there two pedals (automatic) or three (standard) on the floor? Can you see clearly out of the windshield?
- v. Is there gas in the gas tank?
 - vi. Does the vehicle come equipped with an air bag for the driver, and the front passenger?
 - vii. Do the seatbelts work? Always buckle up before you drive.

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

d. Other controls

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

e. Air Bags:

- i. The air bags work with safety belts. Air bags save lives by inflating very quickly during a crash. Air bags for the front passenger are located in the dashboard. The driver's air bag is located in the steering wheel itself. The following recommendations have been made by the National Highway Traffic Safety Administration:
 - (1) Since the risk zone for driver air bags is the first 2-3 inches of inflation, placing yourself 10 inches from your driver air bag provides you with a clear margin of safety. This distance is measured from the center of the steering wheel to your to your breastbone. *If you now sit less than 10 inches away, you can change your driving position in several ways:*
 - (2) Move your seat to the rear as far as you can while still reaching the pedals comfortably.
 - (3) Slightly recline the back of the seat. Although vehicle designs vary, many drivers can achieve the 10-inch distance, even with the driver seat all the way forward, simply by reclining the back of the seat somewhat. If reclining the back of the seat makes it hard to see the road, raise yourself by using a firm non-slippery cushion, or raise the seat if your vehicle has that feature.
 - (4) If your steering wheel is adjustable, tilt it downward. This points the air bag toward your chest instead of your head and neck.
- ii. Children and air bags.
 - (1) Most new cars have air bags for front-seat passengers. When used with lap/shoulder belts, air bags work very well to protect older children and adults who ride facing the front of the car. Air bags do not work with rear-facing child seats (those used with infants). Air bags could seriously injure or even kill an unbuckled child or adult who is sitting too close to the air bag or who is thrown toward the dash during emergency braking. In a crash, the air bag inflates very quickly. It could hit anything close to the dashboard with enough force to cause severe injuries or even death. Because the back of a rear-facing child seat sits very close to the dashboard, the seat could be struck with enough force to cause serious, or even fatal injuries to a baby. Older children who have outgrown child seats are at risk from a deploying air bag, if they are not properly restrained with a lap/shoulder belt.
 - (2) The rear seat is the safest place for children of any age to ride. An infant in a rear-facing

child seat must ride in the back seat of your vehicle has a passenger side air bag (babies under 1 year and 20 lbs. should always ride in a rear-facing seat). Make sure that everyone in the front seat is properly buckled up and seated as far back from the air bags as is reasonably possible. Make sure that all young children are properly secured in a child safety seat and older children by a lap/shoulder belt.

f. Lights

- i. The use of headlights is mandated by New Mexico statute (Section 66-3-802). Drivers must turn the lights on from a half-hour before sundown to a half-hour before sunrise.
- ii. For safety, lights can be turned on when visibility on the road is poor, especially during rain and dust storms. Many cars are now equipped with daytime running lights, which increase vehicle visibility to other drivers. Widely used in Canada and Scandinavia, the lights turn on automatically when the ignition is started. The lights are low intensity, and headlights override the running lights when they are turned on. Because they make it easier to detect an oncoming car from farther away, daytime running lights are a low-cost way to reduce crashes.
- iii. Light knobs have two positions.
 - (1) Intermediate setting usually is just parking lights.
 - (2) Headlights, with two levels, normal and brights. The dimmer switch may be in a variety of positions, usually on the wiper control or the turn signal. Older cars have the dimmer switch in the foot pedal position.
 - (3) Not all modern cars automatically switch off the lights when the car is turned off. The dead battery lesson may be avoided by checking the light switch, especially when the lights are in use during the day-- bad weather is often the reason for using lights during the day.
- iv. Drivers often flash brights at an oncoming car when its bright lights are glaring in their eyes. A quick, friendly tap is all that's required, even if the other vehicle does not dim lights in response.
- v. Funeral processions use head lights to keep cars together. With daytime running lights on some cars, it can be difficult to tell when you are indeed seeing a funeral procession. It is sometimes illegal and always in poor form to cut into a funeral procession.

2. Section Two: Moving down the road

- a. **The Smith System** is a series of commonsense principles designed to create safer and more defensive driving. (See Chapter 1.2 for more on defensive driving.)
 - i. Aim high and look ahead to better search the roadway.
 - ii. Keep eyes moving because conditions are always changing.
 - iii. Getting the big picture requires scanning the whole scene.
 - iv. Make sure others can see you so you can communicate better on the roadway.
 - v. Leave yourself a way out. Leave yourself a path of escape in order to avoid a collision.
- b. **Starting the car**
 - i. Make sure the parking brake is engaged or set before starting the car.
 - ii. The steering wheel is locked in place until the car is started.
 - iii. Automatic Transmission: the car must be in Park or Neutral. (Neutral is not recommended since vehicle can roll.) Turn the ignition to Astart@ and gently depress the accelerator (gas pedal). Cars with fuel injection do not require pumping the gas. Let go of the key and move the lever to Drive.
 - iv. Standard (manual) transmission: although this is most graphically demonstrated during the behind-the-wheel portion of driver education, students should be given some information about shifting and clutches.
 - (1) The third pedal, the clutch, disengages the driveshaft from the motor and allows driver to change gears manually. In most cars, the car will not start unless the driver depresses the clutch when turning the ignition.

- (2) Once the engine is engaged, the car can be shifted into first gear. Refer to owner's manual or diagram on shifting lever for correct shifting pattern, which can vary from vehicle to vehicle.
- (3) Standard transmissions require more effort to drive but allow added control in climbing hills and dealing with difficult terrain.

c. The facts on four-wheel drive

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

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

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

d. Steering the car

- i. While the car is idling, take a moment to check the gauges on the dashboard. These include warning lights such as oil pressure, battery, temperature, gas gauge. If any warning lights appear, refer to the owner's manual for more information.
- ii. Adjust the mirrors: there should be one on either side of the car, and the rear view mirror. The rear view mirror should provide a complete picture of rear windshield. Your side mirrors will help you determine when vehicles are on either side of you. Mirrors are an aid to driving, but do not substitute for looking over your shoulder when making sure the way is clear for a lane change.
- iii. When backing out of a parking space or driveway, shift into reverse (standard transmissions require depressing the clutch before shifting). Disengage the parking brake. Reverse steering can be tricky for novice drivers. As the car moves, driver checks mirrors several times for clearance between objects or pedestrians that will suddenly appear when backing out. The amount of clearance can be difficult to judge for inexperienced drivers who shouldn't be afraid to ask for help or direction when trying to judge distances. This can prevent an expensive repair. Even low speed collisions can cause damage.
- iv. Both hands should be on the steering wheel.

- (1) Hold your hands at 10 o'clock and 2 o'clock positions on the wheel. If your air bag is stored in the steering column, the recommended position is 4 and 8. Most cars have power steering, making it much easier to turn the car. It also makes it much easier to lose control of the car.
- e. Signaling**
- i. Always signal to indicate lane changes and turns. Turn indicators are yellow lights at the front and rear of most cars. (Hint for new drivers: UPRIGHT drivers remember turn signals go UP for RIGHT turns and down for left turns.)
 - ii. Brake lights automatically show braking-- newer cars have a high brake light near the back windshield for greater visibility and safety.
 - iii. Reverse or back-up lights appear as white lights behind the vehicle.
 - iv. Driver checks the blind spots (see below) around the vehicle by looking over shoulder in the planned direction before moving there.
- f. Blind spots.** Each vehicle has a blind spot that extends out from the car parallel with the driver on either side of the vehicle. Drivers must turn their heads to check the blind spots before any lane change. When there is a bicycle lane, pull in behind bicyclists to make a right turn; check the mirror and look over right shoulder for bicyclists behind car before making right turn.
- g. Cruise control.** For highway driving, vehicles may be equipped with cruise control, allowing driver to take foot off the accelerator and maintain a constant rate of speed. Complete instructions are in the vehicle manual. Caution: This feature can cause skidding if driver brakes suddenly on a slick surface.
- h. Speeding.** It is the driver's responsibility always to be aware of the speed limit. The speed limit signs indicate the highest speed allowed or speed limit for that section of road. See Chapter 1.2 for more on street signs and marking. Sometimes there are road signs giving the minimum and maximum speeds, or night speeds and daytime speeds. You, as the driver, are responsible for following all the postings on the road. (Note that in Canada and Mexico, and most of the rest of the world for that matter, speeds are listed in kilometers rather than miles. Most speedometers on the dashboard show both systems. If your vehicle does not, convert kilometers to miles per hour take 5/8ths of the posted speed). For more information about speeding see Chapter 1.2 Defensive Driving Procedures.
- i. Braking. There are several ways to slow down a car. The driver can remove their foot from the accelerator, downshift into a lower gear, or apply the brakes. It's important to know what type of braking system a car has, and to understand the differences among them.
 - ii. Standard brakes stop the car by a steady pressure downward. The amount of time it takes to stop differs with each car, as does the braking distance. In an emergency stop on ice, the driver pumps the brakes to keep the wheels from locking. Slamming on the brakes may only lock wheels, rendering them useless. This can cause a skid which in turn can flip the vehicle (see Chapter 3.1),
 - iii. If a car with standard brakes begins to go into a skid, the driver turns the wheels in the direction of the skid while pumping the brakes. However, antilock brakes require a different procedure.
 - iv. Antilock Brakes Systems are designed to avoid the wheel lock described above. Also known as ABS brakes, the system works with sensors which monitor the rotations of the wheels when the brakes are applied. If a brake is close to locking, the pressure is reduced on that brake, preventing lock-up. Antilock brakes should NOT be pumped, and have a pulsing sensation when working. They don't make a lot of difference when used on dry surfaces, though they do add to the stability of the vehicle in a stop.
 - v. One dangerous situation has been reported where improper steering in vehicles equipped with ABS brakes can cause the vehicle to veer out of control. "When drivers are about to hit something, they often panic, jamming on the brakes, and jerk the wheel," says David K. Willis, president of the AAA Foundation for Traffic Safety. "If the car has antilock brakes it will respond to the extreme steering and run off the road. In a study of crash records, the National Highway Traffic Safety Administration (NHTSA) found that ABS cars had more single-vehicle, run-off-the-road crashes than cars without ABS." The Foundation recommends all

drivers who have antilock brakes practice using them in an empty parking lot or other place with no obstructions. Bear down on the brakes and practice steering on both wet and dry pavement.

- vi. Emergency brake. The emergency brake (also called the parking brake) uses the same braking system as the car uses when in motion. The location of the brake lever varies from car to car. Use this brake when parking, especially on a hill or other spot where rolling might occur.

Suggested Review Questions

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

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

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

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

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

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

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

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

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

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

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

Answer: Standard: pump in case of sudden stop. Antilock: steadily depress without pumping and caution when steering. Turning the wheel sharply can cause you to run off the road.

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

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

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

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

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

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

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

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

66-3-801. Equipment; prohibited acts.

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

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

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

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

66-3-802. When lighted lamps are required.

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

66-3-803. Visibility distance and mounted height of lamps.

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

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

66-3-804. Headlamps on motor vehicles.

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

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

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

66-3-805. Tail lamps.

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

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

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

66-3-806. New motor vehicles to be equipped with reflectors.

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

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

66-3-807. Stop lamps and turn signals required on designated vehicles.

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

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

66-3-831. Use of multiple-beam road-lighting equipment.

Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in Section 66-3-802 NMSA 1978, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

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

B. The lowermost distribution of light specified in Section 66-3-830B NMSA 1978 shall be deemed to avoid glare at all times, regardless of road contour and loading; and

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

66-3-835. Special restrictions on lamps.

A. Lighted lamps or illuminating devices upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps and school bus warning lamps, which project a beam of light of an intensity greater than three hundred candlepower shall be directed so that no part of the high-intensity portion of the beam strikes the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

B. No person shall drive or move, upon any highway, any vehicle or equipment with a lamp or device thereon displaying a red light visible from directly in front of the center of the vehicle or equipment. This section does not apply to any vehicle upon which a red light visible from the front is expressly authorized or required by the Motor Vehicle Code.

C. Flashing lights are prohibited except as provided in Subsection D of this section and except on authorized emergency vehicles, school buses, snow-removal equipment and highway-marking equipment. Flashing red lights may be used as warning lights on disabled or parked vehicles and on any vehicle as a means of indicating a turn.

D. Tow cars standing on highways for the purpose of removing, and actually engaged in removing, disabled vehicles, and while engaged in towing any disabled vehicle, may display flashing lights. This shall not be construed as permitting the use of flashing lights by tow cars in going to or returning from the location of disabled vehicles unless actually engaged in towing a disabled vehicle.

E. Only fire department vehicles, law enforcement agency vehicles, ambulances and school buses shall display flashing red lights visible from the front of the vehicle. All other vehicles authorized by the Motor Vehicle Code to display flashing lights visible from the front of the vehicle may use any other color of light that is visible.

66-3-840. Brakes. (2007)

A. Brake equipment is required as follows:

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

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

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

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

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

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

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

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

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

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

controls of the parking brakes shall be independent of the operating controls of the service brakes;

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

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

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

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

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

66-3-843. Horns and warning devices.

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

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

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

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

66-3-844. Mufflers; prevention of noise; emission control devices.

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

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

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

66-3-845. Mirrors.

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

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

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

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

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

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

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

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

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

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

C. Each manufacturer shall:

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

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

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

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

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

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

D. No person shall:

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

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

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

F. The light transmission requirement of this section does not apply to windows behind the driver on truck

tractors, buses, recreational vehicles multipurpose passenger vehicles and motor homes. The provisions of this section shall not apply to motor vehicle glazing which complies with federal motor vehicle standards.

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

H. As used in this section:

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

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

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

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

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

66-3-847. Restrictions as to tire equipment.

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

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

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

D. The state highway commission and local authorities, in their respective jurisdictions, may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under the Motor Vehicle Code.

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

66-3-848. Safety glazing materials in motor vehicles.

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

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

C. The director shall compile and publish a list of types of glazing material by name approved by him as

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

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

66-3-874. Safety belts required.

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

66-3-901. Vehicles without required equipment or in unsafe condition.

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

Unit 1 - The Driving Task

Chapter 2 - Defensive Driving Techniques

Objectives

In 1964, the National Safety Council's Defensive Driving Course was the first driver improvement program in the nation. Since that time, the Defensive Driving Course (DDC) has been taught to more than 40 million drivers in the U.S., in Canada, and in other countries worldwide. As the death and injury counts from traffic crashes have mounted over the years, many companies and agencies have implemented safe driving classes as a regular part of their safety training.

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

Course Outline

Defensive driving

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

1. Ten Common driving errors:

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

2. **Defensive driving concepts and techniques.**

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

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

3. **Communicate with other drivers.**

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

a. **Traffic laws as social contract.**

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

b. Signals and Traffic Signal Procedures

According to the Insurance Institute for Highway Safety, disregarding red signals and other traffic control devices is the leading cause of urban crashes, representing 22 percent of the total number of crashes.

- i. Steady Red indicates that the driver must come to a full stop behind the crosswalk and not proceed until the signal changes to green. In New Mexico, drivers can turn right on red after coming to a complete stop and yielding right-of-way to oncoming traffic and pedestrians in the crosswalk, unless the intersection is marked “No Turn on Red.” Drivers may turn left on red only from a one-way street onto a one-way street after coming to a complete stop and yielding to pedestrians.
- ii. Steady Yellow indicates an alert that the signal is about to turn red. Drivers should stop before the crosswalk if possible to do so safely. If not, drivers should proceed cautiously through the intersection before the signal turns red. Do not speed up to go through the intersection before the signal turns red.
- iii. Steady Green indicates that the driver should proceed through the intersection with caution, staying alert for other drivers who might run the red signal and for pedestrians who are still in the crosswalk. If turning left on a green signal, drivers must yield to oncoming traffic and pedestrians in the turn path.
- iv. Flashing Yellow indicates that the driver should slow down and proceed with caution. Traffic coming in the other direction will have a flashing red light.
- v. Flashing Red indicates that the drivers must come to a full stop behind the crosswalk, then proceed cautiously. Drivers should be alert to the color of the signal the drivers on the intersecting road are seeing. If the crossing signal is also flashing red, the intersection should be treated as a four-way stop sign. If the crossing signal is flashing yellow, the drivers in the crossing traffic have the right-of-way, and drivers with the flashing red signal should wait until all cross traffic is clear before proceeding.
- vi. Arrows indicate in what directions drivers may proceed. Green indicates that a driver may turn in that directions, red indicates that they may not move in that direction. Drivers should yield right-of-way to traffic with a green arrow.
- vii. Photo enforcement. Some communities have implemented the use of cameras at intersections to record drivers who run red signals or stop signs. In a national survey by NHTSA, more than 7 in 10 drivers approved of photo enforcement devices to reduce running red signals and stop signs, as well as reduce speeding, especially in areas where crashes occur frequently. Those who approve believe photo enforcement decreases these unsafe actions and provides solid evidence of the violation. However, those who disapprove believe that there are privacy concerns and that personal interaction with law enforcement officers is preferable.
Activity: Have students investigate and report on the use of photo enforcement devices in their area, including any laws regarding their use and where they might be located.
- viii. Hand signals. Hand and arm signals are given as follows:
 - (1) Left turn: hand and arm extended horizontally
 - (2) Right turn: hand and arm extended upward
 - (3) Stop or decrease speed: hand and arm extended downward

c. Right-of-way.

- i. According to the National Safety Council, more than half of all urban collisions occur at intersections and are usually the result of right-of-way violations. Rural intersections can be more dangerous because speed limits tend to be higher in rural areas.
- ii. Right-of-way indicates which driver has the privilege of *going first*. The right-of-way is given by other drivers, not taken; the law only states who should *yield* right-of-way, it does not *give* anyone the right-of-way. *Drive Right*, (Scott Foresman, 1993 edition) outlines the following considerations for yielding:

- (1) Your action should not cause those to whom you should yield the right-of-way to slow or stop.
- (2) Traffic signs and signals only show who should yield the right-of-way. *They do not stop traffic for you.*
- (3) Others can give you the right-of-way. *Never assume others will yield to you.*
- (4) Failure to yield the right-of-way is one of the most frequent violations in fatal collisions.

d. Yielding at stop signs and yield signs.

- i. Two-way stop signs. Drivers are to come to a full stop and yield right-of-way to:
 - (1) All traffic on the through street.
 - (2) If turning left, yield to facing traffic going straight.
 - (3) Pedestrians in or near the crosswalk or in the turn path.
- ii. Four-way stop signs. Drivers are to come to a full stop and yield right-of-way to:
 - (1) All pedestrians in the crosswalks.
 - (2) Vehicles that arrive first.
 - (3) If two or more vehicles arrive at the stop sign at the same time, yield to the vehicle on the right. If they are facing each other, a left-turning driver yields to one going straight.
- iii. Yield signs. Drivers are to yield right-of-way to:
 - (1) All traffic on the cross street.
 - (2) All pedestrians in or near crosswalks.
 - (3) It is not necessary to come to a complete stop unless required to avoid a collision.
 - (4) Yielding in other situations.
 - (a) Alleys, driveways, private roadways. Drivers are to yield right-of-way to all vehicles on the street and all pedestrians.
 - (b) Emergency vehicles. Drivers are to immediately yield to all emergency vehicles (such as ambulance, police, fire trucks, etc.) when the emergency vehicle is using flashing lights or sounding a siren. Drivers should move out of an intersection and close to the curb and wait for the emergency vehicle to pass. (If the driver is on a divided highway, and the emergency vehicle is *on the other side*, pulling over to the side of the road is not required.)
 - (c) School buses. If the amber lights on a bus are flashing the bus is about to stop and drivers should slow down and anticipate where the bus will stop. If the red lights are flashing and the bus is stopped, drivers are not to pass the bus *from any direction*.
 - (d) Trains. Drivers should approach any railroad crossing with caution and never drive around lowered gates or rely totally on warning signals. A crash with a train is 11 times more likely to be fatal than any other collision.
 - (e) Uncontrolled intersections. Drivers should yield right-of-way as at a four-way stop sign. It is not necessary to come to a complete stop unless required to avoid a collision.
 - (f) Pedestrians at green lights. When a signal first changes to green, drivers should yield to pedestrians in the crosswalk or turn path, or vehicles that are still in the intersection.

e. Traveling through intersections.

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

- i. Generally speaking, it takes approximately four seconds to cross an intersection from a full stop. If traffic is moving at 30 mph, there needs to be a gap of about 2/3 of a block in each direction in order to move through the intersection. This time is increased to six seconds (a one

block gap) if the driver is making a right turn, and to 7 seconds (more than a one block gap) if the driver is making a left turn.

- ii. These times and distances increase even more for large intersections.

Activity: Have students observe traffic on a street corner where the speed limit is 30 mph and measure the time it takes for vehicles to go through the intersection 1) from a full stop, 2) turning right, 3) turning left. As a car's front bumper enters the intersection, they should start counting, Aone-one thousand, two-one thousand, and continue until the car's rear bumper has cleared the intersection. Have them observe the length of the gap (2/3 block, 1 block, etc.) required to safely pass through the intersection. Suggest they use a similar technique by observing the driver of a car in which they are a passenger.

4. **Speeding.**

Exceeding the posted speed limit or driving too fast for conditions is a serious threat to the motoring public. In New Mexico in 1998, there were over 8,000 crashes that listed excessive speed as a contributing factor to the crash. Nationally, according to NHTSA statistics, speed is recognized as a contributing factor in about one-third of all fatal traffic crashes.

a. **Drivers speed for many reasons:**

- i. They are late and in a hurry.
- ii. It is a challenge to some drivers to drive at a speed in excess of the posted limit but below a level at which they believe they will be cited (as in, "*Police never cite anyone until they are 10 miles over the limit.*").
- iii. Their judgment is impaired by alcohol or other drugs
- iv. There is also inadvertent speeding -- youth and/or inexperience leads some drivers to travel too fast for the roadway environment -- through neighborhoods, intersections, bridges, curves, and construction zones.
- v. Similarly, drivers who have been traveling at a relatively high rate of speed for an extended time (on the Interstate for instance) become speed habituated -- they become so used to going fast on the highway that excessive speeds through slower road environments seem normal.

b. **Know your speed.** New Mexico's Interstates have a wide variation of speed limits: 55, 60, 65, 70 and even 75. Other state highways have even greater variation. The Highway and Transportation Dept. has an ongoing "Know Your Speed" campaign designed to reduce speeding by informing the public about the varied speed limits and their penalties, including license point penalties and fines. Along with this education, the Traffic Safety Bureau has funded a series of speed enforcement programs across the state to catch and punish speeders.

- i. **Points:** In the state's "Point System" speeding offenses receive the highest level of sanctions -- eight points for excessive speeding-- the maximum allowed in any 12 -month period is 12. (The text of the Point System MVD Regulations is at the end of Chapter 2.4 Licensing.) Drivers with 12 points or more get their licenses suspended for 12 months and must go to driver improvement school before their license will be returned.
- ii. **Fines.** The fines for speeding vary, depending on how much over the limit a driver is. The lowest fine (including a series of extra fees and court costs) is \$54, and the highest is \$243. (See the Laws Section of Chapter 2.4 Licensing, Section 66-8-116 and 116.3 for the text of the laws on Penalty Assessment Misdemeanor fines and additional costs.)
Minimum speed. In New Mexico, it is also against the law to drive at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law. (See Section 66-7-305 below for more on minimum speed regulation.)

5. **Parking.**

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

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

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

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

- i. On a sidewalk;
- ii. In front of a public or private driveway;
- iii. Within an intersection;
- iv. Within fifteen feet of a fire hydrant;
- v. On a crosswalk;
- vi. Within twenty feet of a crosswalk at an intersection;
- vii. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
- viii. Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the end [ends] of a safety zone, unless the traffic authority indicates a different length by signs or markings;
- ix. Within fifty feet of the nearest rail of a railroad crossing;
- x. Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance, when properly signposted;
- xi. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic;
- xii. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- xiii. Upon any bridge or other elevated structure upon a highway or within a highway tunnel; or
- xiv. At any place where official signs prohibit stopping.

6. **Road and weather conditions.**

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

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

Emergencies).

7. Car safety measures.

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

- a. **Outside the vehicle.** All of the mechanical components of the car should be in good working condition to help ensure safety. Brakes, transmission, light system (including headlights, taillights, signals and brake lights) need to be regularly checked and serviced. Tires should be inspected for tread and air pressure and rotated and balanced on a regular basis. All fluids (oil, brake, transmission, anti-freeze, windshield washer, etc.) should be checked regularly and changed as recommended by the manufacturer. All glass should be kept clean to maintain visibility and avoid increased glare.
- b. **Inside the vehicle.** Drivers should check the position of the seat and mirrors each time they get into the vehicle. A properly adjusted seat helps a driver maintain concentration and reduces fatigue. Properly adjusted mirrors are critical in allowing a driver watch the road behind him/her. The single action inside the car that will save the most lives is using seatbelts, both driver and passengers. Infants and children should be strapped in the appropriate child safety seats for their age and size. People who use their safety belts have a 45% better chance of surviving a serious traffic crash and a 50% chance of avoiding serious injury (see also chapter 2.1, Characteristics of Good Drivers). Air bags are designed to be used *in addition* to safety belts, not instead of them.
- c. **Collision prevention techniques**
 - i. The National Safety Council uses the following formula:
 - (1) Recognize the hazard. A driver should continuously evaluate the conditions that may cause her/him to lose control of the car, such as bad weather or road conditions or distractions in the car (i.e., cell phone use, noisy passengers, “back seat drivers”), or other drivers’ or pedestrians’ inattention or risky behaviors. Drivers need to scan the road ahead, check their mirrors every three to five seconds, and keep their attention focused on driving.
 - (2) Understand the defense. Drivers need always to be fine tuning their driving skills and learning how to deal with hazardous situations. Experience is one of the biggest factors in defensive driving. As a novice driver gains experience, s/he develops the “feel” of the car and gains more control, so that in responding to a threat, the driver is more able to stay in physical control of the car. Drivers will develop quicker reactions to potential hazards and learn to make decisions that decrease the risk to themselves and others. Another crucial element to defensive driving is the driver’s ability to control her/his emotional reaction and remain objective about other drivers’ behaviors. Impatience, anger, and stress can lead a driver into making bad driving decisions that risk their own and others’ lives (see chapter 2.2 Challenges to Good Driving).
Activity: Have students think about something other drivers do that upset them in a traffic situation. Have them explain the situation, how they feel and think, and then how they can control the situation.
 - (3) Act correctly, in time, before the situation gets out of control. Avoid the hazard in time to prevent the collision. Always, the correct action is the one that is safest for everyone. That may mean reducing speed, increasing the following distance, taking a different route or refusing to drive at all if a situation is too risky (i.e., if the driver has been drinking, is too tired, or passengers are being disruptive).
Activity: Have students play a series of “what-if” scenarios, including situations where 1) friends or parents will not fasten their safety belt in the student’s car, 2) friends tease or ridicule the student for not speeding or driving after drinking, 3) the student is frustrated or angry at another driver’s actions, 4) the student is driving and is at risk from another driver’s risky behavior.

- ii. Three biggest mistakes: According to the video Safe Driving Techniques, three situations account for more than 50% of all urban crashes - following too closely, backing, and intersections. They advocate a formula of:
 - (1) Anticipate. Similar to "Recognize the hazard", the driver anticipates any possible hazards presented by other drivers' inattention, carelessness, or risky behaviors, weather conditions, pedestrians, or any other potential threats.
 - (2) Adjust. Drivers need to adjust their driving behavior to the circumstances in order to avoid a collision.
 - (3) Assume nothing. Conditions change constantly on the road and the driver cannot assume that the situation will remain static. Just because the car ahead is moving forward at one moment does not mean that it will continue to do so. Circumstances may force the driver to slam on the brakes or take other evasive action. Drivers also cannot automatically assume others will follow traffic laws or act courteously while driving and need to be constantly alert.

8. Signs and roadway markings

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

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

i. Colors:

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

ii. Shapes:

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

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

b. **Roadway markings**

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

- i. Yellow line markings

- (1) A broken yellow line separates two-way traffic. A driver may pass other vehicles *only* when there is enough of a gap in oncoming traffic to pass without collision.
 - (2) A solid yellow line on the driver's side of the center line indicates that passing another vehicle is not allowed. A driver may make a left turn across a solid yellow line after yielding to oncoming traffic.
 - (3) Two solid yellow lines indicate that any passing across the yellow lines is prohibited.
- ii. White line markings
- (1) Broken white lines separate lanes of one-way traffic. Drivers may cross the broken lines when changing lanes.
 - (2) Solid white lines can have several meanings, depending on the environment:
 - (a) To restrict lane changing: These are placed where changing lanes would be hazardous and should not be crossed.
 - (b) To mark the edge of the road along the side: These assist the driver in seeing the edge of the road, especially at night.
 - (c) To mark pedestrian crosswalks and stop lines at intersections: Drivers should stop behind these lines at intersections.
 - (d) To mark bicycle lanes at the right side of the road.
 - (3) White arrows are used to indicate the direction the traffic is to proceed in that lane. If a driver is in a lane with an arrow and the word ONLY, the driver *must* follow the direction of the arrow, such as in a "Right Turn Only" lane.
- iii. Rumble strips and raised roadway markings
- (1) Rumble strips are sections of corrugated roadway that alert the driver, through the noise the tires make, of a potential hazard, such as a dangerous intersection, bridge, or an unexpected need to stop or reduce speed. They are also used on the shoulder of roadway to warn the driver that s/he is about to drive off of the road. These can be especially useful when a driver is fatigued and is drifting off of the road.
 - (2) Raised or lowered roadway markings are used on roadways where it may be difficult for the driver to see the driving lane. These are small reflectors that shine when the headlight beam strikes them and that define the driving lane.
- iv. Other roadway markings
- (1) Roadways may be painted with a variety of words or universal symbols to give warning and guidance to drivers. Examples include "School Zone", "Yield to Pedestrians", "Bicycle Lane", or symbols for a railroad crossing or handicapped parking.
 - (2) Curbs may be painted yellow to indicate no parking zones, red to indicate fire lanes, or blue to indicate handicapped zones.

Suggested Review Questions

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

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

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

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

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

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

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

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

Question #5: State the goal of defensive driving.

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

Question #6: Name five (5) of the most common driving errors.

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

Question #7: Explain the two-second rule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resources

The Highway Safety Desk Book at www.nhtsa.dot.gov

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

Learning to Drive...A guide for teenagers and their parents at www.drivers.com

National Safety Council, AAlive at 25" program and Defensive Driving Course

Drive Right. 9th Edition, Teacher's Edition. Scott Foresman, 1993

Handbook for Responsible Driving for Parents and Teens. Cobb County Teen Driver Awareness Committee, Cobb County, Georgia. May be found on the Web at www.nhtsa.dot.gov

Novice Driver Education Model Curriculum Outline. Prepared for the AAA Foundation for Traffic Safety. May be found on the Web at www.aaafoundation.org

PART 4 TRAFFIC LAWS GENERALLY

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

- A. No person shall drive a vehicle on a highway at a speed greater than:
- (1) Fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;
 - (2) Thirty miles per hour in a business or residence district;
 - (3) Seventy-five miles per hour; and
 - (4) The posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department, provided that the posted speed limit shall be determined by an engineering study performed by the state highway and transportation department.
- B. In every event, speed shall be so controlled by the driver as may be necessary:
- (1) To avoid colliding with a person, vehicle or other conveyance on or entering the highway;
 - (2) To comply with legal requirements as may be established by the state highway and transportation department or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and
 - (3) To protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [state] highway and transportation department.
- C. The speed limits set forth in Subsection A of this section may be altered as authorized in Section 66-7-303 NMSA 1978.

66-7-302.1. Speed limit; conviction; use limited.

- A. The division shall not use a violation under Paragraph (3) or (4) of Subsection A of Section 66-7-301 NMSA 1978 for the purpose of suspending or revoking a driver's license unless the driver was exceeding the speed of seventy-five miles an hour.
- B. An insurer shall not consider a violation under Paragraph (3) or (4) of Subsection A of Section 66-7-301 NMSA 1978 as a moving traffic violation against a person, unless the person was exceeding the speed of seventy-five miles an hour, for the purpose of establishing rates of motor vehicle insurance charged by the insurer nor shall the insurer cancel or refuse to renew any policy of insurance for such a violation.

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

- A. Except as provided in Subsection B of this section, in developing and applying a point system that is used as a basis for suspension or revocation of driving privileges, the division shall not assign points for convictions for speeding on rural highways of the state. As used in this section, "rural highway" means that part of a highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. The two-mile distance shall be measured:
- (1) From the point where the highway crosses the boundary, and if there is more than one such intersection, from the intersection most distant from the geographic center of the city, town or village; or
 - (2) If there are milepost markers on the highway, to the first milepost marker indicating two or more miles.
- B. The provisions of this section do not apply to:
- (1) Rural highways in Bernalillo County;

- (2) A conviction for speeding if the citation out of which the conviction arises indicated that excessive speed of the motorist cited was a factor in the accident; or
- (3) Motor vehicles weighing twelve thousand pounds or more.

66-7-303. Establishment of speed zones.

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

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

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

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

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

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

66-7-303.1. Construction zones; traffic control devices; penalty.

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

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

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

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

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

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

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

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

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

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

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

66-7-305. Minimum speed regulation

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

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

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

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

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

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

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

66-7-308. Drive on right side of roadway; exceptions.

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

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

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

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

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

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

proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

66-7-310. Overtaking a vehicle on the left.

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

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

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

66-7-311. When overtaking on the right is permitted.

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

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

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

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

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

66-7-312. Limitations on overtaking on the left.

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

66-7-313. Further limitations on driving to left of center of roadway.

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

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

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

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

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

66-7-317. Driving on roadways laned for traffic.

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

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

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

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

66-7-318. Following too closely.

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

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

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

66-7-319. Driving on divided highways.

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

66-7-320. Restricted access.

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

66-7-321. Restrictions on use of controlled-access roadway.

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

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

66-7-322. Required position and method of turning at intersections.

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

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

B. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn, except where left-turn provisions are made, shall be made in that portion

of the right half of the roadway nearest the center line thereof and by passing to the right of such center line where it enters the intersection and after entering the intersection the left turn shall be made so as to leave the intersection to the right of the center line of the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection;

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

D. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left-hand lane lawfully available to traffic moving in such direction upon the roadway being entered; and

E. Local authorities in their respective jurisdictions may cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when markers, buttons or signs are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by the markers, buttons or signs.

66-7-323. Turning on curve or crest or [of] grade prohibited.

