AN ACT
RELATING TO PUBLIC SAFETY; REQUIRING THE HUMAN SERVICES
DEPARTMENT TO PROVIDE, IN CONNECTION WITH MEDICAID
ELIGIBILITY DETERMINATIONS, TECHNICAL SUPPORT AND TRAINING
AND CERTIFICATION FOR COUNTIES UPON REQUEST; REQUIRING
CORRECTIONAL FACILITIES TO TAKE CERTAIN ACTIONS DESIGNED TO
REDUCE RECIDIVISM; PROVIDING FOR LAW ENFORCEMENT OFFICER
RETENTION PAYMENTS; REVISING MULTIPLE OFFENSES TO PENALTY
ASSESSMENT MISDEMEANORS; INCREASING THE PENALTY FOR A FELON
IN POSSESSION OF A FIREARM OR DestructIVE DEVICE; ADJUSTING
FINES FOR MOTOR VEHICLE OFFENSES; REVISING REQUIREMENTS FOR
REINSTATING A DRIVER'S LICENSE; 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 27-2-12.22 NMSA 1978 (being Laws
2015, Chapter 127, Section 2) is amended to read:

"27-2-12.22. INCARCERATED INDIVIDUALS--MEDICAID
ELIGIBILITY--COUNTY JAIL TECHNICAL ASSISTANCE--PREMUMPTIVE
ELIGIBILITY DETERMINER TRAINING AND CERTIFICATION.--

A. Incarceration shall not be a basis to deny or
terminate eligibility for medicaid.

B. Upon release from incarceration, a formerly
incarcerated individual shall remain eligible for medicaid
until the individual is determined to be ineligible for medicaid on grounds other than incarceration.

C. An incarcerated individual who was not enrolled in medicaid upon the date that the individual became incarcerated shall be permitted to submit an application for medicaid during the incarcerated individual's period of incarceration.

D. The provisions of this section shall not be construed to abrogate:

   (1) any deadline that governs the processing of applications for medicaid pursuant to existing federal or state law; or

   (2) requirements under federal or state law that the human services department be notified of changes in income, resources, residency or household composition.

E. The provisions of this section shall not require the human services department to pay for services on behalf of any incarcerated individual, except as permitted by federal law.

F. A correctional facility shall:

   (1) inform the human services department when an eligible individual is incarcerated;

   (2) facilitate, with assistance from the department, eligibility determinations for medicaid during the incarcerated individuals' incarceration or upon release;
(3) notify the department upon an eligible individual's release; and

(4) facilitate the department's or any department contractor's provision of care coordination pursuant to the provisions of Section 2 of this 2018 act.

G. Upon the written request of a county, the department shall provide a behavioral health screening tool to facilitate screenings performed in accordance with the provisions of Subsection A of Section 2 of this 2018 act, technical assistance and training and certification of county jail presumptive eligibility determiners to a county jail.

H. The secretary of human services shall adopt and promulgate rules consistent with this section.

I. As used in this section:

(1) "care coordination" means an assessment for health risks and the creation of a plan of care to address an individual's comprehensive health needs, including access to physical health care and mental health services; substance use disorder treatment; and transportation services;

(2) "eligibility" means a finding by the human services department that an individual has met the criteria established in state and federal law and the requirements established by department rules to enroll in medicaid;
(3) "incarcerated individual" means an individual, the legal guardian or conservator of an individual or, for an individual who is an unemancipated minor, the parent or guardian of the individual, who is confined in any of the following correctional facilities:

(a) a state correctional facility;

(b) a privately operated correctional facility;

(c) a county jail;

(d) a privately operated jail;

(e) a detention facility that is operated under the authority of the children, youth and families department and that holds the individual pending a court hearing; or

(f) a facility that is operated under the authority of the children, youth and families department and that provides for the care and rehabilitation of an individual who is under eighteen years of age and who has committed an act that would be designated as a crime under the law if committed by an individual who is eighteen years of age or older;

(4) "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act and rules promulgated pursuant to that act; and
(5) "unemancipated minor" means an individual who is under eighteen years of age and who:

(a) is not on active duty in the armed forces; and

(b) has not been declared by court order to be emancipated."

SECTION 2. CORRECTIONAL FACILITIES--CARE COORDINATION.--

A. A correctional facility shall ensure that each inmate of that correctional facility is screened for mental illness and for habitual substance abuse within thirty days of incarceration in that facility.

