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OFFICE OF
SECRETARY OF STATE

State of New Mexico

Susana Martinez
Governor

April 2, 2011

HOUSE EXECUTIVE MESSAGE NO. 6

The Honorable Ben Luján and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Honorable Speaker Luján and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I have this day VETOED and am returning HOUSE BILL 11, as amended, enacted by the Fiftieth Legislature, First Session, 2011.

This bill adds the definition of a “motor scooter” to the state’s Motor Vehicle Code and allows individuals eighteen years of age and older to operate these vehicles without obtaining a motorcycle license.

In this legislation, a “motor scooter” is defined as a two- or three-wheeled vehicle that has a seat or saddle for the use of the rider, an automatic transmission and a piston displacement of no less than fifty cubic centimeters and no more than one hundred fifty cubic centimeters.

Current law requires an operator of a two-wheeled vehicle powered by more than forty-nine cubic centimeters to obtain a motorcycle endorsement. Prior to receiving this endorsement, an individual must demonstrate a certain level of skill in handling and operating the vehicle.

By exempting individuals eighteen and older from obtaining a motorcycle endorsement, the State has no means of ensuring whether a driver is capable of operating the vehicle in

HOUSE EXECUTIVE MESSAGE NO. 6

The Honorable Ben Luján

April 2, 2011

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a safe manner. This not only poses a danger to the operator but also to vehicles and pedestrians traveling on these same roadways.

Respectfully yours,



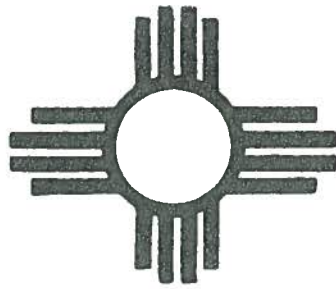
Susana Martinez

Governor

RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 2:06 a.m. (p.m.)
Date: 4/21 2011 By Larry Dominguez
Secretary of State

Time: _____ a.m. p.m.
Date: _____ 2011 By _____
Chief Clerk of the House



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

HOUSE BILL 11, as amended

Introduced by

REPRESENTATIVE MIMI STEWART

REPRESENTATIVE RICK MIERA



VETOED

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AN ACT

RELATING TO MOTOR VEHICLES; DEFINING "MOTOR SCOOTER";
PROVIDING ELECTRIC MOTOR KILOWATT LIMITATIONS FOR MOPEDS AND
MOTOR SCOOTERS; PROVIDING FOR OPERATION OF MOTOR SCOOTERS.

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

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

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

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

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

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

D. "manufacturer's certificate of origin" means a
certification, on a form supplied by or approved by the

1 department, signed by the manufacturer that the new vehicle or
2 boat described in the certificate has been transferred to the
3 New Mexico dealer or distributor named in the certificate or
4 to a dealer duly licensed or recognized as such in another
5 state, territory or possession of the United States and that
6 such transfer is the first transfer of the vehicle or boat in
7 ordinary trade and commerce;

8 E. "moped" means a two-wheeled or three-wheeled
9 vehicle with an automatic transmission and a combustion engine
10 having a piston displacement of less than fifty cubic
11 centimeters or an electric motor rated at less than three and
12 seventy-three hundredths kilowatts, that is capable of
13 propelling the vehicle at a maximum speed of not more than
14 thirty miles an hour on level ground, at sea level;

15 F. "motorcycle" means every motor vehicle having a
16 seat or saddle for the use of the rider and designed to travel
17 on not more than three wheels in contact with the ground,
18 excluding a tractor;

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

22 H. "motor scooter" means a two- or three-wheeled
23 vehicle that has a seat or saddle for the use of the rider, an
24 automatic transmission, a combustion engine having a piston
25 displacement of no more than one hundred fifty cubic

1 centimeters or an electric motor rated at no more than eight
2 and ninety-five hundredths kilowatts and capable of a speed
3 greater than thirty miles an hour;

4 I. "motor vehicle" means every vehicle that is
5 self-propelled and every vehicle that is propelled by electric
6 power obtained from batteries or from overhead trolley wires,
7 but not operated upon rails; but for the purposes of the
8 Mandatory Financial Responsibility Act, "motor vehicle" does
9 not include "special mobile equipment"; and

10 J. "motor vehicle insurance policy" means a policy
11 of vehicle insurance that covers self-propelled vehicles of a
12 kind required to be registered pursuant to New Mexico law for
13 use on the public streets and highways. A "motor vehicle
14 insurance policy":

15 (1) shall include:

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

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

22 (2) may include:

23 (a) physical damage coverage;

24 (b) medical payments coverage; and

25 (c) other coverages that the insured

1 and the insurer agree to include within the policy."

2 SECTION 2. A new section of the Motor Vehicle Code is
3 enacted to read:

4 "MOTOR SCOOTER.--A person eighteen years of age or older
5 who has been issued a driver's license or a commercial
6 driver's license may operate a motor scooter without the
7 requirement of a motorcycle license or motorcycle endorsement
8 on the person's driver's license or commercial driver's
9 license. In all other respects, the provisions of the Motor
10 Vehicle Code that apply to the operation of a motorcycle shall
11 apply to the operation of a motor scooter."

12 SECTION 3. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2011. _____

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COMM. ON TRANSPORTATION
SOUTH AFRICA 11
11/11/11

RECEIVED IN THE
OFFICE OF THE
COMMISSIONER OF
TRANSPORTATION
11/11/11

S/ BEN LUJAN
BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES

S/ STEPHEN R. ARIAS
STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

S/ JOHN A. SANCHEZ
JOHN A. SANCHEZ, PRESIDENT
SENATE

S/ LENORE M. NARANJO
LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this _____ day of _____, 2011

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

SECRET
STATE OF NEW MEXICO
GOVERNOR'S OFFICE

STATE OF NEW MEXICO
GOVERNOR'S OFFICE