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

66-7-324. Starting parked vehicle.

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

66-7-325. Turning movements and required signals.

A. No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in Section 66-7-322 NMSA 1978, or turn a vehicle to enter a private road or driveway or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided in the event any other traffic may be affected by such movement.

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

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

66-7-326. Signals by hand and arm or signal device.

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

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

66-7-327. Method of giving hand and arm signals.

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

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

66-7-328. Vehicle approaching or entering intersection.

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

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

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

66-7-329. Vehicles turning left at intersection.

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

66-7-330. Vehicles entering stop or yield intersection.

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

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

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

66-7-331. Vehicle entering highway from private road or driveway.

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

66-7-332. Operation of vehicles on approach of authorized emergency vehicles.

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

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

(1) If reasonably safe to do so, drive in a lane not adjacent to where the authorized emergency vehicle is stopped, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or

(2) If it is not reasonably safe to drive in a lane not adjacent to where the authorized emergency vehicle is stopped, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop.

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

66-7-332.1. Approach of oncoming vehicle; yield right of way.

A. Notwithstanding any other provision of law, on all roadways, upon the immediate approach of an oncoming vehicle overtaking or attempting to overtake a vehicle proceeding in the same direction, the driver of that vehicle shall yield the right of way and shall drive to a position parallel to and as close as possible to the right hand edge or curb of the roadway and shall remain as close as possible to the right hand edge or curb of the roadway until the oncoming vehicle has passed.

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

66-7-333. Pedestrians subject to traffic regulations.

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

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

66-7-334. Pedestrians' right-of-way in crosswalks.

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

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

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

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

66-7-335. Crossing at other than crosswalks.

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

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

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

66-7-336. School crossings.

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

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

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

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

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

66-7-337. Drivers to exercise due care.

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

66-7-338. Pedestrians to use right half of crosswalk.

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

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

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

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

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

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

66-7-340. Pedestrians soliciting rides or business.

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

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

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

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

- (1) Obey traffic control devices, crossing gates or barriers or the directions of an enforcement official at the crossing;
 - (2) Stop not more than fifty feet and not less than fifteen feet from the nearest rail of a crossing if:
 - (a) A train is moving through or blocking the crossing;
 - (b) A train is plainly visible and approaching the crossing within hazardous proximity to the crossing;
 - (c) The sound of a train's warning signal can be heard; or
 - (d) A traffic control device, crossing gate, barrier or light or an enforcement official signals the driver to stop; and
 - (3) Proceed through the railroad-highway grade crossing only if it is safe to completely pass through the entire railroad-highway grade crossing without stopping.
- B. A person shall not:
- (1) Drive a vehicle through, around or under a crossing gate or barrier at a railroad-highway grade crossing while the gate or barrier is closed or being opened or closed;
 - (2) Drive onto the railroad-highway grade crossing and stop; or
 - (3) Enter a crossing if the vehicle being driven has insufficient undercarriage clearance to pass over the crossing.
- C. The penalty assessment for violation of this section is included in Section 66-8-116 NMSA 1978.

66-7-342. All vehicles must stop at certain railroad grade crossings.

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

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

- A. Except as set forth in Subsection D of this section, a driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo, before entering a railroad-highway grade crossing, is required to stop no more than fifty feet and no less than fifteen feet from the nearest rail of the railroad.
- B. While stopped, the driver shall:
- (1) Look and listen in both directions along the track for an approaching train and for signals indicating that a train is approaching;
 - (2) Determine it is safe to proceed completely through the railroad-highway grade crossing before entering it; and
 - (3) Set the vehicle in a gear sufficiently low that gears will not need to be shifted before exiting the railroad-highway grade crossing.
- C. A driver shall not shift gears while in a railroad-highway grade crossing.
- D. A driver of a vehicle carrying passengers for hire, a school bus carrying school children or a vehicle carrying hazardous materials, radioactive or explosive substances or flammable liquids as cargo or as part of its cargo is not required to stop at:
- (1) A railroad-highway grade crossing where a police officer directs traffic to proceed;
 - (2) A railroad-highway grade crossing where a stop-and-go traffic light controls movement of traffic;
 - (3) A railroad-highway grade crossing used exclusively for industrial switching purposes, within a business district as defined in Section 66-1-4.2 NMSA 1978;
 - (4) A railroad-highway grade crossing where use of the railroad has been abandoned and there is a sign indicating that the railroad has been abandoned; or

(5) An industrial or spur line railroad-highway grade crossing marked with a sign reading "exempt crossing" that has been designated as exempt by appropriate state or local authorities.

E. Penalties for violation of this section are included in Section 66-8-116 NMSA 1978.

66-7-345. Authority to designate through highways and stop and yield intersections.

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

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

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

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

66-7-346. Stop before emerging from alley or private driveway.

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

66-7-347. Overtaking and passing school bus.

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

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

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

66-7-350. Officers authorized to remove illegally stopped vehicles.

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

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

C. No driver of any vehicle shall permit said vehicle to remain unattended on or adjacent to any public road, highway or highway right-of-way of the state for a longer period than twenty-four hours without notifying the state police or sheriff's office of the county where said vehicle is parked or said vehicle shall be deemed

abandoned. The state police or sheriff's officer may cause all such abandoned vehicles to be removed and the owner of the vehicle shall be required to pay all costs incident to the removal of said vehicle, provided that wrecked vehicles may be removed at any time and without regard to the twenty-four hour period hereinbefore provided.

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

66-7-351. Stopping, standing or parking prohibited in specified places.

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

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

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

66-7-352. Additional parking regulations.

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

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

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

D. The state highway commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order entered in its minutes, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of

traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs.

66-7-352.1. Short title.

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

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

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

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

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

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

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

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

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

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

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

66-7-353. Unattended motor vehicle.

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

66-7-354. Limitation on backing.

The driver of a vehicle shall not back it:

A. Unless the movement can be made with reasonable safety and without interfering with other traffic; or

B. Upon any shoulder or roadway of any controlled-access highway, or upon the exit or entry road of any controlled-access highway.

66-7-355. Riding on motorcycles.

A. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, shall have his feet upon the footrests provided on the machine and shall not carry any other person nor shall any

other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have his feet upon the footrests attached for passenger use.

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

66-7-356. Mandatory use of protective helmets.

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

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

66-7-357. Obstruction to driver's view or driving mechanism.

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

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

66-7-358. Restriction on use of television in motor vehicles.

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

66-7-359. Driving on mountain highways.

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

66-7-360. Coasting prohibited.

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

66-7-361. Following fire apparatus and driving through safety zone prohibited.

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

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

66-7-362. Crossing fire hose.

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

66-7-363. Animals on highway.

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

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

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

66-7-364. Putting glass or other material on highway prohibited.

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

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

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

66-7-366. Occupied moving house trailer.

It is a misdemeanor for any person to:

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

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

66-7-367. Improper opening of doors.

It is a misdemeanor for any person to:

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

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

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

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

66-7-368. Purpose [of child restraint device provisions].

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

66-7-369. Child passenger restraint; enforcement.

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

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

(1) Children less than one year of age shall be properly secured in a rear-facing child passenger restraint device that meets federal standards, in the rear seat of a vehicle that is equipped with a rear seat. If the vehicle is

not equipped with a rear seat, the child may ride in the front seat of the vehicle if the passenger-side air bag is deactivated or if the vehicle is not equipped with a deactivation switch for the passenger-side air bag;

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

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

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

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

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

66-7-370. Short title.

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

66-7-372. Safety belt use required; exception.

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

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

66-7-373. Enforcement programs.

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

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

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

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

66-8-113. 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, notwithstanding the provisions of Section 31-18-13 NMSA 1978, upon a first conviction by imprisonment for not less than five days nor more than ninety days, or by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100), or both

and on a second or subsequent conviction by imprisonment for not less than ten days nor more than six months, or by a fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000), or both.

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

Unit 1 - The Driving Task

Chapter 3 - Crashes and Other Roadside Emergencies

Objectives

The student understands the major causes of crashes.

The student will be familiar with emergency road side procedures.

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

Course Outline

1. Introduction:

In New Mexico, there are more than three times as many crashes in urban areas as in rural areas, (78% are urban) but three times as many people die in rural crashes as urban crashes. In 1998 there were 101 urban fatalities and 323 rural fatalities. This is often attributed to the speed with which urban victims can get to medical care - the “golden hour” described in more detail below.

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

- a. **A flat tire**, probably the most familiar;
- b. **Running out of gas**;
- c. **Sudden illnesses**;
- d. **Severe weather** (see Chapter 3.1);
- e. **Accidents, now called crashes** (because most of them are not truly accidental), that range from a fender-bender to a crash with serious injury or death. The driver has a legal responsibility to render aid and assistance to fellow victims in a crash, if the driver is not herself injured. The penalty for failing to do so includes mandatory driver license revocation (discussed in Chapter 2.4 Licensing).

2. Roadside emergencies

- a. **Maintaining the vehicle** is the best way to keep roadside emergencies to a minimum. Keep the car in good running order. On a regular basis check:
 - i. Oil (change early, change often!);
 - ii. Brakes and brake pads;
 - iii. Windshield and brake fluids;
 - iv. Windshield -- clean and free of cracks and dings;
 - v. Windshield wipers and defroster;
 - vi. Head and tail lights;

- vii. Tires should have adequate air and tread;
- viii. Coolant;
- ix. Gas tank.

b. Basic equipment: Have a spare tire and a jack on hand, and look in the vehicle manual for instructions on use. Other equipment, like jumper cables, safety flares, spare water, and a flashlight can make life easier for the driver or someone else. Many drivers don't carry safety flares and other lighting devices with them even though it's required by law to use them in case of a breakdown. At times when headlights are required and a vehicle is disabled at the side of the road in a poorly lit area of the state, the driver is required to place lighting devices in specific places around the disabled vehicle. (see Section 66-3-853).

- i. In hot weather, the driver should periodically check the temperature gauge to make sure the vehicle is not overheating. Know where the fuse box is located.
- ii. If the vehicle does break down, driver should pull to the side of the road and put on the emergency lights, tie a handkerchief to the antenna or raise the hood. Consult the manual for the specific problem encountered. If the driver is concerned about personal safety, he should stay in the car, and ask anyone who stops to *call* for help. There is a similar concern when helping others who are stranded. Stopping to help someone on the side of the road is a generous act, but no driver should do so if it puts them in danger. It is an equally generous act to find a telephone and call for help rather than stopping.

3. Crashes, injury and death.

Is the problem getting worse? Nationally the problem was described at a 1999 symposium: "By the year 2005 the U.S. Department of Transportation projects that the annual number of crash deaths will rise to 51,000 people killed per year -- despite its current safety programs. Historically, in motor vehicle crashes, more than three million Americans have been killed, and 300 million injured. That is more than three times the number of Americans killed, and 200 times the number wounded in all wars since 1776."

Currently about 42,000 Americans die from crash injuries each year. Nearly 20,000 people die each year before receiving hospital care. At the scene about 13,500 die from injuries in rural crashes and about 6,500 in urban crashes. Of the 22,000 crash deaths that are taken to hospital, many die because they arrive too late to be saved. Thousands of crash deaths occur each year in which the victim did not arrive at a hospital - much less a trauma center -- within the "Golden Hour." (Source: International Symposium on Transportation Recorders May 3-5, 1999 Arlington, Virginia.)

a. Common causes of crashes.

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

4. Mandatory minimum insurance.

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

5. If the driver comes upon a crash.

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

- a. **Stop and determine if there are injured victims and how many.** Call 911. The 911 system works in 95% of New Mexico. The areas where it does not work are *extremely rural*. In that case, find a local phone book or a local who knows what to do. The emergency number for that area will be in the front of the book.

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

- i. Note the nearest mile marker if you are outside a populated area. If using a cell phone, be aware there are rural areas where the phones will not work. If the phone does work, the signal may be picked up by a tower near another town, so include the town name when making the call and stay on the line until the dispatcher has all the information needed.
 - ii. Lifeguard helicopter is one of the emergency vehicles in the state. A severely injured victim may need to be airlifted to a trauma center in an effort to save her life. Under state law NMSA 66-7-203, persons involved in an accident shall render any person injured reasonable assistance, including the carrying or making arrangements for the carrying the injured person to medical treatment if it apparent such treatment is necessary or is requested by the injured party.
 - iii. Note that under New Mexico's "Good Samaritan Law" (Section 24-10-3 NMSA 1978 found at the end of this chapter) laypeople who attempt to help crash victims at the scene are relieved of civil liability for the care they provide, except in cases where there has been an act of gross negligence.
- b. **If the driver is involved in a crash.** Stay calm, call the police, and stay with the vehicle. Preserve the scene of the crash as much as possible without obstructing traffic more than necessary. You will be required to show your driver's license and proof of insurance. Exchange insurance information with the other party. Contact your insurance company to find out what to do next. NMSA 66-7-201, 66-7-202. If you strike an unattended vehicle, the driver must attempt to find the owner or leave a note giving name, address, and the circumstance surrounding the incident. NMSA 66-7-204.
 - c. **Safety belts.** Many injuries can be avoided or minimized by wearing a safety belt. Belts cut the chances of being killed or seriously maimed by 50%. Keep the clutter down in the car. Flying objects can hit an occupant, causing injury. One out of every four serious injuries to passengers is caused by occupants being thrown against each other, so *insist* that all passengers buckle up. Know where the airbags are located. (See Chapter 1.1) Always take precautions, even when it is a routine run to the grocery store. Three out of four crashes take place within 25 miles of home.

Suggested Review Questions

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

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

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

Answer: No, as of this writing it works in 95% of the state.

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

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

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

Answer: Driver's license and proof of insurance.

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

Answer: Three out of four, or 75%

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

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

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

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

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

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

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

Answer: Tires, fluids, brakes, lights, keeping a clean windshield and a working defroster.

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

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

New Mexico Laws

New Mexico's "Good Samaritan Law."

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

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

24-10-4. Emergency defined.

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

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

FINANCIAL RESPONSIBILITY

66-5-201. Short title.

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

66-5-205. Vehicle must be insured or owner must have evidence of financial responsibility; penalties.

A. No owner shall permit the operation of an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically exempted from the provisions of the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978].

B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which evidence of financial responsibility as was affirmed to the department is not currently valid, upon the streets or highways of New Mexico unless he is specifically exempted from the provisions of the Mandatory Financial Responsibility Act.

C. For the purposes of the Mandatory Financial Responsibility Act, "uninsured motor vehicle" means a motor vehicle for which a motor vehicle insurance policy meeting the requirements of the laws of New Mexico and of the secretary is not in effect or a surety bond or evidence of a sufficient cash deposit with the state treasurer.

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

E. Any person who violates the provisions of this section is guilty of a misdemeanor and upon conviction shall be sentenced to a fine not to exceed three hundred dollars (\$300).

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

A. When a law enforcement officer issues a driver who is involved in an accident a citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act [66-5-201 NMSA 1978], the law enforcement officer shall at the same time:

(1) Issue to the driver cited a temporary operation sticker, valid for thirty days after the date the sticker is issued, and forward by mail or delivery to the department a duplicate of the issued sticker; and

(2) Remove the license plate from the vehicle and send it with the duplicate of the sticker to the department or, if it cannot be removed, permanently deface the plate.

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

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

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

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

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

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

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

66-5-207. Exempt motor vehicles.

The following motor vehicles are exempt from the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978]:

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

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

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

D. A commercial motor vehicle registered or proportionally registered in this and any other jurisdiction, provided such motor vehicle is covered by a motor vehicle insurance policy or equivalent coverage or other form of financial responsibility in compliance with the laws of any other jurisdiction in which it is registered;

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

F. Any motor vehicle when the owner has submitted to the department a signed statement, in the form prescribed by the department, declaring that the vehicle will not be operated on the highways of New Mexico and explaining the reasons therefor [therefore].

66-5-207.1. Self-insurers.

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

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

66-5-208. Evidence of financial responsibility; amounts and conditions.

"Evidence of financial responsibility," as used in the Mandatory Financial Responsibility Act [66-5-201 to 66-5-239 NMSA 1978], means evidence of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:

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

B. Subject to this limit for one person, fifty thousand dollars (\$50,000) because of bodily injury to or death of two or more persons in any one accident;

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

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

66-5-214. Discharge in bankruptcy.

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

66-5-218. Alternate methods of giving evidence.

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

A. Evidence of a motor vehicle insurance policy;

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

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

66-5-222. Driver exclusion endorsement form.

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

"DRIVER EXCLUSION ENDORSEMENT

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

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

Policy No. _____ issued to _____ (name of insured) by

(insert name of insurance company)

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

hereinunder is driven or operated by _____.

(name of excluded driver(s)) _____.

Date: _____

Name insured(s)

(signature)"

66-5-225. Bond as evidence.

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

66-5-226. Cash deposit as evidence.

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

66-5-228. Substitution of evidence.

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

66-5-230. Surrender of license and registration.

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

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

66-5-231. Forged evidence.

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

66-5-232. Sampling; letter to owner.

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

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

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

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

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

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

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

66-5-233. Affirmation form.

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

66-5-234. Registration; application and renewal.

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

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

66-5-235. False affirmation; violation.

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

66-5-236. Suspension for nonpayment of judgment or for false affirmation.

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

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

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

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

UNINSURED MOTORISTS' INSURANCE

66-5-301. Insurance against uninsured and unknown motorists; rejection of coverage by the insured.

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

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

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

ACCIDENTS

66-7-201. Accidents involving death or personal injuries.

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

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

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

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

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

66-7-202. Accidents involving damage to vehicle.

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

66-7-203. Duty to give information and render aid.

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

66-7-204. Duty upon striking unattended vehicle.

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

66-7-205. Duty upon striking fixtures or other property upon a highway.

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

66-7-206. Immediate notice of accidents.

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

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

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

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

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

(1) Bodily injury to any person and the person is transported to a medical facility for immediate medical attention;

(2) The death of any person; or

(3) Any vehicle involved in the accident being towed from the scene due to disabling damage caused by the accident.

66-7-208. When driver unable to report.

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

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

66-7-209. Accident report form.

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

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

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

66-7-213. Accident reports confidential; exceptions.

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

responsibility by persons driving or the owners of motor vehicles, except that the state highway and transportation department may disclose:

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

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

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

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

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

66-7-332. Operation of vehicles on approach of authorized emergency vehicles.

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

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

(1) If reasonably safe to do so, drive in a lane not adjacent to where the authorized emergency vehicle is stopped, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances and proceed with caution; or

(2) If it is not reasonably safe to drive in a lane not adjacent to where the authorized emergency vehicle is stopped, decrease the speed of the vehicle to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop.

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

66-3-852. Stopped vehicles not to interfere with other traffic.

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

66-3-853. Emergency signals; disabled vehicle.

Whenever any motor vehicle is disabled upon the traveled portion of any highway or the shoulder thereof, when lighted lamps are required, except in cities, towns and villages where there is sufficient highway lighting to make it clearly discernible to persons and vehicles on the highway at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the disabled vehicle, a lighted fusee and a lighted red electric lantern, or a red emergency reflector;

B. Except as provided in Subsections C and D of this section, as soon thereafter as possible, but in any event within the burning period of the fusee, the driver shall place three liquid-burning flares or pot torches, or three red emergency reflectors on the traveled portion of the highway in the following order:

(1) One at a distance of approximately one hundred feet from the disabled vehicle in the center of the traffic lane occupied by such vehicle and toward traffic approaching in that lane;

(2) One at a distance of approximately one hundred feet in the opposite direction from the disabled vehicle in the center of the traffic lane occupied by such vehicle; and

(3) One at the traffic side of the disabled vehicle, not less than ten feet to the front or rear thereof. If a red electric lantern or red emergency reflector has been placed on the traffic side of the vehicle in accordance with Subsection A of this section, it may be used for this purpose;

C. If disablement of any motor vehicle shall occur within five hundred feet of a curve, crest of a hill or other obstruction to view, the driver shall so place the warning signal in that direction as to afford ample warning to other users of the highway, but in no case less than one hundred feet nor more than five hundred feet from the disabled vehicle; and

D. If gasoline or any other flammable or combustible liquid or gas seeps or leaks from a fuel container of a motor vehicle disabled or otherwise stopped upon a highway, no emergency warning signal producing a flame shall be lighted or placed except at such a distance from any such liquid or gas as will assure the prevention of a fire or explosion.

66-3-854. Emergency signals; stopped or parked vehicles.

Whenever for any cause other than disablement or necessary traffic stops, any motor vehicle is stopped upon the traveled portion of any highway, or shoulder thereof, during the time lights are required, except within cities, towns and villages where there is sufficient highway lighting to make clearly discernible persons and vehicles on the highway at a distance of five hundred feet, the following requirements shall be observed:

A. The driver of such vehicle shall immediately place on the traveled portion of the highway at the traffic side of the vehicle, a lighted fusee and a lighted red electric lantern, or a red emergency reflector; and

B. If the stop is to exceed ten minutes, the driver shall place emergency signals as required and in the manner prescribed by Section 66-3-853B, C and D NMSA 1978.

66-3-855. Emergency signals; flame producing.

No driver shall attach or permit any person to attach a lighted fusee or other flame-producing emergency signal to any part of a motor vehicle.

Unit 1 - The Driving Task

Chapter 4 - Sharing the Road

Objectives

Students should understand that public roads are open to all licensed vehicles and to bicycles. Bicycles have all the rights and responsibilities of other vehicle traffic but are sometimes invisible to drivers. Students should understand that excessive speed is hostile to bicycle and pedestrian safety.

Students should understand at the most basic level that the essence of making pedestrians and bicyclists safe on the road is for *drivers to develop an attitude that bicycles and pedestrians have a right to be on roads*. Drivers who recognize the right of pedestrians and bicycles to be on roads and in traffic will be more likely to see and be careful around them.

Course Outline

Introduction: The road can be a dangerous place for bicycles and pedestrians. Although bicycles have the same rights and responsibilities as motorized vehicles, they do have less mass and a lot less sheet metal, always a negative if there is a collision. Drivers need to do their part to *look for, see* and treat other types of road users with *respect*. This includes bicycles, pedestrians, motorcycles and slow-moving vehicles such as tractors. *One of the most dangerous aspects of the road for these types of users is the attitude of automobile drivers that they don't have the right to be there.*

1. **The Congressionally mandated *National Bicycling and Walking Study* goals are to:**
 - a. **Double the percentage of all trips made by bicycling or walking; and**
 - b. **Reduce the current number of bicycling and walking injuries and fatalities by 10 percent.**

2. **National statistics show that:**
 - a. **6,000 pedestrians are killed every year.**
 - b. **90,000 pedestrians are injured every year.**
 - c. **A pedestrian or bicyclist is killed every 3 ½ minutes.**
 - d. **Pedestrian injuries and fatalities result in billions in societal costs.**
 - e. **In 1994, 806 pedestrian children aged 15 and younger were killed, and 30,000 were injured.** (Source: Pedestrian and Bicycle Safety Research Page, Federal Highway Administration).
 - f. **More bicycles and pedestrians on the road.** Because there is a huge movement to get people out of their cars in order to decrease air pollution and traffic congestion and increase health-giving exercise, there are now more than ever more bicycles and pedestrians out on the roads. New drivers should be aware at the outset of this increased presence and be prepared to willingly share the road with these other users.

- g. **Funding now required for bikeways and pathways.** When state public funds are used to build new highways or when old highways are substantially widened, the state highway department must also, with a few exceptions, construct facilities for pedestrian, bicycle and equestrian traffic along and across the highway. (see section 67-3-62 at the end of this chapter.) Such funding is going to make bicycles and pedestrians more common and visible on roadways in the future, and thus, drivers should develop attitudes of sharing the road from the start.

3. Bicycles.

Bicycles ride in traffic and are treated as a small vehicle. Bicycles ride in the right lane and may ride up to two abreast in the lane, if doing so can be done safely.

- a. **Bicycle facilities.** *Bikelanes* are marked lanes at the right side of the road dedicated to bicyclists, which may be used by automobiles only when making a right turn. Drivers should not park in bikelanes since this defeats the purpose of separating bikes and vehicles. *Bikepaths* are separate facilities, sometimes at the side of the road separated by a greenway or planting strip, and sometimes going away from the road entirely. *Bikeways* are integrated into the traffic stream, usually on roads that are most traffic friendly. Bicyclists are permitted to ride on ANY roadway that vehicles may use except for the Interstates where expressly posted as prohibited.
- b. **Passing bicycles.** When passing a bicycle, drivers should give a bicyclist *five feet of space* between the side of the car and the bicycle. If a driver thinks the bicyclist isn't aware that the car's about to pass, a short (friendly) tap on the horn *before getting close* to the bicyclist can be helpful. Blaring the horn as you pass is dangerous because it can startle the bicyclist and does not increase the feeling of roadway cooperation or understanding.
- c. **Opening doors of parked car.** It can be very dangerous for a bicyclist to pass a parked car B drivers who fling open their doors without looking first can kill or seriously injure a bicyclist. Drivers should *always* look back before opening their doors. Drivers should also be prepared for a bicyclist who is riding ahead of them to pass a parked car with wide berth.
- d. **Left turns.** Bicyclists are supposed to obey traffic laws B therefore, they will be making left turns from the left turn lane, just as a car does. In some jurisdictions, there are local laws that require bicycles to use a bikepath if there is one. In this case, it is not always clear how a bicyclist should make a left turn from a bikepath. Drivers should always be prepared for a bicyclist to move into traffic to make a left turn.
- e. **Right turns.** Drivers should pull in *behind* a bicycle to make a right turn, unless the driver has plenty of room to pass the bicyclist and safely pull in front to make the turn.

4. Pedestrians.

Many pedestrians are young children and senior citizens. Both need for drivers to treat them with special care. Although pedestrian deaths have declined in this state over the last 10 years, New Mexico's pedestrian death rate is still among the highest in the nation. Bringing down pedestrian deaths is a high priority of the New Mexico Highway Safety Performance Plan 2000.

- a. **Crosswalks.** New Mexico has two types of crosswalks: those delineated by paint or other distinctive markings, and those formed by the extension of sidewalks or curbs at an intersection (an unmarked crosswalk.) Pedestrians have equal rights in marked or unmarked crosswalks, but it's not always wise for them to try to assert these rights against a ton of metal coming at them! The only type of crosswalk that can exist in the middle of a block is a marked crosswalk.
 - i. Vehicles are not permitted to park in a crosswalk, or to park within twenty feet of a crosswalk at an intersection
 - ii. Autos must yield for pedestrians who are crossing the street in a crosswalk, marked or unmarked.

- iii. Pedestrians must yield for autos when they are crossing the street outside of crosswalks (Note: Even though the law gives drivers the right of way in this situation, drivers will often have to yield to a pedestrian who is crossing in the middle of the block to avoid running them over.)
 - iv. If an automobile ahead has stopped for a pedestrian in a crosswalk, the law prohibits passing that vehicle until the pedestrian has crossed.
 - v. There is evidence that crosswalks create a false sense of security for pedestrians B drivers must be always vigilant for pedestrians in crosswalks to avoid tragedy. This is an example of where trying to take the right of way is NOT a good idea.
- b. Blind pedestrians.** Drivers have a higher standard of care to watch out for blind pedestrians. The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog, is required to take all necessary precautions to avoid injury to such blind pedestrian. A driver who fails to take such precautions is liable in damages for any injury caused to the blind pedestrian.

5. Motorcycles.

- a. Importance of safety equipment.** Motorcycle riders over age 18 are not required to wear helmets in New Mexico. New Mexico repealed its helmet law in 1977 and motorcycle crash deaths doubled the next year. Of the 26 motorcyclists killed in 1997, 92 percent were not wearing helmets. Anyone who rides a motorcycle should be convinced of the importance of wearing safety clothing including helmet and eye protection, gloves, sturdy long pants and heavy shoes that cover toes and ankles.
- b. Training.** New Mexico has a motorcycle training program that many motorcyclists don't know about. Motorcyclists under 18 can get licensed only if they complete the state's motorcycle training program. Motorcyclists are injured at alarming rates as the result of risky driving, not wearing helmets and other safety equipment, and poor visibility to other drivers. Many of the motorcyclists killed and injured in crashes lack the motorcycle endorsement required by law.

Resources

Youtube: NHTSA Bicycle Safety Tips for Adults Video
<http://www.youtube.com/watch?v=jdrxIpQpt4>

AAA Foundation for Traffic Safety
<http://www.aafts.org/>

New Mexico Laws

28-7-4. Driver to take precautions approaching blind; liability for damage.

The driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color, with or without a red tip, or using a guide dog shall take all necessary precautions to avoid injury to such blind pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused to such pedestrian; provided that a totally blind or partially blind pedestrian not carrying such a cane or using a guide dog in any of the places, accommodations or conveyances listed herein, shall have all the rights and privileges conferred by law upon other persons, and the failure of a totally blind pedestrian to carry such a cane or to use a guide dog in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

66-1-4.3. Definitions.

As used in the Motor Vehicle Code:

O. "crosswalk" means:

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; and

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface;

66-1-4.16. Definitions.

As used in the Motor Vehicle Code:

G. "sidewalk" means that portion of street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians;

BICYCLES

66-3-701. Bicycles; effect of regulations.

66-3-702. Traffic laws apply to persons riding bicycles.

66-3-703. Riding on bicycles.

66-3-704. Clinging to vehicles.

66-3-705. Riding on roadways and bicycle paths.

66-3-706. Carrying articles.

66-3-707. Lamps and other equipment on bicycles.

66-3-701. Bicycles; effect of regulations.

A. It is a misdemeanor for any person to do any act forbidden, or fail to perform any act required by Sections 66-3-701 through 66-3-707 NMSA 1978.

B. The parent of any child and the guardian of any ward shall not authorize or permit any such child or ward to violate any of the provisions of the Motor Vehicle Code.

C. These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein.

66-3-702. Traffic laws apply to persons riding bicycles. (1978)

Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle, except as to the special regulations within Sections 66-3-701 through 66-3-707 NMSA 1978.

66-3-703. Riding on bicycles.

A. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

B. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

66-3-704. Clinging to vehicles.

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

66-3-705. Riding on roadways and bicycle paths.

A. Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

B. Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

C. Notwithstanding any provision of this section, no bicycle shall be operated on any roadway in a manner that would create a public safety hazard.

66-3-706. Carrying articles.

No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebar.

66-3-707. Lamps and other equipment on bicycles.

A. Every bicycle when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the division which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

B. No person shall operate a bicycle unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least one hundred feet, except that a bicycle shall not be equipped with, nor shall any person use upon a bicycle any siren or whistle.

C. Every bicycle shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

66-7-333. Pedestrians subject to traffic regulations.

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

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

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

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

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

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

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

66-7-335. Crossing at other than crosswalks.

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

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

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

66-7-336. School crossings.

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

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

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

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

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

66-7-337. Drivers to exercise due care.

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

66-7-339. Pedestrians on roadways.

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

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

66-7-367. 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.

67-3-62. Provisions for pedestrian, bicycle and equestrian traffic required.

A. No expenditure or contract for the expenditure of state public funds for purposes of constructing highways along new alignments or for purposes of substantially widening highways along the existing alignments shall be made or entered into by the state highway department unless the design and construction of such highways makes provision for pedestrian, bicycle and equestrian traffic along and across such highway, except when the state highway department, after notice and a public hearing, determines, pursuant to its published regulations as provided in Section 67-3-63 NMSA 1978, that:

- (1) Such provisions for pedestrian, bicycle and equestrian traffic would be contrary to the public safety;

or

- (2) The cost of such provision would be disproportionate to the need or probable usage.

B. Notice of public hearings shall be required only when:

- (1) Project plans require acquisition of additional right-of-way for purposes of constructing the project along a new alignment;
- (2) The project plans require a substantial widening of the travel lanes for highway reconstruction along an existing alignment; or
- (3) The highway department is petitioned by authorized officials of affected pedestrian, bicycle or equestrian associations. If such petition is filed, public hearing shall be held.

For purposes of Paragraphs (1) and (2) of this subsection, the requirement for notice and public hearing may be satisfied by publishing two notices of opportunity for a public hearing and holding a public hearing if written request for such a hearing is received within the time specified in the published notice.

Unit 2 - The Driver

Chapter 5 - Characteristics of Good Drivers

Objectives

What does it take to become a “good” driver? If you wanted to become a star basketball player or world class dancer, how much training and practice time would you plan on? Serious players would expect to train with professional coaches and practice for years to get anywhere near the top of their field.

For the average novice driver, it generally takes 25-50 hours of actual behind-the-wheel experience to be able to deal with even rudimentary traffic situations. Yet most drivers say they have never had any coaching beyond the basic program required for their license, and most rate their driving ability as 8-9 out of 10! There is no real test to measure ability, so anyone can fool themselves into believing they are a very good driver simply because they have not been involved in a crash.

Students should understand that driving is a complex set of mental, social, emotional and physical skills and processes. They need to be able to recognize and evaluate their own driving patterns and evaluate problem driving behaviors and attitudes. Responsible drivers must make sound judgments and decisions regarding the traffic situation, taking into account that the roadway is shared with other drivers and pedestrians, while maintaining an objective attitude.

Course Outline

1. Physical skills.

Driving is a psychomotor skill that requires learning a certain set of skills, then practice, practice, practice until the motions become almost automatic. While these skills are sometimes called "instinctive" reactions, they're not instinctive at all. They are learned responses.

New drivers must split their attention between basic car control (i.e., steering, braking, shifting gears) and the attention and concentration needed for the social and decision-making aspects of driving. Novice drivers need to recognize that their ability to react effectively to traffic situations and avoid crashes will be limited until these car handling skills are mastered.

a. Coordination.

The coordination of a variety of motor skills is critical in order to accomplish an intended action. Drivers must make split second decisions in reaction to a traffic situation and execute those decisions smoothly. For instance, if a child runs into the road, the driver will have to simultaneously steer and brake (and perhaps clutch and shift gears), while watching for other potential hazards on the road, such as on-coming traffic or parked cars.

b. Physical condition.

A person's physical condition will substantially impact his/her ability to drive competently. Good drivers will be aware of their own physical limitations and will compensate appropriately (i.e., wearing corrective lenses) or will avoid driving entirely when fatigued (see Chapter 2.2 Challenges to Good Driving) or under the influence of alcohol or drugs (see Chapter 2.3 Driving Under the Influence).

2. Mental skills and attitudes

While car handling skills are important, driving is primarily a thinking task and is more about good decision making and good risk management than physical skill.

a. Visual perception.

