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AN ACT

RELATING TO CRIME; REVISING PENALTIES FOR CERTAIN OFFENSES;
REPEALING SECTIONS OF LAW; RECONCILING CONFLICTING SECTIONS
OF LAW BY REPEALING LAWS 1989, CHAPTER 318, SECTION 31.

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

SECTION 1. Section 30-8-4 NMSA 1978 (being Laws 1963,
Chapter 303, Section 8-4, as amended) is amended to read:

"30-8-4. LITTERING.--

A. Littering consists of discarding refuse:

(1) on public property in any manner other
than by placing the refuse in a receptacle provided for the
purpose by the responsible governmental authorities or
otherwise in accordance with lawful direction; or

(2) on private property not owned or
lawfully occupied or controlled by the person, except with
the consent of its owner, lessee or occupant.

B. Whoever commits littering is guilty of a petty
misdemeanor and, notwithstanding the provisions of Section
31-19-1 NMSA 1978, shall be punished by a fine of fifty
dollars (\$50.00). The use of uniform traffic citations is
authorized for the enforcement of this section. The court
may to the extent permitted by law, as a condition to
suspension of any other penalty provided by law, require a
person who commits littering to pick up and remove from any

1 public place or any private property, with prior permission
2 of the legal owner, any litter deposited thereon."

3 SECTION 2. Section 66-3-1 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 21, as amended) is amended to read:

5 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--
6 EXCEPTIONS.--

7 A. With the exception of vehicles identified in
8 Subsection B of this section, every motor vehicle,
9 manufactured home, trailer, semitrailer and pole trailer when
10 driven or moved upon a highway and every off-highway motor
11 vehicle is subject to the registration and certificate of
12 title provisions of the Motor Vehicle Code except:

13 (1) any such vehicle driven or moved upon a
14 highway in conformance with the provisions of the Motor
15 Vehicle Code relating to manufacturers, dealers, lien-holders
16 or nonresidents;

17 (2) any such vehicle that is driven or moved
18 upon a highway only for the purpose of crossing the highway
19 from one property to another;

20 (3) an implement of husbandry that is only
21 incidentally operated or moved upon a highway;

22 (4) special mobile equipment;

23 (5) a vehicle that is propelled exclusively
24 by electric power obtained from overhead trolley wires though
25 not operated upon rails;

1 (6) a freight trailer if it is:

2 (a) properly registered in another
3 state;

4 (b) identified by a proper base
5 registration plate that is properly displayed; and

6 (c) identified by other registration
7 documents that are in the possession of the operator and
8 exhibited at the request of a police officer;

9 (7) a freight trailer or utility trailer
10 owned and used by:

11 (a) a nonresident solely for the
12 transportation of farm products purchased by the nonresident
13 from growers or producers of the farm products and
14 transported in the trailer out of the state;

15 (b) a farmer or a rancher who
16 transports to market only the produce, animals or fowl
17 produced by that farmer or rancher or who transports back to
18 the farm or ranch supplies for use thereon; or

19 (c) a person who transports animals to
20 and from fairs, rodeos or other places, except racetracks,
21 where the animals are exhibited or otherwise take part in
22 performances, in trailers drawn by a motor vehicle or truck
23 of less than ten thousand pounds gross vehicle weight rating
24 bearing a proper registration plate, but in no case shall the
25 owner of an unregistered trailer described in this paragraph

1 perform such uses for hire;

2 (8) a moped;

3 (9) an electric personal assistive mobility
4 device;

5 (10) a vehicle moved on a highway by a
6 towing service as defined in Section 59A-50-2 NMSA 1978; and

7 (11) an off-highway motor vehicle exempted
8 pursuant to Section 66-3-1005 NMSA 1978.

9 B. A certificate of title required pursuant to
10 Subsection A of this section is not required for a vehicle of
11 a type subject to registration owned by:

12 (1) the government of the United States; or

13 (2) a carrier that is from a jurisdiction
14 that is not a participant in the International Fuel Tax
15 Agreement, that is authorized by the United States government
16 or an agency of the United States government to conduct
17 cross-border operations beyond the commercial border zone
18 pursuant to the provisions of the North American Free Trade
19 Agreement and that identifies New Mexico as the carrier's
20 base jurisdiction.

21 C. A person who violates the provisions of this
22 section is guilty of a penalty assessment misdemeanor. A
23 person charged with violating this section shall not be
24 convicted if the person produces, in court, evidence of
25 compliance valid at the time of issuance of the citation."

1 SECTION 3. Section 66-3-16.1 NMSA 1978 (being Laws
2 1995, Chapter 129, Section 2, as amended) is amended to read:

3 "66-3-16.1. PROHIBITED ACTS--PENALTIES.--

4 A. Any person who provides false information in
5 order to acquire, or who assists an unqualified person to
6 acquire, a special registration plate or parking placard as
7 provided in Section 66-3-16 NMSA 1978 is guilty of a petty
8 misdemeanor and shall be sentenced pursuant to the provisions
9 of Section 31-19-1 NMSA 1978.

10 B. Any person, other than the person to whom a
11 special registration plate or a parking placard was issued,
12 who in the absence of the holder of the plate or placard,
13 parks in a designated accessible parking space for persons
14 with significant mobility limitation while displaying the
15 plate or placard, is guilty of a misdemeanor pursuant to
16 Section 66-8-7 NMSA 1978.

17 C. A special registration plate or parking placard
18 displayed on a vehicle parked in a designated accessible
19 parking space for persons with significant mobility
20 limitation in the absence of the holder of that plate or
21 placard is subject to immediate seizure by a law enforcement
22 official and if seized shall be delivered to the department
23 within seventy-two hours. Failure to surrender the parking
24 placard on demand of a law enforcement officer is a penalty
25 assessment misdemeanor."

1 SECTION 4. Section 66-3-18 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 38, as amended) is amended to read:

3 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY
4 REGISTRATION PERMITS--DISPLAYS PROHIBITED AND ALLOWED.--

5 A. The registration plate shall be attached to the
6 rear of the vehicle for which it is issued; however, the
7 registration plate shall be attached to the front of a road
8 tractor or truck tractor. The plate shall be securely
9 fastened at all times in a fixed horizontal position at a
10 height of not less than twelve inches from the ground,
11 measuring from the bottom of the plate. It shall be in a
12 place and position so as to be clearly visible, and it shall
13 be maintained free from foreign material and in a condition
14 to be clearly legible.

15 B. A demonstration or temporary registration
16 permit shall be firmly affixed to the inside left rear window
17 of the vehicle to which it is issued, unless such display
18 presents a safety hazard or the demonstration or temporary
19 registration permit is not visible or readable from that
20 position, in which case, the demonstration or temporary
21 registration permit shall be displayed in such a manner that
22 it is clearly visible from the rear or left side of the
23 vehicle.

24 C. No vehicle while being operated on the highways
25 of this state shall have displayed either on the front or the

1 rear of the vehicle any registration plate, including
2 validating sticker, other than one issued or validated for
3 the current registration period by the department or any
4 other licensing authority having jurisdiction over the
5 vehicle. No expired registration plate or validating sticker
6 shall be displayed on the vehicle other than an expired
7 special registration plate, which may be exhibited on the
8 front of the vehicle.

9 D. Nothing contained in this section shall be
10 construed as prohibiting the use of a promotional or
11 advertising plate on the front of the vehicle.

12 E. A violation of a provision of this section is a
13 penalty assessment misdemeanor."

14 SECTION 5. Section 66-3-27 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 47) is amended to read:

16 "66-3-27. HORSELESS CARRIAGE REGISTRATION.--

17 A. A motor vehicle at least thirty-five years old
18 owned as a collector's item and used solely for exhibition and
19 educational purposes is a "horseless carriage". On
20 application to the secretary, the owner of the horseless
21 carriage may receive a certificate of title and permanent
22 registration upon:

23 (1) payment of a fee of ten dollars
24 (\$10.00); and

25 (2) submission of a witnessed bill of sale

1 on the horseless carriage or an affidavit that the vehicle was
2 assembled by the owner from parts of automobiles at least
3 thirty-five years old.

4 B. Upon approval of the application, the secretary
5 shall issue one five-year registration plate with registration
6 numbers and the words "Horseless Carriage", "Land of
7 Enchantment" and "New Mexico". The plate, bearing no date,
8 shall be attached to the rear of the vehicle.

9 C. Upon transfer of ownership of a horseless
10 carriage, the new owner shall apply to the secretary for a
11 transfer of title as provided in and subject to the penalties
12 contained in Section 66-3-103 NMSA 1978. The registration
13 plates shall remain with the transferred vehicle.

14 D. Beginning in 1968 and each five-year period
15 thereafter, every plate shall be revalidated upon application
16 approved by the secretary, accompanied by a fee of five
17 dollars (\$5.00). Upon loss of the original registration
18 plate, a duplicate plate may be obtained by the owner upon
19 payment of a fee of ten dollars (\$10.00).

20 E. A person who violates this section is guilty of
21 a penalty assessment misdemeanor."

22 **SECTION 6.** Section 66-3-103 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 50, as amended) is amended to read:

24 "66-3-103. NEW OWNER TO SECURE TRANSFER OF REGISTRATION
25 AND NEW CERTIFICATE OF TITLE--TIME PERIOD--PENALTY.--

1 A. Except as otherwise provided by law, the
2 transferee before operating or permitting the operation of the
3 vehicle or boat on a highway or waterway shall present to the
4 division the certificate of registration and the properly
5 assigned certificate of title and shall apply for and obtain a
6 new certificate of title and a new registration for the
7 vehicle.

8 B. A transferee who fails to apply for transfer of
9 registration and issuance of a new certificate of title within
10 thirty days from the date of transfer is guilty of a penalty
11 assessment misdemeanor."

12 **SECTION 7.** Section 66-3-403 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 82, as amended) is amended to read:

14 "66-3-403. EXPIRATION OF DEALER PLATES.--Every dealer
15 plate issued pursuant to Section 66-3-402 NMSA 1978 expires at
16 midnight on December 31 of each year. Upon payment of the
17 proper fee, the person to whom the dealer plate was issued may
18 apply to the department for a new plate or validating sticker
19 for the ensuing year. Renewal of all dealer plates shall be
20 on or before December 31. A person who operates a vehicle
21 with a dealer plate that has expired is guilty of a penalty
22 assessment misdemeanor."

23 **SECTION 8.** Section 66-3-409 NMSA 1978 (being Laws 1978,
24 Chapter 199, Section 1, as amended) is amended to read:

25 "66-3-409. SPECIAL REGISTRATION PLATES--MEDAL OF HONOR

1 RECIPIENTS.--

2 A. The department shall issue distinctive pale
3 blue, white and gold registration plates to any person who has
4 been awarded the medal of honor and who so requests and
5 submits proof satisfactory to the department that the person
6 has been awarded that medal. The plates shall each bear the
7 inscription "Medal of Honor Recipient". No fee, including the
8 regular registration fee applicable to the passenger motor
9 vehicle, if any, shall be collected for the issuance of a
10 special registration plate pursuant to this section.