B. A correctional facility shall offer a qualifying inmate the opportunity to enroll in medicaid in accordance with the provisions of Section 27-2-12.22 NMSA 1978.

C. To the extent allowed by federal law or waiver agreement, care coordinators employed by medicaid managed care organizations shall link inmates who are enrolled in a medicaid managed care program to care coordination prior to the inmates' release.

D. The human services department shall provide information to correctional facilities seeking medicaid care coordination for qualifying inmates.

E. As used in this section:
(1) "care coordination" means an assessment for health risks and the creation of a plan of care to address an individual's comprehensive health needs, including access to physical health care and mental health services; substance use disorder treatment; and transportation services;

(2) "correctional facility" means a:
   (a) state correctional facility;
   (b) privately operated correctional facility;
   (c) county jail;
   (d) privately operated jail;
   (e) detention facility that is operated under the authority of the children, youth and families department and that holds the individual pending a court hearing; or
   (f) facility that is operated under the authority of the children, youth and families department and that provides for the care and rehabilitation of an individual who is under eighteen years of age and who has committed an act that would be designated as a crime under the law if committed by an individual who is eighteen years of age or older;

(3) "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of
the federal Social Security Act and rules promulgated pursuant to that act; and

(4) "qualifying inmate" means an inmate who has been identified as currently having a mental illness or a substance use disorder, either through the screening provided pursuant to the provisions of Subsection A of this section or as evidenced in the inmate's medical record.

SECTION 3. Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended) is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Except as provided for the academy in Subsection B of this section, amounts distributed from the fund shall be expended only for the following:

(1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;

(2) the purchase of law enforcement equipment, including protective vests, for police dogs;

(3) expenses associated with advanced law enforcement planning and training;

(4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund at a minimum amount of three hundred fifty thousand dollars ($350,000);
(5) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs;

(6) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties rated as class 1 in Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978 participating in basic law enforcement training; and

(7) contingent upon the availability of funding and until June 30, 2021, a law enforcement officer retention payment in the amount of seven thousand five hundred dollars ($7,500); provided that:

(a) the distribution is requested by a municipality or county law enforcement agency that on January 1, 2018 had a staffing vacancy rate of at least ten percent to retain a law enforcement officer who is certified in accordance with the Law Enforcement Training Act and has at least twenty years of actual service credit earned under a municipal police member coverage plan as determined by the public employees retirement association;

(b) the municipality or county law enforcement agency provides seven thousand five hundred dollars ($7,500) in matching funds to the law enforcement officer; and

(c) the distribution and the matching
funds paid to a law enforcement officer shall not constitute
the officer's base salary or wages and shall not be
considered to be salary or otherwise be used to determine a
pension for the purposes of the Public Employees Retirement
Act.

B. For the academy, amounts distributed from the
fund shall be expended only for providing tourniquet and
trauma kits and training on the use of tourniquet and trauma
kits pursuant to Section 29-7-7.7 NMSA 1978.

C. Amounts distributed from the fund shall be
expended only pursuant to approved budgets and upon duly
executed vouchers approved as required by law."

SECTION 4. Section 30-7-16 NMSA 1978 (being Laws 1981,
Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
TRANSPORTATION OR POSSESSION BY A FELON--PENALTY.--

A. It is unlawful for a felon to receive,
transport or possess any firearm or destructive device in
this state.

B. Any person violating the provisions of this
section shall be guilty of a fourth degree felony and shall
be sentenced in accordance with the provisions of the
Criminal Sentencing Act; provided that the violation of and
the sentence imposed pursuant to this subsection shall be
increased to a violation of and the sentence for a third
degree felony if the person has previously been convicted of a capital felony or a serious violent offense provided in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978.

C. As used in this section:

(1) except as provided in Paragraph (2) of this subsection, "destructive device" means:

   (a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

   (b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting purposes; or

   (c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled;

(2) the term "destructive device" does not include any device that is neither designed nor redesigned
for use as a weapon or any device, although originally
designed for use as a weapon, that is redesigned for use as a
signaling, pyrotechnic, line throwing, safety or similar
device;

(3) "felon" means a person convicted of a
felony offense by a court of the United States or of any
state or political subdivision thereof and:
   (a) less than ten years have passed
   since the person completed serving a sentence or period of
   probation for the felony conviction, whichever is later;
   (b) the person has not been pardoned
   for the felony conviction by the proper authority; and
   (c) the person has not received a
defered sentence; and

(4) "firearm" means any weapon that will or
is designed to or may readily be converted to expel a
projectile by the action of an explosion; the frame or
receiver of any such weapon; or any firearm muffler or
firearm silencer. "Firearm" includes any handgun, rifle or
shotgun."

