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SENATE BILL 308

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Gerald Ortiz y Pino

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO TRAUMATIC INJURIES; REQUIRING THE USE OF MOTORCYCLE SAFETY HELMETS; PROVIDING EXCEPTIONS; CREATING A DISTINCTIVE MOTORCYCLE VALIDATING STICKER ALLOWING CERTAIN OPERATORS AND PASSENGERS TO REFRAIN FROM WEARING A SAFETY HELMET; CREATING THE FATAL-INJURY DIAGNOSIS AND REPORTING FUND; PRESCRIBING PENALTIES; MAKING APPROPRIATIONS.

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

SECTION 1. Section 66-3-14 NMSA 1978 (being Laws 1978, Chapter 35, Section 34, as amended) is amended to read:

"66-3-14. REGISTRATION PLATES OR VALIDATING STICKERS TO BE FURNISHED BY DEPARTMENT--REFLECTIVE MATERIAL.--

A. The department upon registering a vehicle shall issue a registration plate or a validating sticker to the owner of the vehicle. The validating sticker may be designed and

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1 required to be placed on the registration plate or elsewhere on
2 the vehicle as prescribed by the department.

3 B. Each registration plate shall have a background
4 of reflective material such that the registration number
5 assigned to the vehicle is plainly legible from a distance of
6 one hundred feet at night. The colors shall include those of
7 the state flag, except prestige and special plates.

8 C. Each registration plate shall have displayed
9 upon it:

10 (1) the registration number assigned to the
11 person to whom it was issued; and

12 (2) the name of this state.

13 D. The department shall issue no registration
14 plates for privately owned vehicles that contain the words
15 "staff officer" or any other title except as otherwise provided
16 by law.

17 E. All registration plates for private vehicles
18 shall be alike in form except for the owner's registration
19 number. The department shall adopt registration number systems
20 for registration plates.

21 F. In lieu of or in addition to a registration
22 plate or sticker for commercial motor vehicles, the department
23 may issue an electronic identifying device.

24 G. The department shall determine the design of and
25 make available distinctive motorcycle validating stickers that

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1 signify that any person age eighteen or older who operates a
2 motorcycle on which the sticker is affixed and any of that
3 operator's passengers age eighteen or older are not required by
4 law to wear a safety helmet while operating or riding on the
5 motorcycle. The department shall issue a distinctive
6 motorcycle validating sticker when a qualifying person pays the
7 fee as provided in Paragraph (2) of Subsection A of Section
8 66-6-1 NMSA 1978."

9 SECTION 2. Section 66-6-1 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 336, as amended) is amended to read:

11 "66-6-1. MOTORCYCLES--REGISTRATION FEES--VALIDATING
12 STICKERS.--

13 A. For the registration of [motorcycles] a
14 motorcycle, the department shall collect one of the following
15 fees for a twelve-month registration period:

16 [~~(1) for a motorcycle having not more than two~~
17 ~~wheels in contact with the ground, fifteen dollars (\$15.00);~~
18 ~~and~~

19 [~~(2) for a motorcycle having three wheels in~~
20 ~~contact with the ground or having a sidecar, fifteen dollars~~
21 ~~(\$15.00)]~~

22 (1) fifteen dollars (\$15.00) for a standard
23 validating sticker; or

24 (2) six hundred ninety-two dollars (\$692) for
25 a distinctive motorcycle validating sticker that signifies that

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1 any person age eighteen or older who operates the motorcycle on
2 which it is affixed and any of that operator's passengers age
3 eighteen or older are not required by law to wear a safety
4 helmet.

5 B. The revenue from the fee imposed by Paragraph
6 (2) of Subsection A of this section shall be distributed as
7 follows:

8 (1) four hundred seventy-three dollars ninety
9 cents (\$473.90) to the trauma system fund;

10 (2) one hundred thirty-five dollars forty
11 cents (\$135.40) to the brain injury services fund;

12 (3) sixty-seven dollars seventy cents (\$67.70)
13 to the fatal-injury diagnosis and reporting fund; and

14 (4) fifteen dollars (\$15.00) as otherwise
15 provided by law.