11 B. No person shall falsely make any representation
12 that the person is a medal of honor recipient in order to be
13 eligible to be issued special registration plates pursuant to
14 this section when the person is in fact not such a recipient.
15 A person who violates the provisions of this subsection is
16 guilty of a penalty assessment misdemeanor."

17 SECTION 9. Section 66-3-411 NMSA 1978 (being Laws 1978,
18 Chapter 99, Section 2, as amended) is amended to read:

19 "66-3-411. SPECIAL REGISTRATION PLATES--PRISONERS OF
20 WAR AND SURVIVING SPOUSES--SUBMISSION OF PROOF--PENALTY.--

21 A. The department shall issue distinctive
22 registration plates to any person, or to the surviving spouse
23 of any deceased person, who was held as a prisoner of war by
24 an enemy of the United States during any armed conflict, upon
25 the submission by the person or surviving spouse of proof

1 satisfactory to the department that the person was held as a
2 prisoner of war by an enemy of the United States during a
3 period of armed conflict or that the person is the surviving
4 spouse of such a person. No fee, including the regular
5 registration fee applicable to the passenger motor vehicle, if
6 any, shall be collected for issuance of a special registration
7 plate pursuant to this section.

8 B. A person shall not falsely make a
9 representation that the person has been held as a prisoner of
10 war or to be the surviving spouse of a prisoner of war so as
11 to be eligible to be issued special registration plates
12 pursuant to this section when the person in fact was not held
13 as a prisoner of war or when the person in fact is not the
14 surviving spouse of a prisoner of war.

15 C. A person who violates the provisions of
16 Subsection B of this section is guilty of a penalty assessment
17 misdemeanor."

18 **SECTION 10.** Section 66-3-412 NMSA 1978 (being Laws
19 1979, Chapter 299, Section 2, as amended) is amended to read:

20 "66-3-412. SPECIAL REGISTRATION PLATES--FIFTY PERCENT
21 OR MORE DISABLED VETERANS--SUBMISSION OF PROOF--PENALTY.--

22 A. The department shall issue distinctive
23 registration plates for up to two vehicles, including
24 motorcycles, to a person who is a veteran of the armed forces
25 of the United States and was fifty percent or more disabled

1 while serving in the armed forces of the United States, upon
2 the submission by the person of proof satisfactory to the
3 department that the person was fifty percent or more disabled
4 while serving in the armed forces of the United States. No
5 fee, including the regular registration fee applicable to the
6 passenger motor vehicle or regular motorcycle registration
7 fees, if any, shall be collected for issuance of a special
8 registration plate pursuant to this section. A person
9 eligible for a special registration plate pursuant to this
10 section and also eligible for one or more special registration
11 plates pursuant to Sections 66-3-406, 66-3-409, 66-3-411 and
12 66-3-412.1 NMSA 1978 shall be issued only one special
13 registration plate of the person's choice.

14 B. A person shall not falsely make a
15 representation as having been fifty percent or more disabled
16 while serving in the armed forces of the United States so as
17 to be eligible to be issued special registration plates
18 pursuant to this section when the person in fact was not fifty
19 percent or more disabled while serving in the armed forces of
20 the United States.

21 C. A person who violates the provisions of
22 Subsection B of this section is guilty of a penalty assessment
23 misdemeanor.

24 D. As used in this section, "veteran" means an
25 individual who was regularly enlisted, drafted, inducted or

1 commissioned, who was accepted for and assigned to active duty
2 in the armed forces of the United States and who was not
3 separated from such service under circumstances amounting to
4 dishonorable discharge."

5 SECTION 11. Section 66-3-412.1 NMSA 1978 (being Laws
6 2001, Chapter 243, Section 1) is amended to read:

7 "66-3-412.1. SPECIAL MOTORCYCLE REGISTRATION PLATES FOR
8 ARMED FORCES VETERANS.--

9 A. The department shall issue distinctive
10 motorcycle registration plates indicating that the recipient
11 is a veteran of the armed forces of the United States or is
12 retired from the national guard or military reserves, if that
13 person submits proof satisfactory to the department of
14 honorable discharge from the armed forces or of retirement
15 from the national guard or military reserves.

16 B. For a fee of seven dollars (\$7.00), which is in
17 addition to the regular motorcycle registration fees, a
18 motorcycle owner who is a veteran of the armed forces of the
19 United States or is retired from the national guard or
20 military reserves may apply for the issuance of a special
21 motorcycle registration plate as defined in Subsection A of
22 this section. No two owners shall be issued identically
23 lettered or numbered plates.

24 C. An owner shall make a new application and pay a
25 new fee each year the owner desires to obtain a special

1 motorcycle registration plate. The owner will have first
2 priority on that plate for each subsequent year that the owner
3 makes a timely and appropriate application.

4 D. Each armed forces veteran may elect to receive
5 a veteran-designation decal to be placed across the top of the
6 special motorcycle registration plate, centered above the
7 registration number. Replacement or different veteran-
8 designation decals shall be available for purchase from the
9 department at a reasonable charge to be set by the secretary.
10 The department shall furnish the following veteran-designation
11 decals with the armed forces veteran motorcycle registration
12 plate to a:

- 13 (1) medal of honor recipient;
- 14 (2) silver star recipient;
- 15 (3) bronze star recipient;
- 16 (4) navy cross recipient;
- 17 (5) distinguished service cross recipient;
- 18 (6) air force cross recipient;
- 19 (7) ex-prisoner of war;
- 20 (8) disabled veteran;
- 21 (9) purple heart veteran;
- 22 (10) atomic veteran;
- 23 (11) Pearl Harbor survivor;
- 24 (12) Navajo code talker;
- 25 (13) Vietnam veteran;

- 1 (14) Korean veteran;
- 2 (15) disabled Korean veteran;
- 3 (16) World War II veteran;
- 4 (17) World War I veteran;
- 5 (18) Grenada veteran;
- 6 (19) Panama veteran;
- 7 (20) Desert Storm veteran; or
- 8 (21) Iraqi Freedom veteran.

9 E. The revenue from the fee imposed pursuant to
10 Subsection B of this section shall be retained by the
11 department and is appropriated to the department for the
12 manufacture and issuance of the special motorcycle
13 registration plates for armed forces veterans.

14 F. A person shall not falsely represent that the
15 person was honorably discharged from the armed forces or
16 retired from the national guard or military reserves so as to
17 be eligible to be issued a special registration plate pursuant
18 to this section. A person who violates the provisions of this
19 subsection is guilty of a penalty assessment misdemeanor."

20 **SECTION 12.** Section 66-3-413 NMSA 1978 (being Laws
21 1980, Chapter 45, Section 1, as amended) is amended to read:

22 "66-3-413. SPECIAL REGISTRATION PLATES--NATIONAL GUARD
23 MEMBERS.--

24 A. The department shall issue distinctive
25 registration plates to any person who is a member of the New

1 Mexico national guard, upon the submission by the person of
2 proof satisfactory to the department that the person is
3 currently a member of the guard. No fee, including the
4 regular registration fee applicable to passenger motor
5 vehicles, shall be collected for issuance of a special
6 registration plate pursuant to this section.

7 B. A person shall not falsely represent that the
8 person is an active member of the New Mexico national guard
9 so as to be eligible to be issued special registration plates
10 pursuant to this section when the person in fact is not a
11 current member of the New Mexico national guard.

12 C. A person who violates the provisions of
13 Subsection B of this section is guilty of a penalty
14 assessment misdemeanor."

15 SECTION 13. Section 66-3-414 NMSA 1978 (being Laws
16 1987, Chapter 23, Section 1, as amended) is amended to read:

17 "66-3-414. SPECIAL REGISTRATION PLATES--PURPLE HEART
18 VETERANS.--

19 A. The department shall issue special registration
20 plates for up to two vehicles to any person who is a veteran
21 and a bona fide purple heart medal recipient and who submits
22 proof satisfactory to the department that the person has been
23 awarded that medal, except that if a veteran is the recipient
24 of more than two purple heart medals, the veteran shall be
25 entitled to an additional special registration plate for each

1 additional award of the purple heart medal. The plates shall
2 have a distinctive design, different from the plates issued
3 pursuant to Section 66-3-419 NMSA 1978, that emphasizes that
4 the veteran is a purple heart recipient. No fee, including
5 the regular registration fee applicable to the passenger
6 motor vehicle, if any, shall be collected for the issuance of
7 the special registration plates pursuant to this section. A
8 person who is eligible for special registration plates
9 pursuant to this section and also eligible for one or more
10 special registration plates pursuant to Sections 66-3-406,
11 66-3-409, 66-3-411 and 66-3-412 NMSA 1978 shall be issued
12 special registration plates pursuant to only one of those
13 sections, the choice of which shall be made by the veteran.

14 B. A person shall not falsely make a
15 representation that the person is a purple heart veteran so
16 as to be eligible to be issued special plates pursuant to
17 this section when the person in fact is not a purple heart
18 veteran.

19 C. A person who violates the provisions of
20 Subsection B of this section is guilty of a penalty
21 assessment misdemeanor."

22 SECTION 14. Section 66-3-415 NMSA 1978 (being Laws
23 1989, Chapter 162, Section 1, as amended) is amended to read:

24 "66-3-415. SPECIAL REGISTRATION PLATES--PEARL HARBOR
25 SURVIVORS.--

1 A. The department shall issue distinctive
2 registration plates indicating that the recipient is a
3 survivor of the attack on Pearl Harbor if that person submits
4 satisfactory proof to the department indicating that the
5 person:

6 (1) was a member of the United States armed
7 forces on December 7, 1941;

8 (2) received an honorable discharge from the
9 United States armed forces; and

10 (3) was on station on December 7, 1941
11 during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at
12 Pearl Harbor, the island of Oahu, or offshore at a distance
13 not exceeding three miles.

14 B. The department shall confirm satisfactory proof
15 with the New Mexico chapter of the Pearl Harbor survivors
16 association.

17 C. No fee other than the registration fee
18 applicable to the passenger motor vehicle, if any, shall be
19 collected for the issuance of the distinctive registration
20 plate pursuant to this section.

21 D. The recipient of a distinctive plate issued
22 pursuant to this section shall be issued replacement plates
23 upon request and without charge if the plate is lost, stolen
24 or mutilated.

