

AN ACT

RELATING TO HIGHWAYS; PROHIBITING TRASH ON HIGHWAYS;  
INCREASING THE PENALTY ASSESSMENT MISDEMEANOR FOR LITTERING;  
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-7-364 NMSA 1978 (being Laws  
1978, Chapter 35, Section 468) is amended to read:

"66-7-364. PUTTING INJURIOUS MATERIAL OR TRASH ON  
HIGHWAY PROHIBITED.--

A. No person shall throw or deposit upon a  
highway any trash, glass bottles, glass, nails, tacks, wire  
or cans.

B. A person who drops or permits to be dropped  
or thrown upon any highway any destructive or injurious  
material or trash shall immediately remove the same or cause  
it to be removed.

C. A person removing a wrecked or damaged  
vehicle from a highway shall remove any glass or other  
injurious substance dropped upon the highway from the  
vehicle.

D. As used in this section, "trash" means any  
article or substance that when discarded creates or  
contributes to an unsanitary, offensive or unsightly  
condition. "Trash" includes waste food; paper products;

cans, bottles and other containers; household furnishings and equipment; parts or bodies of vehicles and other metallic junk or scrap; and collections of ashes, dirt, yard trimmings and other rubbish."

Section 2. 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 the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Permitting unlicensed		
minor to drive	66-5-40	\$ 10.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) up to		
and including ten		
miles an hour		
over speed limit		15.00
(2) from eleven up to		

and including fifteen miles an hour over speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00

Minimum speed	66-7-305	10.00
Speeding	66-7-306	15.00
Improper starting	66-7-324	10.00
Improper backing	66-7-354	10.00
Improper lane	66-7-308	10.00
Improper lane	66-7-313	10.00
Improper lane	66-7-316	10.00
Improper lane	66-7-317	10.00
Improper lane	66-7-319	10.00
Improper passing	66-7-309 through 66-7-312	10.00
Improper passing	66-7-315	10.00
Controlled access violation	66-7-320	10.00
Controlled access violation	66-7-321	10.00
Improper turning	66-7-322	10.00
Improper turning	66-7-323	10.00
Improper turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield	66-7-328 through 66-7-332	10.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	10.00
Pedestrian violation	66-7-340	10.00
Failure to stop	66-7-341 through 66-7-346	10.00
Passing school bus	66-7-347	100.00

Failure to signal	66-7-325 through 66-7-327	10.00
Failure to secure load	66-7-407	100.00
Operation without oversize-		
overweight permit	66-7-413	50.00
Improper equipment	66-3-801	10.00
Improper equipment	66-3-901	20.00
Improper emergency		
signal	66-3-853 through 66-3-857	10.00
Operation interference	66-7-357	5.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through	
	66-7-352 and 66-7-353	5.00
Improper parking	66-7-352.5	50.00
Improper parking	66-3-852	5.00
Failure to dim lights	66-3-831	10.00
Riding in or towing		
occupied house trailer	66-7-366	5.00
Improper opening of doors	66-7-367	5.00
No slow-moving vehicle		
emblem or flashing		
amber light	66-3-887	5.00
Open container - first		
violation	66-8-138	25.00.

B. The term "penalty assessment misdemeanor" does not include any violation that has caused or contributed to

the cause of an accident resulting in injury or death to any person.

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed ninety days."

Section 3. REPEAL.--Section 30-8-10 NMSA 1978 (being Laws 1963, Chapter 303, Section 8-7) is repealed.

Section 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2000.