Good decision making in driving depends on good information, and 90% of that information comes through the eyes. It is crucial that new drivers know how, when, and where to look, and what to look for. Novice drivers tend to fix their eyes close to the car rather than searching ahead, thus missing cues for potential hazards. New drivers are also less apt to use their mirrors than experienced drivers.

i. Smith System.

This is a five step system developed by Harold Smith in the 1950s to help drivers develop good visual search habits. It stresses eye discipline and the idea of a space cushion between the driver's vehicle and other traffic conditions.

(1) Aim high in steering.

In other words, the driver needs to look far ahead when driving, not right in front of their vehicle. The driver will then be able to analyze the traffic conditions and predict what will happen well in advance of a conflict.

(2) Keep the eyes moving.

Drivers should glance close and far, to each side, in the mirrors, and at the instrument panel, always returning their gaze to the front. This is known as scanning.

(3) Get the big picture.

Look at the whole scene, not just a single aspect. If a driver fixates on any one element, s/he could miss other cues coming from a different direction.

(4) Make sure others see you.

Communicate your intentions to other drivers by using your turn signals, lights, horn, even through eye contact or body movement.

(5) Leave yourself an out.

Drivers should identify a way to escape in case of a conflict. This is accomplished by constantly adjusting position to keep space around their vehicle in changing traffic conditions. This is a *space cushion*.

ii. IPDE process.

The IPDE process is a system of seeing, thinking, and responding that consists of four steps:

(1) Identify.

Through visual cues, the driver identifies potential hazards. These hazards could include the roadway, the driver's own vehicle, other vehicles or pedestrians, traffic controls, animals.

(2) Predict.

Determine which hazards may become points of conflict and when.

(3) Decide.

What actions does the driver need to take to avoid the conflicts; how should speed be adjusted, braking, steering.

(4) Execute.

Implement the proper actions to avoid possible conflict

b. Attention/Alertness

Driving is a multi-task activity that demands full attention and concentration. Novice drivers must learn to divide their attention over a number of routine, simultaneous tasks, such as steering, scanning, and speed control. In addition, drivers must be able to rapidly switch their main focus of attention as the traffic conditions change. Too much attention on any one task or potential hazard can be as serious as not enough. Critical errors can occur when a driver is inattentive or distracted (i.e., using a car phone, talking with passengers, changing the radio station), fatigued, or impaired by alcohol or drugs.

c. Risk management

Once possible conflicts are seen and identified, drivers have to determine the level of risk involved in the hazard. Research shows that new drivers need to learn to recognize risky behavior in themselves and in other drivers and to make decisions that reduce those risks. What a driver is able to do and what they choose to do may not be the same. Novice drivers tend to underestimate the risk of specific actions, such as tailgating, speeding, and driving impaired and overestimate their ability to safely handle the possible consequences of risky behavior. Good drivers understand and acknowledge their level of experience and their own limitations.

i. Experience.

While New Mexico's Graduated Licensing Law requires 50 hours of behind-the-wheel driving in order to obtain a driver's license, studies indicate that novice drivers take between five and seven years to become a mature driver.

(1) Drivers learn both desirable and undesirable behaviors mostly through experience.

(a) Teenagers do pick up their parent's driving habits. Drivers, ages of 18-21, whose parents acquired three or more traffic violations were 38% more likely to have violations on their own driving records than teenagers whose parents had no violations.

(b) Teenage drivers often begin driving with dangerous habits they learn from their peers, especially excessive speeding. These habits are especially dangerous to novice drivers, because they do not have the experience to correct their mistakes.

(2) Experienced drivers develop a sensitivity or *feel* for the road and for how the vehicle handles in any given situation. This feel will change if the driver is in a car different from the one s/he normally drives.

d. Risky Behavior.

Studies of young drivers show they are more likely to engage in risky driving behaviors. Reasons for this could be because they do not have the skills and experience to recognize risky situations, they are apt to believe that they are invincible, and therefore will not be involved in a crash, or that they perceive they will gain admiration from their peers for risk seeking behaviors, such as excessive speeding or weaving in and out of traffic.

Numerous studies indicate that in collisions involving young drivers, the specific actions causing the collision include, 1) speeding; 2) following too closely; 3) failure to yield; 4) improper lane use; 5) improper turn; and 6) improper backing/starting. Further, these actions may be linked to conditions such as drinking and driving (see Chapter 2.3, Driving Under the Influence), careless driving and inattention. Other common driving errors include failure to wear a seat belt, distraction inside the vehicle (cell phone use, changing a CD or tape, eating or drinking), incorrect assumptions about the other driver (see Chapter 2.2, Challenges to Good Driving).

i. Speeding.

Speed drastically affects the risk of driving. A report by the National Highway and Transportation Safety Administration (NHTSA) reports that in 1994 speed was a factor in 30 percent of all fatal crashes, and 12,480 lives were lost in speed related crashes. The 1999 New Mexico Highway Safety Performance Plan reports that speeding is a contributing factor in

approximately 34% of all fatal crashes in New Mexico. As a new driver gains confidence s/he may drive well over the posted speed limit without any apparent problem. This may reinforce the idea that their skill or luck allows them to court danger with impunity. However, speed is certainly a key to most novice drivers' errors. Most of the potential hazards would fail to become actual hazards if the driver were going slowly enough to perceive and avoid them.

ii. Seatbelts save lives.

The "Buckle Up America" campaign reports that seatbelts are the most effective means of reducing fatalities and serious injuries when traffic crashes occur and are estimated to save 9,500 lives in America each year. Child safety seats, when used properly, reduce the risk of fatal injury in a crash by 69% for infants (less than 1 year old) and by 47% for toddlers (1 4 years old). Good drivers will always wear their seatbelt and insist that all occupants in their car are also properly restrained. (One tactic to get other occupants of the car to put on their seat belts is to point out that their decision not to wear their belt could fatally affect EVERYONE in the car B they could become a flying projectile if the car were to flip, having obvious negative impacts on the other passengers!)

3. Social skills

Driving is more than an individual activity; it is a social contract that involves sharing the road with others - pedestrians, automobiles, emergency vehicles, interacting and cooperating with other people (see Chapter 1.4, Sharing the Road). There are enormous costs in both lives and money to poor driving behaviors. In New Mexico, motor vehicle crashes are the leading cause of death for everyone under the age of 44. The yearly economic impact of traffic crashes in New Mexico alone is nearly \$2 billion, in lost productivity, property damage, medical bills, car insurance rates, and the costs of police, firefighters and emergency medical personnel.

a. Responsibility.

Responsible driving is a function of the driver's conscience that goes beyond the individual's personal gratification. It requires that drivers commit to meeting social objectives and norms based on perceived risks for the entire community, even if the risk seems too small for the individual driver to worry about. Also, it requires that each individual be willing to analyze his/her own driving performance and keep it in line with personal and social values.

b. Traffic psychology.

Developed by Dr. Leon James at the University of Hawaii, traffic psychology refers to how a driver learns to modify his/her own style of conduct in traffic situations and to monitor the impact of the individual's driving behavior on other road users. The benefits of this idea include perfecting the American character by teaching interpersonal skills that encourage:

- i. Chivalry (being polite to strangers)
- ii. Charity (caring for the feelings of other road users)
- iii. Freedom (self-responsibility)
- iv. Family values (being nice to your passengers)
- v. Citizenship and respect for law and order (obeying traffic ordinances)
- vi. Spirituality (subtle connectedness among traffic users)
- vii. Morality and rationality (people's rights in public places)
- viii. Empathy and sympathy (showing solidarity with other traffic users)
- ix. National unity and integration (identifying with positive symbols)
- x. Creative driving practices (multi-tasking, recreation, artistic expression)

4. Emotional process.

A driver's emotional state has a profound impact on his/her driving ability. Road rage, aggression, and stress are increasingly cited as major contributing factors in traffic crashes (see Chapter 2.2 *Challenges to Good Driving*).

a. Attitude.

A person's attitude toward driving impacts his/her willingness to learn how to drive safely - and act on the learning.

i. **Control.**

The National Safety Council's Alive at 25 program stresses that each driver has the ability and responsibility to control his/her own behavior. There are results and/or consequences for every decision a driver makes, and the driver is the only one who can make driving decisions and choose to act in a particular way. While it's possible that nothing will happen, the consequences of bad driving decisions can be immediate and catastrophic. A moment's inattention to make a cell phone call or change a CD can result in a lifetime in a wheelchair or death.

ii. **Peer pressure.**

Peers can play an enormous role in a novice driver's attitude toward taking risks behind the wheel. Safe driving is too often considered boring while risky driving is seen as exciting. The teasing and coaxing of others in the car is a hazard that could be deadly. There will be times when good drivers will have to avoid peer pressure and take the risk of being seen as "wimpy" rather than the possible fatal risk of being considered "macho."

b. Motivations.

Drivers are inclined to assign motivation to another driver's actions and respond negatively based on that assumption (i.e., assuming that the other driver didn't let you change lanes because s/he was intentionally trying to block your path). Most of the time when other drivers' actions are not intentional or personal, s/he is usually just being inattentive. Rather than reacting personally and aggressively, good drivers remain objective about other drivers' actions.

c. Stress.

Traffic stress from road congestion is a major contributing factor to violent traffic disputes. Good drivers learn to relax, take a deep breath, and avoid using their vehicle as a weapon against others.

5. Student Driver Checklist.

In response to high incidences of injury and fatalities among teenagers, Cobb County, Georgia developed A Handbook for Responsible Driving. Below is a checklist that parents can use to help their teenager learn good driving skills, or any driver can use to test themselves on their driving skills.

Student Driver Checklist

DRIVER	Never	Sometimes	Always
1. Knows location of instruments, gauges and safety devices and checks them before driving			
2. Adjusts mirrors and seat properly			
3. Wears safety belts without being reminded			
4. Works to maintain a safe following distance			
5. Demonstrates correct hand position on the steering wheel			
6. Demonstrates the "two-second" rule - you can count "1-1000, 2-1000" between the time the back of a car in front of you passes a stationary object and the time the front of your car reaches the same spot			
7. Is aware of other drivers' blind spots			
8. Checks blind spots before changing lanes			
9. Is aware of tailgaters and knows how to deal with them			
10. Anticipates changing traffic lights			
11. Checks mirrors frequently			
12. Uses horn appropriately			
13. Signals before turns and lane changes			
14. Anticipates possible braking situations			
15. Appears relaxed and comfortable while driving			
16. Is comfortable driving at night			
17. Uses high and low beams appropriately			
18. Adjusts speed to road, traffic, and weather conditions			
19. Works to maintain a space cushion or buffer zone on all four sides of the car			
20. Checks intersections carefully and pauses before entering an intersection			
21. Sets emergency brake or parking brake before leaving vehicle			
22. Demonstrates good, smooth movements and coordination during and after turns			
23. Demonstrates good scanning habits at all times			
24. Obeys traffic laws - including speed limits			

Teaching Tips:

Have students keep a driving journal where they record:

1. What their driving behavior is (i.e., speeding, tailgating, not using their turn signals, obeying all traffic laws, wearing their seatbelt).
2. What emotion is associated with their actions?
3. How does the action and related emotion affect how safely they drive?
4. How does their driving behavior impact other drivers and pedestrians?

Have students team up.

One will observe the other's driving behavior, using the checklist above, then discuss each item. Suggest that the students have an experienced driver (such as a parent) observe them on a regular basis.

Suggested Review Questions

Question #1: True or False: Driving is a psychomotor skill that involves a set of motions that are instinctive reactions.

Answer: False. The motions and skills used in driving are learned responses.

Question #2: Name the four sets of skills needed to be a good driver.

Answer: Physical, mental, social, emotional

Question #3: True or False: Car handling skills are the most important part of good driving.

Answer: False. While car handling skills are important, driving is primarily a thinking task and is more about good decision making and good risk management than physical skill.

Question #4: Name the five elements of the Smith System.

Answer:

- (1) Aim high in steering.
- (2) Keep the eyes moving - scan the scene.
- (3) Get the big picture.
- (4) Make sure others see you.
- (5) Leave yourself an "out."

Question #5: True or False: Many collisions could be avoided if drivers were not speeding.

Answer: True. Most potential hazards fail to become actual hazards when the driver is going slowly enough to perceive and avoid them.

Question #6: What is the single most effective means of reducing fatalities and serious injuries when traffic crashes occur?

Answer: Wear seatbelts

Question #7: Which of the following is true about risky driving behaviors (choose all that apply):

- (1) A person can become a mature, competent driver with 50 hours of behind-the-wheel driving experience
- (2) Teenagers are more likely to have traffic violations if their parents have traffic violations
- (3) Novice drivers are usually able to safely handle the consequences of risky driving behavior, such as tailgating or speeding.
- (4) Teenagers often pick up dangerous driving habits from their friends or relatives.
- (5) Young drivers are more apt to be tentative and cautious in their driving habits

Answer: Numbers 2 and 4 are true.

Question #8: The National Safety Council's Alive at 25 program stresses that each driver has the ability and responsibility to do what?

Answer: Control his/her own behavior.

Question #9: Which of the following is not true of driving (choose all that apply):

- (1) Good drivers remain objective about other drivers' actions.
- (2) Stress is a major contributing factor to traffic disputes.
- (3) If a driver cuts you off in traffic, he is probably trying to make you miss your exit.
- (4) Most of the time, poor driving behavior occurs because the driver is not paying attention.
- (5) Good drivers will learn excellent car handling skills so they can use their car aggressively against other drivers.
- (6) The driver is the only one who can make driving decisions and choose to act in a particular way.

Answer: Numbers 3 and 5 are NOT true.

Question #10: List five (5) actions from the student driver checklist that should always be followed.

Answer: See Checklist.

Resources

1. Printed Materials

A Handbook for Responsible Driving for Parents and Teens. Cobb County Teen Driver Awareness Committee, Cobb County, Georgia. May be found on the Web at www.nhtsa.dot.gov

Novice Driver Education Model Curriculum Outline. Prepared for the AAA Foundation for Traffic Safety. May be found on the Web at www.aafts.org

Drive Right, Teacher's Edition. Scott Foresman

2. Web Sites:

Teen Drivers

The place for parents and teens to consider the issues that face every teen driver.
<http://www.TeenDrivers.com/>

Dr. Driving

Get a driving personality makeover! Delve into Driving Psychology!
<http://aloha.net/~dyc/>

Drivers.Com

Visit the Traffic Safety Village
<http://www.drivers.com/>

AAA Foundation for Traffic Safety

<http://aafts.org/>

National Highway Traffic Safety Administration

<http://www.nhtsa.dot.gov/>

National Safety Council

<http://www.nsc.org/>

National Organizations for Youth Safety

40 national organizations comprises this impressive youth safety coalition.
<http://www.noys.com/>

TIP SHEET for PARENTS who are teaching their children to drive

Your biggest contribution to your teen's safety and effectiveness behind the wheel will be your example. Patience, courtesy, and a willingness to improve will be your best assets. Now is the time to review your own driving habits and offer your teen the example of courtesy and consideration for other road users. This may do more than anything else to ensure your teens driving safety.

Planning Practice Sessions

Random driving around during practice sessions can be dangerous. It's all too easy for the novice driver to get into trouble, particularly in the early stages. Before getting into traffic be sure that your teen has good coordination with hands and feet. Until the novice is sure of the pedals, the danger of hitting the wrong pedal in a panic situation is always present.

It's important to plan practice sessions. Decide where to go and what you are going to do before setting out. Take some care in selecting a suitable area. A large deserted parking lot is ideal for the initial sessions because it allows the beginner to concentrate fully on the feel of the controls and the response of the car.

For the initial street sessions find the quietest streets possible. Your teen will learn the correct road and traffic procedures from the professional instructor. Your job will be to provide good feedback while he or she practices these procedures.

Accurate lane driving and positioning for turns, good signal timing, and good road sense are the basic ingredients for passing the government road test. These will be learned more effectively by driving around the block with somebody who provides good feedback than by hours of random driving on highway or streets. On the other hand, a co driver who allows the novice driver to get away with faults or who provides poor feedback may hold back the learning process considerably.

Practice Hints

Stay alert. Some beginners may give the impression of being confident and in control but may be totally unprepared to deal with any sudden change in conditions and very reliant on you, the co driver, for guidance and even assistance in control. Anticipate problems and always be ready to react.

Communicate clearly: Give directions well in advance and try to always use the same terms (don't say accelerator one time and gas pedal the next, for example).

Don't hit the beginner with everything at once: a simple right turn, for example, involves several steps checking mirrors, signaling, checking blind areas, braking, positioning, checking for traffic before the turn, steering, and recovery. To expect a beginner to follow all of these correctly during the early sessions is asking too much.

Don't get excited during practice sessions. This communicates itself quickly to the driver and can make performance difficult.

Don't overload: A big part of being an instructor or co driver is reminding the driver to check traffic and to signal and to bring attention to potential hazards. But once again, remember that everything you say is also a distraction for the driver. Be sparing in your comments and, above all, try to avoid letting the beginner get into situations he or she can't handle.

Stop and discuss: When your teen makes a mistake, he or she may not be clear as to what went wrong. Explaining and discussing while on the move is not very effective. The beginner is too busy driving! Stop as soon as you can, while the mistake is still fresh in the memory, and sort out the problem. Don't jump on every mistake, however, and make a big thing of it. This will affect the beginner's confidence and concentration on the driving task.

Don't clash with what the professional driving instructor teaches. If your teen is doing something that you think is incorrect and maintains that the driving instructor teaches this way, talk to the driving instructor. Student drivers often wrongly interpret their instructor's directions.

Unit 2 - The Driver

Chapter 6 - Challenges to Good Driving

Objectives

Students should fully understand that there are two perspectives on what people do as drivers: the external view and the internal view. The external view includes road conditions and how well they have learned to manipulate a vehicle. The internal view comes from the driver's personal perceptions, verbalizations, thoughts, decisions, emotions and feelings. This internal view cannot be measured by instruments or observers; it can only be measured by drivers themselves through self-awareness and self-witnessing. By defining and discussing some of the internal impediments to safe driving (stress, fatigue, physical limitations, aggression/"road rage," and distraction/inattention) students will learn to recognize these impediments in themselves and how to substitute healthier and safer driving attitudes and behaviors.

Course Outline

1. **Stress.**
 - a. **Stress defined.**
 - i. Stress is with us all the time. It comes from mental or emotional activity and physical activity. Stress adds flavor, challenge, and opportunity to life. Too much stress, however, can seriously affect a person's physical and mental well-being. The Connecticut Clearinghouse Fact Sheet (<http://www.ctclearinghouse.org/fhstress.htm>) counsels that to prevent stress from becoming distress, people need to become aware of the three stages of response to stress that we all experience:
 - (1) Alarm
 - (2) Resistance, and
 - (3) Exhaustion.
 - b. **Driving stress.**
 - i. An example of driving stress can be illustrated by a person who commutes daily during rush hour. If a car suddenly pulls out in front of her, her initial alarm reaction may include *fear* of an accident, *anger* at the driver who committed the action, and general *frustration*. Her body may respond in the **alarm** stages by releasing hormones into the bloodstream which causes her face to flush, perspiration to form, her stomach to have a sinking feeling, and her arms and legs to tighten. The next stage is *resistance*. Here the body repairs the damage caused by the stress. If the stress of driving continues with repeated close calls, traffic jams, or hostility from other drivers, however, the body will not have time to make repairs. She may become so conditioned to expect potential problems when she drives that she tightens up even before she gets in the car. She may even develop physical problems related to stress, such as migraine headaches,

high blood pressure, backaches, insomnia, or high blood pressure. These physical problems will then cause further impediments to safe driving such as sleepiness, aggression, distraction, etc.

c. Recognizing and dealing with stress.

- i. Recognizing stress and the early signs of too much stress (distress) and then doing something to relieve the stress can make an important difference in the quality of peoples' lives and even their survival. Dr. Robert T. Scott, president of the Los Angeles County Psychological Association, found that three of the best selling drugs in the country are used to treat stress-related illnesses, 89% to 90% of all visits to health-care professionals are the result of stress-related illness and issues and that 70% of all accidents are stress-related.

d. Methods of reducing stress.

- i. Physical activity such as exercise.
 - ii. Talking about it with a supportive person.
 - iii. Get enough rest and eat well.
 - iv. Schedule time for both work and recreation.
 - v. Remember to breathe - deep breaths can release tension.
 - vi. Avoid self-medication - it might give temporary relief but does not remove the cause of stress.
- Activity: Have the students relate to each other their personal methods for dealing with stress. (If they don't have personal methods of dealing with stress, now is a good time to develop them.)

2. Fatigue.

a. Fatigue defined.

Driver fatigue, also known as *highway hypnosis*, is a dangerous condition that affects numerous drivers. According to reports from the National Highway Traffic Safety Administration, driver drowsiness and fatigue contributes to about 100,000 automobile accidents each year. Even if the body is well rested, the lack of mind stimulation while driving can contribute to sleepiness. Long, straight stretches of roadway, such as we have in New Mexico, provide little stimulation or variety of sensory information for the brain to process.

b. Effects of driver fatigue.

The effects of driving drowsy mimic the effects of driving while intoxicated:

- i. Reaction time is slowed,
- ii. Awareness is decreased, and
- iii. Judgment is impaired.

c. Recognizing driver fatigue.

Drivers should listen to their bodies and act at the first signs of fatigue. A person cannot predict sleep onset, and that feeling of "I just need to close my eyes for one second" may in fact turn into a "micro-nap" that can last 4 to 5 seconds. At 55 mph, that is more than 100 yards.

d. Methods of reducing driver fatigue.

- i. Increase sensory stimulation by rolling down a window and letting the air blow into the car.
- ii. Have a conversation with a fellow passenger or, if driving alone, an imaginary friend.
- iii. Recite poetry or sing along with the radio.
- iv. Think or problem solve interactively.

Activity: Have the students take the attached true/false quiz on drowsy driving developed by the AAA Foundation for Traffic Safety.

3. Physical limitations.

a. Physical limitations defined.

- i. People begin to feel the physical and psychological changes of aging in middle age (40-55), and some of these changes increase driving risk. In fact, there is an increased collision rate per mile of travel that begins between ages 55 and 65 that parallels certain age-related declines in driving skills.

b. Effects of aging on driving.

- i. “Auto, RV and Transportation Information for Senior Citizens” (<http://Seniors-site.com/auto>) reports that auto-related accidents are the most common cause of accidental death among the 65 to 74 age group, and the second most common cause among older persons in general. And since drivers 65 and older have higher crash rates per mile than all other groups except teenagers the web site offers the following tips to Senior drivers.

c. Recognizing age-related physical limitations on driving.

- i. Common age-related changes that can impair driving include:
- (1) Increased sensitivity to glare,
 - (2) Poorer adaptation to dark,
 - (3) Diminished coordination,
 - (4) Slower reaction time,
 - (5) Physical changes to hearing and seeing and other sensory impairments, and
 - (6) Denial of limitation or illness that can translate into fender-benders and catastrophes.

d. Methods of dealing with age-related limitations.

- i. As long as a person’s physical and visual capabilities permit, s/he can continue to drive. But just because a person has a driver’s license doesn’t always mean that s/he is able to drive or should be driving. Older people must pay special attention to their limitations. New laws aimed at older drivers are calling for mandatory in-person license renewal, reexamination for degenerative medical conditions, impairment revocation of licenses and driving restrictions to specified areas and times of day.
- ii. Change driving habits by driving fewer miles, less often, and more slowly. Also drive less at night, during rush hours, and in the winter.
- iii. Always wear a seat belt, as older drivers are more likely to be injured or killed due to more fragile bones and a reduced ability to withstand the trauma of an accident. Not only is it a good idea to wear a seat belt, in New Mexico it is the law.
- iv. Have frequent check-ups on eyesight and hearing. Over one third of all older persons experience hearing loss that makes it more difficult to hear in busy traffic. Visual problems can include increased sensitivity to glare, difficult changing focus from distant to near objects and vice versa, increased susceptibility to headlight glare and bright sunlight, and a decrease in sharpness of vision under certain lighting conditions.
- v. Know the side effects of any drugs that have been prescribed. Many prescription drugs and even aspirin, when used extensively, can adversely influence vision.

Activity: Ask the students to describe a risky driving situation that could be caused by age-related physical limitations. Have the students then discuss ways they can be prepared and alert to these situations in order to safely respond to them when driving. Have students 55 and over take the self-assessment test at the end of this chapter.

4. Aggressive driving and “road rage.”

a. Aggressive driving and road rage defined: Traffic Offense or Criminal Offense?

- i. The National Highway Traffic Safety Administration (NHTSA) defines aggressive driving as “the operation of a motor vehicle in a manner which endangers or is likely to endanger persons or property.” Speeding, weaving or unsafe passing can constitute “endangering or likely to endanger.” NHTSA defines road rage as an “assault with a motor vehicle or other dangerous weapon by the operator or passenger(s) of one motor vehicle on the operator or passenger(s) of another motor vehicle or vehicles precipitated by an incident which occurred on a roadway.” Aggressive driving is seen as a *traffic offense* while road rage is seen as a *criminal offense*.

b. Effects of aggressive driving and road rage.

- i. Cars racing down a crowded road, darting in and out of lanes, tailgating, and drivers yelling and gesturing at others are all behaviors that are recognized as aggressive driving. In some instances the driving behavior escalates into assault with the vehicle itself or with a weapon,

increasing the severity of the event from a traffic incident to a criminal offense. Drivers are becoming more and more fearful of the threat of violence on the highways, and evidence indicates these incidents are occurring with greater frequency. According to the American Automobile Association, *aggressive and hostile driving has been increasing by 7% per year since 1990.*

c. Recognizing aggressive driving and road rage.

- i. Characteristics of aggressive drivers include placing top priority on getting to their destination in the fastest possible time; competing with other fast cars; refusing to give other vehicles the right of way; feeling contempt for drivers who do not think, look, act or drive like they do; and believing they have the right to punish other drivers.
- ii. Aggressive driving behaviors include tailgating, hostile and/or obscene gestures, yelling, horn honking, and cutting in front of other drivers.

d. Methods of dealing with aggressive and/or raging drivers.

- i. Don't take traffic problems personally.
- ii. Avoid eye contact with an aggressive driver.
- iii. Don't make obscene gestures back which can escalate the hostility.
- iv. Don't tailgate.
- v. Don't block the passing lane.
- vi. Don't block the right turn lane.
- vii. Allow plenty of time for your trip.
- viii. Create a relaxing and comfortable environment in your car by playing relaxing music.
- ix. Cooperate in traffic. When you behave cooperatively, you get repaid in kind.
- x. Stay away from someone who is driving aggressively and contact the authorities when you get the chance.

Activity: Have the students take the AAA driver stress profile test at the end of this chapter to measure and recognize their own hostility on the road.

5. Distraction and inattention.

a. Distraction and inattention defined.

- i. Concentration is one of the essential elements of safe driving. Any activity, thought or feeling such as daydreaming, talking on a cell phone, texting, window shopping, scenic viewing or intense arguments can distract the driver from what is occurring on the road and result in a crash.
- ii. Driving a motor vehicle requires an individual's full attention.

b. Effects of distraction and inattention.

- i. Research indicates that when people focus their attention upon one stimulus, they may fail to perceive another stimulus separated from the first by but a few degrees of visual angle.
- ii. Any inattention and distraction can and often do result in crashes that could have been avoided.

c. Recognizing distractions and inattention.

- i. Common external driving distractions
 - (1) Outside of the vehicle:
 - (a) Interactions with other motorists,
 - (b) Emergency vehicles,
 - (c) Pedestrians,
 - (d) Potholes,
 - (e) Weather,
 - (f) Traffic signals and signs,
 - (g) Painted lines,
 - (h) Billboards,

- (2) Inside the vehicle:
 - (a) Passengers (including children and pets),
 - (b) Seat belts,
 - (c) Food/drinks,
 - (d) Maps,
 - (e) Unsecured items in the car (purses, backpacks, groceries, sports equipment),
 - (f) Audio devices (radio, iPod/MP3, cd's),
 - (g) Cell phones.
- ii. Common internal distractions
 - (1) Drowsiness,
 - (2) Daydreams,
 - (3) Anxiety,
 - (4) Impatience,
 - (5) General inattention.
- d. Technology.**
 - i. New technology has added electronic driving distractions in the form of talking on cell phones, texting while driving, and using GPS navigation systems.
 - ii. In some states and/or cities, it is illegal to talk on your cell phone or text while driving. There is more legislation being passed to discourage this dangerous behavior.
- e. Suggestions for dealing with distractions.**
 - i. Always keep your concentration and eyes on the road. Even a split second of inattention can cause a crash.
 - ii. Planning a holiday trip and even short business trips eliminates the dangerous practice of reading road maps while driving, programming your GPS, using an internet device, or texting/calling for directions.
 - iii. Hang up and Drive—Do not talk on your cell phone while driving. Place your cell phone on “silent” when driving so that you are not distracted or tempted by an incoming call.
 - iv. If you have to use a cell phone, pull over in a safe location and park the car.
 - v. Never read or send text messages while driving. This activity takes your eyes off of the road and your attention away from driving.

Activity: Ask students to “drive” their chair around the perimeter of the class room while trying to send a text message with one hand while the other hand alternates between steering wheel, hair, and coffee cup.

Suggested Review Questions

Question #1: List three ways you can relieve stress to prevent it becoming distress.

Answer: Physical exercise, getting adequate rest, talking with a supportive person.

Question #2: Will a good night's sleep prior to a long drive prevent you from becoming drowsy while driving?

Answer: No. Even if the body is well rested, the lack of mind stimulation while driving can contribute to sleepiness.

Question #3: What are some ways you can prevent yourself from becoming drowsy while driving?

Answer: Roll down a window and let the air blow in your face, sing with the radio, or engage in mental activity such as problem solving, talking with passengers.

Question #4: What are some age-related physical limitations on driving?

Answer: Slower reaction time, increased sensitivity to glare, decreased flexibility.

Question #5: What are some changes a senior driver can make to compensate for physical limitations?

Answer: Drive less at night, drive fewer miles at a time, drive more slowly, always wear a seat belt (It's the Law).

Question #6: What's the difference between aggressive driving and "road rage?"

Answer: Aggressive driving is seen as a traffic offense, while road rage is seen as a criminal offense.

Question #7: List some ways in which you can easily become distracted while driving.

Answer: Using a cell phone, texting, drinking coffee, reading a road map, arguing with a passenger.

Question #8: How can you make using a cellular phone less distracting while driving?

Answer: Place the phone on "silent" so that you do not know when calls or texts are received. If you have to text or call, pull over in a safe place and park the car. Do not text or talk on your cell phone while driving.

Resources

Following are three quizzes that can be found on the excellent website of the AAA Foundation for Traffic Safety. These are interactive and require that you take the test online in order to receive a score. The website address is <http://www.aafts.org/>

The Sleeping and Driving quiz can be found online at <http://www.aafts.org/Text/wakeup.html>

The Driver 55 Plus Self-Rating form can be found online at <http://www.aafts.org/Text/driver55.html>

The Driver Stress Profile to measure driver hostility on the road can be found at <http://aafts.org/Text/aggressive.cfm>

Unit 2 - The Driver

Chapter 7 - Driving Under the Influence

Objectives

Students should understand, both emotionally and intellectually, that driving under the influence of alcohol or other drugs is dangerous and illegal, expensive and humiliating and that there are alternatives. Students will review the effects of alcohol on the body and notice the signs of alcoholism and its relationship to DWI offenses. Students should be able to understand why people drink and drive.

This chapter should sensitize students to the need to find alternatives to driving while under the influence of alcohol or other drugs. They should recognize that having a license involves a social contract to drive only when alert and unimpaired in exchange for the privilege of driving.

A summary of the laws is included to inform students about the penalties that apply to drivers who ignore the prohibition on DWI. The primary purpose of such laws is to deter drinking and driving, rather than to punish it. Therefore, students must understand what the laws provide, and that they will be enforced.

Course Outline

1. **Description of the problem:**
 - a. **Over the last 10 years, New Mexico has been either first, second or third among the 50 states for its DWI fatality rate.**
 - b. **The FBI reports that more people in this country are arrested for DWI than for any other crime -- 10% of all arrests are for DWI.**
 - c. **In New Mexico there are few alternatives to driving a car.** There is little public transportation in cities and towns that sprawl out over large areas, making driving a necessity.
 - d. **New Mexico is one of the poorest states in the U.S.** It is last in median household income and first in people living below the poverty level (1996, U.S. Census Bureau statistics). There is a link between poverty and alcoholism, and a strong link between alcoholism and repeat DWI offenses.
 - e. **DWI becomes more of a problem as youth get older (18-20) than for younger adolescents (15-18) but the attitudes about drinking and driving are formed throughout adolescence. People who begin drinking before age 15 are four times more likely to develop alcoholism than those who begin at age 21** (National Institute on Alcohol Abuse and Alcoholism, 1998).
 - f. **Use of alcohol and other drugs is associated with all three of the leading causes of death and injury among teenagers and young adults (under 21):**
 - i. Motor vehicle crashes,
 - ii. Homicides,
 - iii. Suicides.

Activity: Bring this problem to students by asking them to discuss any personal stories about how DWI has affected them. Instructor could assign this as take-home work and collect the personal stories for future classes.

2. **Attitudes about driving after drinking.**

a. **Changing the attitudes of drivers, especially youthful drivers, may be the single most important and difficult task for the driving instructor.** A cooperative attitude on the road rather than a competitive attitude is of major importance, as are attitudes that emphasize responsibilities rather than rights. Attitudes that normalize drinking and driving are very harmful. Examples of harmful attitudes include:

- i. "I can drive better after drinking a few than most people can drive sober."
- ii. "If I drive slowly, it doesn't matter."
- iii. "I've done it a hundred times -- I've gotten good at it."
- iv. "It won't happen to me -- I'm a very careful driver."
- v. "Everyone in my family has been popped for DWI at least once. It's no big deal."

Activity: Ask students to add to this list similar dangerous attitudes they've held or heard others express and why having such an attitude can be harmful.

3. **Effects of impaired states on alertness.**

Alertness is fundamental to attention. Novices should be able to identify a range of possible levels of alertness and the internal states and external factors that affect alertness. They should be able to assess and recognize symptoms of fatigue, preoccupation, and substance effects. They should be able to criticize folk remedies for drivers' alertness problems (e.g., showers and coffee) and identify valid measures for avoiding impaired driving.