25 E. A person eligible for a distinctive

1 registration plate pursuant to this section and also eligible
2 for one or more special or distinctive registration plates
3 pursuant to Sections 66-3-406, 66-3-409, 66-3-411, 66-3-412
4 and 66-3-414 NMSA 1978 shall be issued only one special or
5 distinctive registration plate of the person's choice.

6 F. A person shall not falsely represent that the
7 person is a survivor of the attack on Pearl Harbor so as to
8 be eligible to be issued distinctive plates pursuant to this
9 section when that person in fact is not a survivor of the
10 attack on Pearl Harbor.

11 G. A person who violates the provisions of
12 Subsection F of this section is guilty of a penalty
13 assessment misdemeanor."

14 SECTION 15. Section 66-3-417 NMSA 1978 (being Laws
15 1986, Chapter 45, Section 2, as amended) is amended to read:

16 "66-3-417. RADIO STATION LICENSEES--SPECIAL
17 REGISTRATION PLATES--FEE.--

18 A. Any applicant who is a resident of this state
19 who holds an official commercial or amateur radio station
20 license in good standing issued by the federal communications
21 commission or who is a bona fide employee of such license
22 holder shall, upon compliance with all laws of this state
23 relating to registration and the licensing of motor vehicles
24 and drivers, be furnished with a registration plate for the
25 motor vehicle as prescribed by law, upon which:

1 (1) in lieu of the numbers required for
2 identification, shall be inscribed the official call letters
3 of the applicant as assigned by the federal communications
4 commission;

5 (2) the official call letters shall be
6 inscribed as internationally recognized call letters,
7 including the number zero with a diagonal line drawn across
8 the number from the upper right of the number down to the
9 lower left of the number; and

10 (3) the words "amateur radio operator" shall
11 be inscribed on the registration plate upon request of the
12 applicant.

13 B. The licensee of the commercial or amateur radio
14 station shall certify to the secretary the names of bona fide
15 personnel eligible to receive such special registration
16 plates. The applicant shall pay, in addition to the
17 registration tax required by law, the sum of three dollars
18 (\$3.00) for the special registration plate, which additional
19 sum shall be deposited by the secretary with the state
20 treasurer to be credited to the state road fund. At the time
21 of delivery of the special registration plate, the applicant
22 shall surrender the current registration plate issued for the
23 motor vehicle. This provision for the issuance of a special
24 registration plate shall apply only if the applicant's motor
25 vehicle is already registered in New Mexico so that the

1 applicant has a valid regular New Mexico registration plate
2 issued for that motor vehicle under which to operate during
3 the time it will take to have the necessary special
4 registration plate made. The secretary may make such
5 reasonable regulations governing the use of the special
6 registration plate as will assure the full compliance by the
7 owner and holder of the special plate with all existing laws
8 governing the registration, transfer and use of motor
9 vehicles. When the ownership of the motor vehicle for which
10 the special registration plate has been furnished by the
11 secretary changes from one person to another, the special
12 registration plate authorized in this section shall be
13 promptly removed from the motor vehicle by the seller and
14 returned to the secretary, at which time the seller or the
15 buyer of the motor vehicle is entitled to receive a
16 registration plate for the motor vehicle. A seller who fails
17 to remove and return the special registration plate as
18 required in this subsection is guilty of a penalty assessment
19 misdemeanor. The purpose for the issuance of the special
20 registration plate is to readily identify personnel in aid of
21 the performance of necessary duties for civil defense in the
22 communications field."

23 SECTION 16. Section 66-3-419 NMSA 1978 (being Laws
24 1990, Chapter 46, Section 2, as amended) is amended to read:

25 "66-3-419. SPECIAL REGISTRATION PLATES--ARMED FORCES

1 VETERANS.--

2 A. The department shall issue distinctive
3 registration plates indicating that the recipient is a
4 veteran of the armed forces of the United States or is
5 retired from the national guard or military reserves if that
6 person submits proof satisfactory to the department of
7 honorable discharge from the armed forces or of retirement
8 from the national guard or military reserves.

9 B. For a fee of fifteen dollars (\$15.00), which
10 is in addition to the regular motor vehicle registration
11 fees, any motor vehicle owner who is a veteran of the armed
12 forces of the United States or is retired from the national
13 guard or military reserves may apply for the issuance of a
14 special registration plate, as defined in Subsection A of
15 this section. No two owners shall be issued identically
16 lettered or numbered plates.

17 C. The fifteen-dollar (\$15.00) fee provided in
18 Subsection B of this section shall be waived for each
19 registration period in which a validating sticker is issued
20 under the provisions of Section 66-3-17 NMSA 1978, in lieu of
21 the issuance of a special armed forces veteran plate.

22 D. Each armed forces veteran may elect to receive
23 a veteran-designation decal to be placed across the top of
24 the plate, centered above the registration number.

25 Replacement or different veteran-designation decals shall be

1 available for purchase from the department at a reasonable
2 charge to be set by the secretary. The department shall
3 furnish the following veteran-designation decals with the
4 armed forces veteran plate to a:

- 5 (1) medal of honor recipient;
- 6 (2) silver star recipient;
- 7 (3) bronze star recipient;
- 8 (4) navy cross recipient;
- 9 (5) distinguished service cross recipient;
- 10 (6) air force cross recipient;
- 11 (7) ex-prisoner of war;
- 12 (8) disabled veteran;
- 13 (9) purple heart veteran;
- 14 (10) atomic veteran;
- 15 (11) Pearl Harbor survivor;
- 16 (12) Navajo code talker;
- 17 (13) Vietnam veteran;
- 18 (14) Korean veteran;
- 19 (15) disabled Korean veteran;
- 20 (16) World War II veteran;
- 21 (17) World War I veteran;
- 22 (18) Grenada veteran;
- 23 (19) Panama veteran;
- 24 (20) Desert Storm veteran; or
- 25 (21) Iraqi Freedom veteran.

1 E. The revenue from the special registration
2 plates for the armed forces veterans fee imposed by
3 Subsection B of this section shall be distributed as follows:

4 (1) seven dollars (\$7.00) of the fee
5 collected for each registration plate shall be retained by
6 the department and is appropriated to the department for the
7 manufacture and issuance of the registration plates; and

8 (2) eight dollars (\$8.00) of the fee
9 collected for each registration plate shall be transferred
10 pursuant to the provisions of Subsection F of this section.

11 F. There is created in the state treasury the
12 "armed forces veterans license fund". A portion of the fee
13 collected for each special registration plate for armed
14 forces veterans, as provided in Subsection E of this section,
15 shall be transferred to the state treasurer for the credit of
16 the fund. Expenditures from the fund shall be made on
17 vouchers issued and signed by the secretary of veterans'
18 services or the secretary's authorized representative upon
19 warrants drawn by the department of finance and
20 administration for the purpose of expanding services to rural
21 areas of the state, including Native American communities and
22 senior citizen centers. Any unexpended or unencumbered
23 balance remaining at the end of any fiscal year in the armed
24 forces veterans license fund shall not revert to the general
25 fund.

1 G. A person shall not falsely represent that the
2 person was honorably discharged from the armed forces or
3 retired from the national guard or military reserves so as to
4 be eligible to be issued a special registration plate
5 pursuant to this section. A person who violates the
6 provisions of this subsection is guilty of a penalty
7 assessment misdemeanor."

8 **SECTION 17.** Section 66-3-421 NMSA 1978 (being Laws
9 1993, Chapter 180, Section 8) is amended to read:

10 "66-3-421. SPECIAL REGISTRATION PLATES--NEW MEXICO
11 RANGERS AND NEW MEXICO MOUNTED PATROL--SUBMISSION OF PROOF--
12 PENALTY.--

13 A. The department shall issue special registration
14 plates to any person who is a New Mexico ranger or a member
15 of the New Mexico mounted patrol upon the submission by the
16 person of proof satisfactory to the department that the
17 person is currently a New Mexico ranger or a member of the
18 New Mexico mounted patrol. No fee, including the regular
19 registration fee applicable to the passenger motor vehicle,
20 if any, shall be collected for the issuance of the special
21 registration plates pursuant to this section.

22 B. A person shall not falsely represent that the
23 person is a New Mexico ranger or a member of the New Mexico
24 mounted patrol so as to be eligible to be issued special
25 registration plates pursuant to this section when the person

1 in fact is not a New Mexico ranger or a member of the New
2 Mexico mounted patrol.

3 C. A person eligible for a special registration
4 plate provided for in this section shall only be eligible for
5 one such plate.

6 D. A person who violates the provisions of
7 Subsection B of this section is guilty of a penalty
8 assessment misdemeanor."

9 SECTION 18. Section 66-3-422 NMSA 1978 (being Laws
10 1998, Chapter 21, Section 1, as amended) is amended to read:

11 "66-3-422. SPECIAL REGISTRATION PLATES--FIREFIGHTERS
12 AND VOLUNTEER FIREFIGHTERS.--

13 A. The department shall issue special registration
14 plates to a person employed as a New Mexico firefighter, upon
15 the submission by the person of proof satisfactory to the
16 department that the person is currently employed as a New
17 Mexico firefighter, including submission of a signed consent
18 form from the fire chief.

19 B. The department shall issue special registration
20 plates to a person who is an active volunteer firefighter
21 with a volunteer fire department recognized by the state fire
22 marshal upon the submission by the person of proof
23 satisfactory to the department that the person is currently
24 an active member of a recognized volunteer fire department.
25 Such proof shall include the submission of a signed consent

1 form from the fire chief.

2 C. A person shall not falsely represent that the
3 person is a New Mexico firefighter or volunteer firefighter
4 if the person is not, in fact, a New Mexico firefighter or
5 volunteer firefighter. The secretary shall determine what
6 constitutes satisfactory proof of employment as a New Mexico
7 firefighter or status as a volunteer firefighter.

8 D. A person who violates the provisions of
9 Subsection C of this section is guilty of a penalty
10 assessment misdemeanor.

11 E. A fee of twenty-five dollars (\$25.00), which is
12 in addition to the regular motor vehicle registration fee,
13 shall be collected by the department for the original
14 issuance of the special registration plate for New Mexico
15 firefighters and volunteer firefighters.

16 F. Ten dollars (\$10.00) of the fee collected
17 pursuant to Subsection E of this section shall be retained by
18 the department and is appropriated to the department to
19 defray the cost of making and issuing special registration
20 plates for New Mexico firefighters and volunteer
21 firefighters.

22 G. The amount of the fee collected pursuant to
23 this section less any amount distributed pursuant to
24 Subsection F of this section shall be deposited in the
25 firefighters' survivors fund.

1 H. The secretary shall approve the final plate
2 design for the special registration plates for New Mexico
3 firefighters in accordance with New Mexico law. The
4 secretary shall approve and issue a separate and distinctive
5 plate clearly marked as "volunteer" for issuance to volunteer
6 firefighters.