16 ~~[B-]~~ C. In addition to other fees required by this
17 section, the department shall collect for each motorcycle an
18 annual tire recycling fee of one dollar (\$1.00) for a twelve-
19 month registration period."

20 SECTION 3. [NEW MATERIAL] FATAL-INJURY DIAGNOSIS AND
21 REPORTING FUND--CREATED.--The "fatal-injury diagnosis and
22 reporting fund" is created in the state treasury. The fund
23 consists of appropriations, gifts, grants, donations and income
24 from investment of the fund. The university of New Mexico
25 school of medicine shall administer the fund on behalf of the

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1 state medical investigator, and money in the fund is
2 appropriated to the university of New Mexico school of medicine
3 for the diagnosis and reporting of fatal injuries. Money in
4 the fund shall be disbursed on warrants signed by the secretary
5 of finance and administration pursuant to vouchers signed by
6 the dean of the school of medicine or the dean's authorized
7 representative. Money in the fund shall not revert at the end
8 of any fiscal year.

9 SECTION 4. Section 66-7-356 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 460, as amended) is amended to read:

11 "66-7-356. MANDATORY USE OF PROTECTIVE HELMETS.--

12 A. ~~[No]~~ A person under the age of eighteen ~~[shall~~
13 ~~operate]~~ who operates a motorcycle ~~[unless he is wearing]~~ and
14 any operator and passenger age eighteen or older on a
15 motorcycle whose registration plate is affixed with a standard
16 validating sticker shall wear a safety helmet that is securely
17 fastened on ~~[his]~~ the person's head in a normal manner as
18 headgear and ~~[meeting]~~ that meets the standards specified by
19 the director. A person age eighteen or older who operates a
20 motorcycle on which a valid, distinctive motorcycle validating
21 sticker, as described in Paragraph (2) of Subsection A of
22 Section 66-6-1 NMSA 1978, is affixed and any of that person's
23 passengers age eighteen or older are not required to wear a
24 safety helmet. The director shall adopt rules and regulations
25 establishing standards ~~[covering the types of]~~ and

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1 specifications for acceptable helmets [~~and the specifications~~
2 ~~therefor~~] and shall establish and maintain a list of approved
3 helmets meeting [~~the~~] those standards and specifications [~~of~~
4 ~~the director. No~~]. A dealer or person who leases or rents
5 motorcycles shall not lease or rent a motorcycle to a person
6 under the age of eighteen unless the lessee or renter shows
7 such person a valid driver's license or permit and possesses
8 the safety equipment required of an operator who is under the
9 age of eighteen. [~~No~~] A person shall not carry any passenger
10 under the age of eighteen on any motorcycle unless the
11 passenger is wearing a securely fastened safety helmet, as
12 specified in this section, meeting the standards specified by
13 the director.

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

16 SECTION 5. Section 66-8-116 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 524, as amended) is amended to read:

18 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
19 SCHEDULE OF ASSESSMENTS.--

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

25 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY

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		ASSESSMENT
1		
2	Improper display of	
3	registration plate	66-3-18 \$ 25.00
4	Failure to notify of	
5	change of name or address	66-3-23 25.00
6	Lost or damaged registration,	
7	plate or title	66-3-24 20.00
8	Permitting unauthorized	
9	minor to drive	66-5-40 50.00
10	Permitting unauthorized	
11	person to drive	66-5-41 25.00
12	Failure to obey sign	66-7-104 10.00
13	Failure to obey signal	66-7-105 10.00
14	Speeding	66-7-301
15	(1) up to and including	
16	ten miles an hour	
17	over the speed limit	15.00
18	(2) from eleven up to	
19	and including fifteen	
20	miles an hour	
21	over the speed limit	30.00
22	(3) from sixteen up to	
23	and including twenty	
24	miles an hour over the	
25	speed limit	65.00