4. **Why do people drink?**

- a. **Advertising's effects.** Over two billion dollars is spent each year to advertise alcohol. It's important to get students to look at the role advertising plays in why people drink:
- b. **Adolescent reasons.** New Mexico youth were surveyed in 1996 about why they drank alcohol, and the top four reasons were: peer pressure, lack of parental guidance, availability of alcohol, lack of other things to do.
- c. **To get high. Or, to relax, to be in an altered state, to try on a different personality.** To ignore this reason is to be stuck with your head in the sand.
- d. **To escape problems.** This almost never works.
- e. **They are addicted and cannot stop.** This is called alcoholism -- about 10 percent of adult drinkers in the U.S. are considered alcoholics (see 5b below for definition of alcoholism.)

5. **Health effects of heavy and chronic drinking. Prolonged heavy drinking:**

- a. **Causes harm to virtually every organ and system in the body.**
- b. **Is the single most important cause of illness and death from liver disease** (alcoholic hepatitis and cirrhosis).
- c. **Is associated with cardiovascular diseases** such as cardiomyopathy, hypertension, arrhythmias, and stroke.
- d. **Contributes to approximately 65% of all cases of pancreatitis.**
- e. **Depresses the immune system** and results in a predisposition to infectious diseases, including respiratory infections, pneumonia, and tuberculosis.
- f. **Increases risk for cancer**, with an estimated 2-4% of all cancer cases thought to be caused either directly or indirectly by alcohol. The strongest link between alcohol and cancer involves cancers of the upper digestive tract, including the esophagus, the mouth, the pharynx, and the larynx. Less

consistent data link alcohol consumption and cancers of the liver, breast and colon (NIAAA, Alcohol Alert, No. 21, 7/93).

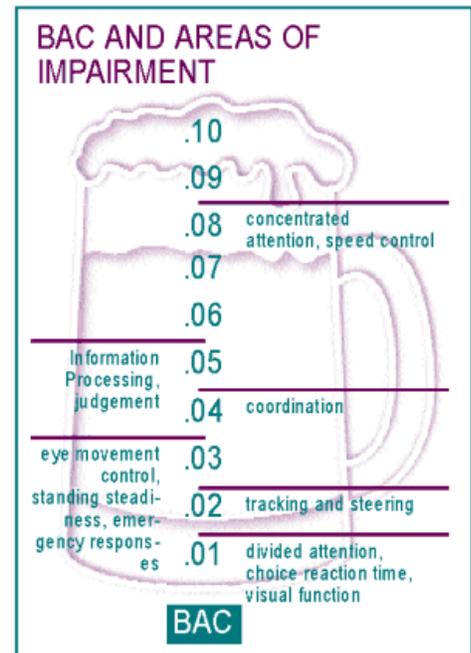
- g. Can lead to inadequate functioning of the testes and ovaries**, resulting in hormonal deficiencies, sexual dysfunction and infertility (NIAAA, Alcohol Alert, No. 26, 11/95).
- h. Damages developing babies** -- Each year 4,000 to 12,000 babies are born with the physical signs and intellectual disabilities associated with Fetal Alcohol Syndrome, and thousands more experience the somewhat lesser disabilities of fetal alcohol effects (SAMHSA, Center for Substance Abuse Prevention, Toward Preventing Perinatal Abuse of Alcohol, Tobacco and Other Drugs, USDHHS, Technical Report, No. 9, 1993, p. 1).

(Unless otherwise noted, references are from the National Institute on Alcohol Abuse and Alcoholism, *Alcohol Health & Research World*, Vol. 17, No. 2, 1993.)

6. Driving under the influence of alcohol or other drugs:

- a. DWI defined.** The DWI problem is defined as *driving while under the influence* or *driving while impaired*. You don't have to be "drunk" to be impaired. Even small amounts of alcohol impair the skills involved in driving. Many people feel free to drive after drinking because they don't feel "drunk." The law prohibits driving while under the influence of ANY drug, *including drugs prescribed by a doctor*. A recent study conducted at the University of Iowa found that antihistamines (in particular, diphenhydramine, the type found in Benadryl) has a greater effect on driving than a few drinks.
- b. DWI and alcoholism.** Alcoholism is at the root of the problem for most multiple DWI offenders. *Definition of Alcoholism:* a primary, chronic disease characterized by continuous or periodic:
 - i. Impaired control over drinking,
 - ii. Preoccupation with the drug alcohol,
 - iii. Use of alcohol despite adverse consequences, and
 - iv. Distortions in thinking, most notably denial.The disease is often progressive and fatal. (From the National Council on Alcoholism and Drug Dependence, Inc. (NCADD).)
- c. Impairment:** The probability of a crash increases at any BAC (blood alcohol content) higher than zero. In fact, a BAC as low as 0.02, alcohol affects driving ability. The probability of a crash begins to increase significantly at 0.05 BAC and climbs rapidly after about 0.08. For drivers with BACs above 0.15 on weekend nights, the likelihood of being killed in a single-vehicle crash is more than **380 times higher** than it is for nondrinking drivers. Although drivers with BACs at or above 0.10 represent only 17 percent of all drinking drivers on weekend nights, they represent 85 percent of the fatally injured drivers who had been drinking.
- d. What does .08 mean?**
 - i. *The scientific definition of .08* is .08 grams of alcohol in 210 liters of breath, or .08 grams of alcohol in 100 milliliters of blood.
 - (1) Virtually all drivers are substantially impaired at .08 BAC. Laboratory and test track research shows the vast majority of drivers, even experienced drinkers, are impaired at .08 with regard to critical driving tasks. There are significant decreases in performance in braking, steering, lane changing, judgment and divided attention at .08 BAC. Studies report that performance decrements in some of these tasks are as high as 60%-70% at .08 BAC. Research by the Insurance Institute for Highway Safety indicates the relative risk of being killed in a single vehicle crash for drivers at BACs between .05 and .09 is 11 times that of drivers at .00 BAC (no alcohol).

- (2) A .08 BAC is not typically reached with a couple of beers after work or a glass or two of wine with dinner. The average 170 pound male would have to consume more than four 12oz. cans of beer within one hour on an empty stomach to reach .08 BAC. The average 137 pound female would need at least three cans of beer in one hour on an empty stomach to reach that level. That female driver would need four drinks over a two hour period to get above .08 BAC and the male would need five drinks.
- (3) The effects of alcoholic drinks vary greatly because the rate that alcohol is absorbed into the blood differs from person to person. Other factors, such as the amount of food in the stomach, age, sex, weight, health also affect alcohol absorption.
- (4) It takes an average body in good health about an hour to metabolize the alcohol of one drink out of the blood. A recent study suggests that *women metabolize alcohol less efficiently than men*, a difference that leads to higher blood alcohol concentrations in women over a shorter period of time. This difference may make women more vulnerable than men to alcohol-induced liver damage (NIAAA, Eighth Special Report).



- ii. The legal definition of .08: The state of New Mexico has outlawed driving with an amount of alcohol in the blood equal to .08 or greater -- it's not necessary to prove that the driver is impaired or that they intended to commit the crime of driving while impaired.

There is no legal standard for other drugs like the alcohol standard of .08, but a person who is impaired and has been ingesting drugs can be convicted of DWI by drugs.

- iii. Most other industrialized nations have set BAC limits at .08 or lower and have had these laws in place for many years. For example, Canada, Great Britain, Austria, Germany, New Zealand, and Switzerland each have adopted a legal limit of .08 BAC. All of the states in Australia have a limit of .05 BAC, along with countries such as France and Belgium. Sweden set its limit at .02 BAC. The European Union is urging all of its 18 member countries to adopt a uniform .05 BAC limit.

7. Overview of the laws and the DWI process.

- a. **Introduction.** New Mexico has GOOD laws to combat DWI. When there has been good enforcement by officers and effective prosecution, with appropriate sentencing by judges, and follow-up by a probation department or other agency, DWI becomes costly, draining and time-consuming *to the offender*. If there is a breakdown during any of this process, offenders and others get the idea that "nothing happens."
- b. **Sobriety checkpoints.** Over the last few years, New Mexico has greatly increased the chances that a person who has been drinking or taking drugs will be caught through a series of stepped up law enforcement programs, including the sobriety checkpoint program known as Operation DWI.
- c. **Administrative license revocation (ALR).** New Mexico has TWO separate processes for handling a DWI arrest. ALR is a civil **not** criminal process where the state takes away the license for between 90 days and 1 year. (After 3 convictions in 10 years, the state will refuse to license the offender for 10 years.)
 - i. Under the state's licensing law, drivers automatically give the state permission to chemically test their blood or breath for drugs. If you refuse the test, you lose your license for a year (see

aggravated DWI below). If you have an alcohol content greater than the .08 standard provided for in the law (.02 for those under 21), you automatically lose your license for a year (90 days on a first offense, 6 months for under 21 first offense).

- ii. The police officer who believes there is a good reason to arrest you (the legal standard is called *probable cause to arrest*) for DWI, will test your blood or breath or both. If your BAC tests at .08 or above, the officer will take your license and the Motor Vehicle Division will revoke your privilege to drive for a year (six months on a first offense if you attend DWI school). This is separate and independent of any criminal action. If your BAC is under .08, you could still be convicted of DWI in the courts.
- iii. Offenders are entitled to a hearing with the MVD on a limited number of issues if they ask for it within 10 days. Very few offenders get their licenses back through this hearing process. If an offender does get their license back as a result of the MVD hearing, there is no guarantee that they won't be convicted and lose it during the criminal trial, which is an entirely separate process.

d. Criminal charges and trial. This is a separate process entirely from administrative license revocation. The state prosecutes the offender in court. An offender may hire an attorney, or waive that right. If an offender cannot afford an attorney, one will be appointed. A DWI fourth offense or higher is a felony.

- i. A conviction for DWI carries the following penalties:
 - (1) 1-year license revocation (six months on a first offense if the offender attends DWI school);
 - (2) Mandatory alcohol screening, which is a test to determine if the offender has drinking problems and mandatory treatment on any subsequent offense.
 - (3) Fines, up to \$1,000 for a misdemeanor and \$5,000 for a felony;
 - (4) Mandatory jail time on all but a first offense, up to 364 days for a misdemeanor and three years for a felony.
 - (5) Mandatory ignition interlock and an interlock license after any offense. This license means that you can only drive a car equipped with an interlock. In order to reinstate an unrestricted (non-interlock) license after your period of required interlock, you must show the MVD that you've used an interlock for at least six months. After three DWI convictions, the state will require that you have an interlock license for the rest of your life—and this will follow you even if you move to another state.

In addition to these penalties, the offender faces increased auto insurance rates, legal fees, treatment and counseling costs and a \$100 reinstatement fee for their license that's been revoked for DWI.

- ii. An aggravated DWI conviction brings higher penalties. Aggravated DWI consists of:
 - (1) Refusing the breath or blood test; OR
 - (2) Driving when your blood alcohol content is .16 or higher; OR
 - (3) Causing bodily injury to someone while DWI.
- iii. Driving when your license has been revoked for DWI results in another year license revocation, 364 days jail time (with mandatory jail sentence of seven days), and possible \$1,000 fine (mandatory \$300 fine).

e. Vehicular Homicide

- i. Vehicular homicide carries special penalties for killing someone while driving impaired.
 - (1) Up to six years imprisonment (third degree felony). Every prior DWI conviction adds an extra four years mandatory imprisonment for each death or great bodily injury caused.
 - (2) Up to a \$5,000 fine

Activity: Victim for an Hour

The following exercise is designed to encourage students to personalize DWI by becoming “victims” of DWI for one hour. The instructor asks students to divide a piece of paper into three pieces. Have them write the names of the three most important people in their lives, one name on each slip of paper. Fold up the slips, shuffle them and select one randomly.

With each student looking at the name of the person just selected, ask students to imagine that they’ve just learned that a drunk driver has killed that person. Ask the following questions as a way of launching the discussion:

- (1) How would you feel toward the drunk driver who killed your friend, girlfriend, father? How would you feel if the drunk driver said there was no way to avoid the crash because it was *just an accident*?
- (2) What should be done to the driver who killed your loved one? How much jail? How much in fines? What else?
- (3) What would you like to say to the drunk driver? What would you want to hear the driver say to you, if anything?
- (4) Imagine your life for that week: List the things you would have to do. (Some possibilities: identify the body; pick out flowers and a coffin B take out a loan for a funeral; notify your loved ones of the death; think of the things you wished you had said to your loved one that day; how to get through the depression of never seeing the person again.)
- (5) Write a poem or a letter to your “dead” loved one. What would you say?

Because the instructor is asking students to become victims of DWI for an hour, it’s important to accept all their feelings, including negative ones, without judgment. For instance, someone might say, “I’d like to get a gun” or “I’d want to go out and beat the guy up” Or students might be numb, or they might relate a real experience in their lives about DWI. The goal of this exercise is to help students relate empathetically to DWI victims thereby helping them to avoid victimizing anyone themselves. It’s important for the instructor to help them work through these feelings as well. (There are many good books available if the instructor wants to find out more about the grieving process.)

After completing this exercise, now ask the students to imagine that THEY were driving while impaired and killed this person. Ask the following questions:

- (1) How would you feel afterward?
- (2) What should happen to *you* as punishment? How much jail? How much in fines? What else?
- (3) What would you like to say to the person you killed? What would you say to their family?

Something for the students to think about: Drunk drivers often kill those they love. Many kill themselves. Undoubtedly, the ones who survive the tragedy wish desperately they could be where YOU are now -- A new driver, with no black marks. No homicide on their conscience, no apologies to make, no regrets, no “If onlys.”

The third part of this exercise is to launch a discussion of some realistic strategies to avoid driving after drinking, keeping in mind that sometimes you have to make your plans (designated driver, taking the bus, etc.) *before* drinking begins. This will be more difficult in an underage group because it can leave the instructor open to criticism of condoning underage drinking. However, the importance of talking about this subject probably outweighs the criticism it may engender.

The instructor can collect ideas from one class to the next. Reading the ideas of a previous class is one way to get the discussion going and it's instructive for people who study this problem to collect information about what youthful drivers think about this issue.

(Thanks to Mothers Against Drunk Driving, New Mexico and Albuquerque Chapters, for allowing us to reprint this exercise here.)

For further information on grief counseling, call your local chapter of Mothers Against Drunk Driving (MADD). Depending on the group, they may be able to speak to your class. Or, you can reach the MADD New Mexico statewide office at (800) 522-6233. They also have brochures for victims which can be ordered through their website at <http://www.madd.org/victims/pamphlets.shtml>

Suggested Review Questions

Question #1: Which of the following circumstances contribute to DWI?

- (a) Alcoholism
- (b) Dependence on automobiles without transportation alternatives
- (c) Coffee and a hot shower
- (d) Attitudes that emphasize rights over responsibilities
- (e) Suicidal impulses
- (f) All of the above

Answer: (f) All of these things contribute to people getting into a car after they've had too much to drink. Folk tales like those mentioned in (c) encourage clean, wide-awake drunks to drive.

Question #2: What are the three biggest killers of young people under 21?

Answer: (1) motor-vehicle crashes, (2) homicides, and (3) suicides in that order. Alcohol is implicated in all three much of the time.

Question #3: What does .08 mean legally?

- (a) You aren't impaired until you're .08
- (b) When you reach .08 science shows you cannot drive safely.
- (c) It doesn't matter whether or not you're impaired at .08 B you may not drive when the amount of alcohol in your blood reaches that level.
- (d) .08 is the first level at which an officer can legally tell that a driver is drunk.

Answer: (c) It is illegal to drive at .08 or over -- with no need to prove impairment. (Most people are impaired WELL UNDER that level.) (b) is true, but it's not the legal definition of .08.)

Question #4: True or False: If your breath test is below .08, you cannot be convicted of DWI.

Answer: False. You can be convicted of DWI at .00 BAC if it can be proven that you were impaired by some other drug. A blood test that shows you had ingested drugs, combined with evidence of impairment can result in a conviction for DWI.

Question #5: Which of the following best describes the use of the .02 standard:

- (a) .02 or greater provides the evidence to convict someone under 18 of DWI.
- (b) .02 or greater allows the state to immediately revoke your license if you are under 21
- (c) Like the .08 standard for adults, .02 or greater avoids the necessity of proving impairment in a criminal trial for persons under 21.
- (d) None of the above

Answer: (b) .02 allows the state to revoke the license of anyone under 21 in an administrative (not criminal) action. At the criminal trial for DWI, the per se standard is the same for everyone B .08. However, as noted above, a person may still be convicted of DWI under .08 if impairment is proven.

Question #6: All of the following are ways to avoid drinking and driving EXCEPT:

- (a) Designate a driver
- (b) Walk or take the bus
- (c) Stay at home and drink alone
- (d) Drink tea
- (e) Invite everyone to your house for a keg

Answer: (e) YOU might not be drinking and driving, but your friends will. (e) will be true if you take everyone's keys and have a campout at your house. Note that (c) is a warning sign of alcoholism and there's a lot of societal pressure NOT to stay home drinking alone.

Question #7: Which of the following will never result from a DWI conviction?

- (a) Imprisonment of 364 days
- (b) \$5,000 fine
- (c) Having your privilege to drink revoked
- (d) The loss of your license for 10 years
- (e) Alcohol treatment
- (f) All of these things could happen

Answer: (f) Although there is no law allowing the state to take away your drinking privilege as suggested by (c), judges sometimes let people out of jail on the condition that they not drink alcohol.

Question #8: It's important for a person charged with DWI to demonstrate, as a defense, that he or she didn't mean to do it. This will sometimes help avoid conviction.

Answer: False. It doesn't matter what the person intended. DWI is extremely dangerous and is a crime whether or not you meant to do it.

Question #9: Under what circumstances may you refuse a breath test in New Mexico?

- (a) If you have been read your Miranda rights by the police.
- (b) If no felony crime has been committed.
- (c) You may refuse for any reason and no breath test will be allowed.
- (d) You must take the test no matter what.
- (e) None of the above.

Answer: (b) New Mexicans have the right to refuse the test as long as there is no evidence of a felony having been committed during the DWI (such as vehicular homicide or a robbery). However, if they are convicted of the DWI, the penalty will be higher if they refused the test. They also lose their license on the spot for a year if they refuse.

Question #10: Which of the following factors will keep you from getting into a DWI crash?

- (a) Having a job, since the highest percentage of heavy drinkers are unemployed adults and heavy drinkers are at higher risk for DWI.
- (b) Understanding that you and your loved ones could die if you drive drunk.
- (c) Practice drinking and driving in controlled circumstances so you get better at it.
- (d) Finding other ways to get around other than driving -- and not going out at night when most DWI crashes occur.
- (e) Wearing a safety belt.

Answer: This is a trick question. Even people who don't drink and drive are killed by those who do. The truth is, everybody has to work on the problem because NONE of us are safe as long as ANY of us are doing it. (p.s. a safety belt won't keep you from getting into a crash, but it's the best thing around if one happens without your permission!)

Resources

AAA Foundation for Traffic Safety
1440 New York Ave NW Suite 201
Washington, DC 20005
Tel: 202-638-5944, Fax: 202-638-5943
<http://www.aaafits.org/>

National Institute on Alcohol Abuse and Alcoholism (NIAAA)
6000 Executive Boulevard - Willco Building
Bethesda, Maryland 20892-7003
Website: <http://www.niaaa.nih.gov/>

Statistical Abstract of the United States
Website: <http://www.census.gov/statab/www/>

Substance Abuse and Mental Health Services Administration (SAMHSA)
Room 12-105 Parklawn Building, 5600 Fishers Lane
Rockville, MD 20857
(301)443-8956

Website: <http://www.samhsa.gov/>

-- Center for Substance Abuse Prevention (CSAP) 301-443-0365

-- The National Clearinghouse for Alcohol and Drug Information (NCADI) Website:
<http://www.health.org/>

TRAFFIC OFFENSES

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

- A. Homicide by vehicle is the killing of a human being in the unlawful operation of a motor vehicle.
- B. Great bodily harm by vehicle is the injuring of a human being, to the extent defined in Section 30-1-12 NMSA 1978, in the unlawful operation of a motor vehicle.
- C. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code [66-1-1 NMSA 1978] shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.
- D. A person who commits homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or while under the influence of any drug, as provided in Subsection C of this section, and who has incurred a prior DWI conviction within ten years of the occurrence for which he is being sentenced under this section shall have his basic sentence increased by four years for each prior DWI conviction.
- E. For the purposes of this section, "prior DWI conviction" means:
- (1) A prior conviction under Section 66-8-102 NMSA 1978; or
 - (2) A prior conviction in New Mexico or any other jurisdiction, territory or possession of the United States, including a tribal jurisdiction, when the criminal act is driving under the influence of alcohol or drugs.
- F. A person who willfully operates a motor vehicle in violation of Subsection C of Section 30-22-1 NMSA 1978 and directly or indirectly causes the death of or great bodily harm to a human being is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978. 66-8-101.1. Injury to pregnant woman by vehicle.

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

- A. Injury to pregnant woman by vehicle is injury to a pregnant woman by a person other than the woman in the unlawful operation of a motor vehicle causing her to suffer a miscarriage or stillbirth as a result of that injury.
- B. As used in this section:
- (1) "Miscarriage" means the interruption of the normal development of the fetus, other than by a live birth and which is not an induced abortion, resulting in the complete expulsion or extraction from a pregnant woman of a product of human conception; and
 - (2) "Stillbirth" means the death of a fetus prior to the complete expulsion or extraction from its mother, irrespective of the duration of pregnancy and which is not an induced abortion; and death is manifested by the fact that after the expulsion or extraction the fetus does not breathe spontaneously or show any other evidence of life such as heartbeat, pulsation of the umbilical cord or definite movement of voluntary muscles.
- C. Any person who commits injury to pregnant woman by vehicle while under the influence of intoxicating liquor or while under the influence of any drug or while violating Section 66-8-113 NMSA 1978 is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978, provided that violation of speeding laws as set forth in the Motor Vehicle Code [Articles 1 to 8 of Chapter 66, except 66-7-102.1 NMSA 1978] shall not per se be a basis for violation of Section 66-8-113 NMSA 1978.

66-8-102. Persons under the influence of intoxicating liquor or drugs; aggravated driving while under the influence of intoxicating liquor or drugs; penalty. (2008)

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

B. It is unlawful for a person who is under the influence of any drug to a degree that renders the person incapable of safely driving a vehicle to drive a vehicle within this state.

C. It is unlawful for:

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

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

D. Aggravated driving 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, 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. A 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. Upon a first conviction pursuant to this section, an offender shall be sentenced to not less than twenty-four hours of community service. In addition, the offender may be required to pay a fine of three hundred dollars (\$300). The offender shall be ordered by the court to participate in and complete a screening program described in Subsection K of this section and to attend a driver rehabilitation program for alcohol or drugs, also known as a "DWI school", approved by the bureau and also may be required to participate in other rehabilitative services as the court shall determine to be necessary. In addition to those penalties, when an offender commits aggravated driving 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 probation, the offender shall be sentenced to not less than an additional forty-eight consecutive hours in jail. Any jail sentence imposed pursuant to this subsection for failure to complete, within a time specified by the court, any community service, screening program, treatment program or DWI school ordered by the court or for aggravated driving 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, any time spent in jail for the offense prior to the conviction for that offense shall be credited to any term of imprisonment fixed by the court. A deferred sentence pursuant to this subsection shall be considered a first conviction for the purpose of determining subsequent convictions.

F. A second or third conviction pursuant to this section shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not more than three hundred sixty-four days or by a fine of not more than one thousand dollars (\$1,000), or both; provided that if the sentence is suspended in whole or in part, the period of probation may extend beyond one year but shall not exceed five years. Notwithstanding any provision of law to the contrary for suspension or deferment of execution of a sentence:

(1) Upon a second conviction, an offender shall be sentenced to a jail term of not less than ninety-six consecutive hours, not less than forty-eight hours of community service and a fine of five hundred dollars (\$500).

In addition to those penalties, when an offender commits aggravated driving 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). 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 sixty consecutive days. If an offender fails to complete, within a time specified by the court, any community service, screening program or treatment program ordered by the court, the offender shall be sentenced to not less than an additional sixty consecutive days in jail. A penalty imposed pursuant to this paragraph shall not be suspended or deferred or taken under advisement.

G. Upon a fourth conviction pursuant to this section, an offender is guilty of a fourth degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of eighteen months, six months of which shall not be suspended, deferred or taken under advisement.

H. Upon a fifth conviction pursuant to this section, an offender is guilty of a fourth degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of two years, one year of which shall not be suspended, deferred or taken under advisement.

I. Upon a sixth conviction pursuant to this section, an offender is guilty of a third degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of thirty months, eighteen months of which shall not be suspended, deferred or taken under advisement.

J. Upon a seventh or subsequent conviction pursuant to this section, an offender is guilty of a third degree felony and, notwithstanding the provisions of Section 31-18-15 NMSA 1978, shall be sentenced to a term of imprisonment of three years, two years of which shall not be suspended, deferred or taken under advisement.

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

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

(1) Not less than a twenty-eight-day inpatient, residential or in-custody substance abuse treatment program approved by the court;

(2) Not less than a ninety-day outpatient treatment program approved by the court;

(3) A drug court program approved by the court; or

(4) Any other substance abuse treatment program approved by the court.

The requirement imposed pursuant to this subsection shall not be suspended, deferred or taken under advisement.

M. Upon a felony conviction pursuant to this section, the corrections department shall provide substance abuse counseling and treatment to the offender in its custody. While the offender is on probation or parole under its supervision, the corrections department shall also provide substance abuse counseling and treatment to the offender or shall require the offender to obtain substance abuse counseling and treatment.

N. Upon a conviction pursuant to this section, an offender shall be required to obtain an ignition interlock license and have an ignition interlock device installed and operating on all motor vehicles driven by the offender, pursuant to rules adopted by the bureau. Unless determined by the sentencing court to be indigent, the offender shall pay all costs associated with having an ignition interlock device installed on the appropriate motor vehicles. The offender shall operate only those vehicles equipped with ignition interlock devices for:

(1) A period of one year, for a first offender;

(2) A period of two years, for a second conviction pursuant to this section;

(3) A period of three years, for a third conviction pursuant to this section; or

(4) The remainder of the offender's life, for a fourth or subsequent conviction pursuant to this section.

O. Five years from the date of conviction and every five years thereafter, a fourth or subsequent offender may apply to a district court for removal of the ignition interlock device requirement provided in this section and for restoration of a driver's license. A district court may, for good cause shown, remove the ignition interlock

device requirement and order restoration of the license; provided that the offender has not been subsequently convicted of driving a motor vehicle 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.

P. In the case of a first, second or third offense under this section, the magistrate court has concurrent jurisdiction with district courts to try the offender.

Q. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory or possession of the United States or of a tribe, when that ordinance or law is equivalent to New Mexico law for driving while under the influence of intoxicating liquor or drugs, and prescribes 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.

R. In addition to any other fine or fee that may be imposed pursuant to the conviction or other disposition of the offense under this section, the court may order the offender to pay the costs of any court-ordered screening and treatment programs.

S. 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.

T. As used in this section:

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

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

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

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

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

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

66-8-102.1. Guilty pleas; limitations. (2003)

Where the complaint or information alleges a violation of Section 66-8-102 NMSA 1978, any plea of guilty thereafter entered in satisfaction of the charges shall include at least a plea of guilty to the violation of one of the subsections of Section 66-8-102 NMSA 1978, and no other disposition by plea of guilty to any other charge in satisfaction of the charge shall be authorized if the results of a test performed pursuant to the Implied Consent Act [66-8-105 NMSA 1978] disclose that the blood or breath of the person charged contains an alcohol concentration of:

A. Eight one hundredths or more; or

B. Four one hundredths or more if the person charged is driving a commercial motor vehicle. 66-8-102.2. Municipal and county ordinances; unlawful alcohol concentration level for driving while under the influence of intoxicating liquor or drugs.

No municipal or county ordinance prohibiting driving while under the influence of intoxicating liquor or drugs shall be enacted that provides for an unlawful alcohol concentration level that is different than the alcohol concentration levels provided in Subsections C and D of [Section 66-8-102](#) NMSA 1978.

66-8-102.2. Municipal and county ordinances; unlawful alcohol concentration level for driving while under the influence of intoxicating liquor or drugs. (1993)

No municipal or county ordinance prohibiting driving while under the influence of intoxicating liquor or drugs shall be enacted that provides for an unlawful alcohol concentration level that is different than the alcohol concentration levels provided in Subsections C and D of Section 66-8-102 NMSA 1978.

66-8-102.3. Imposing a fee; interlock device fund created. (2007)

A. A fee is imposed on a person convicted of driving while under the influence of intoxicating liquor or drugs pursuant to Section 66-8-102 NMSA 1978 or adjudicated as a delinquent on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or a person whose driver's license is revoked pursuant to the provisions of the Implied Consent Act [66-8-105 NMSA 1978], in an amount determined by rule of the traffic safety bureau of the department of transportation not to exceed one hundred dollars (\$100) but not less than fifty dollars (\$50.00) for each year the person is required to operate only vehicles equipped with an ignition interlock device in order to ensure the solvency of the interlock device fund. The fee shall not be imposed on an indigent person. The fee imposed by this subsection shall be collected by the vendor who provides an ignition interlock device to the person. The vendor shall remit the fees collected on a quarterly basis to the traffic safety bureau of the department of transportation.

B. The "interlock device fund" is created in the state treasury. The fee imposed pursuant to Subsection A of this section shall be distributed to the fund by the traffic safety bureau of the department of transportation.

C. All money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover the costs of installing and removing and one-half of the cost of leasing ignition interlock devices for indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978 or adjudications on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or driver's license revocations pursuant to the provisions of the Implied Consent Act or as a condition of parole, to install those devices in their vehicles. Indigency shall be determined by the court, the parole board or a probation and parole officer.

D. Any balance remaining in the interlock device fund shall not revert to the general fund at the end of any fiscal year.

E. The interlock device fund shall be administered by the traffic safety bureau of the department of transportation. No more than five percent of the money in the interlock device fund in any fiscal year shall be expended by the traffic safety bureau of the department of transportation for the purpose of administering the fund.

66-8-105. Implied Consent Act; short title.

Sections 66-8-105 through 66-8-112 NMSA 1978 may be cited as the "Implied Consent Act."

66-8-107. Implied consent to submit to chemical test.

A. Any person who operates a motor vehicle within this state shall be deemed to have given consent, subject to the provisions of the Implied Consent Act [[66-8-105](#) to [66-8-112](#) NMSA 1978], to chemical tests of his breath or blood or both, approved by the scientific laboratory division of the department of health pursuant to the provisions of [Section 24-1-22](#) NMSA 1978 as determined by a law enforcement officer, or for the purpose of determining the drug or alcohol content of his blood if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or drug.

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

66-8-108. Consent of person incapable of refusal not withdrawn.

Any person who is dead, unconscious or otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by [Section 66-8-107](#) NMSA 1978, and the test or tests designated by the law enforcement officer may be administered.

66-8-109. Administration of chemical test; payment of costs; additional tests.

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

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

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

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

E. If a person exercises his right under Subsection B of this section to have a chemical test performed upon him by a person of his own choosing, the cost of that test shall be paid by the law enforcement agency represented by the law enforcement officer at whose direction a chemical test was administered under [Section 66-8-107](#) NMSA 1978.

66-8-110. Use of tests in criminal actions or civil actions; levels of intoxication; mandatory charging. (2007)

A. The results of a test performed pursuant to the Implied Consent Act [66-8-105 NMSA 1978] may be introduced into evidence in any civil action or criminal action arising out of the acts alleged to have been committed by the person tested for driving a motor vehicle while under the influence of intoxicating liquor or drugs.

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

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

(2) An alcohol concentration of at least four one hundredths but less than eight one hundredths:

(a) No presumption shall be made that the person either was or was not under the influence of intoxicating liquor, unless the person is driving a commercial motor vehicle; and

(b) The amount of alcohol in the person's blood or breath may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor; or

(3) An alcohol concentration of four one hundredths or more and the person is driving a commercial vehicle, it shall be presumed that the person is under the influence of intoxicating liquor.

C. The arresting officer shall charge the person tested with a violation of Section 66-8-102 NMSA 1978 when the blood or breath of the person contains an alcohol concentration of:

(1) Eight one hundredths or more; or

(2) Four one hundredths or more if the person is driving a commercial motor vehicle.

D. When a person is less than twenty-one years of age and the blood or breath of the person contains an alcohol concentration of two one hundredths or more, the person's driving privileges shall be revoked pursuant to the provisions of the Implied Consent Act.

E. If the test performed pursuant to the Implied Consent Act is administered more than three hours after the person was driving a vehicle, the test result may be introduced as evidence of the alcohol concentration in the person's blood or breath at the time of the test and the trier of fact shall determine what weight to give the test result for the purpose of determining a violation of Section 66-8-102 NMSA 1978.

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

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

H. If a person is convicted of driving a motor vehicle while under the influence of intoxicating liquor, the trial judge shall inquire into the past driving record of the person before sentence is entered in the matter.

66-8-111. Refusal to submit to chemical tests; testing; grounds for revocation of license or privilege to drive. (2005)

A. If a person under arrest for violation of an offense enumerated in the Motor Vehicle Code refuses upon request of a law enforcement officer to submit to chemical tests designated by the law enforcement agency as provided in Section 66-8-107 NMSA 1978, none shall be administered except when a municipal judge, magistrate or district judge issues a search warrant authorizing chemical tests as provided in Section 66-8-107 NMSA 1978 upon finding in a law enforcement officer's written affidavit that there is probable cause to believe that the person has driven a motor vehicle while under the influence of alcohol or a controlled substance, thereby causing the death or great bodily injury of another person, or there is probable cause to believe that the person has committed a felony while under the influence of alcohol or a controlled substance and that chemical tests as provided in Section 66-8-107 NMSA 1978 will produce material evidence in a felony prosecution.

B. The department, upon receipt of a statement signed under penalty of perjury from a law enforcement officer stating the officer's reasonable grounds to believe the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor or drugs and that, upon request, the person refused to submit to a chemical test after being advised that failure to submit could result in revocation of the person's privilege to drive, shall revoke the person's New Mexico driver's license or any nonresident operating privilege for a period of one year or until all conditions for license reinstatement are met, whichever is later.

C. The department, upon receipt of a statement signed under penalty of perjury from a law enforcement officer stating the officer's reasonable grounds to believe the arrested person had been driving a motor vehicle within this state while under the influence of intoxicating liquor and that the person submitted to chemical testing pursuant to Section 66-8-107 NMSA 1978 and the test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age, shall revoke the person's license or permit to drive or his nonresident operating privilege for a period of:

(1) Six months or until all conditions for license reinstatement are met, whichever is later, if the person is twenty-one years of age or older;

(2) One year or until all conditions for license reinstatement are met, whichever is later, if the person was less than twenty-one years of age at the time of the arrest, notwithstanding any provision of the Children's Code; or

(3) One year or until all conditions for license reinstatement are met, whichever is later, if the person has previously had his license revoked pursuant to the provisions of this section, notwithstanding the provisions of Paragraph (1) of this subsection.