7 I. When a person holding a special plate pursuant
8 to this section ceases to be employed as a firefighter or
9 serve as an active volunteer firefighter, the person shall
10 immediately remove the plate from the vehicle and return it
11 to the secretary, at which time it shall be exchanged for a
12 regular registration plate. A person who fails to remove and
13 return a special plate as required by the provisions of this
14 subsection is guilty of a penalty assessment misdemeanor. A
15 firefighter who holds a special plate and retires may retain
16 the special plate."

17 **SECTION 19.** Section 66-3-424.4 NMSA 1978 (being Laws
18 2003, Chapter 176, Section 2) is amended to read:

19 "66-3-424.4. STANDARDIZED SPECIAL REGISTRATION PLATES--
20 RETIRED MEMBERS OF THE NEW MEXICO NATIONAL GUARD.--

21 A. The department shall issue a standardized
22 special registration plate with a logo specified in Section
23 66-3-424 NMSA 1978 indicating that the recipient is a person
24 who is a retired member of the New Mexico national guard upon
25 submission by the person of proof satisfactory to the

1 department that the person is a retired member of the guard.

2 B. A person shall not falsely represent that the
3 person is a retired member of the New Mexico national guard
4 if that person is not in fact a retired member of the guard.

5 C. A person who violates the provisions of
6 Subsection B of this section is guilty of a penalty
7 assessment misdemeanor.

8 D. A fee of twenty-five dollars (\$25.00), which is
9 in addition to the regular motor vehicle registration fee,
10 shall be collected by the department for the original
11 issuance of the special registration plate for retired
12 members of the New Mexico national guard.

13 E. Ten dollars (\$10.00) of the fee collected
14 pursuant to Subsection D of this section shall be retained by
15 the department and is appropriated to the department to
16 defray the cost of making and issuing special registration
17 plates for retired members of the New Mexico national guard.

18 F. The amount of the fee collected pursuant to
19 Subsection D of this section less any amount distributed
20 pursuant to Subsection E of this section shall be deposited
21 in the motor vehicle suspense fund for distribution pursuant
22 to Section 66-6-23 NMSA 1978.

23 G. The secretary shall approve the final logo
24 design for the special registration plate for retired members
25 of the New Mexico national guard."

1 SECTION 20. Section 66-3-424.5 NMSA 1978 (being Laws
2 2003, Chapter 177, Section 2) is amended to read:

3 "66-3-424.5. SPECIAL REGISTRATION PLATES--NEW MEXICO
4 MEMBERS OF THE FRATERNAL ORDER OF POLICE.--

5 A. The department shall issue a standardized
6 special registration plate with a logo specified in Section
7 66-3-424 NMSA 1978 indicating that the recipient is a New
8 Mexico member of the fraternal order of police.

9 B. A person shall not falsely represent that the
10 person is a New Mexico member of the fraternal order of
11 police if the person is, in fact, not a New Mexico member of
12 the fraternal order of police. The secretary shall determine
13 what constitutes satisfactory proof.

14 C. A person who violates the provisions of
15 Subsection B of this section is guilty of a penalty
16 assessment misdemeanor.

17 D. A fee of twenty-five dollars (\$25.00), which is
18 in addition to the regular motor vehicle registration fee,
19 shall be collected by the department for the original
20 issuance of the special registration plate for a New Mexico
21 member of the fraternal order of police.

22 E. Ten dollars (\$10.00) of the fee collected
23 pursuant to Subsection D of this section shall be retained by
24 the department and is appropriated to the department to
25 defray the cost of making and issuing a special registration

1 plate for a New Mexico member of the fraternal order of
2 police.

3 F. The amount of the fee collected pursuant to
4 this section less any amount distributed pursuant to
5 Subsection E of this section shall be deposited in the motor
6 vehicle suspense fund for distribution in accordance with
7 Section 66-6-23 NMSA 1978.

8 G. The secretary shall approve the final logo
9 design for the special registration plates for New Mexico
10 members of the fraternal order of police.

11 H. When a person holding a special plate ceases to
12 be a New Mexico member of the fraternal order of police, the
13 person shall immediately remove the plate from the vehicle
14 and return it to the secretary, at which time it shall be
15 exchanged for a regular registration plate. A person who
16 fails to remove and return a special plate as required by the
17 provisions of this subsection is guilty of a penalty
18 assessment misdemeanor."

19 **SECTION 21.** Section 66-3-424.7 NMSA 1978 (being Laws
20 2003, Chapter 179, Section 2) is amended to read:

21 "66-3-424.7. REGISTRATION PLATES--MEMBERS OF THE CIVIL
22 AIR PATROL, NEW MEXICO WING.--

23 A. The department shall issue a standardized
24 special registration plate with a logo specified in Section
25 66-3-424 NMSA 1978 indicating that the recipient is a member

1 of the civil air patrol, New Mexico wing, upon the submission
2 by the person of proof satisfactory to the department that
3 the person is a member of the civil air patrol, New Mexico
4 wing. Such proof shall include the submission of a signed
5 consent form from the civil air patrol, New Mexico wing.

6 B. A person shall not falsely represent that the
7 person is a member of the civil air patrol, New Mexico wing,
8 if that person is, in fact, not a member of the civil air
9 patrol, New Mexico wing. The secretary shall determine what
10 constitutes satisfactory proof that a person is a member of
11 the civil air patrol, New Mexico wing.

12 C. A person who violates the provisions of
13 Subsection B of this section is guilty of a penalty
14 assessment misdemeanor.

15 D. A fee of twenty-five dollars (\$25.00), which is
16 in addition to the regular motor vehicle registration fee,
17 shall be collected by the department for the original
18 issuance of the special registration plate for a member of
19 the civil air patrol, New Mexico wing.

20 E. Ten dollars (\$10.00) of the fee collected
21 pursuant to Subsection D of this section shall be retained by
22 the department and is appropriated to the department to
23 defray the cost of making and issuing special registration
24 plates for members of the civil air patrol, New Mexico wing.

25 The remaining fifteen dollars (\$15.00) shall be deposited in

1 the motor vehicle suspense fund for distribution in
2 accordance with Section 66-6-23 NMSA 1978.

3 F. The secretary shall approve the final logo
4 design for the special registration plates for members of the
5 civil air patrol, New Mexico wing, in accordance with New
6 Mexico law. The secretary shall approve and issue a separate
7 and distinctive logo clearly marked as "civil air patrol" for
8 issuance to members of the civil air patrol, New Mexico
9 wing."

10 SECTION 22. Section 66-3-424.9 NMSA 1978 (being Laws
11 2003, Chapter 181, Section 2) is amended to read:

12 "66-3-424.9. STANDARDIZED SPECIAL REGISTRATION PLATES--
13 RETIRED FIREFIGHTERS.--

14 A. The department shall issue a standardized
15 special registration plate with a logo specified in Section
16 66-3-424 NMSA 1978 indicating that the recipient is a person
17 who is a retired New Mexico firefighter upon submission by
18 the person of proof satisfactory to the department that the
19 person has retired from active employment as a firefighter.

20 B. A person shall not falsely represent that the
21 person is a retired New Mexico firefighter if the person is
22 not, in fact, a retired New Mexico firefighter. The
23 secretary shall determine what constitutes proof of previous
24 active employment as a firefighter and proof of retirement.

25 C. A person who violates the provisions of

1 Subsection B of this section is guilty of a penalty
2 assessment misdemeanor.

3 D. A fee of twenty-five dollars (\$25.00), which is
4 in addition to the regular motor vehicle registration fee,
5 shall be collected by the department for the original
6 issuance of the special registration plate for retired New
7 Mexico firefighters.

8 E. Ten dollars (\$10.00) of the fee collected
9 pursuant to Subsection D of this section shall be retained by
10 the department and is appropriated to the department to
11 defray the cost of making and issuing special registration
12 plates for retired New Mexico firefighters.

13 F. The amount of the fee collected pursuant to
14 this section less any amount distributed pursuant to
15 Subsection E of this section shall be deposited in the motor
16 vehicle suspense fund for distribution in accordance with
17 Section 66-6-23 NMSA 1978.

18 G. The secretary shall approve the final logo
19 design for the special registration plates for retired New
20 Mexico firefighters."

21 **SECTION 23.** Section 66-3-424.13 NMSA 1978 (being Laws
22 2003, Chapter 211, Section 2) is amended to read:

23 "66-3-424.13. STANDARDIZED SPECIAL REGISTRATION
24 PLATES--RETIRED NEW MEXICO STATE POLICE OFFICERS.--

25 A. The department shall issue a standardized

1 special registration plate with a logo specified in Section
2 66-3-424 NMSA 1978 indicating that the recipient is a person
3 who is a retired New Mexico state police officer upon
4 submission by the person of proof satisfactory to the
5 department that the person is a retired New Mexico state
6 police officer. The proof shall include the submission of a
7 retirement commission from the New Mexico state police.

8 B. A person shall not falsely represent that the
9 person is a retired New Mexico state police officer if that
10 person is, in fact, not a retired New Mexico state police
11 officer. The secretary shall determine what constitutes
12 satisfactory proof that a person is a retired New Mexico
13 state police officer.

14 C. A person who violates the provisions of
15 Subsection B of this section is guilty of a penalty
16 assessment misdemeanor.

17 D. A fee of twenty-five dollars (\$25.00), which is
18 in addition to the regular motor vehicle registration fee,
19 shall be collected by the department for the original
20 issuance of the special registration plate for retired New
21 Mexico state police officers.

22 E. Ten dollars (\$10.00) of the fee collected
23 pursuant to Subsection D of this section shall be retained by
24 the department and is appropriated to the department to
25 defray the cost of making and issuing special registration

1 plates for retired New Mexico state police officers. The
2 remaining fifteen dollars (\$15.00) shall be deposited in the
3 motor vehicle suspense fund for distribution pursuant to
4 Section 66-6-23 NMSA 1978.

5 F. The secretary shall approve the final logo
6 design for the special registration plate for retired New
7 Mexico state police officers. The logo shall be clearly
8 marked as "retired New Mexico state police" for issuance to
9 retired New Mexico state police officers."

10 SECTION 24. Section 66-3-424.16 NMSA 1978 (being Laws
11 2005, Chapter 344, Section 1) is amended to read:

12 "66-3-424.16. SPECIAL REGISTRATION PLATES--EMERGENCY
13 MEDICAL TECHNICIANS.--

14 A. The department shall issue a standardized
15 special registration plate with a logo specified in Section
16 66-3-424 NMSA 1978 indicating that the recipient is an
17 emergency medical technician.

18 B. A person shall not falsely represent that the
19 person is an emergency medical technician if the person is,
20 in fact, not an emergency medical technician licensed in New
21 Mexico. The secretary shall determine what constitutes
22 satisfactory proof.

