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SENATE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO MOTOR VEHICLES; CLARIFYING THAT THE DOUBLE PENALTY ASSESSMENT APPLIES TO CONSTRUCTION AND OTHER POSTED SAFETY ZONES; MAKING OTHER TECHNICAL CHANGES.

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

SECTION 1. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

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

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D [~~and E~~] through F of this section, the listed penalty assessment is established:

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

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

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

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1	overweight permit	66-7-413	50.00
2	Transport of reducible		
3	load with special		
4	permit more than six miles		
5	from a border crossing	66-7-413	100.00
6	Improper equipment	66-3-801 through 66-3-851	25.00
7	Improper equipment	66-3-901	20.00
8	Improper emergency		
9	signal	66-3-853 through 66-3-857	10.00
10	Minor on motorcycle		
11	without helmet	66-7-356	300.00
12	Operation interference	66-7-357	50.00
13	Littering	66-7-364	300.00
14	Improper parking	66-7-349 through 66-7-352	
15		and 66-7-353	5.00
16	Improper parking	66-3-852	5.00
17	Failure to dim lights	66-3-831	10.00
18	Riding in or towing		
19	occupied house trailer	66-7-366	5.00
20	Improper opening of doors	66-7-367	5.00
21	No slow-moving vehicle		
22	emblem or flashing		
23	amber light	66-3-887	5.00
24	Open container - first		
25	violation	66-8-138	25.00

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underscored material = new
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1	Texting while driving -		
2	first violation	66-7-374	25.00
3	Texting while driving -		
4	subsequent violation	66-7-374	50.00
5	Using a handheld mobile		
6	communication device		
7	while driving a		
8	commercial motor	[Section 1 of this	
9	vehicle	2016 act] <u>66-7-375</u>	25.00
10	Using a handheld mobile		
11	communication device		
12	while driving a		
13	commercial motor		
14	vehicle - subsequent	[Section 1 of this	
15	violation	2016 act] <u>66-7-375</u>	50.00.

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 person.

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

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

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

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