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HOUSE BILL 221

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Gloria C. Vaughn

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING DRIVERS TO TURN OFF THE
HIGHWAY IN CERTAIN CIRCUMSTANCES; PROVIDING A PENALTY.

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

Section 1. A new section, Section 66-7-305.1 NMSA 1978,
is enacted to read:

"66-7-305.1. [NEW MATERIAL] VEHICLE TURN-OFF
REQUIREMENT. -- On a highway that has one lane for traveling in
each direction and where passing is prohibited by law or is
unsafe because of traffic traveling in the opposite direction
or another condition, the driver of a vehicle that is traveling
at a rate of speed that is less than the speed limit for the
highway or portion of the highway and behind which five or more
vehicles are formed in a line shall turn off the highway at the
nearest place where the driver may turn off the highway in a

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1 safe manner. "

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

4 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS-- DEFINITION--
5 SCHEDULE OF ASSESSMENTS. --

6 A. As used in the Motor Vehicle Code, "penalty
7 assessment misdemeanor" means violation of any of the following
8 listed sections of the NMSA 1978 for which, except as provided
9 in Subsection D of this section, the listed penalty assessment
10 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 the speed limit		15.00
(2) from eleven up to		
and including fifteen		
miles an hour		
over the speed limit		30.00
(3) from sixteen up to		

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1	and including twenty		
2	miles an hour over the		
3	speed limit		65.00
4	(4) from twenty-one up to		
5	and including twenty-five		
6	miles an hour		
7	over the speed limit		100.00
8	(5) from twenty-six up to		
9	and including thirty		
10	miles an hour over the		
11	speed limit		125.00
12	(6) from thirty-one up to		
13	and including thirty-five		
14	miles an hour over the		
15	speed limit		150.00
16	(7) more than thirty-five		
17	miles an hour over the		
18	speed limit		200.00
19	Unfastened safety belt	66- 7- 372	25.00
20	Child not in restraint device		
21	or seat belt	66- 7- 369	25.00
22	Minimum speed	66- 7- 305	10.00
23	<u>Failure to turn off</u>	<u>66- 7- 305. 1</u>	<u>10.00</u>
24	Speeding	66- 7- 306	15.00
25	Improper starting	66- 7- 324	10.00

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1	Improper backing	66- 7- 354	10. 00
2	Improper lane	66- 7- 308	10. 00
3	Improper lane	66- 7- 313	10. 00
4	Improper lane	66- 7- 316	10. 00
5	Improper lane	66- 7- 317	10. 00
6	Improper lane	66- 7- 319	10. 00
7	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
8	Improper passing	66- 7- 315	10. 00
9	Controlled access		
10	violation	66- 7- 320	10. 00
11	Controlled access		
12	violation	66- 7- 321	10. 00
13	Improper turning	66- 7- 322	10. 00
14	Improper turning	66- 7- 323	10. 00
15	Improper turning	66- 7- 325	10. 00
16	Following too closely	66- 7- 318	10. 00
17	Failure to yield	66- 7- 328 through 66- 7- 332	10. 00
18	Failure to yield	66- 7- 332. 1	25. 00
19	Pedestrian violation	66- 7- 333	10. 00
20	Pedestrian violation	66- 7- 340	10. 00
21	Failure to stop	66- 7- 342 and 66- 7- 344	
22		through 66- 7- 346	10. 00
23	Rail road- highway grade		
24	crossing violation	66- 7- 341 and 66- 7- 343	10. 00
25	Passing school bus	66- 7- 347	100. 00

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1	Failure to signal	66-7-325 through 66-7-327	10.00
2	Failure to secure load	66-7-407	100.00
3	Operation without oversize-		
4	overweight permit	66-7-413	50.00
5	Improper equipment	66-3-801	10.00
6	Improper equipment	66-3-901	20.00
7	Improper emergency		
8	signal	66-3-853 through 66-3-857	10.00
9	Operation interference	66-7-357	5.00
10	Littering	66-7-364	300.00
11	Improper parking	66-7-349 through 66-7-352	
12		and 66-7-353	5.00
13	Improper parking	66-7-352.5	50.00
14	Improper parking	66-3-852	5.00
15	Failure to dim lights	66-3-831	10.00
16	Riding in or towing		
17	occupied house trailer	66-7-366	5.00
18	Improper opening of doors	66-7-367	5.00
19	No slow-moving vehicle		
20	emblem or flashing		
21	amber light	66-3-887	5.00
22	Open container - first		
23	violation	66-8-138	25.00.

24 B. The term "penalty assessment misdemeanor" does not
25 include a violation that has caused or contributed to the cause

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1 of an accident resulting in injury or death to a person.

2 C. When an alleged violator of a penalty assessment
3 misdemeanor elects to accept a notice to appear in lieu of a
4 notice of penalty assessment, a fine imposed upon later
5 conviction shall not exceed the penalty assessment established
6 for the particular penalty assessment misdemeanor and probation
7 imposed upon a suspended or deferred sentence shall not exceed
8 ninety days.

9 D. The penalty assessment for speeding in violation
10 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
11 is twice the penalty assessment established in Subsection A of
12 this section for the equivalent miles per hour over the speed
13 limit. "