23 C. A person who violates the provisions of
24 Subsection B of this section is guilty of a penalty
25 assessment misdemeanor.

1 D. A fee of twenty-five dollars (\$25.00), which
2 shall be in addition to the regular motor vehicle
3 registration fee, shall be collected by the department for
4 the original issuance of the special registration plate for
5 an emergency medical technician.

6 E. Ten dollars (\$10.00) of the fee collected
7 pursuant to Subsection D of this section shall be retained by
8 the department and is appropriated to the department to
9 defray the cost of making and issuing a special registration
10 plate for emergency medical technicians.

11 F. The amount of the fee collected pursuant to
12 this section less any amount distributed pursuant to
13 Subsection E of this section shall be deposited in the motor
14 vehicle suspense fund for distribution in accordance with
15 Section 66-6-23 NMSA 1978.

16 G. The secretary shall approve the final logo
17 design for the special registration plate for emergency
18 medical technicians.

19 H. When a person holding a special registration
20 plate ceases to be an emergency medical technician, the
21 person shall immediately remove the plate from the vehicle
22 and return it to the department, at which time it shall be
23 exchanged for a regular registration plate."

24 **SECTION 25.** Section 66-3-424.24 NMSA 1978 (being Laws
25 2009, Chapter 88, Section 1) is amended to read:

1 "66-3-424.24. SPECIAL REGISTRATION PLATES--GOLD STAR
2 FAMILIES--SUBMISSION OF PROOF--PENALTY.--

3 A. Except as provided in Subsection B of this
4 section, the department shall issue distinctive registration
5 plates to the surviving mother, father, stepparent or spouse
6 of a service member killed in an armed conflict with an enemy
7 of the United States upon the submission by the person of
8 proof satisfactory to the department that the person's son,
9 daughter, stepchild or spouse was a service member killed in
10 an armed conflict with an enemy of the United States.

11 B. For each family of a service member described
12 in Subsection A of this section, the department shall issue
13 special registration plates for no more than four vehicles.

14 C. No fee, including the regular registration fee
15 applicable to the passenger motor vehicle, if any, shall be
16 collected for issuance of the first special registration
17 plate issued to the mother or spouse of a service member
18 described in Subsection A of this section. No fee other than
19 the regular registration fee applicable to the passenger
20 motor vehicle, if any, shall be collected for issuance of the
21 three additional special registration plates issued to the
22 family of a service member described in Subsection A of this
23 section.

24 D. The special registration plate issued pursuant
25 to this section shall be known as the "gold star families"

1 special registration plate.

2 E. The department, with the advice and
3 consultation of the gold star mothers, shall determine the
4 color and design of the gold star families registration plate
5 and provide for its issuance.

6 F. A person shall not falsely represent that the
7 person is a surviving mother, father, stepparent or spouse of
8 a service member killed in an armed conflict with an enemy of
9 the United States so as to be eligible to be issued special
10 registration plates pursuant to this section.

11 G. Any person who violates the provisions of
12 Subsection F of this section is guilty of a penalty
13 assessment misdemeanor."

14 **SECTION 26.** Section 66-3-424.28 NMSA 1978 (being Laws
15 2009, Chapter 86, Section 1) is amended to read:

16 "66-3-424.28. STANDARDIZED SPECIAL REGISTRATION
17 PLATES--RETIRED NEW MEXICO LAW ENFORCEMENT OFFICERS.--

18 A. The department shall issue a standardized
19 special registration plate with a logo specified in Section
20 66-3-424 NMSA 1978 indicating that the recipient is a person
21 who is a retired New Mexico law enforcement officer upon
22 submission by the person of proof satisfactory to the
23 department that the person is a retired New Mexico law
24 enforcement officer. The proof shall include the submission
25 of a retirement commission from a New Mexico law enforcement

1 agency.

2 B. A person shall not falsely represent that the
3 person is a retired New Mexico law enforcement officer if
4 that person is, in fact, not a retired New Mexico law
5 enforcement officer. The secretary shall determine what
6 constitutes satisfactory proof that a person is a retired New
7 Mexico law enforcement officer.

8 C. A person who violates the provisions of
9 Subsection B of this section is guilty of a penalty
10 assessment misdemeanor.

11 D. A fee of twenty-five dollars (\$25.00), which is
12 in addition to the regular motor vehicle registration fee,
13 shall be collected by the department for the original
14 issuance of the special registration plate for retired New
15 Mexico law enforcement officers.

16 E. Ten dollars (\$10.00) of the fee collected
17 pursuant to Subsection D of this section shall be retained by
18 the department and is appropriated to the department to
19 defray the cost of making and issuing special registration
20 plates for retired New Mexico law enforcement officers. The
21 remaining fifteen dollars (\$15.00) shall be deposited in the
22 motor vehicle suspense fund for distribution pursuant to
23 Section 66-6-23 NMSA 1978.

24 F. The secretary shall approve the final logo
25 design for the special registration plate for retired New

1 Mexico law enforcement officers. The logo shall be clearly
2 marked as "retired New Mexico law enforcement officer" for
3 issuance to retired New Mexico law enforcement officers."

4 SECTION 27. Section 66-3-701 NMSA 1978 (being Laws
5 1978, Chapter 35, Section 100) is amended to read:

6 "66-3-701. BICYCLES--EFFECT OF REGULATIONS.--

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

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

13 C. These regulations applicable to bicycles apply
14 whenever a bicycle is operated upon any highway or upon any
15 path set aside for the exclusive use of bicycles subject to
16 those exceptions stated in Sections 66-3-701 through 66-3-707
17 NMSA 1978."

18 SECTION 28. Section 66-3-801 NMSA 1978 (being Laws
19 1978, Chapter 35, Section 107, as amended) is amended to
20 read:

21 "66-3-801. EQUIPMENT--PROHIBITED ACTS.--

22 A. Except as otherwise provided in this section,
23 it is a penalty assessment misdemeanor for a person to drive
24 or move or for the owner to cause or permit to be driven or
25 moved on any highway any vehicle or combination of vehicles

1 that is in such unsafe condition as to endanger any person or
2 that does not contain those parts or is not at all times
3 equipped with such lamps and other equipment in proper
4 condition and adjustment as is required by Sections 66-3-801
5 through 66-3-887 NMSA 1978 or that is equipped in any manner
6 that is in violation of those sections or for any person to
7 do any act forbidden or fail to perform any act required
8 under those sections.

9 B. Nothing contained in Sections 66-3-801 through
10 66-3-887 NMSA 1978 shall be construed to prohibit the use of
11 additional parts and accessories on any vehicle that are not
12 inconsistent with the provisions of those sections.

13 C. The provisions of Sections 66-3-801 through
14 66-3-887 NMSA 1978 with respect to equipment on vehicles
15 shall not apply to implements of husbandry, road machinery,
16 road rollers or farm tractors except as made applicable in
17 those sections.

18 D. The provisions of Sections 66-3-801 through
19 66-3-887 NMSA 1978 apply to vehicles subject to the
20 provisions of the Motor Carrier Safety Act only to the extent
21 that the provisions of Sections 66-3-801 through 66-3-887
22 NMSA 1978 do not conflict with the provisions of the Motor
23 Carrier Safety Act and regulations promulgated under that
24 act."

25 SECTION 29. Section 66-3-802 NMSA 1978 (being Laws

1 1978, Chapter 35, Section 108) is amended to read:

2 "66-3-802. WHEN LIGHTED LAMPS ARE REQUIRED.--

3 A. Every vehicle upon a highway within this state
4 at any time from a half-hour after sunset to a half-hour
5 before sunrise and at any other time when there is not
6 sufficient light to render clearly discernible persons and
7 vehicles on the highway at a distance of five hundred feet
8 ahead shall display lighted lamps and illuminating devices as
9 respectively required in Sections 66-3-801 through 66-3-887
10 NMSA 1978 for different classes of vehicles, subject to
11 exceptions with respect to parked vehicles as stated in
12 Section 66-3-825 NMSA 1978.

13 B. A person who violates the provisions of this
14 section is guilty of a penalty assessment misdemeanor."

15 SECTION 30. Section 66-3-804 NMSA 1978 (being Laws
16 1978, Chapter 35, Section 110, as amended) is amended to
17 read:

18 "66-3-804. HEADLAMPS ON MOTOR VEHICLES.--

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

24 B. Every motorcycle shall be equipped with at
25 least one and not more than two headlamps that comply with

1 the requirements and limitations of Sections 66-3-801 through
2 66-3-887 NMSA 1978.

3 C. Every headlamp upon every motor vehicle,
4 including every motorcycle, shall be located at a height
5 measured from the center of the headlamp of not more than
6 fifty-four inches or less than twenty inches to be measured
7 as set forth in Subsection B of Section 66-3-803 NMSA 1978.
8 The provisions of this subsection apply only to new motor
9 vehicles sold after July 1, 1953.

10 D. A person who violates the provisions of this
11 section is guilty of a penalty assessment misdemeanor."

12 SECTION 31. Section 66-3-805 NMSA 1978 (being Laws
13 1978, Chapter 35, Section 111) is amended to read:

14 "66-3-805. TAIL LAMPS.--

15 A. Every motor vehicle, trailer, semitrailer, pole
16 trailer and any other vehicle that is being drawn at the end
17 of a train of vehicles shall be equipped with at least one
18 tail lamp mounted on the rear that, when lighted as required
19 in Section 66-3-802 NMSA 1978, emits a red light plainly
20 visible from a distance of five hundred feet to the rear;
21 provided that, in the case of a train of vehicles, only the
22 tail lamp on the rearmost vehicle need actually be seen from
23 the distance specified. Every such vehicle, other than a
24 truck tractor, registered in this state and manufactured or
25 assembled after July 1, 1953 shall be equipped with at least

1 two tail lamps mounted on the rear that when lighted as
2 required in Section 66-3-802 NMSA 1978 comply with the
3 provisions of this section.

4 B. Every tail lamp upon every vehicle shall be
5 located at a height of not more than seventy-two inches or
6 less than twenty inches.

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

15 D. A person who violates the provisions of this
16 section is guilty of a penalty assessment misdemeanor."

17 SECTION 32. Section 66-3-806 NMSA 1978 (being Laws
18 1978, Chapter 35, Section 112, as amended) is amended to
19 read:

20 "66-3-806. NEW MOTOR VEHICLES TO BE EQUIPPED WITH
21 REFLECTORS.--

22 A. Every new motor vehicle hereafter sold and
23 operated upon a highway, other than a truck tractor, shall
24 carry on the rear, either as a part of the tail lamps or
25 separately, two red reflectors, except that every motorcycle

1 shall carry at least one reflector, meeting the requirements
2 of this section, and except that vehicles of the type
3 mentioned in Section 66-3-809 NMSA 1978 shall be equipped
4 with reflectors as required in those sections applicable to
5 those vehicles.