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

E. If the person subject to the revocation provisions of this section is a resident or will become a resident within one year and is without a license to operate a motor vehicle in this state, the department shall deny the issuance of a license to him for the appropriate period of time as provided in Subsections B and C of this section.

F. A statement signed by a law enforcement officer, pursuant to the provisions of Subsection B or C of this section, shall be sworn to by the officer or shall contain a declaration substantially to the effect: "I hereby declare under penalty of perjury that the information given in this statement is true and correct to the best of my knowledge." The statement may be signed and submitted electronically in a manner and form approved by the department. A law enforcement officer who signs a statement, knowing that the statement is untrue in any material issue or matter, is guilty of perjury as provided in Section 66-5-38 NMSA 1978.

66-8-111.1. Law enforcement officer agent for department; written notice of revocation and right to hearing. (2003)

On behalf of the department, a law enforcement officer requesting a chemical test or directing the administration of a chemical test pursuant to Section 66-8-107 NMSA 1978 shall serve immediate written notice of revocation and of right to a hearing on a person who refuses to permit chemical testing or on a person who submits to a chemical test the results of which indicate an alcohol concentration in the person's blood or breath of

eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age. Upon serving notice of revocation, the law enforcement officer shall take the license or permit of the driver, if any, and issue a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the department issues the order following that hearing; provided that a temporary license shall not be issued to a driver without a valid license or permit. The law enforcement officer shall send the person's driver's license to the department along with the signed statement required pursuant to Section 66-8-111 NMSA 1978.

66-8-112. Revocation of license or privilege to drive; notice; effective date; hearing; hearing costs; review. (2003)

A. The effective date of revocation pursuant to Section 66-8-111 NMSA 1978 is twenty days after notice of revocation or, if the person whose driver's license or privilege to drive is being revoked or denied requests a hearing pursuant to this section, the date that the department issues the order following that hearing. The date of notice of revocation is:

(1) The date the law enforcement officer serves written notice of revocation and of right to a hearing pursuant to Section 66-8-111.1 NMSA 1978; or

(2) In the event the results of a chemical test cannot be obtained immediately, the date notice of revocation is served by mail by the department. This notice of revocation and of right to a hearing shall be sent by certified mail and shall be deemed to have been served on the date borne by the return receipt showing delivery, refusal of the addressee to accept delivery or attempted delivery of the notice at the address obtained by the arresting law enforcement officer or on file with the department.

B. Within ten days after receipt of notice of revocation pursuant to Subsection A of this section, a person whose license or privilege to drive is revoked or denied or the person's agent may request a hearing. The hearing request shall be made in writing and shall be accompanied by a payment of twenty-five dollars (\$25.00) or a sworn statement of indigency on a form provided by the department. A standard for indigency shall be established pursuant to regulations adopted by the department. Failure to request a hearing within ten days shall result in forfeiture of the person's right to a hearing. Any person less than eighteen years of age who fails to request a hearing within ten days shall have notice of revocation sent to his parent, guardian or custodian by the department. A date for the hearing shall be set by the department, if practical, within thirty days after receipt of notice of revocation. The hearing shall be held in the county in which the offense for which the person was arrested took place.

C. The department may postpone or continue any hearing on its own motion or upon application from the person and for good cause shown for a period not to exceed ninety days from the date of notice of revocation and provided that the department extends the validity of the temporary license for the period of the postponement or continuation.

D. At the hearing, the department or its agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers.

E. The hearing shall be limited to the issues:

(1) Whether the law enforcement officer had reasonable grounds to believe that the person had been driving a motor vehicle within this state while under the influence of intoxicating liquor or drugs;

(2) Whether the person was arrested;

(3) Whether this hearing is held no later than ninety days after notice of revocation; and either

(4) Whether:

(a) The person refused to submit to a test upon request of the law enforcement officer; and

(b) The law enforcement officer advised that the failure to submit to a test could result in revocation of the person's privilege to drive; or

(5) Whether:

(a) The chemical test was administered pursuant to the provisions of the Implied Consent Act; and

(b) The test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is

driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age.

F. The department shall enter an order sustaining the revocation or denial of the person's license or privilege to drive if the department finds that:

(1) The law enforcement officer had reasonable grounds to believe the driver was driving a motor vehicle while under the influence of intoxicating liquor or drugs;

(2) The person was arrested;

(3) This hearing is held no later than ninety days after notice of revocation; and

(4) Either:

(a) The person refused to submit to the test upon request of the law enforcement officer after the law enforcement officer advised him that his failure to submit to the test could result in the revocation of his privilege to drive; or

(b) That a chemical test was administered pursuant to the provisions of the Implied Consent Act and the test results indicated an alcohol concentration in the person's blood or breath of eight one hundredths or more if the person is twenty-one years of age or older, four one hundredths or more if the person is driving a commercial motor vehicle or two one hundredths or more if the person is less than twenty-one years of age.

G. If one or more of the elements set forth in Paragraphs (1) through (4) of Subsection F of this section are not found by the department, the person's license shall not be revoked.

H. A person adversely affected by an order of the department may seek review within thirty days in the district court in the county in which the offense for which the person was arrested took place. The district court, upon thirty days' written notice to the department, shall hear the case. On review, it is for the court to determine only whether reasonable grounds exist for revocation or denial of the person's license or privilege to drive based on the record of the administrative proceeding.

I. Any person less than eighteen years of age shall have results of his hearing forwarded by the department to his parent, guardian or custodian.

Unit 2 - The Driver

Chapter 8 - Licensing

Objectives

Students should understand that a driver's license is a privilege and that certain responsibilities go along with the privilege. Students should understand the steps to getting a license under New Mexico's graduated drivers' licensing law (GDL) and the actions that will trigger license suspension and revocation.

Students should review the statistics on youth fatalities to become more familiar with and aware of the dangers of youth and inexperience related to driving, which are the reasons for the graduated system.

Course Outline

1. Introduction:

Under New Mexico law, a driver's license is a privilege, not a right, and, accordingly, may be withheld, restricted or removed for reasons of youth, bad driving, crimes committed, inexperience, or infirmity such as failing eyesight.

In some ways, a drivers' license is a rite of passage for American youth. Unfortunately, youth has been shown to be a major risk factor for vehicle crashes and fatalities. Graduated licensing is one of the most effective ways to reduce crashes among young drivers. According to NHTSA, (the National Highway Traffic Safety Administration) states with night-time driving restrictions show crash reductions up to 60 percent during restricted hours.

2. Graduated drivers' licensing in New Mexico consists of three stages.

- a. **Stage 1:** A supervised learner's period with an adult in the car at all times;
- b. **Stage 2:** An intermediate licensing phase that permits unsupervised driving at times and in situations that are statistically less risky.
- c. **Stage 3:** A full privilege license.

Below is a chart with the requirements of the New Mexico graduated licensing law:

Graduated Licensing Law, Effective 1/1/2000	Age	Other Requirements
<p>Stage 1, Instructional Permit: May receive an instructional permit if enrolled in or completed a driver education program. This permit allows the individual to drive with a licensed driver over age 21 who has been licensed for a minimum of three years.</p> <p>Parents must certify that the novice driver has completed a minimum of 50 hours of driving*, which includes 10 hours at night, before being permitted to graduate to state 2. (*This certification is made in a special Driver Log obtained through the Motor Vehicle Division)</p>	15 years and older	<p>X Take driver education class X Pass permit test at MVD X Pass eye exam</p>
<p>Stage 2, Provisional License: May receive a provisional license that allows the novice to drive alone between the hours of 5:00 a.m. and midnight. The licensee may have only one passenger in the car under age 21 who is not a family member; the law does not limit the ages or numbers of immediate family members allowed in the car with a provisional licensee.</p> <p>A provisional licensee may drive at any hour if:</p> <p>(1) accompanied by a licensed driver twenty-one years of age or older; (2) required by family necessity (requires a signed statement of a parent or guardian); (3) required by medical necessity (requires a signed statement from medical personnel); (4) driving to and from work (requires a signed statement from the licensee's employer); (5) driving to and from school or a religious activity (requires a signed statement of a school or religious official or a parent or guardian); or (6) required due to a medical emergency.</p>	15 years 6 months and older	<p>X Instruction permit for at least 3 months X No traffic violations for at least 3 months X 50 hours of driving experience minimum (10 hours must be at night) with over-21 driver. X Pass MVD driving test</p>
<p>Stage 3: Full License Driver may receive full license if s/he has held a provisional license for a minimum of 12 months and remained violation-free for at least 3 months preceding application.</p>	16 years and 6 months and older	<p>X Driver has held a provisional license for a minimum of 12 months X Driving record is violation-free for the past 3 months</p>
<p>Full License: Once a person has reached age 18, s/he may apply for a full license.</p>	18 - 24	<p>X Take 2-hour DWI awareness course X Pass written and driving test at MVD* X Pass eye exam</p>
	25 and older	<p>X Pass written and driving test at MVD* X Pass eye exam</p>
<p>*If the driver has a valid license from another state, the driving test will be waived.</p>		

3. **Suspension and revocation:**

Once a license is obtained, drivers must comply with all traffic laws. If not, the state will suspend or revoke the privilege to drive according to the level of the offense. If the revocation period is forever, drivers will often drive without licenses.

Suspension is the *temporary removal* of driving privileges; when the driver takes care of the problem, s/he may obtain another license without having to retake the tests.

Revocation is the *complete withdrawal* of the license and the driving privilege. When the revocation period ends, the driver may reapply for a new license, taking the necessary tests and paying the necessary fees.

Following are some of the reasons the Motor Vehicle Division takes away a license in New Mexico:

- a. License suspension after criminal conviction for moving violations.** Each moving violation carries points. The license will be suspended if the driver is convicted of moving violations that add up to 12 points or more within a period of 12 consecutive months. Some common point violations include:
- i. 8 points for speeding 26 or more MPH over the posted limit on any trafficway if the limit is 15, 30 or 75 MPH.
 - ii. 6 points for contest racing on a trafficway, or for passing a school bus taking on or discharging passengers or displaying a warning not to pass.
 - iii. 5 points for speeding 16 to 25 MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
 - iv. 4 points for failure to yield to an emergency vehicle.
 - v. 3 points for careless driving, failure to obey traffic sign or signal, tailgating, failure to yield right of way in manner required, driving to left of center when prohibited, speeding 6 to 15 MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
 - vi. 2 points for operating with any defective equipment resulting in the inability to control vehicle properly, overloading vehicle with passengers or cargo, failure to restrain a child passenger properly or to use seatbelt properly.

For complete list, see Regulation 18 NMAC 19.5.50 to 18 NMAC 19.5.57 which governs the point system in New Mexico at end of chapter.

b. License suspension after other criminal conviction (one year suspension):

- i. Driver has been convicted of driving while license is suspended. License suspension will be extended for the same amount of time as the original suspension.
- ii. Driver has been convicted in any accident resulting in the death or personal injury of another or serious property damage.

c. Other reasons for license suspension:

- i. Driver fails to pay penalty assessments (traffic fines)*.
- ii. Driver defaults in payment of civil judgment for a motor vehicle crash.
- iii. Driver fails to appear in court to answer traffic citation for a moving violation*.
- iv. Driver has been convicted with such frequency of offenses as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways.
- v. The driving record shows the licensee is an incompetent, habitually reckless or negligent driver. (Note: The suspension period for failure to appear or failure to remit a penalty assessment can be extended indefinitely at the discretion of the director of the Motor Vehicle Division.)

d. License revocation under the Implied Consent Act (Administrative Revocation):

- i. First offense DWI, over .08 breath alcohol content, 21 or older: 6 months
- ii. First offense DWI, over .02 breath alcohol content, under 21: 1 year
- iii. Subsequent offense DWI: 1 year

- iv. Any refusal of chemical testing at time of arrest for DWI: 1 year
- e. **License revocation after criminal conviction: One year revocation**
 - i. Conviction for open container violation (three months second offense, one year for any subsequent offense.)
 - ii. Conviction for driving while under the influence of intoxicating liquor or other drug: (On first offense, six months for over-21, otherwise one year.)
 - iii. Conviction for driving while revoked for a DWI offense (adds extra year to existing revocation).
 - iv. Conviction for committing any felony while using a motor vehicle.
 - v. Conviction for manslaughter or negligent homicide resulting from the operation of a motor vehicle, or for vehicular homicide;
 - vi. Conviction for failure of driver to stop and render aid at scene of vehicle crash.
 - vii. Committing perjury or the making of a false affidavit or statement under oath to the Motor Vehicle Division.
 - viii. Failure to disclose any conviction for driving while impaired on the application for a driver license, provisional license, temporary license or instruction permit.
- f. **Not eligible to apply for license:**
 - i. A person who fails to disclose a conviction for driving while impaired on an initial application for a license, provisional license, temporary license or instruction permit, is prevented from receiving the license or permit for a period of one year.
 - ii. Persons who habitually use drugs and/or alcohol to a degree that renders them incapable of safety driving a motor vehicle.

g. Ignition Interlock Licenses

A limited license is no longer available to persons whose licenses have been revoked for a violation of the Implied Consent Act (administrative license revocation). All persons who are convicted of DWI must obtain an Ignition Interlock License.

An Ignition Interlock License is available to all persons whose drivers' licenses have been revoked for any Implied Consent violation – first offense, subsequent offense or a refusal - but it is required for anyone whose license is revoked or denied for a DWI conviction. This license requires that you have an approved ignition interlock device installed in any vehicle you will be driving. These devices are available from several suppliers and require that you pay an installation fee and a monthly rental fee, but the license is otherwise unrestricted

Requirements for an Ignition Interlock license:

- i. Positive proof of identification.
- ii. Proof of financial responsibility (original) consisting of:
 - (1) A vehicle liability insurance policy or insurance certification ; or
 - (2) An insurance binder *; or
 - (3) A State Treasurer's Certificate of Deposit; or a Surety Bond Certificate issued by the MVD, Mandatory Insurance Section.
- iii. Proof each motor vehicle operated by the person to be issued the Ignition Interlock License is equipped with an ignition interlock device. (Bring the lease agreement/contract for the particular ignition interlock device.) For a current list of Interlock Service Providers click [here](#)
- iv. Affidavit of acknowledgement-MUST BE NOTARIZED. MVD will not notarize. (affidavit is available at all Motor Vehicle Offices or to download go to www.state.nm.us/tax/mvd).
- v. \$53.00 IGNITION INTERLOCK LICENSE FEE, (payable only if application is approved and license is issued, Class D, E, or M only). Make check payable to MVD.

*The insurance documentation must name you as the insured, include the name of the insurance agent, insurance company, policy number, effective date and expiration date of coverage. (NOTE: You do not have to be the policyholder, but you must be named as AN insured.)

*An Implied Consent Violation means driving while over the .08 limit (.02 for those under 21 and .04 for commercial drivers), or refusing to take a test for alcohol or other drugs when requested by a law enforcement officer. The Implied Consent Act says that those who drive in New Mexico are considered to have given their consent to chemical testing of their blood or breath. The only punishment for an Implied Consent Violation is revocation of license. All other penalties come under the separate criminal portion of the law

New Mexico Laws

66-5-1.1. Definitions. (1999)

As used in Sections 66-5-5, 66-5-8 and 66-5-9 NMSA 1978, "traffic violation" means a violation of one or more of the following offenses:

- A. Failure to obey traffic-control devices, as provided in Section 66-7-104 NMSA 1978;
- B. Failure to obey traffic-control signals, as provided in Section 66-7-105 NMSA 1978;
- C. Speeding, as provided in Section 66-7-301 NMSA 1978;
- D. Homicide by vehicle, as provided in Section 66-8-101 NMSA 1978;
- E. Injury to pregnant woman by vehicle, as provided in Section 66-8-101.1 NMSA 1978;
- F. Driving while under the influence of intoxicating liquor or drugs, as provided in Section 66-8-102 NMSA 1978;
- G. Refusal to submit to chemical tests, as provided in Section 66-8-111 NMSA 1978;
- H. Reckless driving, as provided in Section 66-8-113 NMSA 1978;
- I. Careless driving, as provided in Section 66-8-114 NMSA 1978;
- J. Racing on highways, as provided in Section 66-8-115 NMSA 1978; and
- K. Failure to yield, as provided in Sections 66-7-328 through 66-7-332.1 NMSA 1978.

66-5-2. Drivers must be licensed. (2007)

A. Except those expressly exempted from the Motor Vehicle Code [66-1-1 NMSA 1978], no person shall drive any motor vehicle, neighborhood electric car or moped upon a highway in this state unless the person:

(1) Holds a valid license issued under the provisions of the Motor Vehicle Code; and

(2) Has surrendered to the division any other license previously issued to the person by this state or by another state or country or has filed an affidavit with the division that the person does not possess such other license; however, the applicant need not surrender a motorcycle license duly obtained under Paragraph (3) of Subsection A of Section 66-5-5 NMSA 1978.

B. Any person licensed under the provisions of the Motor Vehicle Code or expressly exempted from licensure may exercise the privilege granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise the privilege by any county, municipality or any other local body having authority to adopt local police regulations.

66-5-2.1. Consent to registration with the selective service system; applicability. (2003)

A. Every male citizen of the state of New Mexico and every other male person residing in the state of New Mexico who, on the day or days fixed for the first or any subsequent Selective Service Act registration, is between the ages of eighteen and twenty-six shall consent to his registration in compliance with the requirements of the federal Military Selective Service Act, 50 U.S.C. App. 453 et seq., when applying to receive or renew a driver's license or identification card.

B. The division shall forward in an electronic format the necessary personal information required for registration of the applicants identified in Subsection A of this section to the selective service system. The applicant's submission of the application shall serve as an indication that the applicant has already registered with the selective service or that he is authorizing the division to forward to the selective service the necessary information for registration. The division shall notify the applicant on the application that his submission of the application will serve as his consent to be registered with the selective service system if he is required to do so by federal law.

C. The provisions of this section shall apply to every male citizen of the state of New Mexico and every other male person residing in the state of New Mexico who, on the day or days fixed for the first or any subsequent Selective Service Act registration, is between the ages of eighteen and twenty-six who are applying

for issuance, renewal or duplication of an instruction permit, a driver's license, a provisional driver's license, a commercial driver's license or an identification card on or after the effective date of this act.

D. The provisions of this section shall not be applicable to any alien lawfully admitted to the United States as a nonimmigrant under Section 101(a)(15) of the Immigration and Nationality Act, as amended (66 Stat. 163; 8 U.S.C. 1101), for so long as he continues to maintain a lawful nonimmigrant status in the United States.

66-5-4. Persons exempt from licensure. (2007)

The following persons are exempt from licensure under the Motor Vehicle Code [66-1-1 NMSA 1978]:

A. Military personnel while driving a motor vehicle owned or leased by the United States department of defense;

B. A person who is at least fifteen years of age and who has in immediate possession a valid driver's license issued to the person in the person's home state or country may drive a motor vehicle in this state, except that the person shall obtain a license upon becoming a resident and before the person is employed for compensation by another for the purpose of driving a motor vehicle;

C. A nonresident who is at least eighteen years of age whose home state or country does not require the licensing of drivers may drive a motor vehicle for a period of not more than one hundred eighty days in any calendar year if the motor vehicle driven is duly registered in the home state or country of the nonresident;

D. A driver of a farm tractor or implement of husbandry temporarily drawn, moved or propelled on the highway; and

E. A driver of an off-highway motorcycle.

66-5-5. Persons not to be licensed. (2007)

The division shall not issue a driver's license under the Motor Vehicle Code [66-1-1 NMSA 1978] to any person:

A. Who is under the age of eighteen years, except the division may, in its discretion, issue:

(1) An instruction permit to a person fifteen years of age or over who is enrolled in and attending or has completed a driver education course that includes a DWI education and prevention component approved by the bureau or offered by a public school;

(2) A provisional license to any person fifteen years and six months of age or older:

(a) Who has completed a driver education course approved by the bureau or offered by a public school that includes a DWI education and prevention component and has had an instruction permit for at least six months; and

(b) Who has successfully completed a practice driving component;

(3) A driver's license to any person sixteen years and six months of age or older:

(a) Who has had a provisional license for the twelve-month period immediately preceding the date of the application for the driver's license;

(b) Who has complied with restrictions on that license;

(c) Who has not been convicted of a traffic violation that was committed during the ninety days prior to applying for a driver's license; and

(d) Who has not been adjudicated for an offense involving the use of alcohol or drugs during that period and who has no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of application; and

(4) To any person thirteen years of age or older who passes an examination prescribed by the division, a license restricted to the operation of a motorcycle, provided:

(a) The motorcycle is not in excess of one hundred cubic centimeters displacement;

(b) No holder of an initial license may carry any other passenger while driving a motorcycle; and

(c) The director approves and certifies motorcycles as not in excess of one hundred cubic centimeters displacement and by rule provides for a method of identification of such motorcycles by all law enforcement officers;

B. Whose license or driving privilege has been suspended or denied, during the period of suspension or denial, or to any person whose license has been revoked, except as provided in Section 66-5-32 NMSA 1978 and the Ignition Interlock Licensing Act [66-5-501 NMSA 1978];

C. Who is an habitual user of narcotic drugs or alcohol or an habitual user of any drug to a degree that renders the person incapable of safely driving a motor vehicle;

D. Who is four or more times convicted of driving a motor vehicle while under the influence of intoxicating liquor or narcotic drug regardless of whether the convictions are under the laws or ordinances of this state or any municipality or county of this state or under the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, except as provided in the Ignition Interlock Licensing Act. Five years from the date of the fourth conviction and every five years thereafter, the person may apply to any district court of this state for restoration of the license, and the court, upon good cause being shown, may order restoration of the license applied for; provided that the person has not been subsequently convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs. Upon issuance of the order of restoration, a certified copy shall immediately be forwarded to the division, and if the person is otherwise qualified for the license applied for, the four previous convictions shall not prohibit issuance of the license;

E. Who was convicted on or after June 17, 2005 of driving a motor vehicle while under the influence of intoxicating liquor or drugs pursuant to the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, unless the person obtains an ignition interlock license as provided in the Ignition Interlock Licensing Act for a period of one year for a first conviction; a period of two years for a second conviction; a period of three years for a third conviction; or the remainder of the offender's life for a fourth or subsequent conviction, subject to a five-year review as provided in Subsection D of this section. Upon presentation of proof satisfactory to the division, the division may credit time spent by a person operating a motor vehicle with an ignition interlock or comparable device, as a condition of the person's sentence for a conviction in another jurisdiction pursuant to this subsection, against the ignition interlock time requirements imposed by this subsection. The division shall promulgate rules necessary for granting credit to persons who participate in comparable out-of-state programs following a conviction for driving a motor vehicle while under the influence of intoxicating liquor or drugs. The requirements of this subsection shall not apply to a person who applies for a driver's license ten years or more from the date of the person's last conviction, except for a person who is subject to lifetime driver's license revocation for a conviction in another jurisdiction pursuant to this subsection;

F. Who has previously been afflicted with or who is suffering from any mental disability or disease that would render the person unable to drive a motor vehicle with safety upon the highways and who has not, at the time of application, been restored to health;

G. Who is required by the Motor Vehicle Code to take an examination, unless the person has successfully passed the examination;

H. Who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited the proof;

I. When the director has good cause to believe that the operation of a motor vehicle on the highways by the person would be inimical to public safety or welfare; or

J. As a motorcycle driver who is less than eighteen years of age and who has not presented a certificate or other evidence of having successfully completed a motorcycle driver education program licensed or offered in conformance with rules of the bureau.

66-5-6. Health standards advisory board. (2004)

A. There shall be a "health standards advisory board" consisting of five members of the healing arts professions appointed by the secretary with the assistance of the secretary of health.

B. The health standards advisory board shall advise the secretary on physical and mental criteria and vision standards relating to the licensing of drivers under the provisions of the Motor Vehicle Code [66-1-1 NMSA 1978].

C. The department, having cause to believe that a licensed driver or applicant may not be physically, visually or mentally qualified to be licensed, may obtain the advice of the health standards advisory board. The board may formulate its advice from records and reports or may cause an examination and report to be made by one or more

members of the board or any other qualified person it may designate. The licensed driver or applicant may cause a written report to be forwarded to the board by a healing arts practitioner of his choice, and it shall be given due consideration by the board only after the licensed driver or applicant has again undergone an on-the-road examination and any physical, visual or mental tests as recommended by the board. These examinations and tests may not be waived by the department.

D. Members of the health standards advisory board and other persons making examinations shall not be held liable for their opinions and recommendations presented pursuant to this section.

E. The secretary shall pay members of the health standards advisory board per diem and mileage as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and, in addition, may determine and pay an hourly rate for work performed not to exceed fifty dollars (\$50.00) per hour and not to exceed twenty hours per month.

F. Reports received or made by the health standards advisory board or its members for the purpose of assisting the department in determining whether a person is qualified to be licensed are for the confidential use of the board or the department and may not be divulged to any person or used as evidence in any trial.

66-5-7. Driver's license; classification; examinations. (1995)

A. The division, upon issuing a driver's license, shall indicate on the license the type or general class of vehicles the licensee may drive. The division shall establish such qualifications, after public hearings, as it deems reasonably necessary for the safe operation of various types, sizes or combinations of vehicles and shall appropriately examine each applicant to determine his qualifications according to the type or general class of license for which he has applied.

B. The division, in issuing the driver's license for certain types or general classes of vehicles, may waive any on-the-road examination for applicants except as provided in Section 66-5-6 NMSA 1978. The division may certify certain employers, governmental agencies or other appropriate organizations to train and test all applicants for the type or general class of licenses if the training and testing meet the standards established by the director.

66-5-8. Provisional licenses; instruction permits; driver education students; temporary licenses. (2005)

A. A person fifteen years and six months of age or older who has completed a driver education course that includes a DWI prevention and education program approved by the bureau or offered by a public school, who has had an instruction permit for at least six months, and who has successfully completed a practice driving component may apply to the division for a provisional license. Successful completion of a practice driving component shall include not less than fifty hours of actual driving by the applicant, including not less than ten hours of night driving. An applicant for a provisional license who cannot drive at night due to low nighttime vision may be exempted from the night driving requirement of this subsection; provided that the applicant submits to the division an ophthalmologic or optometric report from a licensed ophthalmologist or optometrist who attests to the applicant's visual condition and its effect on the applicant's driving ability. The applicant's parent or guardian shall certify that the applicant has completed the practice driving component.

B. When operating a motor vehicle, a provisional licensee may be accompanied by not more than one passenger under the age of twenty-one who is not a member of the licensee's immediate family. A provisional license entitles the licensee, while having the license in his immediate possession, to operate a motor vehicle upon the public highways between the hours of 5:00 a.m. and midnight unless the provisional licensee is eligible for a license restricting driving to daylight hours. A provisional licensee may drive at any hour unless otherwise restricted as provided in this subsection if:

- (1) Accompanied by a licensed driver twenty-one years of age or older;
- (2) Required by family necessity as evidenced by a signed statement of a parent or guardian;
- (3) Required by medical necessity as evidenced by a signed statement from medical personnel;
- (4) Driving to and from work as evidenced by a signed statement from the licensee's employer;
- (5) Driving to and from school or a religious activity as evidenced by a signed statement of a school or religious official or a parent or guardian; or
- (6) Required due to a medical emergency.

C. A provisional license shall not be issued to a person convicted of a traffic violation in the ninety days prior to applying for a provisional license. A provisional license shall be in such form as to be readily

distinguishable from an unrestricted driver's license and shall contain an indication that the licensee may drive without supervision.

D. A person fifteen years of age or older who is enrolled in and attending or has completed a driver education course that includes a DWI prevention and education program approved by the bureau or offered by a public school may apply to the division for an instruction permit. The division, in its discretion after the applicant has successfully passed all parts of the examination other than the driving test, may issue to the applicant an instruction permit. This permit entitles the applicant, while having the permit in his immediate possession, to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver twenty-one years of age or older who has been licensed for at least three years in this state or in another state and who is occupying a seat beside the driver except in the event the permittee is operating a motorcycle.

E. A person fifteen years of age or older who is a student enrolled in and attending a driver education course that is approved by the bureau or offered by a public school and that includes both a DWI education and prevention component and practice driving component may drive a motor vehicle on the highways of this state even though he has not reached the legal age to be eligible for a driver's license or a provisional license. In completing the practice driving component, a person may only operate a motor vehicle on a public highway if:

(1) An approved instructor is occupying a seat beside the person; or

(2) A licensed driver twenty-one years of age or older who has been licensed for at least three years in this state or another state is occupying a seat beside the person.

F. The division in its discretion may issue a temporary driver's permit to an applicant for a driver's license permitting him to operate a motor vehicle while the division is completing its investigation and determination of all facts relative to the applicant's right to receive a driver's license. The permit shall be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

G. A holder of an instruction permit for a motorcycle shall not carry any other passenger while operating a motorcycle.

66-5-9. Application for license, temporary license, provisional license or instruction permit. (2003)

A. An application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional licenses or driver's licenses other than those issued pursuant to the New Mexico Commercial Driver's License Act [66-5-52 NMSA 1978], submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application.

B. An application shall contain the full name, social security number or individual tax identification number, date of birth, sex and New Mexico residence address of the applicant and briefly describe the applicant and indicate whether the applicant has previously been licensed as a driver and, if so, when and by what state or country and whether any such license has ever been suspended or revoked or whether an application has ever been refused and, if so, the date of and reason for the suspension, revocation or refusal. For foreign nationals applying for driver's licenses the secretary shall accept the individual taxpayer identification number as a substitute for a social security number regardless of immigration status. The secretary is authorized to establish by regulation other documents that may be accepted as a substitute for a social security number or an individual tax identification number.

C. An applicant shall indicate whether he has been convicted of driving while under the influence of intoxicating liquor or drugs in this state or in any other jurisdiction. Failure to disclose any such conviction prevents the issuance of a driver's license, provisional license, temporary license or instruction permit for a period of one year if the failure to disclose is discovered by the department prior to issuance. If the nondisclosure is discovered by the department subsequent to issuance, the department shall revoke the driver's license, provisional license, temporary license or instruction permit for a period of one year. Intentional and willful failure to disclose, as required in this subsection, is a misdemeanor.

D. An applicant less than eighteen years of age who is making an application to be granted his first New Mexico driver's license shall submit evidence that he has:

(1) Successfully completed a driver education course that included a DWI prevention and education program approved by the bureau or offered by a public school. The bureau may accept verification of driver education course completion from another state if the driver education course substantially meets the requirements of the bureau for a course offered in New Mexico;

(2) Had a provisional license for the twelve-month period immediately preceding the date of the application for the driver's license;

(3) Complied with restrictions on that license;

(4) Not been convicted of a traffic violation committed during the ninety days prior to applying for a driver's license;

(5) Not been cited for a traffic violation that is pending at the time of his application; and

(6) Not been adjudicated for an offense involving the use of alcohol or drugs during the twelve-month period immediately preceding the date of the application for the driver's license and that there are no pending adjudications alleging an offense involving the use of alcohol or drugs at the time of his application.

E. An applicant eighteen years of age and over, but less than twenty-five years of age, who is making an application to be granted his first New Mexico driver's license shall submit evidence with his application that he has successfully completed a bureau-approved DWI prevention and education program.

F. An applicant twenty-five years of age and over who has been convicted of driving under the influence of intoxicating liquor or drugs, and who is making an application to be granted his first New Mexico driver's license, shall submit evidence with his application that he has successfully completed a bureau-approved DWI prevention and education program.

G. Whenever application is received from a person previously licensed in another jurisdiction, the department may request a copy of the driver's record from the other jurisdiction. When received, the driver's record may become a part of the driver's record in this state with the same effect as though entered on the driver's record in this state in the original instance.

H. Whenever the department receives a request for a driver's record from another licensing jurisdiction, the record shall be forwarded without charge.

I. This section does not apply to driver's licenses issued pursuant to the New Mexico Commercial Driver's License Act [66-5-52 to 66-5-72 NMSA 1978].

66-5-10. Application for license; information; transfer to license. (2007)

A. Within the forms prescribed by the department for applications and licenses of drivers of motor vehicles, a space shall be provided to show whether the applicant is a donor as provided in the Jonathan Spradling Revised Uniform Anatomical Gift Act [24-6B-1 NMSA 1978]. Anyone applying for a license may, if the applicant desires, indicate the applicant's donor status on the space provided on the application, and this information, if given by an applicant, shall be shown upon the license issued. The form and driver's license shall be signed by the donor in the presence of a witness who shall also sign the form in the donor's presence. The department shall, as soon as practicable, include the following donor statement on the application form:

"I, _____, hereby make

(Name of applicant/donor)

an anatomical gift effective upon my death. A medical evaluation at the time of my death shall determine the organs and tissues suitable for donation.

(Signature of donor)

(Signature of parent or guardian is required if the donor is under fifteen years of age.)".

B. The department shall mark the donor status on each person's driver's license record and shall retain each application form or its image of a person who wishes to be a donor. The department shall create and maintain a

statewide donor registry and shall provide on-line computer terminal access to the donor registry to organ procurement organizations and procurement organizations, as defined in the Jonathan Spradling Revised Uniform Anatomical Gift Act. Authorized hospital or organ and tissue donor program personnel, immediately prior to or after a donor's death, may request verification of the donor's status from the department and may obtain a copy of the application from the department.

66-5-11. Application of minors. (2009)

A. The application of any person under the age of eighteen years for an instruction permit, provisional license or driver's license shall be signed and verified by the father, mother or guardian or, in the event there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor.

B. The application of a minor who is in the custody of the state may be signed and verified by a grandparent; a sibling over the age of eighteen years; an aunt; an uncle; a foster parent with whom the minor resides; or as authorized by the secretary of children, youth and families, a child protective services worker or juvenile probation officer; provided that the child protective services worker or juvenile probation officer first notifies a foster parent or other responsible party of the intent to sign.

C. Any negligence or willful misconduct of a minor under the age of eighteen years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a permit or license, which person shall be jointly and severally liable with the minor for damages caused by the negligence or willful misconduct except as otherwise provided in Subsection D of this section.

D. In the event a minor deposits or there is deposited upon the minor's behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by the minor or, if not the owner of a motor vehicle, with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this state, the division may accept the application of the minor when signed by one parent or the guardian of the minor, and, while such proof is maintained, the parent or guardian is not subject to the liability imposed under Subsection C of this section. Liability shall not be imposed under this section or under the Mandatory Financial Responsibility Act [66-5-201 NMSA 1978] on the state or the secretary of children, youth and families or on a juvenile probation officer or child protective services worker for damages caused by the negligence or willful misconduct of a minor driver whose application for an instruction permit, provisional license or driver's license was signed by the child protective services worker or juvenile probation officer with the authorization of the children, youth and families department while the minor was in the custody of the state.

