

**CITY OF ELEPHANT BUTTE  
ORDINANCE NO. 155**

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

**WHEREAS,** the Governing Body has previously adopted the New Mexico Uniform Traffic Ordinance by reference as the traffic ordinance for the City of Elephant Butte; and

**WHEREAS,** the New Mexico legislature amended the Uniform Traffic Ordinance in the 2015 legislative session to include provisions regulating the use of Autocycles; and

**WHEREAS,** the Governing Body wishes to approve and incorporate the legislative provisions for Autocycles into the city traffic code.

**NOW THEREFORE, BE IT ORDAINED** by the Governing Body of the City of Elephant Butte, New Mexico, that the traffic ordinance of the City of Elephant Butte be amended as follows:

**SECTION 1. ADOPTION BY REFERNCE.**

The 2010 Compilation of the New Mexico Uniform Traffic Ordinance, including all amendments adopted through July 1, 2015, as previously adopted by the city is hereby ratified in its entirety.

**SECTION 2. AMENDMENTS TO 2015 UNIFORM TRAFFIC ORDINANCE.**

The following amendments to the 2015 Uniform Traffic Ordinance are hereby adopted and incorporated into the traffic regulations of the city:

12-1-5.1 Autocycle. "Autocycle" means a three-wheeled motorcycle on which the driver and all passengers ride in a completely enclosed, tandem seating area, that is equipped with:

- (1) federal motor vehicle safety standard glazing;
- (2) a roll cage;
- (3) safety belts for all occupants;
- (4) airbag protection;
- (5) anti-lock brakes;
- (6) a steering wheel; and
- (7) pedals. (66-1-4.1 NMSA 1978)

12-1-37. Motorcycles. "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles and excluding a tractor. (66-1-4.1 NMSA 1978)

12-7-6. Mandatory Use of Protective Helmet.

(A) No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the

standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid operator'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~~ secretary.

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

(C) Autocycles are exempted from the helmet provisions of this section. (66-7-356 NMSA 1978).

12-7-8.1 Motorcycle endorsement not required for autocycle operation. Autocycles shall be registered as motorcycles and proof of financial responsibility may characterize them as motorcycles, but a driver shall not be required to have a motorcycle endorsement to operate an autocycle. (66-3-1.4 NMSA 1978)

#### **SECTION 4. INCORPORATION BY REFERENCE.**

Pursuant to the provisions of NMSA 1978, § 3-17-6, the city clerk is directed to amend and replace the provisions of the city traffic ordinance with the amended material adopted herein.

#### **SECTION 3. EFFECTIVE DATE.**

This ordinance shall be effective five (5) days following publication after adoption.

**PASSED, APPROVED AND ADOPTED** by the Governing Body this 18<sup>th</sup> day of November, 2015.

  
\_\_\_\_\_  
Eunice Kent, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen Rieth, City Clerk

## 2015 Changes to the Uniform Traffic Code

Underlined = new material

(----) = deleted

12-1-5.1      AUTOCYCLE. "Autocycle" means a three-wheeled motorcycle on which the driver and all passengers ride in a completely enclosed, tandem seating area, that is equipped with:

(1) federal motor vehicle safety standard glazing;

(2) a roll cage;

(3) safety belts for all occupants;

(4) airbag protection;

(5) antilock brakes;

(6) a steering wheel; and

(7) pedals. (66-1-4.1 NMSA 1978)

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

### 12-7-6      MANDATORY USE OF PROTECTIVE HELMET.

A.      No person under the age of eighteen shall operate a motorcycle unless he is wearing a safety helmet securely fastened on his head in a normal manner as headgear and meeting the standards authorized by 66-7-356 NMSA 1978. No dealer or person who leases or rents motorcycles shall lease or rent a motorcycle to a person under the age of eighteen unless the lessee or renter shows such person a valid operator'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~~ secretary.

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

C.      Autocycles are exempted from the helmet provisions of this section. . (66-7-356 NMSA 1978)

12-7-8.1      MOTORCYCLE ENDORSEMENT NOT REQUIRED FOR AUTOCYCLE OPERATION. Autocycles shall be registered as motorcycles and proof of financial responsibility may characterize them as motorcycles, but a driver shall not be required to have a motorcycle endorsement to operate an autocycle. (66-3-1.4 NMSA 1978)