6 B. Every reflector shall be mounted on the vehicle
7 at a height not less than twenty inches or more than sixty
8 inches measured as set forth in Subsection B of Section
9 66-3-803 NMSA 1978 and shall be of such size and
10 characteristics and so mounted as to be visible at night from
11 all distances within three hundred feet to fifty feet from
12 the vehicle when directly in front of lawful upper beams of
13 headlamps, except that visibility from a greater distance is
14 hereinafter required of reflectors on certain types of
15 vehicles.

16 C. A person who violates the provisions of this
17 section is guilty of a penalty assessment misdemeanor."

18 SECTION 33. Section 66-3-846 NMSA 1978 (being Laws
19 1978, Chapter 35, Section 152, as amended) is amended to
20 read:

21 "66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND
22 EQUIPPED WITH WIPERS--WINDOWS MUST BE TRANSPARENT--
23 EXCEPTION.--

24 A. No person shall drive any motor vehicle with
25 any sign, poster or other nontransparent material upon or in

1 the front windshield, the windows to the immediate right and
2 left of the driver or the rearmost window if the latter is
3 used for driving visibility, except as provided in Section
4 66-3-846.1 NMSA 1978. The rearmost window is not necessary
5 for driving visibility where outside rearview mirrors are
6 attached to the vehicle.

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

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

14 D. A person who violates the provisions of this
15 section is guilty of a penalty assessment misdemeanor."

16 **SECTION 34.** Section 66-3-846.1 NMSA 1978 (being Laws
17 1997, Chapter 151, Section 2) is amended to read:

18 "66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND
19 WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--

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

25 B. Except as otherwise provided in this section, a HJC/HB 428
Page 47

1 sun screening material:

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

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

16 C. Each manufacturer shall:

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

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

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

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

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

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

10 D. A person shall not:

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

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

18 E. The provisions of this section do not apply to
19 a motor vehicle registered in this state in the name of a
20 person, or the person's legal guardian, who has an affidavit
21 signed by a physician or an optometrist licensed to practice
22 in this state that states that the person has a physical
23 condition that makes it necessary to equip the motor vehicle
24 with sun screening material that is in violation of this
25 section. The affidavit shall be in the possession of the

1 person with such a physical condition, or the person's legal
2 guardian, at all times while being transported in the motor
3 vehicle.

4 F. The light transmission requirement of this
5 section does not apply to windows behind the driver on truck
6 tractors, buses, recreational vehicles, multipurpose
7 passenger vehicles or motor homes. The provisions of this
8 section shall not apply to motor vehicle glazing that
9 complies with federal motor vehicle standards.

10 G. The provisions of this section do not apply to
11 motor vehicles that have sun screening material on the
12 windshield or any window prior to July 1, 1997.

13 H. As used in this section:

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

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

23 (3) "nonreflective" means designed to absorb
24 light rather than to reflect it; and

25 (4) "sun screening material" means any film

1 material, substance, device or product that is designed to be
2 used in conjunction with motor vehicle safety glazing
3 materials for reducing the effects of the sun.

4 I. A person who violates a provision of this
5 section is guilty of a penalty assessment misdemeanor."

6 SECTION 35. Section 66-3-901 NMSA 1978 (being Laws
7 1978, Chapter 35, Section 194, as amended) is amended to
8 read:

9 "66-3-901. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN
10 UNSAFE CONDITION.--

11 A. A person shall not drive or move on any highway
12 any motor vehicle, trailer, semitrailer or pole trailer or
13 any combination thereof unless the equipment upon every
14 vehicle is in good working order and adjustment as required
15 in the Motor Vehicle Code and the vehicle is in such safe
16 mechanical condition as not to endanger the driver or other
17 occupant or any person upon the highway.

18 B. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 36. Section 66-5-16 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 238, as amended) is amended to read:

22 "66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON
23 DEMAND.--Every licensee shall have the licensee's driver's
24 license in the licensee's immediate possession at all times
25 when operating a motor vehicle and shall display the license

1 upon demand of a magistrate, a peace officer or a field
2 deputy or inspector of the division. A person who violates
3 the provisions of this section is guilty of a penalty
4 assessment misdemeanor; however, a person charged with
5 violating this section shall not be convicted if the person
6 produces in court a driver's license issued to the person and
7 valid at the time of the person's citation."

8 **SECTION 37.** Section 66-5-22 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 244, as amended) is amended to read:

10 "66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME.--

11 A. Whenever a person, after applying for or
12 receiving a driver's license, moves from the address named in
13 the application or in the issued license or when the name of
14 a licensee is changed by marriage or otherwise, the person
15 shall, within ten days, notify the division of the new
16 address in writing or by electronic media pursuant to
17 department regulations. In the event of a change of name,
18 the license shall be delivered by the licensee to the
19 division and the change of name be accomplished on the
20 license itself. The division may require such evidence as it
21 deems satisfactory regarding the change of name.

22 B. A person who violates the provisions of this
23 section is guilty of a penalty assessment misdemeanor."

24 **SECTION 38.** Section 66-5-30 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 252, as amended) is amended to read:

1 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
2 LICENSE.--

3 A. The division may suspend the instruction
4 permit, driver's license or provisional license of a driver
5 without preliminary hearing upon a showing by its records or
6 other sufficient evidence, including information provided to
7 the state pursuant to an intergovernmental agreement
8 authorized by Section 66-5-27.1 NMSA 1978, that the licensee:

9 (1) has been convicted of an offense for
10 which mandatory revocation of license is required upon
11 conviction;

12 (2) has been convicted as a driver in an
13 accident resulting in the death or personal injury of another
14 or serious property damage;

15 (3) has been convicted with such frequency
16 of offenses against traffic laws or rules governing motor
17 vehicles as to indicate a disrespect for traffic laws and a
18 disregard for the safety of other persons on the highways;

19 (4) is an habitually reckless or negligent
20 driver of a motor vehicle;

21 (5) is incompetent to drive a motor vehicle;

22 (6) has permitted an unlawful or fraudulent
23 use of the license;

24 (7) has been convicted of an offense in
25 another state or tribal jurisdiction that if committed within

1 this state's jurisdiction would be grounds for suspension or
2 revocation of the license;

3 (8) has violated provisions stipulated by a
4 district court in limitation of certain driving privileges;

5 (9) has accumulated seven points, but less
6 than eleven points, and when the division has received a
7 recommendation from a municipal or magistrate judge that the
8 license be suspended for a period not to exceed three months;
9 or

10 (10) has failed to comply with the terms of
11 a citation issued in a foreign jurisdiction that is a party
12 to the Nonresident Violator Compact and that has notified the
13 division of the failure in accordance with the Nonresident
14 Violator Compact.

15 B. If a person whose license was issued by a
16 jurisdiction outside New Mexico that is a party to the
17 Nonresident Violator Compact fails to comply with the terms
18 of a citation issued in New Mexico, the division shall notify
19 that other jurisdiction of the failure and that jurisdiction
20 shall initiate a license suspension action in accordance with
21 the provisions of Article IV of the Nonresident Violator
22 Compact.

23 C. Upon suspending the license of a person as
24 authorized in this section, the division shall immediately
25 notify the licensee in writing of the licensee's right to a

1 hearing before the administrative hearings office and, upon
2 the licensee's request, shall notify the administrative
3 hearings office. The administrative hearings office shall
4 schedule the hearing to take place as early as practicable,
5 but within no more than twenty days, not counting Saturdays,
6 Sundays and legal holidays after receipt of the request. The
7 hearing shall be held in the county in which the licensee
8 resides unless the hearing officer and the licensee agree
9 that the hearing may be held in some other county; provided
10 that the hearing request is received within twenty days from
11 the date that the suspension was deposited in the United
12 States mail. The hearing officer may, in the hearing
13 officer's discretion, extend the twenty-day period. The
14 hearing shall be held as provided in the Administrative
15 Hearings Office Act. After the hearing, the hearing officer
16 shall either rescind the order of suspension or continue,
17 modify or extend the suspension of the license or revoke the
18 license."

19 **SECTION 39.** Section 66-5-39 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 261, as amended) is amended to read:

21 "66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--

22 A. A person who drives a motor vehicle on any
23 public highway of this state at a time when the person's
24 privilege to do so is suspended and who knows or should have
25 known that the person's license was suspended is guilty of a

1 misdemeanor and may be punished, notwithstanding the
2 provisions of Section 31-19-1 NMSA 1978, by imprisonment for
3 not more than ninety days or participation for an equivalent
4 period of time in a certified alternative sentencing program,
5 or by payment of a fine of not more than three hundred
6 dollars (\$300), or both. When a person pays any or all of
7 the cost of participating in a certified alternative
8 sentencing program, the court may apply that payment as a
9 deduction to any fine imposed by the court. Any municipal
10 ordinance prohibiting driving with a suspended license shall
11 provide penalties no less stringent than provided in this
12 section.

13 B. In addition to any other penalties imposed
14 pursuant to the provisions of this section, when a person is
15 convicted pursuant to the provisions of this section or a
16 municipal ordinance that prohibits driving on a suspended
17 license, the motor vehicle the person was driving may be
18 immobilized by an immobilization device for thirty days,
19 unless immobilization of the motor vehicle poses an imminent
20 danger to the health, safety or employment of the convicted
21 person's immediate family or the family of the owner of the
22 motor vehicle. The convicted person shall bear the cost of
23 immobilizing the motor vehicle."

24 **SECTION 40.** Section 66-7-106 NMSA 1978 (being Laws
25 1953, Chapter 139, Section 35, as amended) is amended to

1 read:

2 "66-7-106. PEDESTRIAN CONTROL SIGNALS.--

3 A. Whenever special pedestrian control signals
4 exhibiting the words "walk" or "don't walk" are in place:

5 (1) "walk" indicates that pedestrians facing
6 the signal may proceed across the roadway in the direction of
7 the signal and shall be given the right of way by drivers of
8 all vehicles; and

9 (2) "don't walk" indicates that no
10 pedestrian shall start to cross the roadway in the directions
11 of the signal, but any pedestrian who has partially completed
12 the pedestrian's crossing on the walk signal shall proceed to
13 a sidewalk or safety island while the don't walk signal is
14 showing.

15 B. A person who violates the provisions of this
16 section is guilty of a penalty assessment misdemeanor."

17 **SECTION 41.** Section 66-7-107 NMSA 1978 (being Laws
18 1978, Chapter 35, Section 387) is amended to read:

19 "66-7-107. FLASHING SIGNALS.--

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

23 (1) flashing red (stop signal): when a red
24 lens is illuminated with rapid intermittent flashes, drivers
25 of vehicles shall stop before entering the nearest crosswalk

1 at an intersection or at a limit line when marked or, if
2 none, before entering the intersection, and the right to
3 proceed shall be subject to the rules applicable after making
4 a stop at a stop sign; or

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

9 B. This section does not apply at railroad grade
10 crossings. Conduct of drivers of vehicles approaching
11 railroad grade crossings shall be governed by the rules as
12 set forth in Section 66-7-341 NMSA 1978.