66-5-12. Release from liability. (Effective January 1, 2000.)

Any person who has signed the application of a minor for an instruction permit, a driver's license or provisional license may thereafter file with the division a verified written request that the license of the minor so granted be canceled. Thereupon, the division shall cancel the license of the minor, and the person who signed the application of the minor shall be relieved from the liability imposed under this article, by reason of having signed the application, on account of any subsequent negligence or willful misconduct of the minor in operating a motor vehicle.

66-5-13. Cancellation of license upon death of person signing minor's application.

The division upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for an instruction permit, a driver's license or provisional license shall cancel the license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this article. This provision does not apply in the event the minor has attained the age of eighteen years.

66-5-14. Examination of applicants.

A. The department shall examine every first-time applicant for a driver's license or a motorcycle endorsement and may examine other applicants for a driver's license or motorcycle endorsement. The

examination shall include a test of the applicant's ability to read and understand highway signs regulating, warning and directing traffic, the applicant's knowledge of the traffic laws of this state and an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle except as provided in Section 66-5-7 NMSA 1978 and any further physical and mental examination as the department finds necessary to determine the applicant's fitness to operate a motor vehicle or motorcycle safely upon the highways.

B. Regardless of whether an applicant is examined under Subsection A of this section, the department shall test the eyesight of every applicant for a driver's license or motorcycle endorsement.

C. The department is authorized to contract with other persons for conduct of tests of the applicant's ability to exercise ordinary and reasonable control of a motor vehicle. Any such contract may be terminated by the secretary upon written notice for failure of the contractor to perform his duties to the secretary's satisfaction. Contracts under this subsection may provide for the form of notice and the length of the period, if any, between the notice and the effective date of the termination.

D. For purposes of this section, a "first-time applicant" means an applicant other than a person who:

(1) holds a currently valid driver's license issued by New Mexico or any other jurisdiction at the time of application; or

(2) does not hold a currently valid driver's license issued by New Mexico or any other jurisdiction at the time of application but who held a valid driver's license issued by New Mexico or any other jurisdiction within one year prior to the date of application if that driver's license was not revoked under any provision of the Motor Vehicle Code or suspended, canceled or revoked under the laws of any other jurisdiction for reasons similar to those for which revocation is authorized under the Motor Vehicle Code.

66-5-15. Licenses issued to applicants. (2004)

The department shall, upon payment of the required fee, issue to every qualified applicant a driver's license as applied for. The license shall bear the full name, date of birth, current New Mexico physical or mailing address, a full face or front-view photograph of the license holder and a brief description of the licensee and the signature of the licensee. A license shall not be valid unless it bears the signature of the licensee.

66-5-15.1. Notification by licensee.

Every licensee shall, as a condition of holding a driver's license, agree to notify the director of any change in his physical or mental condition that would impair the licensee's ability to operate a vehicle.

66-5-16. License to be carried and exhibited on demand.

Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a magistrate, a peace officer or a field deputy or inspector of the division. However, no person charged with violating this section shall be convicted if he produces in court a driver's license theretofore issued to him and valid at the time of his arrest.

66-5-17. Use of license for identification.

In any criminal prosecution, civil action or administrative proceeding charging violation of a statute, ordinance or regulation concerning the sale, consumption or possession of alcoholic beverages involving minors, proof that the person charged, in good faith, demanded and was shown a valid driver's license shall be valid defense to such prosecution, civil action or administrative proceeding.

66-5-18. Altered, forged or fictitious license; penalty. (2004)

A. A person who uses or possesses an altered, forged or fictitious driver's license, permit or identification card is guilty of a misdemeanor.

B. A person who alters or forges a driver's license, permit or identification card or who makes a fictitious driver's license, permit or identification card is guilty of a fourth degree felony.

C. A person who possesses or uses a fraudulent, counterfeit or forged document to apply for or renew a driver's license, permit or identification card is guilty of a fourth degree felony.

66-5-19. Restricted licenses. (2007)

A. The division, upon issuing a driver's license or a provisional license, has authority, whenever good cause appears, to impose restrictions, including the shortening of the licensure period suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee may operate or such other restrictions applicable to the licensee as the division determines to be appropriate to ensure the safe operation of a motor vehicle by the licensee.

B. At age seventy-five and thereafter, the applicant shall renew the applicant's license on a yearly basis at no cost to the applicant.

C. The division may either issue a special restricted license or may set forth such restrictions upon the usual license form.

D. The division may issue a restricted license or a restricted provisional license for driving during daylight hours only to some visually impaired persons who fail the usual eyesight test. The health standards advisory board created pursuant to the provisions of Section 66-5-6 NMSA 1978 shall evaluate the extent of the visual impairment and its effect on the driving ability of the applicant and, based on its recommendations, the director may issue a restricted license under the following conditions:

(1) The applicant has no record of moving violations;

(2) The necessity of the license is shown to the satisfaction of the director; and

(3) The applicant satisfies the provisions of Section 66-5-206 NMSA 1978 relating to proof of financial responsibility.

E. The division may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend the license, but the licensee is entitled to a hearing as upon a suspension under Sections 66-5-1 through 66-5-47 NMSA 1978.

F. It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person.

66-5-20. Replacement licenses.

In the event that a permit or driver's license issued under the provisions of this article is lost, stolen, mutilated or destroyed, or in the event of a name or address change, the person to whom the permit or driver's license was issued may, upon payment of the required fee, obtain a replacement upon furnishing proof of age and identity satisfactory to the department. A person who loses a permit or driver's license and who, after obtaining a replacement, finds the original, shall immediately surrender the original to the department.

66-5-21. Expiration of license; four-year issuance period; eight-year issuance period. (2004)

A. Except as provided in Subsection B of this section, Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA 1978, all driver's licenses shall be issued for a period of four years, and each license shall expire thirty days after the applicant's birthday in the fourth year after the effective date of the license. A license issued pursuant to Section 66-5-19 NMSA 1978 shall expire thirty days after the applicant's birthday in the year in which the license expires. Each license is renewable within ninety days prior to its expiration or at an earlier date approved by the department. The fee for the license shall be as provided in Section 66-5-44 NMSA 1978. The department may provide for renewal by mail of a driver's license issued pursuant to the provisions of this subsection, pursuant to regulations adopted by the department and may require an examination upon renewal of the driver's license.

B. At the option of an applicant, a driver's license may be issued for a period of eight years, provided that the applicant:

(1) Pays the amount required for a driver's license issued for a term of eight years;

(2) Otherwise qualifies for a four-year driver's license; and

(3) Will not reach the age of seventy-five during the last four years of the eight-year license period.

C. A driver's license issued pursuant to the provisions of Subsection B of this section shall expire thirty days after the applicant's birthday in the eighth year after the effective date of the license.

D. The director may adopt regulations providing for the proration of driver's license fees and commercial driver's license fees due to shortened licensure periods permitted pursuant to Subsection A of Section 66-5-19 NMSA 1978.

66-5-22. Notice of change of address or name. (2004)

Whenever a person, after applying for or receiving a driver's license, moves from the address named in the application or in the issued license or when the name of a licensee is changed by marriage or otherwise, the person shall, within ten days, notify the division of the new address in writing or by electronic media pursuant to department regulations. In the event of a change of name, the license must be delivered by the licensee to the division and the change of name be accomplished on the license itself. The division may require such evidence as it deems satisfactory regarding the change of name.

66-5-24. Authority of division to cancel license.

A. The division is authorized to cancel any instruction permit, driver's license or provisional license upon determining that the licensee was not entitled to the issuance of the license or that the licensee failed to give the required or correct information in his application or committed any fraud in making the application.

B. Upon such cancellation, the licensee must surrender the license so canceled to the division.

66-5-25. Suspending privileges of nonresidents; reporting convictions; failures to appear; failures to pay. (2003)

A. The privilege of driving a motor vehicle on the highways of this state given to a nonresident shall be subject to suspension or revocation by the division in like manner and for like cause as a driver's license may be suspended or revoked.

B. The division is further authorized, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, or of notice of failure to appear or upon determination by the division of failure to pay a penalty assessment, to forward the record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

C. Upon a request by a tribe, the division is authorized to forward to a tribal court or other authority, as specified in an applicable intergovernmental agreement, the record of the conviction in this state of a resident driver of a motor vehicle, who is subject to the jurisdiction of the tribe, of any offense under the Motor Vehicle Code [66-1-1 NMSA 1978] or of notice of failure to appear or upon determination by the division of a failure to pay a penalty assessment.

66-5-26. Suspending resident's license; conviction failure to appear, failure to pay in another state or tribal jurisdiction. (2003)

A. The division is authorized to suspend or revoke the license of a resident of this state or the privilege of a nonresident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state or by a tribe of an offense that if committed within the jurisdiction of this state, would be grounds for the suspension or revocation of the license of a driver.

B. In addition, the division is authorized to suspend the license of a resident of this state, or the privilege of a nonresident to drive a motor vehicle in this state, upon receiving notice of failure to appear or pay a penalty assessment imposed by a tribe or imposed in another state that is a signatory of the Nonresident Violator Compact [66-8-137.1 NMSA 1978] with New Mexico.

66-5-27. Recognition of convictions for motor vehicle offenses committed on military installations; suspension or revocation.

The division is authorized to suspend or revoke the license of any resident of this state or the driving privilege of any member of the armed forces of the United States who is stationed at a federal military installation within this state, upon the receipt of a notice, from the authority having jurisdiction over offenses which occur on a federal military installation, of the conviction of such person for an offense committed on such federal military

installation, which if committed in this state, would be grounds for the suspension or revocation of the license of a driver.

66-5-27.1. Recognition of convictions for motor vehicle offenses committed on tribal land; intergovernmental agreements; information sharing with tribal courts. (2003)

A. The department is authorized to enter into an intergovernmental agreement with the appropriate governmental entity of a tribe to permit the exchange of information between the tribal court and the division regarding persons who are adjudicated for a motor vehicle offense that occurred within the jurisdiction of the tribal court.

B. The division is authorized to suspend or revoke the driver's license or driving privilege of a person who has been convicted of a motor vehicle offense by a tribal court; provided that:

(1) The department has entered into an intergovernmental agreement with the tribe that permits the exchange of information on motor vehicle offense convictions between the tribal court and the division; and

(2) The division has received notice from the tribal court, or other authority as provided in the intergovernmental agreement, that the driver has been convicted of a motor vehicle offense that, if committed within the jurisdiction of the state, would be grounds for suspension or revocation of the driver's license or driving privilege of the offender.

66-5-29. Mandatory revocation of license by division. (2007)

A. The division shall immediately revoke the driving privilege or driver's license of a driver upon receiving a record of the driver's adjudication as a delinquent for or conviction of any of the following offenses, whether the offense is under any state law or local ordinance, when the conviction or adjudication has become final:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) any offense rendering a person a "first offender" as defined in the Motor Vehicle Code [66-1-1 NMSA 1978];

(3) any offense rendering a person a "subsequent offender" as defined in the Motor Vehicle Code;

(4) any felony in the commission of which a motor vehicle is used;

(5) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(6) perjury or the making of a false affidavit or statement under oath to the division under the Motor Vehicle Code or under any other law relating to the ownership or operation of motor vehicles; or

(7) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of twelve months.

B. Except as provided in the Ignition Interlock Licensing Act [66-5-501 NMSA 1978] and in Subsection C, D, E or F of this section, a person whose driving privilege or driver's license has been revoked under this section shall not be entitled to apply for or receive a new license until one year from the date that the conviction is final and all rights to an appeal have been exhausted.

C. A person who upon adjudication as a delinquent for driving while under the influence of intoxicating liquor or drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is subject to revocation of the driving privilege or driver's license under this section for an offense pursuant to which the person was also subject to revocation of the driving privilege or driver's license pursuant to Section 66-8-111 NMSA 1978 shall have the person's driving privilege or driver's license revoked for that offense for a combined period of time equal to:

(1) One year for a first offender; or

(2) For a subsequent offender:

(a) Two years for a second conviction;

(b) Three years for a third conviction; or

(c) The remainder of the offender's life for a fourth or subsequent conviction, subject to a five-year review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

D. The division shall apply the license revocation provisions of Subsection C of this section and the provisions of Subsection D of Section 66-5-5 NMSA 1978 to a person who was three or more times convicted of driving a motor vehicle under the influence of intoxicating liquor or drugs and who has a driver's license

revocation pursuant to the law in effect prior to June 17, 2005, upon the request of the person and if the person has had an ignition interlock license for three years or more and has proof from the ignition interlock vendor of no violations of the ignition interlock device in the previous six months.

E. Upon receipt of an order from a court pursuant to Section 32A-2-19 NMSA 1978 or Subsection G of Section 32A-2-22 NMSA 1978, the division shall revoke the driver's license or driving privileges for a period of time in accordance with these provisions.

F. Upon receipt from a district court of a record of conviction for the offense of shooting at or from a motor vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978 or of a conviction for a conspiracy or an attempt to commit that offense, the division shall revoke the driver's license or driving privileges of the convicted person. A person whose driver's license or driving privilege has been revoked pursuant to the provisions of this subsection shall not be entitled to apply for or receive any new driver's license or driving privilege until one year from the date that the conviction is final and all rights to an appeal have been exhausted.

66-5-30. Authority of division to suspend or revoke license. (2003)

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

- (1) Has been convicted of an offense for which mandatory revocation of license is required upon conviction;
 - (2) Has been convicted as a driver in an accident resulting in the death or personal injury of another or serious property damage;
 - (3) Has been convicted with such frequency of offenses against traffic laws or rules governing motor vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;
 - (4) Is an habitually reckless or negligent driver of a motor vehicle;
 - (5) Is incompetent to drive a motor vehicle;
 - (6) Has permitted an unlawful or fraudulent use of the license;
 - (7) Has been convicted of an offense in another state or tribal jurisdiction that if committed within this state's jurisdiction would be grounds for suspension or revocation of the license;
 - (8) Has violated provisions stipulated by a district court in limitation of certain driving privileges;
 - (9) Has failed to fulfill a signed promise to appear or notice to appear in court as evidenced by notice from a state court or tribal court, whenever appearance is required by law or by the court as a consequence of a charge or conviction under the Motor Vehicle Code [66-1-1 NMSA 1978] or pursuant to the laws of the tribe;
 - (10) Has failed to pay a penalty assessment within thirty days of the date of issuance by the state or a tribe;
- or
- (11) Has accumulated seven points, but less than eleven points, and when the division has received a recommendation from a municipal or magistrate judge that the license be suspended for a period not to exceed three months.

B. Upon suspending the license of a person as authorized in this section, the division shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practicable within not to exceed twenty days, not counting Saturdays, Sundays and legal holidays, after receipt of the request in the county wherein the licensee resides unless the division and the licensee agree that the hearing may be held in some other county; provided that the hearing request is received within twenty days from the date that the suspension was deposited in the United States mail. The director may, in his discretion, extend the twenty-day period. Upon the hearing, the director or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. Upon the hearing, the division shall either rescind its order of suspension or, good cause appearing therefor, may continue, modify or extend the suspension of the license or revoke the license.

66-5-31. Division may require reexamination.

The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may request that, upon written notice of at least five days to the licensee, he submit to an examination. Upon the conclusion of such examination, the division shall take action as may be appropriate and may suspend the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under Section 66-5-19 NMSA 1978. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension of his license.

66-5-32. Period of suspension or revocation. (2005)

A. The division shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one year except as permitted under Subsection C of this section and Sections 66-5-5 and 66-5-39 NMSA 1978.

B. Except as provided in the Ignition Interlock Licensing Act [66-5-501 NMSA 1978], a person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have the license or privilege renewed or restored unless the revocation was for a cause that has been removed, except that after the expiration of the periods specified in Subsections B and C of Section 66-5-29 NMSA 1978 from the date on which the revoked license was surrendered to and received by the division, the person may make application for a new license as provided by law.

C. The suspension period for failure to appear or failure to remit the penalty assessment shall, at the discretion of the director, be extended indefinitely subject to the provisions of Subsection B of Section 66-5-30 NMSA 1978.

66-5-33.1. Reinstatement of driver's license or registration; ignition interlock; fee. (2009)

A. Whenever a driver's license or registration is suspended or revoked and an application has been made for its reinstatement, compliance with all appropriate provisions of the Motor Vehicle Code [66-1-1 NMSA 1978] and the payment of a fee of twenty-five dollars (\$25.00) is a prerequisite to the reinstatement of any license or registration.

B. If a driver's license was revoked for driving while under the influence of intoxicating liquor or drugs, for aggravated driving while under the influence of intoxicating liquor or drugs or pursuant to the Implied Consent Act [66-8-105 NMSA 1978], the following are required to reinstate the driver's license:

- (1) An additional fee of seventy-five dollars (\$75.00);
- (2) Completion of the license revocation period;
- (3) Satisfaction of any court-ordered ignition interlock requirements; and
- (4) A minimum of six months of driving with an ignition interlock license with no attempts to circumvent or tamper with the ignition interlock device.

C. The department may reinstate the driving privileges of an out-of-state resident without the requirement that the person obtain an ignition interlock license for a minimum of six months, if the following conditions are met:

- (1) The license revocation period is completed;
- (2) Satisfactory proof is presented to the department that the person is no longer a resident of New Mexico; and
- (3) The license reinstatement fee is paid.

D. Fees collected pursuant to Subsection B of this section are appropriated to the local governments road fund. The department shall maintain an accounting of the fees collected and shall report that amount upon request to the legislature.

66-5-34. No operation under foreign license during suspension or revocation in this state.

Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this article shall not operate a motor vehicle in this state under a

license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained, when and as permitted under this article.

66-5-35. Limited driving privilege upon suspension or revocation. (2007)

A. Upon suspension or revocation of a person's driving privilege or driver's license following conviction or adjudication as a delinquent under any law, ordinance or rule relating to motor vehicles, the person may apply to the department for a driver's license, provisional license or instruction permit to drive, limited to use allowing the person to engage in gainful employment, to attend school or to attend a court-ordered treatment program, except that the person shall not be eligible to apply:

(1) For a limited commercial driver's license or an ignition interlock license in lieu of a revoked or suspended commercial driver's license;

(2) For a limited license when the person's driver's license was revoked pursuant to the provisions of the Implied Consent Act [66-8-105 NMSA 1978], except as provided in the Ignition Interlock Licensing Act [66-5-501 NMSA 1978];

(3) For a limited license when the person's driver's license was revoked pursuant to the provisions of Section 66-8-102 NMSA 1978, except as provided in the Ignition Interlock Licensing Act;

(4) For a limited license when the person's driver's license is denied pursuant to the provisions of Subsection D of Section 66-5-5 NMSA 1978, except as provided in the Ignition Interlock Licensing Act; or

(5) For a limited license when the person's driver's license was revoked pursuant to a conviction for committing homicide by vehicle or great bodily injury by vehicle, as provided in Section 66-8-101 NMSA 1978.

B. Upon receipt of a fully completed application that complies with statutes and rules for a limited license or an ignition interlock license and payment of the fee specified in this subsection, the department shall issue a limited license, ignition interlock license or permit to the applicant showing the limitations specified in the approved application. For each limited license, ignition interlock license or permit to drive, the applicant shall pay to the department a fee of forty-five dollars (\$45.00), which shall be transferred to the department of transportation. All money collected under this subsection shall be used for DWI prevention and education programs for elementary and secondary school students. The department of transportation shall coordinate with the department of health to ensure that there is no program duplication. The limited license or permit to drive may be suspended as provided in Section 66-5-30 NMSA 1978.

66-5-37. Unlawful use of license.

It is a misdemeanor for any person to:

A. Display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit or commercial driver's license or permit;

B. Lend his driver's license or permit or commercial driver's license or permit to any other person or knowingly permit the use of his license or permit by another;

C. Display or represent as one's own any driver's license or permit or commercial driver's license or permit not issued to him;

D. Fail or refuse to surrender to the division upon its lawful demand any driver's license or permit or commercial driver's license or permit which has been suspended, revoked or canceled;

E. Use a false or fictitious name in any application for a driver's license or permit or commercial driver's license or permit or knowingly make a false statement or knowingly conceal a material fact or otherwise commit a fraud in any such application;

F. Permit any unlawful use of the driver's license or permit or commercial driver's license or permit issued to him; or

G. Do any act forbidden or fail to perform any act required by Sections 66-5-1 through 66-5-47 NMSA 1978 or the provisions of the New Mexico Commercial Driver's License Act [66-5-52 to 66-5-70 NMSA 1978].

66-5-38. Making false affidavit perjury.

Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of the Motor Vehicle Code to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

66-5-39. Driving while license suspended or revoked; providing penalties.

A. Any person who drives a motor vehicle on any public highway of this state at a time when his privilege to do so is suspended or revoked and who knows or should have known that his license was suspended or revoked is guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished notwithstanding the provisions of Section 31-18-13 NMSA 1978 by imprisonment for not less than four days or more than three hundred sixty-four days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than one thousand dollars (\$1,000). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving while under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act [66-8-105 to 66-8-112 NMSA 1978], upon conviction under this section, that person shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300) or not more than one thousand dollars (\$1,000) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving while under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act. Any municipal ordinance prohibiting driving with a suspended or revoked license shall provide penalties no less stringent than provided in this section.

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

C. The division, upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of the person was suspended, shall extend the period of suspension for an additional like period, and, if the conviction was upon a charge of driving while a license was revoked, the division shall not issue a new license for an additional period of one year from the date the person would otherwise have been entitled to apply for a new license.

66-5-40. Permitting unauthorized minor to drive.

No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or is in violation of any of the provisions of this article.

66-5-41. Permitting unauthorized person to drive.

No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or is in violation of any of the provisions of this article.

66-5-44. Licenses and permits; duration and fee; appropriation. (2009)

A. There shall be paid to the department a fee of ten dollars (\$10.00) for each driver's license or duplicate driver's license, except that for a driver's license issued for an eight-year period, a fee of twenty dollars (\$20.00) shall be paid to the department. Each license shall be for a term provided for in Section 66-5-21 NMSA 1978.

B. For each permit and instruction permit, there shall be paid to the department a fee of two dollars (\$2.00). The term for each permit shall be as provided in Sections 66-5-8 and 66-5-9 NMSA 1978.

C. Except for fees charged pursuant to Subsection E of this section, the director with the approval of the governor may increase the amount of the fees provided for in this section by an amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced driver's license system; provided that for a driver's license issued for an eight-year period, the amount of the fees shall be twice the amount charged for other driver's licenses. The additional amounts collected pursuant to this subsection are appropriated to the department to defray the expense of the new system of licensing and for use as set forth in Subsection F of Section 66-6-13 NMSA 1978. Unexpended or unencumbered balances remaining from fees collected pursuant to the provisions of this subsection at the end of any fiscal year shall not revert to the general fund but shall be expended by the department in fiscal year 2010 and subsequent fiscal years.

D. There shall be paid to the department a driver safety fee of three dollars (\$3.00) for each driver's license or duplicate driver's license, except that for a driver's license issued for an eight-year period, a fee of six dollars (\$6.00) shall be paid to the department. The fee shall be distributed to each school district for the purpose of providing defensive driving instruction through the state equalization guarantee distribution made annually pursuant to the general appropriation act.

E. The department may charge a fee of no more than fifteen dollars (\$15.00) to a person who holds a driver's license from another state and is applying for a New Mexico driver's license for the first time. The fee is appropriated to the department to defray the expense of determining whether the driver has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs, or equivalent crime, and determining if the person qualifies for a driver's license in this state. The fee provided in this subsection is not subject to the increase provided for in Subsection C of this section.

66-5-44.1. Provisional licenses; duration and fee; appropriation.

A. There shall be paid to the division a fee of thirteen dollars (\$13.00) for each provisional license or duplicate provisional license. Each provisional license shall be for a term provided for in Section 66-5-21 NMSA 1978.

B. The director with the approval of the governor may increase the amount of the fee provided for in this section by an amount not to exceed three dollars (\$3.00) for the purpose of implementing an enhanced driver's license system. The additional amounts collected pursuant to this subsection are appropriated to the division to defray the expense of the new system of licensing.

C. The fees collected pursuant to the provisions of Subsection A of this section are appropriated to the division to defray the expense of implementing the new system of provisional licensing.

66-5-47. Photographs; evidence of applicant's age.

A. The department shall reproduce the likeness of drivers, subject to the following conditions:

(1) Photographs or other reproductions of the likeness of all persons shall show a full face or front view; and

(2) Photographs or other reproductions of the likeness of all persons under the age of twenty-one years shall have a printed legend, indicating that the person is under twenty-one, which shall be displayed in such manner as to be easily read by any person inspecting the license.

B. Each applicant for an initial license or a replacement license shall produce evidence of the applicant's age. Proof of an applicant's age shall be a birth certificate, certified copy of a birth certificate, a church record purporting to show the date of birth and baptism, an acknowledged copy of the church record, a valid passport or other evidence which the secretary deems sufficient. The date of birth shown on any driver's license or any instruction permit issued by the department shall coincide with the date of birth shown on the proof of applicant's age.

66-8-116. Penalty assessment misdemeanors; definition; schedule of assessments. (2009)

A. As used in the Motor Vehicle Code [66-1-1 NMSA 1978], "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D and E of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Permitting unlicensed Minor to drive	66-5-40	\$10.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) Up to and including ten miles an hour over the speed limit		15.00
(2) From eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) From sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) From twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) From twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) From thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) More than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint Device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	10.00
Speeding	66-7-306	15.00
Improper starting	66-7-324	10.00
Improper backing	66-7-354	10.00
Improper lane	66-7-308	10.00
Improper lane	66-7-313	10.00
Improper lane	66-7-316	10.00
Improper lane	66-7-317	10.00
Improper lane	66-7-319	10.00
Improper passing	66-7-309 through 66-7-312	10.00
Improper passing	66-7-315	10.00
Controlled access violation	66-7-320	10.00
Controlled access violation	66-7-321	10.00
Improper turning	66-7-322	10.00
Improper turning	66-7-323	10.00
Improper turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield	66-7-328 through 66-7-331	10.00
Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	10.00
Pedestrian violation	66-7-340	10.00
Failure to stop	66-7-342 and 66-7-344 through 66-7-346	10.00
Railroad-highway grade Crossing violation	66-7-341 and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through 66-7-327	10.00
Failure to secure load	66-7-407	100.00
Operation without oversize- Overweight permit	66-7-413	50.00
Improper equipment	66-3-801	10.00
Improper equipment	66-3-901	20.00

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Improper emergency signal	66-3-853 through 66-3-857	10.00
Operation interference	66-7-357	5.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352 and 66-7-353	5.00
Improper parking	66-3-852	5.00
Failure to dim lights	66-3-831	10.00
Riding in or towing occupied House trailer	66-7-366	5.00
Improper opening of doors	66-7-367	5.00
No slow-moving vehicle Emblem or flashing amber light	66-3-887	5.00
Open container - first violation	66-8-138	25.00.

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

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

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

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

66-8-116.3. Penalty assessment misdemeanors; additional fees. (2009)

In addition to the penalty assessment established for each penalty assessment misdemeanor, there shall be assessed:

A. In a county without a metropolitan court, twenty dollars (\$20.00) to help defray the costs of local government corrections;

B. A court automation fee of ten dollars (\$10.00);

C. A traffic safety fee of three dollars (\$3.00), which shall be credited to the traffic safety education and enforcement fund;

D. A judicial education fee of three dollars (\$3.00), which shall be credited to the judicial education fund;

E. A jury and witness fee of five dollars (\$5.00), which shall be credited to the jury and witness fee fund;

F. A brain injury services fee of five dollars (\$5.00), which shall be credited to the brain injury services fund; and

G. A court facilities fee as follows:

in a county with a metropolitan court.....\$24.00;

in any other county.....10.00.

66-8-117. Penalty assessment misdemeanors; option; effect.

A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

B. Except for penalty assessments made under a municipal program authorized by Section 66-8-130 NMSA 1978, payment of any penalty assessment must be made by mail to the division within thirty days from the date of arrest. Payments of penalty assessments are timely if postmarked within thirty days from the date of arrest. The division may issue a receipt when a penalty assessment is paid by currency, but checks tendered by the violator upon which payment is received are sufficient receipt.

C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

66-8-119. Penalty assessment revenue; disposition. (2009)

A. The division shall remit all penalty assessment receipts, except receipts collected pursuant to Subsections A through G of Section 66-8-116.3 NMSA 1978, to the state treasurer for credit to the general fund.

B. The division shall remit all penalty assessment fee receipts collected pursuant to:

(1) Subsection A of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the local government corrections fund;

(2) Subsection B of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court automation fund;

(3) Subsection C of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the traffic safety education and enforcement fund;

(4) Subsection D of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the judicial education fund;

(5) Subsection E of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the jury and witness fee fund;

(6) Subsection F of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the brain injury services fund; and

(7) Subsection G of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court facilities fund.

New Mexico Regulations

18.19.5.11 NMAC CONTRACTING DRIVER'S KNOWLEDGE AND SKILL TESTS

A. Under Subsection C of Section 66-5-14 NMSA 1978, the department is permitted to contract for certain testing of individuals applying for driver's licenses. Any contract entered into may provide that all or only some of the individuals applying for driver's licenses are to be tested by the contractor. Any contract entered into may be limited to testing at certain field offices or within certain political subdivisions or geographic areas.

B. Only the following persons are eligible to enter into contracts authorized under Subsection C of Section 66-5-14 NMSA 1978:

- (1) Public educational institutions; and
- (2) Commercial driving schools licensed by the department of transportation pursuant to the Driving School Licensing Act and regulations thereunder.

C. Any contract entered into will specify an expiration date, provided the department may terminate the contract prior to its expiration date.

18.19.5.12 NMAC PROOF OF IDENTIFICATION NUMBER, IDENTITY AND RESIDENCY

A. Applicants for a New Mexico identification card, driving permit, provisional driver's license or driver's license, other than a commercial driver's license, must provide documentary proof of their identification number, identity and residency.

B. A person applying for a driver's license or identification card that was lost can use a New Mexico enhanced driver's license photo from the motor vehicle division (MVD) database as proof of identity and identification number, subject to MVD's ability to verify the applicant's social security number or other identification number used to obtain the driver's license or identification card, as sufficient proof to issue a replacement driver's license or identification card.

C. Any applicant eligible for a social security number must produce their social security card in order to provide evidence of the identification number. An applicant who cannot provide the social security card must provide two of the following documents:

- (1) A United States, state, or local government-issued medical card through which the social security number can be verified;
- (2) A statement from a federally regulated financial institution through which the social security number can be verified; or
- (3) Any document in Subsection F of this section, as long as the document can be used to verify the social security number and is not used for proof of both identification number and identity.

D. In order to prove identification number, a foreign national who is unable to obtain a social security number must produce documentary proof of a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso or an individual tax identification number (ITIN). The applicant's ITIN card or the applicant's letter from the IRS issuing the ITIN is sufficient proof of the ITIN. Foreign nationals ineligible for a matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso or an ITIN must present as proof of identification number, a valid passport issued by their country of citizenship.

E. Applicants must produce one of the following documents as proof of identity:

- (1) Original birth certificate issued by a state or territory of the United States;
- (2) Certified copy of birth certificate issued by a state or territory of the United States;
- (3) An original or certified copy of a foreign birth certificate with a notarized English translation;
- (4) Original official copy of an FS545 or FS1350 form certifying birth abroad and translated into English;
- (5) Affidavit of Indian birth;
- (6) N560 certificate of citizenship;

- (7) N550 certificate of naturalization;
- (8) A valid permanent resident card issued by the United States government;
- (9) A valid I-551 resident alien card issued since 1997;
- (10) A court order for name change, gender change, adoption or divorce, as long as it includes the legal name, date of birth and court seal;
- (11) A marriage certificate issued by a state or a territory of the United States; or
- (12) Any document contained in Subsection F of this section, as long as the document is not used for proof of both identification number and identity.

F. Applicants can use the following documents to provide documentary proof of their identification number or documentary proof of their identity but the document cannot be used for proof of both their identification number and identity:

- (1) A state issued driver's license, a driver's license issued by a territory of the United States, or by jurisdiction of Canada, as long as it has a photograph and has not been expired more than one month;
- (2) A state government-issued photo identification card, or a photo identification card issued by a territory of the United States, or by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one month; however, the MVD photo identification document card issued by MVD pursuant to Subsection J of this section may not be used to satisfy this proof of identification number requirement;
- (3) A state government-issued photo learner's permit, or a photo learner's permit issued by a territory of the United States, or by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one month;
- (4) A matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
- (5) A valid passport issued by country of citizenship;
- (6) An American Indian or Alaskan proof of Indian blood, certificate of degree of Indian blood, federal Indian census card or tribal membership card;
- (7) A photo identification card issued by the United States military, United States coast guard or New Mexico national guard;
- (8) An identification document issued by the United States veterans administration, so long as it is accompanied by a United States veterans administration medical center ID card;
- (9) A valid United States active duty/retiree/reservist military identification card (DOD ID DD-2); or
- (10) A United States, state, or local government-issued photo ID, issued based on name, social security number and date of birth.

G. Applicants fifteen years of age or older must provide two of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:

- (1) A real property rental agreement or purchase agreement;
- (2) A utility bill, such as water, gas, electric, waste, telephone, cable or satellite bill, but not a bill for a cell phone;
- (3) An insurance bill;
- (4) A bank statement;
- (5) An employment pay stub that contains the applicant's name and address;
- (6) A local property tax statement or mortgage documents;
- (7) Proof of a minor child enrolled in a New Mexico public, private, or tribal school;
- (8) A current, valid motor vehicle registration;
- (9) Original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;
- (10) Original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant; is a New Mexico resident;
- (11) A New Mexico medical assistance card; or
- (12) A New Mexico public assistance card.

H. Applicants less than fifteen years of age applying for an identification card must provide one of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New

Mexico:

- (1) Proof that the child is enrolled in a New Mexico public, private, or tribal school;
- (2) A bank statement;
- (3) An affidavit from the applicant's parent or guardian stating that the applicant lives with that person, as long as the affidavit is accompanied by the parent/guardian's New Mexico driver's license, New Mexico identification card, or two proofs of New Mexico residency;
- (4) Original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;
- (5) Original documents from a city, county, state, tribal or federal government organization attesting to the fact that the applicant is a New Mexico resident;
- (6) Documents from membership in a New Mexico religious organization; or
- (7) Documents from membership in a New Mexico sports organization.

