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SENATE BILL 55

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE FINES FOR RECKLESS DRIVING, CARELESS DRIVING AND TEXTING WHILE DRIVING; PROVIDING A PENALTY.

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

SECTION 1. Section 66-8-113 NMSA 1978 (being Laws 1978, Chapter 35, Section 521, as amended) is amended to read:

"66-8-113. RECKLESS DRIVING.--

A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard of the rights or safety of others and without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property is guilty of reckless driving.

B. Every person convicted of reckless driving shall be punished ~~[notwithstanding the provisions of Section 31-18-13~~

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1 ~~NMSA 1978~~] upon a first conviction by imprisonment for not less
2 than five days [~~not~~] or more than ninety days or by a fine of
3 [~~not less than twenty-five dollars (\$25.00) nor more than~~] one
4 hundred dollars (\$100), or both, and on a second or subsequent
5 conviction by imprisonment for not less than ten days [~~not~~] or
6 more than six months or by a fine of not less than [~~fifty~~
7 ~~dollars (\$50.00) nor~~] three hundred dollars (\$300) or more than
8 one thousand dollars (\$1,000), or both.

9 C. Upon conviction of violation of this section,
10 the [~~director~~] secretary may suspend the license or permit to
11 drive and any nonresident operating privilege for not to exceed
12 ninety days."

13 SECTION 2. Section 66-8-114 NMSA 1978 (being Laws 1969,
14 Chapter 169, Section 12) is amended to read:

15 "66-8-114. CARELESS DRIVING.--

16 A. Any person operating a vehicle on the highway
17 shall give [~~his~~] the person's full time and entire attention to
18 the operation of the vehicle.

19 B. Any person who operates a vehicle in a careless,
20 inattentive or imprudent manner without due regard for the
21 width, grade, curves, corners, traffic, weather and road
22 conditions and all other attendant circumstances is guilty of a
23 misdemeanor.

24 C. Every person convicted of careless driving shall
25 be punished for a first conviction by a fine of not less than

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1 one hundred dollars (\$100) or more than five hundred dollars
2 (\$500), and on a subsequent conviction by a fine of not less
3 than five hundred dollars (\$500) or more than one thousand
4 dollars (\$1,000)."

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

7 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
8 SCHEDULE OF ASSESSMENTS.--

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

14	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
15			ASSESSMENT
16	Improper display of		
17	registration plate	66-3-18	\$ 25.00
18	Failure to notify of		
19	change of name or address	66-3-23	25.00
20	Lost or damaged registration,		
21	plate or title	66-3-24	20.00
22	Permitting unauthorized		
23	minor to drive	66-5-40	50.00
24	Permitting unauthorized		
25	person to drive	66-5-41	25.00

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1	Failure to obey sign	66-7-104	10.00
2	Failure to obey signal	66-7-105	10.00
3	Speeding	66-7-301	
4	(1) up to and including		
5	ten miles an hour		
6	over the speed limit		15.00
7	(2) from eleven up to		
8	and including fifteen		
9	miles an hour		
10	over the speed limit		30.00
11	(3) from sixteen up to		
12	and including twenty		
13	miles an hour over the		
14	speed limit		65.00
15	(4) from twenty-one up to		
16	and including twenty-five		
17	miles an hour		
18	over the speed limit		100.00
19	(5) from twenty-six up to		
20	and including thirty		
21	miles an hour over the		
22	speed limit		125.00
23	(6) from thirty-one up to		
24	and including thirty-five		
25	miles an hour over the		

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underscored material = new
[bracketed material] = delete

1	speed limit		150.00
2	(7) more than thirty-five		
3	miles an hour over the		
4	speed limit		200.00
5	Unfastened safety belt	66-7-372	25.00
6	Child not in restraint device		
7	or seat belt	66-7-369	25.00
8	Minimum speed	66-7-305	10.00
9	Speeding	66-7-306	15.00
10	Improper starting	66-7-324	10.00
11	Improper backing	66-7-354	10.00
12	Improper lane	66-7-308	10.00
13	Improper lane	66-7-313	10.00
14	Improper lane	66-7-316	10.00
15	Improper lane	66-7-317	10.00
16	Improper lane	66-7-319	10.00
17	Improper passing	66-7-309 through 66-7-312	10.00
18	Improper passing	66-7-315	10.00
19	Controlled access		
20	violation	66-7-320	10.00
21	Controlled access		
22	violation	66-7-321	10.00
23	Improper turning	66-7-322	10.00
24	Improper turning	66-7-323	10.00
25	Improper turning	66-7-325	10.00

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1	Following too closely	66-7-318	10.00
2	Failure to yield	66-7-328 through 66-7-331	10.00
3	Failure to yield	66-7-332	50.00
4	Failure to yield	66-7-332.1	25.00
5	Pedestrian violation	66-7-333	10.00
6	Pedestrian violation	66-7-340	10.00
7	Failure to stop	66-7-342 and 66-7-344	
8		through 66-7-346	10.00
9	Railroad-highway grade		
10	crossing violation	66-7-341 and 66-7-343	150.00
11	Passing school bus	66-7-347	100.00
12	Failure to signal	66-7-325 through 66-7-327	10.00
13	Failure to secure load	66-7-407	100.00
14	Operation without oversize-		
15	overweight permit	66-7-413	50.00
16	Transport of reducible		
17	load with special		
18	permit more than six miles		
19	from a border crossing	66-7-413	100.00
20	Improper equipment	66-3-801	
21		through 66-3-851	25.00
22	Improper equipment	66-3-901	20.00
23	Improper emergency		
24	signal	66-3-853 through 66-3-857	10.00
25	Minor on motorcycle		

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1	without helmet	66-7-356	300.00
2	Operation interference	66-7-357	50.00
3	Littering	66-7-364	300.00
4	Improper parking	66-7-349 through 66-7-352	
5		and 66-7-353	5.00
6	Improper parking	66-3-852	5.00
7	Failure to dim lights	66-3-831	10.00
8	Riding in or towing		
9	occupied house trailer	66-7-366	5.00
10	Improper opening of doors	66-7-367	5.00
11	No slow-moving vehicle		
12	emblem or flashing		
13	amber light	66-3-887	5.00
14	Open container - first		
15	violation	66-8-138	25.00
16	Texting while driving -		
17	first violation	66-7-374	[25.00] <u>100.00</u>
18	Texting while driving -		
19	subsequent violation	66-7-374	[50.00] <u>200.00</u>
20	Using a handheld mobile		
21	communication device		
22	while driving a		
23	commercial motor	[Section 1 of this	
24	vehicle	2016 act] <u>66-7-375</u>	[25.00] <u>100.00</u>
25	Using a handheld mobile		

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underscoring material = new
~~[bracketed material] = delete~~

1 communication device
2 while driving a
3 commercial motor
4 vehicle - subsequent ~~[Section 1 of this~~
5 violation ~~2016 act]~~ 66-7-375 ~~[50.00]~~ 200.00.

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

9 C. When an alleged violator of a penalty assessment
10 misdemeanor elects to accept a notice to appear in lieu of a
11 notice of penalty assessment, a fine imposed upon later
12 conviction shall not exceed the penalty assessment established
13 for the particular penalty assessment misdemeanor and probation
14 imposed upon a suspended or deferred sentence shall not exceed
15 ninety days.

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

21 E. Upon a second conviction for operation without a
22 permit for excessive size or weight pursuant to Section
23 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
24 fifty dollars (\$250). Upon a third or subsequent conviction,
25 the penalty assessment shall be five hundred dollars (\$500).

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

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2017.