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1	(4) from twenty-one up to		
2	and including twenty-five		
3	miles an hour		
4	over the speed limit		100.00
5	(5) from twenty-six up to		
6	and including thirty		
7	miles an hour over the		
8	speed limit		125.00
9	(6) from thirty-one up to		
10	and including thirty-five		
11	miles an hour over the		
12	speed limit		150.00
13	(7) more than thirty-five		
14	miles an hour over the		
15	speed limit		200.00
16	Unfastened safety belt	66-7-372	25.00
17	Child not in restraint device		
18	or seat belt	66-7-369	25.00
19	Minimum speed	66-7-305	10.00
20	Speeding	66-7-306	15.00
21	Improper starting	66-7-324	10.00
22	Improper backing	66-7-354	10.00
23	Improper lane	66-7-308	10.00
24	Improper lane	66-7-313	10.00
25	Improper lane	66-7-316	10.00

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1	Improper lane	66-7-317	10.00
2	Improper lane	66-7-319	10.00
3	Improper passing	66-7-309 through 66-7-312	10.00
4	Improper passing	66-7-315	10.00
5	Controlled access		
6	violation	66-7-320	10.00
7	Controlled access		
8	violation	66-7-321	10.00
9	Improper turning	66-7-322	10.00
10	Improper turning	66-7-323	10.00
11	Improper turning	66-7-325	10.00
12	Following too closely	66-7-318	10.00
13	Failure to yield	66-7-328 through 66-7-331	10.00
14	Failure to yield	66-7-332	50.00
15	Failure to yield	66-7-332.1	25.00
16	Pedestrian violation	66-7-333	10.00
17	Pedestrian violation	66-7-340	10.00
18	Failure to stop	66-7-342 and 66-7-344	
19		through 66-7-346	10.00
20	Railroad-highway grade		
21	crossing violation	66-7-341 and 66-7-343	150.00
22	Passing school bus	66-7-347	100.00
23	Failure to signal	66-7-325 through 66-7-327	10.00
24	Failure to secure load	66-7-407	100.00
25	Operation without oversize-		

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1	overweight permit	66-7-413	50.00
2	Transport of reducible		
3	load with special		
4	permit more than six miles		
5	from a border crossing	66-7-413	100.00
6	Improper equipment	66-3-801	
7		through 66-3-851	25.00
8	Improper equipment	66-3-901	20.00
9	Improper emergency		
10	signal	66-3-853 through 66-3-857	10.00
11	[Minor on motorcycle		
12	without helmet] <u>Failure</u>		
13	<u>to wear a motorcycle</u>		
14	<u>safety helmet - first</u>		
15	<u>violation</u>	66-7-356	300.00
16	<u>Failure to wear a</u>		
17	<u>motorcycle safety</u>		
18	<u>helmet - subsequent</u>		
19	<u>violation</u>	<u>66-7-356</u>	<u>600.00</u>
20	Operation interference	66-7-357	50.00
21	Littering	66-7-364	300.00
22	Improper parking	66-7-349 through 66-7-352	
23		and 66-7-353	5.00
24	Improper parking	66-3-852	5.00
25	Failure to dim lights	66-3-831	10.00

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1	Riding in or towing		
2	occupied house trailer	66-7-366	5.00
3	Improper opening of doors	66-7-367	5.00
4	No slow-moving vehicle		
5	emblem or flashing		
6	amber light	66-3-887	5.00
7	Open container - first		
8	violation	66-8-138	25.00
9	Texting while driving -	[Section 1 of this	
10	first violation	2014 act] <u>66-7-374</u>	25.00
11	Texting while driving -	[Section 1 of this	
12	subsequent violation	2014 act] <u>66-7-374</u>	50.00.

13 B. The term "penalty assessment misdemeanor" does
14 not include a violation that has caused or contributed to the
15 cause of an accident resulting in injury or death to a person.

16 C. When an alleged violator of a penalty assessment
17 misdemeanor elects to accept a notice to appear in lieu of a
18 notice of penalty assessment, a fine imposed upon later
19 conviction shall not exceed the penalty assessment established
20 for the particular penalty assessment misdemeanor and probation
21 imposed upon a suspended or deferred sentence shall not exceed
22 ninety days.

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

3 E. Upon a second conviction for operation without a
4 permit for excessive size or weight pursuant to Section
5 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
6 fifty dollars (\$250). Upon a third or subsequent conviction,
7 the penalty assessment shall be five hundred dollars (\$500).

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

15 SECTION 6. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2015.