I. MVD may require foreign nationals or first-time applicants from another state, to provide a certified copy of their driving record with an English language translation, if applicable, from the jurisdiction where the applicant is currently or was previously licensed.

J. Applicants who are unable to meet the requirements for a New Mexico identification card, driving permit, provisional driver's license, or driver's license, may apply for an MVD photo identification document card. The MVD photo identification document card issued by MVD does not necessarily meet federal identification requirements. This card will be clearly identified on the card as a restricted card that cannot be used for certain purposes. The identification document cannot be used to apply for a New Mexico identification card, driving permit, provisional driver's license or driver's license. An applicant for the MVD photo identification document card must provide two documentary proofs of their identity and one documentary proof of residency.

(1) Applicants must produce two forms of documentation with their name and date of birth or with their name and social security number. Two documents with name and date of birth or two documents with name and social security number are acceptable. Any two of the following documents containing the name and date of birth or name and social security number are acceptable to prove identity:

(a) A state issued driver's license, a driver's license issued by a territory of the United States, or a license issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;

(b) A state issued identification card, an identification card issued by a territory of the United States, or an identification card issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;

(c) A state issued photo learner's permit, a photo learner's permit issued by a territory of the United States, or a photo learner's permit issued by a jurisdiction of Canada, as long as it has a photograph and has not been expired more than one year;

(d) An original or certified copy of the birth certificate issued by a United States state or territory of the United States;

(e) An affidavit of Indian birth;

(f) A current passport issued by the United States;

(g) A valid passport issued by country of citizenship;

(h) An I-94 form presented without a passport if it contains the applicant's photo;

(i) American Indian or Alaskan proof of Indian blood, certificate of degree of Indian blood, federal Indian census card or tribal membership card;

(j) N550 United States certificate of naturalization;

(k) A certificate of citizenship (N560);

(l) A resident alien card (I-551, AR-3, AR3A, AR-103) that contains the applicant's photo;

(m) FS545 or FS1350 United States certificate of birth abroad;

(n) A military identification card that includes the applicant's photo;

(o) A United States veterans administration card that includes the applicant's photo, so long as it is accompanied by a United States veterans administration medical center identification card;

(p) A medical card that includes the applicant's photo;

- (q) A military dependent identification card that includes the applicant's photo;
 - (r) A government-issued photo identification card;
 - (s) A matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
 - (t) A New Mexico corrections department photo identification card with name, date of birth and documentation that the card has not expired within the past year;
 - (u) An infant baptismal certificate;
 - (v) A social security card;
 - (w) A bank card, debit card, or credit card that contains the applicant's photo;
 - (x) A high school, GED, college, trade school, or university transcript, certificate, or diploma;
 - (y) An employee identification badge that contains the applicant's photo;
 - (z) A medical insurance card or documentation of medical insurance coverage or eligibility that contains an identification number;
 - (aa) Military discharge/separation papers (DD-214);
 - (bb) Selective service card;
 - (cc) Proof of eligibility for and receipt of welfare benefits;
 - (dd) Medical records;
 - (ee) Documentation from a federal, state, or local correctional facility; or
 - (ff) A social security administration benefits award letter containing the social security number.
- (2) Applicants must provide one or more of the following documents, showing a New Mexico address for the applicant, as proof that the applicant lives in New Mexico:
- (a) A real property rental agreement or purchase agreement;
 - (b) A utility bill, such as a gas, electric, waste, water, cable, satellite bill, or telephone bill but not a bill for a cell phone;
 - (c) An insurance bill, such as automobile, home or health;
 - (d) A federally regulated financial institution document, such as a bank statement, excluding checks;
 - (e) An employment pay stub with name and address;
 - (f) A local property tax statement with name and address;
 - (g) Proof of a minor child enrolled in a New Mexico public, private, or tribal school;
 - (h) A current, valid motor vehicle registration;
 - (i) Original documents from a New Mexico community organization attesting to the fact that the applicant is a New Mexico resident;
 - (j) Original documents from a city, county, state, tribal, or federal government or social service organization attesting to the fact that the applicant is a New Mexico resident;
 - (k) A matricula consular card issued after February 1, 2005, by the Mexican consulate in Albuquerque or El Paso;
 - (l) Documentation of eligibility and proof that the applicant is currently receiving services from a 501(c)(3) organization, as defined by the Internal Revenue Code; or
 - (m) Other documents as approved by the MVD director.

K. This version of 18.19.5.12 NMAC is effective on October 1, 2007. 18 NMAC 19.5.11

18.19.5.50 NMAC POINT SYSTEM - PURPOSE – DEFINITIONS

A. Section 66-5-30 NMSA 1978 authorizes the department to suspend the driver's license of an individual who has been convicted of violations of the traffic laws with such frequency as to show disrespect for those laws or has been found to be an habitually reckless or negligent driver of a motor vehicle. To provide a reasonable, objective and fair method by which the department may determine whether an individual shows disrespect for the traffic laws of this state through frequency of conviction for violations or is habitually reckless or negligent and to promote the public safety by removing such drivers from the roads, the department establishes a "point system" with 18.19.5.50 through 18.19.5.56 NMAC. This point system continues the point system in effect prior to July 1, 1992.

B. For the purposes of 18.19.5.50 through 18.19.5.56 NMAC, "conviction" means an adjudication of guilt

including a finding of guilty by a court, a plea of guilty entered by the court, a plea of nolo contendere accepted by the court, a plea of guilty pursuant to a penalty assessment misdemeanor (Sections 66-8-116 through 66-8-119 NMSA 1978 or the forfeiture of bail or other collateral deposited to secure the violator's appearance in court; "conviction" also includes a conviction for a traffic violation in any other state, territory or possession of the United States, the District of Columbia and any province of the Dominion of Canada so long as the conviction in that jurisdiction is for a violation of a traffic law for which points would be assessed if the conviction were for a violation of the traffic laws of this state. "Conviction" does not include the imposition of sentence.

C. For the purposes of 18.19.5.50 through 18.19.5.56 NMAC, "driver" means an individual who operates a motor vehicle upon the trafficways of this state whether or not that individual holds a valid driver's license issued either by this state under the provisions of the Motor Vehicle Code or by another jurisdiction under the laws of that jurisdiction.

D. For the purposes of 18.19.5.50 through 18.19.5.56 NMAC, "trafficway" means a public highway or any other place, such as a parking lot, which is open for driving of motor vehicles by members of the general public and which is subject to the traffic control regulation of the state or a political subdivision of the state.

18.19.5.51 NMAC POINT SYSTEM - ASSESSMENT AND EXPUNGING OF POINTS FOR VIOLATIONS OF TRAFFIC LAWS

A. Violations for which points shall be assessed are either violations pursuant to the traffic laws of this state or violations of the traffic laws of other jurisdictions for which points would be assessed if the violation had occurred in New Mexico. Points shall be assessed by the department in accordance with the schedule in 18.19.5.52 NMAC following conviction for any scheduled traffic law violation or the equivalent violation in the other jurisdiction if the violation occurred in another jurisdiction. Notification of a conviction of a traffic violation subject to the assessment of points shall be forwarded to the department by the convicting court. Points shall be assessed regardless of whether the violation occurred on a state, county or municipal road or on another trafficway. The department shall keep a record of points assessed for a period of one year from the date the violation occurred.

B. Points assessed to a driver will be expunged by the department automatically at the end of the twelfth month following the month in which the violation for which the points were assessed occurred.

18.19.5.52 NMAC POINT SYSTEM - SCHEDULE OF POINTS FOR VIOLATIONS

A. Points to be assessed for conviction of violations on or after October 1, 1996 of provisions of the Motor Vehicle Code are scheduled in Subsections B through G below.

B. Eight (8) points for violation of the following section:

66-7-301 Speeding 26 or more mph over the posted speed limit on any trafficway if the limit is 15, 30 or 75 mph
66-7-301 Speeding 26 or more mph over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 mph and the speed was at least 76 mph

C. Six (6) points for violations of the following sections:

66-7-347 Passing school bus taking on or discharging passengers or displaying warning not to pass
66-8-113 Reckless driving

66-8-115 Contest racing on public trafficway

D. Five (5) points for violation of the following section:

66-7-301 Speeding 16 to 25 mph over the posted speed limit on any trafficway if the limit is 15, 30 or 75 mph
66-7-301 Speeding 16 to 25 mph over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 mph and the speed was at least 76 mph

E. Four (4) points for violations of the following section:

66-7-332 Failure to yield right of way to an authorized emergency vehicle

F. Three (3) points for violations of the following sections:

(1) CARELESSNESS

66-8-114 Careless Driving

(2) FAILURE TO YIELD/OBEY TRAFFIC CONTROL DEVICES

66-7-104 Failure to obey traffic instructions stated on traffic sign or shown by traffic control device

- 66-7-328 Failure to yield right of way in a manner required at unsigned intersection
 - 66-7-329 Vehicles turning left at intersection
 - 66-7-330 Failure to yield right of way at yield sign, after stop sign or when emerging from private trafficway
 - 66-7-331 Failure to yield right of way at yield sign, after stop sign or when emerging from private trafficway
 - 66-7-341 Failure to obey traffic instructions stated on traffic sign or shown by traffic control device
 - 66-7-342 Failure to obey traffic instructions stated on traffic sign or shown by traffic control device
 - 66-7-343 Certain vehicles must stop at railroad grade crossings
 - 66-7-346 Failure to yield right of way at yield sign, after stop sign or when emerging from private trafficway
 - (3) FOLLOWING/BACKING
 - 66-7-318 Following too closely
 - 66-7-354 Improper backing
 - (4) TURNING MOVEMENTS/LANE POSITION
 - 66-7-322 Making improper turn
 - 66-7-323 Making improper turn
 - (5) PASSING/LEFT OF CENTER
 - 66-7-308 Failure to drive on right side of roadway when required
 - 66-7-309 Passing vehicles proceeding in opposite directions
 - 66-7-310 Improper overtaking or passing of a vehicle
 - 66-7-311 Improper overtaking or passing of a vehicle
 - 66-7-312 Passing with insufficient distance allowed for other vehicles or with inadequate visibility
 - 66-7-313 Driving to the left of center of roadway when prohibited
 - 66-7-315 Passing where prohibited by posted signs or pavement markings
 - (6) SPEEDING
 - 66-7-301 Speeding 6 to 15 mph over the posted speed limit on any trafficway if the limit is 15, 30 or 75 mph
 - 66-7-301 Speeding 6 to 15 mph over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 mph and the speed is at least 76 mph
- G. Two (2) points for violations of the following sections:
- 66-3-801 Operating with any defective equipment resulting in inability to control vehicle movement properly
 - 66-3-840 Operating with defective brakes
 - 66-3-901 Operating with any defective equipment resulting in inability to control vehicle movement properly
 - 66-7-325 Failure to signal intention to change vehicle direction or to reduce speed suddenly
 - 66-7-326 Giving wrong signal
 - 66-7-357 Overloading vehicle with passengers or cargo
 - 66-7-369 Failure to restrain child passenger properly
 - 66-7-372 Failure to use seatbelt properly

18.19.5.53 NMAC POINT SYSTEM - WARNING AT 6 POINTS

Upon the accumulation by the driver of at least six points, the department may warn the driver of the possibility of suspension of the driver's license.

18.19.5.54 NMAC POINT SYSTEM - SUSPENSION OF DRIVER'S LICENSE AT 7 TO 10 POINTS

If a driver has been assessed from seven to ten points for violations occurring within a period of one year and the department receives a recommendation from a municipal or magistrate judge that the driver's license be suspended for a period not to exceed three months, the department shall automatically suspend the license for the period recommended by the municipal or magistrate judge up to a period of three months. If the judge does not specify

the recommended length of the period of suspension, the department will presume that the recommendation is for a period of three months. The department shall notify the driver of the fact of the suspension of the driver's license and of the beginning and ending dates of the suspension.

18.19.5.55 NMAC POINT SYSTEM - SUSPENSION AT 12 POINTS

Upon the assessment of points to a driver which causes the total points accumulated by that driver to equal or exceed twelve points for violations occurring within a period of twelve consecutive months, the department shall suspend the driver's license for a period of twelve months. The department shall notify the driver of the fact of the suspension of the driver's license under 18.19.5.55 NMAC, the beginning date of the suspension and the driver's right to a hearing under the provisions of Subsection B of Section 66-5-30 NMSA 1978. The driver shall surrender the driver's license to the department immediately upon receiving notice of the suspension unless the driver requests a hearing under the provisions of Subsection B of Section 66-5-30 NMSA 1978, in which case the license shall be surrendered immediately upon a final decision adverse to the driver.

18.19.5.56 NMAC POINT SYSTEM - HEARINGS

A. Any hearing conducted pursuant to Subsection B of Section 66-5-30 NMSA 1978 shall be conducted before the director of the motor vehicle division or a person designated by the director. The officer conducting the hearing may postpone or continue the hearing on the officer's own motion or upon application from the driver for good cause shown.

B. At the beginning of the hearing, the officer conducting the hearing shall inform the driver of the driver's right to representation. In such hearings, the technical rules of evidence shall not apply but, in ruling on the admissibility of evidence, the officer conducting the hearing may require reasonable substantiation of statements or records tendered, the accuracy or truth of which is in reasonable doubt. The Rules of Civil Procedure for the District Courts shall not apply but the hearing shall be conducted so that both complaints and defenses are amply and fairly presented. To this end, the officer conducting the hearing shall hear arguments, entertain and dispose of motions, require written expositions of the case as circumstances justify and render a decision in accordance with the law and the evidence presented and admitted.

C. The officer conducting the hearing shall make and preserve a complete record of the proceedings. The officer conducting the hearing may announce the decision at the conclusion of the hearing or may take the matter under advisement but shall, in either case, within twenty (20) days inform the driver in writing of the decision and, if the decision is unfavorable to the driver, of the driver's right to and requirements for review of the matter by the courts.

D. Failure of the driver to appear without good cause at the hearing is grounds for an adverse decision.

18.19.5.57 NMAC REINSTATEMENT OF SUSPENDED LICENSE - CONDITIONS

The department shall not reinstate a driver's license to any person whose license has been suspended under the provisions of 18.19.5.55 NMAC unless the conditions specified in 18.19.5.57 NMAC are met.

A. That person presents proof satisfactory to the department showing successful completion in a timely manner by that person of an approved driver improvement course. The course must be approved by the traffic safety bureau of the state highway and transportation department. Completion of the course must have occurred within 90 days immediately preceding the application for reinstatement of the license.

B. The driver must also successfully complete the written driver's examination and the vision examination which are administered by the department prior to the reinstatement of the driver's license.

Unit 3 - The Driving Environment

Chapter 9 - Adverse Driving Conditions

Objectives

The student will learn to recognize dangerous driving conditions.

The student will learn how to drive in adverse driving conditions.

Course Outline

1. Introduction.

Most of New Mexico's vehicle crashes (91 percent) happen in clear weather. Although New Mexico has an abundance of clear, sunny days, it also has a variety of climates due to its large geographic size and diversity. Depending on location and the time of the year, drivers can experience hail, snow, rain (gentle patters or driving rain with great burst of thunder and streaks of lightning), dust storms, fog, or mirages from the shimmering sun heating the road. It's possible to drive across the state in mid-July and experience all of them. The best way to prepare for such a wide variety of conditions is to look at where you are headed and consider what may happen on the way there. For instance, tornado season affects the eastern side of New Mexico, and hail can happen any day of the year in high passes like Raton.

New Mexico's laws make it clear that drivers must always consider the ambient conditions on the road when driving. For instance, it's only legal to drive the speed limit if it can be driven safely. It's not a defense in a crash situation to say that you were under the speed limit if your speed was too fast for the conditions at the time. Law enforcement officers will sometimes close roads that cannot be driven legally because they cannot be driven safely at any speed.

2. Driving in adverse conditions.

a. Avoid the worst weather. One of the best ways not to have a crash during bad weather is to stay home. This is not always possible, but is something to at least consider. In urban areas, schools and businesses often delay opening. Frequently, weather will clear in an hour or two and make travel safer, but not always. Leave some extra time to make the trip safely. Once on the road, the driver should allow a larger than normal distance between vehicles. Use the defroster and wipers to keep the windshield clear. Turn on headlights so others can see your vehicle. If the roads are slick, the driver should be cautious when going over bridges and overpasses, which tend to freeze up before other surfaces.

b. Prepare before leaving by learning about current weather conditions. Contact the National Weather Service, the websites of local newspapers or websites below. Get the latest on road conditions by calling the New Mexico Highway and Transportation Department hotline 1-800-432-

4269. The highway department updates its recordings of conditions and construction areas continuously.

The following websites have information about the weather:

- i. New Mexico Department of Transportation: New Mexico Road Conditions:
<http://splash.nmroads.com/>
- ii. The Weather Channel's site: [http:// www.weather.com](http://www.weather.com)
- iii. National Weather Service <http://www.weather.gov>
- iv. Radio stations also provide information about road conditions; watch for blue information signs posted along the roads. Be aware that some conditions are local and will not be announced on the radio. Yellow advisory signs are permanently affixed along the highway and warn of conditions like icy bridges or steep hills. Orange warning signs are placed as needed to alert travelers of construction or conditions on the road.

c. Rain:

- i. Flooding. In New Mexico, storms can build up in a matter of hours and pouring rain will fill arroyos and washes that are normally dry. Cars and people can be swept away in the water. DO NOT cross rapidly moving water if faced with this situation.
- ii. High water. If driving through an area with accumulated water, just the action of running through the water may stall the vehicle. Immediately use the emergency flashers if stuck in a roadway. Try to start the car again. If it will not start, push it out of the roadway.
- iii. Wet brakes. If the vehicle has passed through standing water, the brakes may be affected. Depress the brakes several times. If the brakes do not respond, pull to the side of the road and turn on emergency flashers. Normally brakes will dry out in a few minutes and the driver can resume the journey.
- iv. Hydroplaning. Another hazard of rain on the roads is hydroplaning. This happens when the water on the road is between the road surface and the tires on the vehicle. The tires are no longer in contact with the road surface, and there is a significant loss of control. The driver should slow down considerably on wet pavement. Hydroplaning can occur at speeds as low as 35 miles per hour. (Information provided by Responsible Driving, American Automobile Association, 1994 imprint, page 208.)

d. Mud: Getting stuck in the mud is not as unlikely as you may think in the desert Southwest. In the mountains on dirt roads, a day cross-country skiing can end up as an evening pushing a car out of a ditch. Review the supplies listed above, and be prepared.

- i. A warm day can cause snow to melt and change a hard frozen road to an unstable surface. A vehicle with four wheel drive (see Chapter 1.1), may be able to get safely through it.
- ii. Drive with the flow and try to keep a wheel on the highest part of the road. If the vehicle is not equipped with four wheel drive and encounters mud, the driver should consider backing up or turning around and taking another way to a paved surface.

e. Snow and Ice:

The driver should be prepared for a long slow journey. If snow is falling, use the windshield wipers, defroster, and drive with lights. The driver should ease onto the roadway, signaling clearly before moving in front of another vehicle.

- i. Keep extra space between vehicles. If there is ice under the snow (most common when it has frozen overnight) the driver may have little traction, and should stop and start the car very slowly at each intersection.
- ii. If the car begins to skid, steer into the skid and bring the vehicle back into the lane.
- iii. If the vehicle gets stuck, shift into the lowest gear and slowly press on the accelerator. Should the wheels begin to spin, press on the brake and shift into reverse. Again press the accelerator slowly. By doing this several times, the driver should be able to free the vehicle. Be careful, however. This type of action can be hard on your transmission. Using sand under the wheels may help traction as will chains and various traction devices. (see NHTSA tips below).

- iv. If the driver loses visibility, the safest course of action is to pull off the road.
- f. **Fog**

Patches of fog are occasionally seen in New Mexico, usually in the morning or after a rain shower.

 - i. Fog is dense and wet. Turn on the low beams and windshield wipers. Objects can appear suddenly in fog, so a slow speed is safest.
 - ii. High beam lights are not recommended in fog. In other, wetter parts of the world, fog causes massive traffic crashes and fatalities.
 - iii. Treat a severe fog as in the dust storm section below.
- g. **Dust storms:**

In the summer of 1998, severe high winds in Hildago County caused dust to blow across Interstate 10, decreasing visibility. The result was a series of traffic crashes leaving four people dead and injuring 19 others. The drought conditions that caused the dust storms are not unusual for southern New Mexico. A similar series of crashes occurred there in 1984.

 - i. Although the highway department and local law enforcement attempt to close roads when such conditions exist, drivers must be prepared to pull over and stop in such situations.
 - ii. Do not attempt to drive through an area if you cannot see the road.
- h. **Glare:**

In New Mexico, we see a lot of the sun. Glare from the sun can distort visibility, making it difficult to see the road ahead. This is a more severe problem right at sunrise and before sunset.

 - i. Give yourself some extra room, keep the windshield clean and use the sun visor to block rays coming into the vehicle.
 - ii. Remember the drivers around also cannot see, so be very careful of other vehicle, cyclists and pedestrians.

Resources

The following tips have been provided by the National Highway Traffic Safety Administration on their website <http://www.nhtsa.dot.gov>. Review the list if you have a winter road trip planned.

Snow and winter driving

- 1. Prepare: Maintain your car**
 - a. Is your battery good
 - b. Tires? Tread OK? Do you need snow tires?
 - c. See and be seen B keep your windows clear of snow
 - d. Put no-freeze fluid in the washer reservoir
 - e. Check cooling system's antifreeze (should be good to the lowest temperature in your area).

- 2. Have on hand:**
 - a. Flashlight
 - b. Jumper cables
 - c. Abrasive material (sand, kitty litter, traction mats, even floor mats)
 - d. Shovel
 - e. Warning devices
 - f. Blankets, floor mats or newspapers
 - g. Snow brush/ice scraper

- 3. Long trip? Add**
 - a. Food and Water
 - b. Medication
 - c. Blankets
 - d. Cell phone

- 4. Stopped or stalled?**
 - a. Stay with your car
 - b. Don't overexert
 - c. Put bright marker on antenna/in windows/shine dome light
 - d. clear exhaust pipe if you run your car
 - e. Run your car just long enough to remove the chill

- 5. Plan your route.**
 - a. Be familiar with the maps/directions to avoid confusion
 - b. Check the weather reports and adjust starting time
 - c. Let others know how you are coming and when you'll arrive

- 6. New to cold weather driving? Practice!**
 - a. In a wide open snow or ice-covered parking lot during daylight hours (off-peak times is best), rehearse slow driving maneuvers
 - b. Steer into a skid
 - c. Know what your brakes will do:

- 1) With antilock brakes, stomp and steer. The AAA Foundation for Traffic Safety suggests, in this controlled situation, to try jerking the wheel while braking hard, either on dry pavement or wet, to experience how truly dangerous this maneuver is.
 - 2) Without antilock brakes, pump the brakes to avoid wheel lock-up
- d. Slow down. Stopping distances are longer on water-covered ice and ice
 - e. Don't be tempted to start your car in enclosed space or idle for a long time with the windows up
 - f. Buckle up and use child safety seats properly (never place a rear-facing seat in front of an air bag. Sit back 10 inches from an air bag.
 - g. The safest place for all children 12 and under is in the back seat.

3. Prevent Crashes

- a. As always, drugs and alcohol don't mix with driving B and it's worse on slippery roads
- b. Slow down and increase distances between cars
- c. Watch out for pedestrians walking in the road
- d. Get plenty of rest/avoid fatigue
- e. Stop every three hours
- f. Rotate drivers

Unit 3 - The Driving Environment

Chapter 10 - Highway and Traffic Engineering

Objectives

Students will review design features of street environments in order to understand some of the principles of traffic safety highway engineering. Knowing what design problems make roads dangerous can help drivers avoid risky situations and driving.

Course Outline

Introduction: Many highway and traffic engineering concepts are relevant to safe driving on our streets and highways, but most are covered poorly or not at all in standard books and manuals on traffic safety education. The concepts are understood by those who plan, design, and operate the highway system, but these planners and engineers have not adequately relayed this knowledge to the driving public. Although attentive drivers will acquire some of this information indirectly through their driving experiences, it's obviously more efficient and timely to convey these facts to novice drivers when they are learning to drive.

In most cases, the specific standards that engineers use to design and operate roadways are not of concern to motorists. For example, the standard width of a travel lane on a rural, high-speed roadway is 12 feet (about 3.65 meters). When the lanes on a facility are actually this wide, they look normal to most drivers. By contrast, when a lane is only 9 feet wide, it looks narrow. For driving purposes, the appearance of lane width is more important to the driver and relevant to the driving task than its numerical value. For this reason, numerical values are used sparingly in this chapter, primarily to give the instructor a point of reference and to provide a response to questions from young drivers.

1. **Design and engineering standards.**
 - a. **National standards.** Highway design and traffic engineering policies and standards are established at the national level in a cooperative effort among federal, state, and local highway agencies. These standards are typically reviewed, revised, and approved by the Federal Highway Administration, an agency within the US Department of Transportation.
 - b. **State design.** In New Mexico, state-administered highways and streets are designed to comply with these federal standards; the same is true for many city streets and county roads. This chapter emphasizes the conditions in New Mexico, but because of standardization, similar principles apply on most other roads and streets throughout the country. However, standards continue to evolve, and facilities that were designed and constructed more than 20 years ago may not comply with current standards.

2. **Geometric design.** In layman's terms, a facility's geometric design refers primarily to those features that the motorist sees while driving along a road, including the traveled portion of the roadway and the roadside. In the design of new streets and highways or the major redesign of existing roads, the geometric design features are established by the functional class and design speed of the road. It's appropriate to note, however, that relatively few miles of new roads are being built. Virtually all of the orange barrels a driver encounters on the roadway reflect the repair of existing roads rather than the creation of new roads. National statistics show that road capacity has increased by only three percent since 1980 while the amount of highway travel has increased by almost 80%.

3. **Functional classification** refers to the intended use of the roadway; it reflects a tradeoff between traffic movement and land access.
 - a. **For example, a freeway's function is to move large volumes of traffic at high speeds;** however, vehicles can only enter or leave the roadway at interchanges.
 - b. **At the other extreme, the function of local residential streets is to provide (low-speed) access to homes;** they are not intended to move large volumes of traffic. In fact, residents become disturbed when their streets are used by traffic shortcutting through the neighborhood.
 - c. **Intermediate functional classifications include arterial and collector streets or roads.** In New Mexico's smaller cities and villages, the main route through town, often a state highway, is typically an arterial. Larger New Mexico cities have numerous arterial streets as well as collector streets, whose function is to bring traffic from the local street network to the arterials. Although the functional classification of a street or highway is not directly conveyed to the driver, the facility's appearance often provides clues to its classification. Arterials, for example, typically have two or more through traffic lanes in each direction and separate left-turn lanes at intersections. Along an arterial, traffic at major intersections is controlled by traffic signals, but minor street intersections are controlled with STOP signs for side-street vehicles.

4. **Design speed.** The highway engineer also selects a design speed, which might range from 20 mph for a low-volume forest road to 80 mph for a rural freeway; arterials and collectors have intermediate design speeds. Numerous geometric design parameters are established by the design speed including:
 - a. **Lane and shoulder width,**
 - b. **Steepness of grades,**
 - c. **Sharpness of horizontal curves,**
 - d. **Sight distance, and**
 - e. **Clearance to roadside obstructions.**

In general, higher design speeds enhance safety by providing wider lanes and shoulders, gentler curves, and clearer roadsides, thus accommodating minor driver errors. To the extent possible, design speed should be constant over an extended section of roadway. However, there are situations where the design speed must be lowered for a limited length of road, such as a horizontal curve. Common practice at these sites is to post warning signs indicating the presence of the curve and recommending a safe speed.

If the engineer has designed the road correctly, prudent drivers should be able to examine a road's appearance and make a fair estimate of the safe driving speed. If the street appears to be an arterial, for example, the design speed will typically be 35 mph or higher. However, the actual posted speed limit may be lower due to congestion or other factors that may not be readily apparent to the motorist. As discussed later, speed limits are normally based on an engineering study of the location.

5. **Specific Design Features Relevant to Driving**

Millions of persons drive on streets and highways without knowing anything about their geometric design. Nevertheless, a little knowledge about highway design can be useful to motorists. This section highlights several such facts.

- a. **Stopping sight distance** - All roads and streets are designed to provide motorists with sufficient sight distance to see an object in the road that constitutes a hazard (such as a six-inch-high piece of lumber), react to its presence, and safely decelerate to a stop before striking it. At freeway speeds, the necessary distances exceed 500 feet. However, low-beam headlights will not illuminate an object at this distance, so the drivers will have insufficient sight distance at night. In addition, when drivers follow too closely behind other vehicles their view of the road ahead will be blocked and they may not see an object in time to avoid hitting it.
- b. **Intersection Sight Distance** - Engineers attempt to provide adequate sight distance for motorists attempting to enter or cross a major street from a side street controlled by a STOP sign. However, vegetation or other objects may block the distance that the motorist can see. Under these conditions, drivers should carefully pull ahead slowly into the intersection to a point where the visibility is adequate. On future trips, prudent drivers would take an alternate route to avoid intersections with deficient sight distance. If the item obstructing the line of sight can be corrected (e.g., trimming the tree), a conscientious driver would notify the highway agency responsible for the road.
- c. **Horizontal curves** - Because it is not feasible from practical or financial aspects to create a road system that consists entirely of straight sections, the engineer must introduce horizontal curves in the roadway network. In many cases, these curves can be safely negotiated at the posted speed limit. In other cases, a lower speed is appropriate and signs are placed to advise drivers of the curve and the safe speed. Because a disproportionate number of crashes occur on curves, motorists should comply with the recommended speed, especially when the roadway is wet.
- d. **Curbs** - Curbs serve two major purposes: to provide a distinctive separation between the traveled portion of the roadway and the adjacent area used by pedestrians, and to direct water runoff from the roadway to nearby water inlets. Except at very low speeds and small impact angles, however, a vehicle striking most curbs will not be redirected but will encroach into the area behind the curb. This not only causes damage to the vehicle but also poses a threat to pedestrians.
- e. **Drainage** - New Mexico often has thundershowers that drop a substantial amount of rainfall in a short period of time. In rural areas, the runoff from the roadway and surrounding land is collected in ditches parallel to the road and culverts that cross beneath the road. Some ditches and culverts are sufficiently steep or deep that they pose a hazard to errant motorists, regardless of whether or not they have any water in them.
- f. **Shoulders** - Roadside shoulders serve several functions, but perhaps the most important from the motorist's perspective is that they provide a refuge place for disabled vehicles. When using a shoulder for this purpose, always pull as far as practical beyond the traveled portion of the roadway, even if it means going beyond the paved portion of the shoulder. If the shoulder is too narrow to safely park the vehicle, it is probably more prudent to continue driving (at a slower speed, if necessary) to the next driveway, interchange, or a point with a wider shoulder. On most freeways and multilane highways in New Mexico, the shoulders on the left-hand side of the roadway are too narrow to safely hold a vehicle; they should only be used when a vehicle is seriously disabled and when it is impossible or unsafe to reach the right-hand shoulder.
- g. **Roadsides** - From the geometric design perspective, the roadside consists of the shoulder and the area beyond, out to the adjacent property line. Prior to 1965, highway engineers gave little consideration to "designing" this area. Over the past 35 years, the provision of safe and forgiving roadsides has become a recognized part of roadway design. Roadside slopes have been flattened, unnecessary fixed objects have been removed, and essential fixed objects have been redesigned to make them less rigid. Nevertheless, the roadside remains a hostile place for an errant motorist. In New Mexico, over 40% of the highway fatalities result from a vehicle running off the road and overturning on the roadside or striking a fixed object. In the case of overturning, the majority of fatalities result from occupants being ejected from their vehicle; proper use of restraint systems could have prevented these fatalities. Although vehicles can and do run off the road on straight sections of highway, an unusually high proportion of the overturning and fixed object crashes occur near horizontal curves.

- h. Guardrail** - In situations where an essential rigid fixed object (e.g., a large support for a freeway guide sign) must be retained or where it is not feasible to flatten the roadside slopes, guardrail may be used to shield vehicles and their occupants from these hazards. Nevertheless, guardrail itself is a fixed object, and 37% of the crashes in New Mexico that involve impact with guardrail result in injuries or fatalities to vehicle occupants. Although guardrail will normally lessen the likelihood of injury, it's obviously better to avoid striking it.

6. Traffic Control Devices

According to the guidelines employed by highway and traffic engineers, traffic control devices consist of signs, markings, and signals used to convey information to the motoring public. At a very basic level, these devices perform three functions:

- a. Regulatory** - Alert motorists to applicable regulations on the operation of their vehicles
- b. Warning** - Alert motorists to potentially hazardous conditions that may not be obvious to them
- c. Guidance** - Provide navigational information to motorists

The safe and efficient operation of our roadway network requires that all users of the system have a common understanding of the general rules of the road and their application at specific sites. Traffic control devices alert or remind motorists of these rules.

It is expected that all drivers will understand basic rules of the road. One such rule is that vehicles will be driven on the right side of the road. When a driver understands this rule, and assumes that other drivers understand this same rule, traffic flows smoothly. For example, motorists on some two-lane sections of New Mexico's rural highway network drive at 65 mph and are approaching each other at a closing speed of 130 mph. All that separates them is a yellow line and two or three feet of horizontal clearance, and yet they find this maneuver comfortable. In contrast, two motorists driving at 25 mph across the marked spaces in a nearly vacant parking lot (instead of driving down the designated aisles) become uncomfortable when they get within 100 feet of each other because they are not confident what path the other driver will follow.

Sections 66-7-101 through -103 of the New Mexico Statutes requires the state highway commission to adopt a manual of standard traffic control devices and authorizes the installation of these devices on state highways and local roads and streets. A subsequent provision of the statutes requires that drivers comply with official traffic control devices. It also states that certain regulations (e.g., a one-way street) cannot be enforced unless the proper sign was in place at the time the motorist allegedly violated the regulation. The combined effect of these statutes is to authorize the installation of standard traffic signs, markings, and signals, and compel driver compliance.

Traffic engineers employ distinctive colors and shapes on traffic signs. For example, the majority of warning signs have a diamond shape; they are yellow except in construction zones, where they are orange, and their message is written in black. Motorists can see the color and shape from a considerable distance and can recognize that the signs will provide a warning, although they will not be able to read the actual message until they get closer to the sign. Other distinctive shapes include the octagonal STOP sign and the circular Railroad Advance Warning sign. The following sections discuss some specific signs and their meanings. Illustrations of 30 of the signs are included at the end of this chapter.