13 C. A person who violates the provisions of this
14 section is guilty of a penalty assessment misdemeanor."

15 **SECTION 42.** Section 66-7-108 NMSA 1978 (being Laws
16 1978, Chapter 35, Section 388) is amended to read:

17 "66-7-108. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR
18 MARKINGS.--

19 A. A person shall not place, maintain or display
20 upon or in view of any highway any unauthorized sign, signal,
21 marking or device that purports to be or is an imitation of
22 or resembles an official traffic-control device or railroad
23 sign or signal or that attempts to direct the movement of
24 traffic or that hides from view or interferes with the
25 effectiveness of any official traffic-control device or any

1 railroad sign or signal. A person shall not place or
2 maintain nor shall a public authority permit upon a highway
3 any traffic sign or signal bearing any commercial
4 advertising.

5 B. Every such prohibited sign, signal, marking or
6 device is declared to be a public nuisance, and the authority
7 having jurisdiction over the highway is empowered to remove
8 the sign, signal, marking or device or cause it to be removed
9 without notice.

10 C. A person who violates the provisions of this
11 section is guilty of a penalty assessment misdemeanor."

12 SECTION 43. Section 66-7-334 NMSA 1978 (being Laws
13 1978, Chapter 35, Section 438, as amended) is amended to
14 read:

15 "66-7-334. PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS.--

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

21 B. A pedestrian shall not suddenly leave a curb or
22 other place of safety and walk or run into the path of a
23 vehicle that is so close that it is impossible for the driver
24 to yield.

25 C. Subsection A of this section shall not apply

1 under the conditions stated in Subsection B of Section
2 66-7-335 NMSA 1978.

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

8 E. A person who violates the provisions of this
9 section is guilty of a penalty assessment misdemeanor."

10 SECTION 44. Section 66-7-335 NMSA 1978 (being Laws
11 1978, Chapter 35, Section 439) is amended to read:

12 "66-7-335. CROSSING AT OTHER THAN CROSSWALKS.--

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

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

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

24 D. A person who violates the provisions of this
25 section is guilty of a penalty assessment misdemeanor."

1 **SECTION 45.** Section 66-7-338 NMSA 1978 (being Laws
2 1953, Chapter 139, Section 91) is amended to read:

3 "66-7-338. PEDESTRIANS TO USE RIGHT HALF OF
4 CROSSWALK.--

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

7 B. A person who violates the provisions of this
8 section is guilty of a penalty assessment misdemeanor."

9 **SECTION 46.** Section 66-7-339 NMSA 1978 (being Laws
10 1978, Chapter 35, Section 443) is amended to read:

11 "66-7-339. PEDESTRIANS ON ROADWAYS.--

12 A. Where sidewalks are provided, it is unlawful
13 for a pedestrian to walk along and upon an adjacent roadway.

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

18 C. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 **SECTION 47.** Section 66-7-355 NMSA 1978 (being Laws
21 1978, Chapter 35, Section 459, as amended) is amended to
22 read:

23 "66-7-355. RIDING ON MOTORCYCLES.--

24 A. A person operating a motorcycle, other than an
25 autocycle, shall ride only upon the permanent and regular

1 seat attached thereto, shall have the person's feet upon the
2 footrests provided on the machine and shall not carry any
3 other person nor shall any other person ride on the
4 motorcycle unless it is designed to carry more than one
5 person. If a motorcycle, other than an autocycle, is
6 designed to carry more than one person, the passenger may
7 ride upon the permanent and regular seat if designed for two
8 persons or upon another seat firmly attached to the rear or
9 side of the motorcycle. The passenger shall have the
10 passenger's feet upon the footrests attached for passenger
11 use.

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

18 C. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 48. Section 66-7-358 NMSA 1978 (being Laws
21 1978, Chapter 35, Section 462, as amended by Laws 1989,
22 Chapter 318, Section 31 and also by Laws 1989, Chapter 321,
23 Section 1) is amended to read:

24 "66-7-358. RESTRICTION ON USE OF VIDEO SCREENS IN MOTOR
25 VEHICLES.--

1 A. It is unlawful to operate in this state any
2 motor vehicle equipped with a video screen upon which images
3 may be projected or shown if the screen is within the normal
4 view of the driver of the motor vehicle unless the video
5 screen is used solely as an aid to the driver in the
6 operation of the vehicle.

7 B. A person who violates the provisions of this
8 section is guilty of a penalty assessment misdemeanor.

9 C. As used in this section, "video screen" does
10 not include closed circuit monitors or computer terminal
11 monitors used by law enforcement agencies in law enforcement
12 motor vehicles."

13 **SECTION 49.** Section 66-7-359 NMSA 1978 (being Laws
14 1978, Chapter 35, Section 463, as amended) is amended to
15 read:

16 "66-7-359. DRIVING ON MOUNTAIN HIGHWAYS.--

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

21 B. A person who violates the provisions of this
22 section is guilty of a penalty assessment misdemeanor."

23 **SECTION 50.** Section 66-7-360 NMSA 1978 (being Laws
24 1953, Chapter 139, Section 117) is amended to read:

25 "66-7-360. COASTING PROHIBITED.--

1 A. The driver of any motor vehicle, when traveling
2 upon a downgrade, shall not coast with the clutch disengaged.

3 B. A person who violates the provisions of this
4 section is guilty of a penalty assessment misdemeanor."

5 **SECTION 51.** Section 66-7-363 NMSA 1978 (being Laws
6 1953, Chapter 139, Section 119.1, as amended) is amended to
7 read:

8 "66-7-363. ANIMALS ON HIGHWAY.--

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

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

18 C. Owners of livestock ranging in pastures through
19 which unfenced roads or highways pass shall not be liable for
20 damages by reason of injury or damage to persons or property
21 occasioned by collisions of vehicles using the roads and
22 highways and livestock ranging in the pastures unless the
23 owner of the livestock is guilty of specific negligence other
24 than allowing livestock to range in the pasture.

25 D. A person who violates the provisions of this

1 section is guilty of a penalty assessment misdemeanor."

2 SECTION 52. Section 66-8-116 NMSA 1978 (being Laws
3 1978, Chapter 35, Section 524, as amended) is amended to
4 read:

5 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
6 DEFINITION--SCHEDULE OF ASSESSMENTS.--

7 A. As used in the Motor Vehicle Code and the Boat
8 Act, "penalty assessment misdemeanor" means violation of any
9 of the following listed sections of the NMSA 1978 for which,
10 except as provided in Subsections D and E of this section,
11 the listed penalty assessment is established:

12	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
13			ASSESSMENT
14	Failure to register	66-3-1	\$100.00
15	Failure to surrender		
16	parking placard	66-3-16.1	100.00
17	Improper display of		
18	registration plate	66-3-18	25.00
19	Failure to notify of		
20	change of name or address	66-3-23	25.00
21	Lost or damaged registration,		
22	plate or title	66-3-24	25.00
23	Horseless carriage		
24	registration	66-3-27	25.00
25	Transfer of registration		

1	and title	66-3-103	25.00
2	Expiration of dealer		
3	plates	66-3-403	25.00
4	Special registration		
5	plates	66-3-409, 66-3-411	
6		through 66-3-417 and	
7		66-3-419 through	
8		66-3-424.28	75.00
9	Bicycle laws	66-3-701	
10		through	
11		66-3-707	50.00
12	No license display	66-5-16	25.00
13	Failure to change		
14	address or name on		
15	license	66-5-22	25.00
16	Permitting unauthorized		
17	minor to drive	66-5-40	50.00
18	Permitting unauthorized		
19	person to drive	66-5-41	25.00
20	Failure to obey sign	66-7-104	25.00
21	Failure to obey signal	66-7-105	25.00
22	Pedestrian signs and		
23	signals	66-7-106	
24		through	
25		66-7-108	25.00

1	Speeding	66-7-301	
2	(1) up to and including		
3	ten miles an hour		
4	over the speed limit		25.00
5	(2) from eleven up to		
6	and including fifteen		
7	miles an hour		
8	over the speed limit		30.00
9	(3) from sixteen up to		
10	and including twenty		
11	miles an hour over the		
12	speed limit		65.00
13	(4) from twenty-one up to		
14	and including twenty-five		
15	miles an hour		
16	over the speed limit		100.00
17	(5) from twenty-six up to		
18	and including thirty		
19	miles an hour over the		
20	speed limit		125.00
21	(6) from thirty-one up to		
22	and including thirty-five		
23	miles an hour over the		
24	speed limit		150.00
25	(7) more than thirty-five		

1	miles an hour over the		
2	speed limit		200.00
3	Unfastened safety belt	66-7-372	25.00
4	Child not in restraint device		
5	or seat belt	66-7-369	25.00
6	Minimum speed	66-7-305	25.00
7	Speeding	66-7-306	25.00
8	Improper starting	66-7-324	25.00
9	Improper backing	66-7-354	25.00
10	Improper lane	66-7-308	25.00
11	Improper lane	66-7-313	25.00
12	Improper lane	66-7-316	25.00
13	Improper lane	66-7-317	25.00
14	Improper lane	66-7-319	25.00
15	Improper passing	66-7-309 through 66-7-312	25.00
16	Improper passing	66-7-315	25.00
17	Controlled access		
18	violation	66-7-320	25.00
19	Controlled access		
20	violation	66-7-321	25.00
21	Improper turning	66-7-322	25.00
22	Improper turning	66-7-323	25.00
23	Improper turning	66-7-325	25.00
24	Following too closely	66-7-318	25.00
25	Failure to yield	66-7-328 through 66-7-331	25.00

1	Failure to yield	66-7-332	50.00
2	Failure to yield	66-7-332.1	25.00
3	Pedestrian violation	66-7-333	
4		through 66-7-340	25.00
5	Failure to stop	66-7-342 and 66-7-344	
6		through 66-7-346	25.00
7	Railroad-highway grade		
8	crossing violation	66-7-341 and 66-7-343	150.00
9	Passing school bus	66-7-347	100.00
10	Failure to signal	66-7-325 through 66-7-327	25.00
11	Riding on motorcycles	66-7-355	100.00
12	Video screens in		
13	automobiles	66-7-358	25.00
14	Driving on mountain		
15	highways	66-7-359	25.00
16	Coasting prohibited	66-7-360	25.00
17	Animals on highway at		
18	night	66-7-363	50.00
19	Failure to secure load	66-7-407	100.00
20	Operation without oversize-		
21	overweight permit	66-7-413	50.00
22	Transport of reducible		
23	load with special		
24	permit more than six miles		
25	from a border crossing	66-7-413	100.00