SECTION 5. 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 public place or any private property, with prior permission of the legal owner, any litter deposited thereon.

SECTION 6. Section 66-3-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 21, as amended) is amended to read:

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

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

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

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

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

(4) special mobile equipment;

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

(6) a freight trailer if it is:
   (a) properly registered in another state;
   (b) identified by a proper base registration plate that is properly displayed; and
   (c) identified by other registration documents that are in the possession of the operator and exhibited at the request of a police officer;

(7) a freight trailer or utility trailer owned and used by:
   (a) a nonresident solely for the
transportation of farm products purchased by the nonresident from growers or producers of the farm products and transported in the trailer out of the state;

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

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

(8) a moped;

(9) an electric personal assistive mobility device;

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

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

B. A certificate of title required pursuant to Subsection A of this section is not required for a vehicle of a type subject to registration owned by:
(1) the government of the United States; or
(2) a carrier that is from a jurisdiction
that is not a participant in the International Fuel Tax
Agreement, that is authorized by the United States government
or an agency of the United States government to conduct
cross-border operations beyond the commercial border zone
pursuant to the provisions of the North American Free Trade
Agreement and that identifies New Mexico as the carrier's
base jurisdiction.

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

SECTION 7. Section 66-3-18 NMSA 1978 (being Laws 1978,
Chapter 35, Section 38, as amended) is amended to read:

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

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

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

C. No vehicle while being operated on the highways of this state shall have displayed either on the front or the rear of the vehicle any registration plate, including validating sticker, other than one issued or validated for the current registration period by the department or any other licensing authority having jurisdiction over the vehicle. No expired registration plate or validating sticker shall be displayed on the vehicle other than an expired special registration plate, which may be exhibited on the front of the vehicle.

D. Nothing contained in this section shall be construed as prohibiting the use of a promotional or advertising plate on the front of the vehicle.
E. A violation of a provision of this section is a penalty assessment misdemeanor."

SECTION 8. Section 66-3-27 NMSA 1978 (being Laws 1978, Chapter 35, Section 47) is amended to read:

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

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

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

(2) submission of a witnessed bill of sale on the horseless carriage or an affidavit that the vehicle was assembled by the owner from parts of automobiles at least thirty-five years old.

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

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

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

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

SECTION 9. Section 66-3-103 NMSA 1978 (being Laws 1978,
Chapter 35, Section 50, as amended) is amended to read:

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

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

B. A transferee who fails to apply for transfer of
registration and issuance of a new certificate of title
within thirty days from the date of transfer is guilty of a
penalty assessment misdemeanor."
SECTION 10. Section 66-3-403 NMSA 1978 (being Laws 1978, Chapter 35, Section 82, as amended) is amended to read:

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

SECTION 11. Section 66-3-409 NMSA 1978 (being Laws 1978, Chapter 199, Section 1, as amended) is amended to read:

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

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

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

SECTION 12. Section 66-3-412.1 NMSA 1978 (being Laws
2001, Chapter 243, Section 1) is amended to read:

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

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

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

C. An owner shall make a new application and pay a
new fee each year the owner desires to obtain a special motorcycle registration plate. The owner will have first priority on that plate for each subsequent year that the owner makes a timely and appropriate application.

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

(1) medal of honor recipient;
(2) silver star recipient;
(3) bronze star recipient;
(4) navy cross recipient;
(5) distinguished service cross recipient;
(6) air force cross recipient;
(7) ex-prisoner of war;
(8) disabled veteran;
(9) purple heart veteran;
(10) atomic veteran;
(11) Pearl Harbor survivor;
(12) Navajo code talker;
EJC/HB 19, et al.

(13) Vietnam veteran;

(14) Korean veteran;

(15) disabled Korean veteran;

(16) World War II veteran;

(17) World War I veteran;

(18) Grenada veteran;

(19) Panama veteran;

(20) Desert Storm veteran; or

(21) Iraqi Freedom veteran.

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

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

SECTION 13. Section 66-3-413 NMSA 1978 (being Laws 1980, Chapter 45, Section 1, as amended) is amended to read:

"66-3-413. SPECIAL REGISTRATION PLATES--NATIONAL GUARD MEMBERS.--
A. The department shall issue distinctive registration plates to any person who is a member of the New Mexico national guard, upon the submission by the person of proof satisfactory to the department that the person is currently a member of the guard. No fee, including the regular registration fee applicable to passenger motor vehicles, shall be collected for issuance of a special registration plate pursuant to this section.