7. Regulatory Signs

- a. The STOP sign** (Figure 1) is used to assign right of way at street intersections. Along arterials and most collectors, the sign is used to stop the side-street traffic before it enters or crosses the through street. STOP signs are rarely used at driveways (except for some commercial driveways) because basic rules of the road require drivers to stop before entering the through road from driveways or private roads. The duty of a driver approaching a STOP sign is to come to a complete stop and yield the right of way to vehicular and pedestrian traffic on the major street. Under certain conditions, STOP signs may be placed on all approaches to an intersection; at these locations, motorists must stop

and then take turns in entering the intersection. Although most STOP sign installations are truly needed to enhance safety, a few are the result of pressure from politicians or citizens who believe that installing this device will slow traffic down. In fact, these improper installations frustrate drivers who must decelerate to a stop and then accelerate to their approach speed (or higher), with an accompanying increase in the noise level. Improper STOP sign installations also lead to driver disrespect of these signs at those locations where they are truly needed.

- b. **The YIELD sign** (Figure 2), with its distinctive downward-pointing triangle shape, is also used to assign right of way. The device requires an approaching motorist to slow down, stop if necessary, and yield the right of way to traffic on the main road. It is most commonly used on freeway on-ramps where entering traffic must merge with vehicles on the freeway. It is also used at those street intersections where a special lane and/or a traffic island has been installed to separate right-turn traffic from through traffic; if intersection sight distance is sufficient, the right-turning vehicles could be controlled with the YIELD sign.
- c. **The SPEED LIMIT sign** (Figure 3) has a rectangular shape, with black lettering on a white background. It informs motorists of the speed limit that is applicable on the street or roadway section. With the exception of school zone speed limits, which are only applicable during crossing hours or when children are present, all speed limits in New Mexico are enforceable 24 hours a day. The process of establishing speed limits is discussed later in this chapter.
- d. **The NO RIGHT TURN sign** (Figure 4), **and similar signs for No Left Turn and No U-turn**, have a square shape with a white background, a black arrow showing the turning movement, and a red circle and slash indicating that the movement is prohibited. The No Right Turn sign is normally mounted on the right side of the street, the No Left Turn sign is normally mounted overhead near the traffic signal display or on the left side of the street, and the No U-turn sign is mounted in the median separating the opposing directions of traffic. In New Mexico, turn prohibition signs are most commonly used at locations where a motorist making the prohibited movement would be traveling the wrong direction on a one-way street or a freeway off-ramp.
- e. **The rectangular, black and white DO NOT PASS sign** (Figure 5) may be used to designate the beginning of a no-passing zone. It is used as a supplement to the solid yellow pavement marking that actually creates the no-passing zone. When used, the sign is mounted on the right side of the roadway. Probably the best reason for using the sign is that it remains visible when the markings may be blocked by snow or worn due to traffic. Basic rules of the road prohibit passing maneuvers on two-lane roads at points where the sight distance is inadequate and at specific locations (e.g., within 100 feet of an intersection or a rail-highway grade crossing). On paved roads that have centerlines (this excludes most residential streets), the engineer will normally mark no-passing zones on intersection approaches, at locations with insufficient sight distance of opposing traffic due to hills or curves, and at other specific locations such as narrow bridges.
- f. **The DO NOT ENTER sign** (Figure 6) has a square shape with a red circle and a white bar on a white background. The actual symbol on the sign is adapted from a widely-used European sign that originally meant “no trespassing” and that was subsequently adapted to prohibit entry to certain highway segments. The most common application of this sign is on freeway off-ramps, where it is placed to discourage traffic from entering the ramp in the wrong direction. It is also used for a similar purpose at points where an unwary motorist might attempt to enter a one-way street in the wrong direction. A companion sign, indicating WRONG WAY in white letters on a red background, can supplement the DO NOT ENTER sign on off-ramps. It is also used near median crossovers on freeways to prohibit vehicles from traveling the improper direction on the divided roadway.
- g. **The ONE WAY sign** (Figure 7) is used to alert traffic approaching the intersection that the cross street is restricted to one-way travel. The sign itself comes in two versions, one of which is shown in Figure 7. Both consist of black lettering on a white background, accompanied by an arrow showing the proper direction of travel. Standard practice calls for placing the ONE WAY signs on the near right-hand corner and far left-hand corner of the intersection.

All of the signs shown in Figures 1 through 7 are enforceable; motorists violating these devices not only put themselves and others at risk, but they may receive a traffic citation. The standard guide for traffic signs contains more than thirty additional regulatory signs that can be legally enforced. Virtually all of these signs have messages (e.g., SLOWER TRAFFIC KEEP RIGHT, ROAD CLOSED, DO NOT BLOCK INTERSECTION) that are readily understood in the context of where they are placed. In addition, there are an almost unlimited number of signs to control parking; those that prohibit parking (e.g., NO PARKING ANY TIME) have red lettering on a white background and those that permit parking (e.g., ONE HOUR PARKING 9AM-7PM) have green lettering on a white background.

8. Warning Signs

In the absence of other information, most drivers expect that the road ahead of them will be generally similar to the road they have driven over for the past couple of miles. Other, contradictory, information may come from observation - for example, the alert motorist may see a vehicle entering from a side street when there hadn't been any side streets in recent miles. However, this method of warning won't work if there is no traffic entering from the street, or if the street is hidden by a curve, or if darkness limits visibility. In other cases, the safe speed ahead may be less than the design speed of the road and it may be necessary to alert the motorist to this condition. Some of these conditions will always be present at the particular location (e.g., a curve or intersection), but others, such as a road that is slippery when wet, will only be relevant to the motorist at certain times. When there is a potential hazard that would not be obvious to a prudent driver, the engineer may consider the placement of one or more warning signs.

- a. **Two of the most common warning signs are the Turn sign (Figure 8) and the Curve sign (Figure 9).** As discussed in the earlier section on geometric design, highway engineers attempt to maintain a constant design speed over an extended section of roadway; however, situations arise where it is not feasible to design every horizontal curve for the same speed as the remainder of the highway. The engineer can determine the safe speed of existing changes in horizontal alignment through field measurements. When the safe speed is less than the posted speed limit and is 30 mph or less, the Turn sign is used. When the safe speed is more than 30 mph but less than the posted speed limit, the Curve sign is used. Based on these criteria, the Turn sign is often appropriate at locations where the road doesn't actually make a right-angle turn. Closely spaced turns (curves) are marked with Reverse Turn (Curve) signs and an extended section of road with changes in horizontal alignment can be marked with a Winding Road sign.
- b. **The Advisory Speed plate (Figure 10)** has black lettering on a square yellow background. It may be placed below almost any warning sign to advise the motorist of the safe speed through the location; it is only used if the safe speed is less than the regulatory speed limit (see Figure 3). Because the motorist needs to know the reason for the advisory speed, the sign must be used in conjunction with a warning sign. The numerical value on the plate is not a speed limit and is not enforceable. Nevertheless, a driver who exceeds the advisory speed and has a crash may be cited for careless driving or a similar offense.
- c. **The Cross Road and Side Road signs (Figures 11 and 12, respectively)** are used to indicate the presence of an intersection with a cross street or a road on one side. Observers of these signs should think of themselves as being positioned at the bottom of the vertical line on the sign face and traveling upward; the same was true, but perhaps more obvious, for the Turn and Curve signs. However, Figures 11 and 12 do not simply indicate the presence of an intersection; they also inform motorists that they are on the through street and that traffic approaching on the cross road or side streets will be required to yield the right of way to them. Similar signs are available for T- and Y- intersections. If the intersection is on a turn or curve, Figures 8 or 9 can be modified to show a cross road or side road. If the sight distance for traffic entering from the minor street is inadequate, the Advisory Speed plate may be used to warn motorists on the main street of the safe approach speed.
- d. **The STOP AHEAD sign (Figure 13),** and similar signs in advance of YIELD signs and traffic signals, are installed where the intersection traffic control may not be obvious to the approaching

motorist. The most common application is on intersection approaches where foliage or roadway alignment blocks the view of the STOP sign until the motorist is too close to safely stop. Another application is on rural, high-speed roads where the driver hasn't encountered a STOP sign or traffic signal for many miles, thus leading to the expectation that there won't be one on the road ahead. At some intersections the sign is used to correct a problem of drivers not seeing the STOP sign and thus driving through without stopping. Like most diamond-shaped warning signs, the standard size for this sign is 30 inches (measured along one side of the sign), but sizes of 48 inches or larger are used for greater emphasis on high-speed roadways and freeway off-ramps.

- e. **The Merge sign** (Figure 14) **and the Added Lane sign** (Figure 15) are used in advance of the point where traffic enters a freeway. Motorists entering a freeway normally have the expectation that they will have to merge with the vehicles on the freeway; as a result, their movement is often controlled with a YIELD sign. The purpose of the Merge sign is to warn motorists on the freeway to expect vehicles merging from the right. The Added Lane sign is appropriate where the entering traffic will have its own lane and there is not an immediate need to merge with the through traffic.
- f. **The Lane Transition sign** (Figure 16) warns motorists that the number of through traffic lanes ahead will be reduced. The bent line on the sign can be either on the right or left, depending on which lane will end. The Lane Transition sign is used on two-lane freeway on-ramps that join into a single lane before entering the freeway or at the end of a truck climbing lane on a rural highway. The sign may be supplemented with advance signs warning RIGHT LANE ENDS or LANE ENDS MERGE LEFT.
- g. **The Narrow Bridge symbol sign** (Figure 17) or the comparable word message is used at any bridge or culvert on a two-way road where the width of the roadway is between 16 and 18 feet or where the width is less than the width of the approaching roadway. New Mexico had a tragic accident at a narrow bridge near Ft. Sumner in 1972 and since that time has made a good effort to replace narrow bridges on rural arterials. The few that remain are treated with not only the Narrow Bridge sign but also no-passing zones, delineators, and (sometimes) reductions in the posted speed limit. The **ONE LANE BRIDGE sign** (Figure 18) is used to warn of bridges or culverts on two-way roads with widths of less than 16 feet. Motorists who approach such a bridge should slow down and stop if necessary to yield to opposing traffic that is on the bridge.
- h. **The Divided Highway sign** (Figure 19) is used on the approach to a section of highway where the opposing directions of traffic will be separated by a median or physical barrier. To keep approaching traffic from getting caught on the improper side of the median, the sign is normally preceded by a marked no-passing zone. The sign can be mounted upside down to indicate that the divided section road is ending. In this case, the Divided Highway Ends sign is typically supplemented with the **Two-Way Traffic sign** (Figure 20), which warns traffic that the road has vehicles traveling in both directions. The presence of two-way traffic will normally be obvious from the appearance of the site and the pavement markings, but near transition points from a divided highway and in some construction zones this sign provides confirmation for the driver.
- i. **The Hill sign** (Figure 21), which shows the symbol of a truck on a downgrade, is primarily intended to warn truck drivers about a steep or lengthy downgrade that may cause problems for their braking systems. However, the sign is also important for regular motorists. To avoid losing their braking ability on downgrades, truck drivers will often shift to lower gears and proceed down the hill at a slower speed; at these locations, all motorists need to be alert for the slower moving vehicles. In addition, the operation of any passenger vehicle towing a trailer can be affected by a steep downgrade and the drivers of these vehicles should direct their complete attention to the driving task on the grade.
- j. **The Slippery When Wet sign** (Figure 22) is used to identify those roadway sections that are unusually slippery following rainfall. Highway agencies use this sign as a temporary measure to alert motorists where a wet road is particularly slippery; the longer term solution of roadway resurfacing to provide increased friction between a vehicle's tires and the roadway surface allows this sign to be removed.

- k. **The Pedestrian Crossing sign** (Figure 23) may be used at the actual point where pedestrians will cross the street; a similar sign, but without the crosswalk markings, can be used in advance of the crossing. Overuse of any warning sign, including this one, is discouraged. It should only be used where there is a substantial pedestrian volume, particularly if it would not be expected by motorists. A similar pair of signs, but in the shape of a pentagon (to look like a school house) is used at and in advance of pedestrian school crossings (see figure on the right). The school crossing signs have traditionally shown black symbols on a yellow background; to distinguish them from other warning signs, the background color for new school crossing signs has been changed to a strong yellow-green.



- l. **The Deer Crossing sign** (Figure 24). In contrast to pedestrians, trucks, farm equipment, and even cattle, deer and elk are likely to cross almost anywhere along the road near deer habitats. The deer crossing sign, therefore, refers to crossings over an extended section of road, often five to ten miles in length. Deer and elk are more likely to be active during the hours of darkness, when relatively few people are driving; in fact, motorists will certainly see more Deer Crossing signs than they see deer. Nevertheless, when this sign is posted, motorists should be attentive for an extended section of highway.
- m. **The NO PASSING ZONE sign** (Figure 25) has the distinctive shape of a pennant. It is a warning sign, as opposed to the DO NOT PASS sign (see Figure 5), which was regulatory. It is placed at the beginning of a section of a marked no passing zone on a two-way road. It differs from the mounting of other warning signs in that it is placed on the left-hand side of the roadway in a position that will be more visible to motorists who are initiating a passing maneuver.
- n. **The object marker** (Figure 26) has either a yellow or white background with black diagonal stripes. It is typically used at bridge abutments and drainage culverts under the road. The marker is also intended to convey a specific message to the motorist, although few know it B motorists should drive on that side of the marker on which the lines are pointing down. In Figure 26, for example, a motorist would drive to the left of the marker.
- o. **Construction signs** (Figure 27) have assumed greater importance as more of the highway work involves the reconstruction of existing roads while vehicles are still using the road. The regulatory signs that were discussed earlier retain their same shape and color scheme in construction zones. However, warning signs are changed to black legends on an orange background. Figure 27 shows a typical advance sign for a construction zone; on freeways, the initial sign warning of construction is often a mile in advance of the first construction activity. The messages on construction zone warning signs can be virtually any of the warning messages discussed above as well as others (e.g., FLAGGER, DETOUR AHEAD) that only have relevance in construction areas. The posted speed limits in construction areas are frequently dropped by 10 or 20 miles per hour in the interest of enhancing worker safety and lessening the opportunity for crashes involving normal traffic and construction equipment. Research in New Mexico has found that accident rates on roadway sections under construction are about 30 percent higher than on these same roads before their reconstruction. Unlike the remainder of the roadway system, conditions in construction zones change frequently: the flagger may or may not be present, the right lane may or may not be closed, etc. Warning signs that are not revised to properly reflect the changed conditions will convey misleading information to approaching motorists. Unfortunately, most experienced drivers have encountered construction sites where the signs conveyed a false message. Nevertheless, even motorists who have been fooled in the past by incorrect warnings in construction zones should assume that the messages displayed in the current construction zone are valid, and they should drive accordingly.
- p. **Railroad Advance Warning sign** (Figure 29). One of the most potentially hazardous locations on the highway system is at the intersection of highways and railroads. In contrast to the braking and maneuvering capabilities of passenger vehicles, trains may take a mile or more to decelerate to a stop; they also don't have steering wheels because they lack the ability to swerve off their tracks. In addition, the railroad tracks are on private property and they were usually there before the highway.

For these reasons, automotive traffic is required to yield the right of way to trains. The Railroad Crossbuck (Figure 28) and the circular Railroad Advance Warning sign (Figure 29) are used at virtually every rail-highway grade crossing. The warning sign alerts approaching drivers to the presence of the crossing and, in essence, encourages them to look and listen for trains. The Crossbuck, which is placed within 15 feet of the crossing, is a regulatory device telling motorists to yield the right of way. Drivers should not let the infrequency of train appearances lull them into a sense of complacency; post-crash studies reveal that a significant number of drivers involved in crashes with trains knew that the crossing was there, they just didn't expect the train to be there at the same time they were crossing the tracks.

- q. **Other signs.** The warning signs identified in Figures 8 through 27 and 29 show some of the more common messages. However, the complete set of possible warning signs is much larger. The guidelines permit other designs that are consistent with the standard color and shape requirements. For example, the sign SNOWMOBILE CROSSING is appropriate even though it is not listed in the guidelines.

9. Guide Signs

Motorists, especially those who are unfamiliar with a roadway, rely on guide signs to help them with their navigation. These signs range from the ubiquitous street name signs to shield signs showing the route number to large overhead freeway signs that identify the upcoming exits. White lettering on a green background is the most common color scheme for guide signs. However, blue backgrounds are used on motorist service signs (e.g., REST AREA, HOSPITAL, Gas Station) and brown backgrounds are used on recreational guide signs (e.g., historical sites, skiing, boating). Figure 30 depicts a common freeway guide sign indicating the junction of an Interstate freeway and a state highway. Guide signs, particularly those on freeways, must be very large for two reasons: every sign has a different message and each must be seen, read, and understood before the motorist passes the sign. As a result, letters and numerals on these signs are typically 12 to 15 inches high.

10. Pavement Markings

Streets may be marked with longitudinal lines (parallel to the direction of traffic) and transverse lines (perpendicular to the direction of traffic). The meaning of markings can be summarized as follows:

- a. **Transverse markings**, such as crosswalks, stop bars, and legends, are white.
- b. **Longitudinal markings** that separate traffic traveling in the same direction, such as lines between two lanes or between a lane and the right shoulder, are white.
- c. **Longitudinal markings** that separate traffic traveling in opposite directions, primarily centerlines, are yellow.
- d. **Dashed lines**, such as most lane lines and a single dashed yellow centerline on a two-way road, can be crossed for the purpose of changing lanes, turning into driveways, and passing traffic.
- e. **Solid lines adjacent to your travel lane**, such as the solid white line that separates adjacent lanes on an intersection approach, the solid yellow line that creates a no-passing zone or the left-hand edge line on a freeway, cannot be crossed for the purpose of lane changing or passing; unless otherwise prohibited, a driver may turn across a solid line to enter a driveway or side street.
- f. **Blue pavement markings** are employed consistently to mark parking spaces for persons with disabilities. However, the meaning of other curb marking colors is defined by each local agency, rather than national standard. The best advice is to avoid parking adjacent to any painted curb.
- g. **Stop-controlled intersections.** According to New Mexico's motor vehicle laws, a motorist on a STOP-controlled intersection approach is required to stop:
 - i. At the stop bar, if one is provided.
 - ii. If not, then before entering the marked crosswalk, if one is provided.
 - iii. If not, then at the point near the main street where the driver has a view of approaching traffic.

At a number of recently constructed freeway interchanges in New Mexico, the design has carried the

entrance ramp lane continuously to the next exit ramp. This provides entering traffic with a much longer distance to merge with the through traffic. The beginning and ending of this lane is marked with a wide, solid, white lane to restrict motorists from changing lanes too early or too late. Unfortunately, it appears that many motorists do not understand the meaning of this marking.

11. Traffic Signals

A traffic signal may be used to alternately assign right of way to competing movements at those intersections with higher volume. The traffic signal head contains between three and five lenses that convey an indication to the motorist; all recent traffic signal installations in New Mexico use lenses that are 12 inches in diameter. The meaning of the signal indications and the expected driver response is specified in the law.

- a. **A green indication** means that a driver may enter the intersection. However, the driver must yield to all vehicles and pedestrians which are already in the intersection at the beginning of the green.
- b. **A yellow indication** means that the associated through or left-turn movement is about to end. A motorist is obviously permitted to enter the intersection on yellow. However, the response to the yellow indication should not be to accelerate. If a driver is far away when the signal turns yellow, there will be adequate space to decelerate to a stop. If the driver is sufficiently close to the intersection, continued travel at a speed no greater than the speed limit will permit safe clearance of the intersection.
- c. **A red indication** means that traffic may not enter the intersection. Entering the intersection when the signal indication is red is a violation of the law and could lead to a traffic citation. Unfortunately, the number of incidents of drivers entering on the red appears to be increasing. With this in mind, it would be prudent for a motorist who has just received a green indication to check and make sure that a driver on the intersecting street isn't entering on the red indication. Throughout the US (except in New York City), a motorist may make a right turn on red after stopping and yielding to vehicles and pedestrians unless there is a sign prohibiting this movement.
- d. **A green arrow**, in general, means that the motorist may make the indicated left-turn or right-turn without interference from opposing vehicles or pedestrians. However, in New Mexico, this does not mean that you can make a conflict-free U-turn on a green arrow if the intersecting street to your left is showing a green right-turn arrow for approaching traffic. The best guidance is to use extreme caution when making a U-turn at a signalized intersection. Many intersections with dual left-turn lanes prohibit left-turns except when a green left-turn arrow is being displayed.
- e. **Yellow and red arrows** have the same meanings noted above for the solid yellow and red indications.

Short of building an interchange, traffic signals are probably the only effective method of controlling intersections with large traffic volumes. Nevertheless, the installation of a traffic signal at a location that was previously controlled by STOP signs results in an increase in the number of traffic accidents.

With STOP control, drivers on the side street had to decide if there was a sufficient gap in traffic to enter or clear the intersection; an incorrect decision could result in a right-angle collision. When a traffic signal is installed, these right-angle collisions should (in theory) be eliminated, but due to red-light runners, they still account for over 35% of the collisions at New Mexico's signalized intersections. Moreover, drivers who always stopped at the STOP sign are now faced with the problem of making a real-time decision when the signal indication changes from green to yellow. In less than one second, the driver must make a decision to stop or continue through the intersection. Problems occur when the lead driver decides to stop and the following driver decides that both of them will continue through the intersection. This can lead to a rear-end collision. Traffic signal installation invariably results in an increase in the frequency of rear-end collisions.

- f. **Cost.** Although it is not necessary in performing the driving task, motorists should be aware of traffic signal costs. The cost of designing, purchasing the hardware, and installing a new traffic signal starts at about \$100,000. At more complex locations that require multiple vehicle detectors and

accommodation of protected turning movements, along with geometric changes to the intersection approaches, the cost can easily triple.

- g. Computerized signal systems.** In several of New Mexico's larger cities, some or all of the traffic signals are controlled by computers. This helps provide smoother operation for those vehicles flowing in the peak direction of traffic. Some streets, especially those that are one-way, have signs indicating that the signals are set for movement at 30 mph (or some other speed). There's a good to excellent chance that the signs are correct. One might assume that motorists who accelerate to 35 or 40 mph before having to stop at the next signal would eventually realize this, but there are some who *never learn from experience*.

Frequently Asked Questions about Highway and Traffic Engineering

Question #1: How are speed limits set?

Answer: Section 66-7-301 of the New Mexico Statutes establishes speed limits for broad categories of roads and streets: 15 mph in school zones, 30 mph in business and residential districts, the posted speed limit in construction zones, and a maximum of 75 mph. However, the statutes provide that these limits may be revised on the basis of an engineering study at a particular location. Proper studies assign primary importance to the speed that drivers choose based on their assessment of the roadway appearance (i.e., how fast they currently drive, but discounting the fastest 15 percent of the drivers who are probably overestimating the road's safe speed), geometric design parameters, roadside friction (due to parking, pedestrians, driveways), crash experience, and other factors that may not be apparent to the driver. Throughout New Mexico, the final decision on a roadway's speed limit is ultimately made by appointed or elected officials. At the local level, these officials respond to opinions of their constituents; as a consequence, numerous local speed limits are artificially low. Contrary to popular opinion, the simple lowering of the posted speed limit will not, per se, reduce the speed of traffic.

Question #2: I'm a good driver. When I look at a street and it appears to me that it should be safe to travel at 40 mph but engineers have posted the speed limit at a ridiculously low 30 mph, why shouldn't I be able to drive at 40 mph?

Answer: As discussed in earlier, New Mexico's statutory speed limits may be adjusted up or down on the basis of an engineering study that attempts to incorporate factors requiring lower speeds that may not be apparent to persons driving on the roadway; consequently, the limits may appear too low. In other cases, political pressures may override engineering recommendations, resulting in artificially low speed limits.

Question #3: I've found that I can drive through curves about 10 mph faster than the speed shown on the signs. What's wrong with you guys?

Answer: As a matter of practicality, highway engineers don't design facilities for average conditions because after all, about half the drivers and vehicles are below average. To extend the example, engineers don't design buildings for average wind loads or average earthquakes, telephone or electrical systems for average demands, or xyz for the average abc. To be candid, the recommended safe speed on highway curves assumes the worst (well, almost the worst) conditions: wet pavement, worn tires, poor vehicle suspension, and motorists' intolerance of side forces. To the extent that you, your vehicle and the weather conditions differ from the assumed conditions, you can probably negotiate the curve at a higher speed. Nevertheless, motorists must be careful as they drive from one state (or county or city) to another. One comprehensive study found that some states post reasonable and proper advisory speed warnings while others (unfortunately) do not employ accepted guidelines in establishing advisory speeds.

Question #4: As a citizen and a driver, I have a problem concerning a roadway I drive on; who should I complain to?

Answer: Although their representatives may appear abrupt when contacted by phone, all highway agencies are truly concerned about the safe and efficient operation of their streets and highways. If you want to relay a concern, the first step is to determine who "owns" the road. Roads that are designated as Interstate (e.g., I-40), primary (most US-xx), and state (NM-yy) are the responsibility of the NM State Highway Administration. If the problem involves one of these roads, contact the nearby NMSHTD District office in Deming, Roswell, Albuquerque, Las Vegas, Santa Fe, or Grants; all have (800) phone numbers that should be listed in local telephone directories. For streets that are clearly within a city, contact the city's department of public works or transportation. Most other roads will be under the jurisdiction of counties, although New Mexico has numerous miles of rural roads that are controlled by the US Forest Service or other federal government agencies. All of these agencies welcome input from concerned citizens regarding physical damage to the road, missing or damaged traffic control devices, or other issues that warrant attention.

Question #5: How do I get a flashing light attached to the warning sign at “dead man’s curve” just outside of town?

Answer: In theory, any flashing light should attract attention to the standard warning device. However, undue attention to any common situation (you probably drive through “sharp” curves every day) leaves the traffic engineer without something “special” for truly unique situations. In some modest-size Texas cities, flashing beacons are installed on the state highway to provide a convenient reference point (as in, “go to the blinking light and turn left”) rather than highlighting a true hazard. The New Mexico State Highway and Transportation Department has a practice of using flashing lights only at those intersections where the hazard is truly unexpected or unusual.

Question # 6: If I approach a signalized intersection and I have a green indication, how can I be sure that traffic on the intersecting street doesn’t also see a green?

Answer: Your concern is certainly valid. To reassure you, all traffic signal controllers have a “conflict monitor” that precludes the simultaneous display of green indications on competing intersection approaches. When there is a complete disruption of electricity at the signal controller, all indications will go blank and motorists should treat the intersection as if it had a four-way STOP.

Question # 7: It appears to me that the residential street I live on has quite a bit of traffic traveling at a high speed. Can traffic engineering help with this?

Answer: This general complaint has become increasingly common as external traffic attempts to take shortcut routes through neighborhoods. Most of the larger cities in New Mexico have implemented programs for residential area traffic control. You should contact your local public works department, which will conduct a traffic study and, if appropriate, recommend treatments that will help control the volume and speed of traffic.

Suggested Review Questions

Question # 1: Name those traffic signs that have unique shapes.

Answer: STOP, YIELD, No Passing Zone pennant, Railroad Advance Warning, Railroad Crossbuck, School Crossing.

Question # 2: True or False: A Speed Limit sign has a black border.

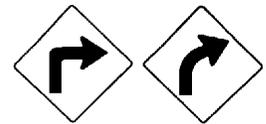
Answer: True. All traffic signs have a border to help focus attention on the sign. As shown in Figures 1-30, the color of the border is the same as the color of the sign message or legend.

Question # 3: True or False: Regulatory signs are enforceable.

Answer: This is generally true, although it is problematic how one enforces the black and white regulatory messages PASS WITH CARE or TRUCK LANE 500 FEET.

Question # 4: What is the difference in meaning between these two warning signs?

Answer: The Turn sign, on the left, indicates that the safe speed through the change in horizontal alignment is 30 mph or less and is below the posted speed limit. The Curve warning sign indicates a safe speed in excess of 30 mph but less than the posted speed limit.



Question # 5: In addition to marking a hazard, what message does this device convey to the motorist?

Answer: Because the sloped lines point down to the right, you should drive to the right side of this marker.



Question # 6: On a two-lane two-way highway, where is passing prohibited?

Answer: New Mexico statutes prohibit passing under specific conditions, such as within 100 feet of an intersection or on a curve where visibility is restricted. The responsible highway agency may place markings to prohibit passing at these locations or others where a passing maneuver cannot be made safely. The markings may be supplemented with the regulatory message DO NOT PASS or the warning NO PASSING ZONE pennant on the left side of the road.

Question # 7: True or False: The federal government dictates the geometric design and traffic control devices for use on all streets and highways.

Answer: False. Geometric design and traffic control standards are developed in a cooperative manner by representatives of federal, state, and local highway agencies. Once the standards are accepted by these various agencies, they become eligible for financial support from the federal highway program.

Question # 8: Identify and characterize the two primary competing functions of highways.

Answer: Highways and streets are designed to move traffic and to provide access to adjacent land. At one extreme, freeways are intended to move large volumes of traffic at high speed, but motorists can only access these facilities at interchanges. Toward the other extreme, every driveway provides access to a local street, but such facilities are designed to accommodate small volumes at moderate speeds.

Question # 9: True or False: An inattentive driver who strays from the travel path on an urban arterial will probably be redirected by the curb.

Answer: The proper answer depends on the actual speed and angle of impact along with the height and slope of the curb design. At an arterial speed of 40 mph and an impact angle of more than 10 degrees, most impacting vehicles will mount and continue beyond a typical 6-inch high curb.

Question # 10: What should I do if I come to a traffic signal and none of the signal indications are illuminated?

Answer: This is a good indication that the power to the traffic signal has been cut off. The situation should be treated as a four-way STOP. Be aware that under these conditions some aggressive motorists will attempt to enter as a group with the vehicle or two ahead of them. If the signal fails in this manner during peak traffic volumes, the prudent driver who wants to make a left turn across two or three lanes of opposing traffic would be well-advised to attempt this maneuver at a nearby, unsignalized intersection.

Question # 11: What should I do if I come to a signal at a rail-highway grade crossing and the indications are not illuminated?

Answer: In their standard mode of operation, railroad signals are illuminated only if a train is at or approaching the crossing with the highway. Fail-safe mechanisms make it extremely unlikely that a train would actually be approaching but the crossing signal would not be illuminated. Therefore, you should proceed across the crossing.



Question # 12: What should I do if I come to an intersection with a red signal indication for me and a green indication for intersecting traffic and I wait for four minutes without getting a green signal?

Answer: At intersections in New Mexico, if you've actually waited that long, there is probably something wrong with the traffic signal controller or the traffic detectors. If you're fortunate enough to be the lead vehicle in the right-hand lane, make a right turn on red and select the best alternate route to your destination. If you're near the front of the traffic queue, you or your passenger could exit your vehicle and push the button that pedestrians use to get the walk indication. If neither of these options is available and you've waited at least four minutes, you may exercise extreme caution for intersecting and opposing traffic and proceed through the intersection, recalling that the malfunctioning red indication still imposes on you the duty to yield to all intersecting traffic.

Question # 13: Identify traffic signs that can be mounted upside down without changing their meaning.

Answer: This chapter noted that the Divided Highway sign could be mounted upside down; however, its meaning was changed. A quick glance at Figures 1-30 suggests that the Cross Road sign (Figure 11), the Narrow Bridge sign (Figure 17), and the Two-Way Traffic sign (Figure 20) can be mounted upside down and still retain their same meaning. The black on yellow double-headed arrow, shown at the right, also satisfies this condition.



Question # 14: Identify a message that you might expect on standard traffic signs with the following background colors:

1) **Red**

Answer: stop, yield, wrong way

2) **Brown**

Answer: various forms of recreation guidance, such as parks, historical attractions, ski areas

3) **Orange**

Answer: construction warning

4) **Blue**

Answer: motorist service messages for rest areas, food/fuel/lodging, hospitals, airports

5) **Strong yellow-green**

Answer: school crossing signs

6) **Green**

Answer: many navigational signs, including street names and freeway guide signs

Question # 15: True or False: When I approach an intersection controlled by a STOP sign, I must come to a complete stop where the STOP sign is placed.

Answer: False. The primary criterion for the physical placement of STOP signs is to make them visible to approaching motorists; the STOP sign can be up to 75 feet from the through street. However, the law establishes the stopping position as the painted stop bar, the crosswalk, or the position where a driver has an adequate view of approaching traffic.

Question # 16: On a traffic sign, what does a red circle and slash on a white background mean?

Answer: Regulatory signs may show prohibition of something by using the symbol on a sign and surrounding it with a red circle and slash. The symbol could be a turning movement, a pedestrian, bicycle or truck, or some symbol of drunk driving.

Question # 17: If I'm driving in the left lane of a rural New Mexico Interstate highway, and I think one of my tires is going flat, should I slow down and pull onto the left shoulder?

Answer: You should slow and move to a safe area. With few exceptions, however, left-hand shoulders on New Mexico's highways are not sufficiently wide to protect a disabled vehicle. Right shoulders will almost always provide a safer refuge.

Question # 18: True or False: Traffic engineers will post warning signs at every hazard.

Answer: False. Numerous potentially hazardous conditions can exist on all roads, but practicality requires that drivers must be alert to any real-time hazards that may exist on the highway. The principle is especially critical on low-volume roads, where roadway geometrics and appearance should provide sufficient feedback to drivers.

Question # 19: The sketched sign is green with white numerals and is placed along the roadside. What does it mean?

Answer: This is a guide sign, commonly referred to as a milepost. It shows the mileage from the west or south beginning of the route within the state. In New Mexico, for example, mileposts on I-40 begin with 0 at the Arizona border while those on I-25 begin at Las Cruces at the interchange with I-10.



Resources

Homburger, W., et al., “Fundamentals of Traffic Engineering”, 15th Edition, University of California, Berkeley, 2000



Figure 1



Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



Figure 9



Figure 10



Figure 11



Figure 12



Figure 13



Figure 14



Figure 15



Figure 16

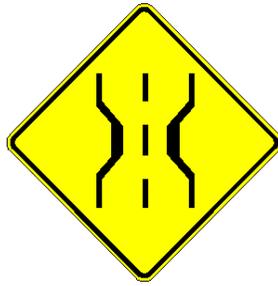


Figure 17



Figure 18



Figure 19



Figure 20



Figure 21



Figure 22



Figure 23



Figure 24



Figure 25



Figure 26



Figure 27



Figure 28



Figure 29



Figure 30