1	Improper equipment	66-3-801 through	
2		66-3-840 and 66-3-842	
3		through 66-3-851	50.00
4	Improper equipment	66-3-901	50.00
5	Improper emergency		
6	signal	66-3-853 through 66-3-857	25.00
7	Minor on motorcycle		
8	without helmet	66-7-356	300.00
9	Operation interference	66-7-357	50.00
10	Littering	66-7-364	300.00
11	Improper parking	66-7-349 through 66-7-352	
12		and 66-7-353	25.00
13	Improper parking	66-3-852	25.00
14	Riding in or towing		
15	occupied house trailer	66-7-366	25.00
16	Improper opening of doors	66-7-367	25.00
17	No slow-moving vehicle		
18	emblem or flashing		
19	amber light	66-3-887	25.00
20	Failure to appear	66-8-126	50.00
21	Open container-first		
22	violation	66-8-138	25.00
23	Texting while driving-		
24	(1) first violation	66-7-374	25.00

1	(2) second and subsequent		
2	violation		50.00
3	Using a handheld mobile		
4	communication device		
5	while driving a		
6	commercial motor		
7	vehicle	66-7-375	
8	(1) first violation		25.00
9	(2) second and subsequent		
10	violation		50.00
11	Boat numbering violation	66-12-4	
12		66-12-5	
13		66-12-6.5	20.00
14	Boat equipment violation	66-12-7	
15		66-12-10	100.00.

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

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

1 shall not exceed ninety days.

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

7 E. Upon a second conviction for operation without
8 a permit for excessive size or weight pursuant to Section
9 66-7-413 NMSA 1978, the penalty assessment shall be two
10 hundred fifty dollars (\$250). Upon a third or subsequent
11 conviction, the penalty assessment shall be five hundred
12 dollars (\$500).

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

20 **SECTION 53.** Section 66-8-126 NMSA 1978 (being Laws
21 1978, Chapter 35, Section 534) is amended to read:

22 "66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--

23 A. It is a penalty assessment misdemeanor for a
24 person to violate that person's written promise to appear in
25 court given to an officer upon issuance of a uniform traffic

1 citation regardless of the disposition of the charge for
2 which the citation was issued.

3 B. A written promise to appear in court may be
4 complied with by appearance of counsel."

5 SECTION 54. Section 66-12-4 NMSA 1978 (being Laws 1959,
6 Chapter 338, Section 4, as amended) is amended to read:

7 "66-12-4. OPERATION OF UNNUMBERED MOTORBOATS
8 PROHIBITED.--

9 A. A motorboat that is propelled by sail or
10 machinery operating on the waters of this state shall be
11 numbered. A person shall not operate or give permission for
12 the operation of any motorboat on the waters of this state
13 unless the motorboat is numbered in accordance with the Boat
14 Act or in accordance with applicable federal law or in
15 accordance with a federally approved numbering system of
16 another state and unless the certificate of number awarded to
17 the motorboat is in force and the identifying number set
18 forth in the certificate of number is displayed on each side
19 of the bow of the motorboat.

20 B. A boat operating on the waters of this state
21 and owned by a person who is domiciled in this state shall be
22 titled. A person shall not operate or give permission for
23 the operation of any boat on the waters of this state unless
24 the boat is titled as provided in the Boat Act.

25 C. A person who is not domiciled in this state but HJC/HB 428
Page 73

1 operates a boat on the waters of this state may, pursuant to
2 the provisions of the Boat Act, elect to register the boat in
3 this state.

4 D. A person who violates the provisions of this
5 section is guilty of a penalty assessment misdemeanor as
6 provided in Section 66-8-116 NMSA 1978."

7 SECTION 55. Section 66-12-5 NMSA 1978 (being Laws 1959,
8 Chapter 338, Section 5, as amended) is amended to read:

9 "66-12-5. IDENTIFICATION NUMBER.--

10 A. The owner of a motorboat requiring numbering
11 and inspection by this state shall file an application for
12 number with the division on forms approved by the division.
13 The application shall be signed by the owner of the motorboat
14 and shall be accompanied by a three-year registration fee as
15 required in Section 66-12-5.1 NMSA 1978. Upon receipt of the
16 application in approved form, the division shall file it and
17 issue to the applicant a certificate of number stating the
18 number awarded to the motorboat and the name and address of
19 the owner. The owner shall paint on or attach to each side
20 of the bow of the motorboat the identification number in the
21 manner prescribed by regulations of the division in order
22 that it is clearly visible but in no case less than three
23 inches in height and of a contrasting color to the boat
24 color. The number shall be maintained in legible condition.
25 The certificate of number shall be pocket size and shall be

1 available at all times for inspection on the motorboat for
2 which it is issued whenever the motorboat is in operation.

3 B. Should the ownership of a motorboat change
4 prior to operating it on the waters of this state, the new
5 owner shall file with the division an application for a new
6 certificate of number in the same manner required for the
7 award of a number under Subsection A of this section.

8 C. If an agency of the United States has in force
9 an overall system of identification numbering for motorboats
10 within the United States, the numbering system employed by
11 the division pursuant to the Boat Act shall be in conformity
12 with that system.

13 D. The division may award any certificate of
14 number directly or may authorize a person to act as agent for
15 the awarding. If a person accepts such authorization, the
16 person may be assigned a block of numbers and certificates
17 that, upon award in conformity with the Boat Act and with any
18 regulations of the division, are valid as if awarded directly
19 by the division.

20 E. A certificate of number awarded pursuant to the
21 Boat Act shall continue in force through December 31 of the
22 third calendar year of registration unless sooner terminated
23 in accordance with the provisions of the Boat Act. A
24 certificate of number may be renewed in the same manner
25 provided for in the initial securing of the certificate and

1 upon payment of the three-year registration fee. Each
2 application for renewal of a certificate of number shall be
3 made by the owner on an application form, which must be
4 received by the division within sixty days after the
5 expiration date of the certificate.

6 F. An owner shall notify the division of transfer,
7 destruction or abandonment of a motorboat within fifteen days
8 thereof. The transfer, destruction or abandonment terminates
9 the certificate of number for the motorboat except in the
10 case of a transfer of a part interest that does not affect
11 the owner's right to operate the motorboat. Whenever the
12 certificate of number is terminated, the owner shall return
13 it to the division within fifteen days and state the reason
14 for termination.

15 G. If there is a change of address, the holder of a
16 certificate of number shall provide to the division the new
17 address, existing certificate of number and a reasonable
18 administrative fee. Upon receipt, the division will issue a
19 new certificate of number.

20 H. Only the assigned registration number shall be
21 painted, attached or otherwise displayed on either side of
22 the bow of a motorboat.

23 I. The registration number assigned to the
24 motorboat shall remain the assigned number for the life of
25 the boat, except when a boat is transferred out of state,

1 destroyed or abandoned.

2 J. A person who violates the provisions of this
3 section is guilty of a penalty assessment misdemeanor as
4 provided in Section 66-8-116 NMSA 1978."

5 **SECTION 56.** Section 66-12-6.5 NMSA 1978 (being Laws
6 2003, Chapter 410, Section 4) is amended to read:

7 "66-12-6.5. PROHIBITED DISPLAY OF DEALER OR MANUFACTURER
8 NUMBERS.--

9 A. A dealer or manufacturer shall not display a
10 dealer or manufacturer number on a motorboat that is not
11 being operated for test or demonstration purposes.

12 B. A person who violates the provisions of this
13 section is guilty of a penalty assessment misdemeanor as
14 provided in Section 66-8-116 NMSA 1978."

15 **SECTION 57.** Section 66-12-7 NMSA 1978 (being Laws 1959,
16 Chapter 338, Section 6, as amended) is amended to read:

17 "66-12-7. EQUIPMENT.--

18 A. Every vessel shall have aboard:

19 (1) one life preserver, buoyant vest, ring buoy
20 or buoyant cushion bearing the mark of approval of the United
21 States coast guard and in serviceable condition for each
22 person on board;

23 (2) one oar or paddle;

24 (3) one bailing bucket with a capacity of at
25 least one gallon or a hand-operated bilge pump; and

1 (4) a length of stout rope at least equal to
2 the length of the vessel.

3 B. Every motorboat, during the hours of darkness,
4 shall carry:

5 (1) a bright white light aft to show around the
6 horizon; and

7 (2) a combined light on the forepart of the
8 vessel and lower than the white light and showing green to
9 the starboard and red to the port and so fixed as to throw
10 the light from right ahead to two points abaft the beam on
11 their respective sides. No other light shall be shown except
12 as specifically prescribed by the United States coast guard
13 for the particular class of boats.

14 C. If carrying or using any inflammable or toxic
15 fluid in any enclosure for any purpose and if that enclosure
16 is not entirely open, the vessel shall have an efficient
17 natural or mechanical ventilation system capable of removing
18 resulting gases prior to and during the time the vessel is
19 occupied by any person.

20 D. A privately owned vessel shall not carry a siren
21 unless specifically authorized in writing by the director of
22 the division.

23 E. A person shall not operate or give permission
24 for the operation of a vessel that is not equipped as
25 required by this section.

1 F. A person who violates the provisions of this
2 section is guilty of a penalty assessment misdemeanor as
3 provided in Section 66-8-116 NMSA 1978."

4 SECTION 58. Section 66-12-10 NMSA 1978 (being Laws 1959,
5 Chapter 338, Section 9, as amended) is amended to read:

6 "66-12-10. MUFFLING DEVICES.--

7 A. The exhaust of an internal combustion engine
8 used on a motorboat shall be effectively muffled by equipment
9 constructed and used to muffle the noise of the exhaust in a
10 reasonable manner. Muffling equipment may include such
11 devices as mufflers, exhaust restricters and water-injected
12 exhaust headers. A person shall not use cut-outs or non-
13 muffled headers except for motorboats competing in a regatta
14 or boat race approved as provided in Section 66-12-15 NMSA
15 1978 and for those motorboats while on trial runs during a
16 period not to exceed forty-eight hours immediately preceding
17 the regatta or race and while competing in official trials
18 for speed records during a period not to exceed forty-eight
19 hours immediately following the regatta or race.

20 B. A person who violates the provisions of this
21 section is guilty of a penalty assessment misdemeanor as
22 provided in Section 66-8-116 NMSA 1978."

23 SECTION 59. REPEAL.--

24 A. Sections 30-8-12, 30-8-13, 30-9-14.1, 30-9-14.2
25 and 66-3-424.2 NMSA 1978 (being Laws 1963, Chapter 303,