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

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

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

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

A. The department shall issue distinctive registration plates indicating that the recipient is a survivor of the attack on Pearl Harbor if that person submits satisfactory proof to the department indicating that the person:
(1) was a member of the United States armed forces on December 7, 1941;

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

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

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

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

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

E. A person eligible for a distinctive registration plate pursuant to this section and also eligible for one or more special or distinctive registration plates pursuant to Sections 66-3-406, 66-3-409, 66-3-411, 66-3-412 and 66-3-414 NMSA 1978 shall be issued only one special or distinctive registration plate of the person's choice.
F. A person shall not falsely represent that the person is a survivor of the attack on Pearl Harbor so as to be eligible to be issued distinctive plates pursuant to this section when that person in fact is not a survivor of the attack on Pearl Harbor.

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

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

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

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

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

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

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

B. The licensee of the commercial or amateur radio
station shall certify to the secretary the names of bona fide
personnel eligible to receive such special registration
plates. The applicant shall pay, in addition to the
registration tax required by law, the sum of three dollars
($3.00) for the special registration plate, which additional
sum shall be deposited by the secretary with the state
treasurer to be credited to the state road fund. At the time
of delivery of the special registration plate, the applicant
shall surrender the current registration plate issued for the
motor vehicle. This provision for the issuance of a special
registration plate shall apply only if the applicant's motor
vehicle is already registered in New Mexico so that the
applicant has a valid regular New Mexico registration plate
issued for that motor vehicle under which to operate during
the time it will take to have the necessary special
registration plate made. The secretary may make such
reasonable regulations governing the use of the special
registration plate as will assure the full compliance by the
owner and holder of the special plate with all existing laws
governing the registration, transfer and use of motor
vehicles. When the ownership of the motor vehicle for which
the special registration plate has been furnished by the
secretary changes from one person to another, the special
registration plate authorized in this section shall be
promptly removed from the motor vehicle by the seller and
returned to the secretary, at which time the seller or the
buyer of the motor vehicle is entitled to receive a
registration plate for the motor vehicle. A seller who fails
to remove and return the special registration plate as
required in this subsection is guilty of a penalty assessment
misdemeanor. The purpose for the issuance of the special
registration plate is to readily identify personnel in aid of
the performance of necessary duties for civil defense in the
communications field."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

C. A person eligible for a special registration
plate provided for in this section shall only be eligible for
one such plate.
D. A person who violates the provisions of Subsection B of this section is guilty of a penalty assessment misdemeanor."

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

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

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

B. The department shall issue special registration plates to a person who is an active volunteer firefighter with a volunteer fire department recognized by the state fire marshal upon the submission by the person of proof satisfactory to the department that the person is currently an active member of a recognized volunteer fire department. Such proof shall include the submission of a signed consent form from the fire chief.

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

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

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

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

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

H. The secretary shall approve the final plate design for the special registration plates for New Mexico firefighters in accordance with New Mexico law. The secretary shall approve and issue a separate and distinctive plate clearly marked as "volunteer" for issuance to volunteer
When a person holding a special plate pursuant to this section ceases to be employed as a firefighter or serve as an active volunteer firefighter, the person shall immediately remove the plate from the vehicle and return it to the secretary, at which time it shall be exchanged for a regular registration plate. A person who fails to remove and return a special plate as required by the provisions of this subsection is guilty of a penalty assessment misdemeanor. A firefighter who holds a special plate and retires may retain the special plate."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Ten dollars ($10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing a special registration plate for a New Mexico member of the fraternal order of police.

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

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

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

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

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

A. The department shall issue a standardized
special registration plate with a logo specified in Section
66-3-424 NMSA 1978 indicating that the recipient is a member
of the civil air patrol, New Mexico wing, upon the submission
by the person of proof satisfactory to the department that
the person is a member of the civil air patrol, New Mexico
wing. Such proof shall include the submission of a signed
consent form from the civil air patrol, New Mexico wing.
B. A person shall not falsely represent that the person is a member of the civil air patrol, New Mexico wing, if that person is, in fact, not a member of the civil air patrol, New Mexico wing. The secretary shall determine what constitutes satisfactory proof that a person is a member of the civil air patrol, New Mexico wing.

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

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

E. Ten dollars ($10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing special registration plates for members of the civil air patrol, New Mexico wing. The remaining fifteen dollars ($15.00) shall be deposited in the motor vehicle suspense fund for distribution in accordance with Section 66-6-23 NMSA 1978.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. A fee of twenty-five dollars ($25.00), which
shall be in addition to the regular motor vehicle
registration fee, shall be collected by the department for
the original issuance of the special registration plate for
an emergency medical technician.
E. Ten dollars ($10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing a special registration plate for emergency medical technicians.

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

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

H. When a person holding a special registration plate ceases to be an emergency medical technician, the person shall immediately remove the plate from the vehicle and return it to the department, at which time it shall be exchanged for a regular registration plate. A person who fails to remove and return a plate as required in this subsection is guilty of a penalty assessment misdemeanor."

SECTION 25. Section 66-3-424.28 NMSA 1978 (being Laws 2009, Chapter 86, Section 1) is amended to read:

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

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

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

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

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

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

F. The secretary shall approve the final logo design for the special registration plate for retired New Mexico law enforcement officers. The logo shall be clearly marked as "retired New Mexico law enforcement officer" for issuance to retired New Mexico law enforcement officers."

SECTION 26. Section 66-3-701 NMSA 1978 (being Laws 1978, Chapter 35, Section 100) is amended to read:

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

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

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

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

SECTION 27. Section 66-3-801 NMSA 1978 (being Laws...
1978, Chapter 35, Section 107, as amended) is amended to read:

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

A. Except as otherwise provided in this section, it is a penalty assessment misdemeanor for a person to drive or move or for the owner to cause or permit to be driven or moved on any highway any vehicle or combination of vehicles that is in such unsafe condition as to endanger any person or that does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as is required by Sections 66-3-801 through 66-3-887 NMSA 1978 or that is equipped in any manner that is in violation of those sections or for any person to do any act forbidden or fail to perform any act required under those sections.

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

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

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

SECTION 28. Section 66-3-802 NMSA 1978 (being Laws
1978, Chapter 35, Section 108) is amended to read:

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

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

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

SECTION 29. Section 66-3-804 NMSA 1978 (being Laws
1978, Chapter 35, Section 110, as amended) is amended to
read:

"66-3-804. HEADLAMPS ON MOTOR VEHICLES.--
A. Every motor vehicle other than a motorcycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps comply with the requirements and limitations set forth in Sections 66-3-801 through 66-3-887 NMSA 1978.

B. Every motorcycle shall be equipped with at least one and not more than two headlamps that comply with the requirements and limitations of Sections 66-3-801 through 66-3-887 NMSA 1978.

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

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

SECTION 30. Section 66-3-805 NMSA 1978 (being Laws 1978, Chapter 35, Section 111) is amended to read:

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

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

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

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

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

SECTION 31. Section 66-3-806 NMSA 1978 (being Laws 1978, Chapter 35, Section 112, as amended) is amended to
read:

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

A. Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in Section 66-3-809 NMSA 1978 shall be equipped with reflectors as required in those sections applicable to those vehicles.

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

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

SECTION 32. Section 66-3-846 NMSA 1978 (being Laws 1978, Chapter 35, Section 152, as amended) is amended to
read:

"66-3-846. WINDSHIELDS MUST BE UNOBSERVED AND EQUIPPED WITH WIPERS--WINDOWS MUST BE TRANSPARENT--EXCEPTION.--

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon or in the front windshield, the windows to the immediate right and left of the driver or the rearmost window if the latter is used for driving visibility, except as provided in Section 66-3-846.1 NMSA 1978. The rearmost window is not necessary for driving visibility where outside rearview mirrors are attached to the vehicle.

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

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

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

SECTION 33. Section 66-3-846.1 NMSA 1978 (being Laws 1997, Chapter 151, Section 2) is amended to read:

"66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--
A. A person shall not operate on any street or highway a motor vehicle that is registered or required to be registered in this state if that motor vehicle has a sun screening material on the windshield or any window that does not comply with the requirements of this section.

B. Except as otherwise provided in this section, a sun screening material:

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

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

C. Each manufacturer shall:

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

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

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

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

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

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

D. A person shall not:

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

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

E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a
person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.

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

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

H. As used in this section:

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

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

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

(4) "sun screening material" means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

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

SECTION 34. Section 66-3-901 NMSA 1978 (being Laws 1978, Chapter 35, Section 194, as amended) is amended to read:

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

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

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."
SECTION 35. Section 66-5-16 NMSA 1978 (being Laws 1978, Chapter 35, Section 238, as amended) is amended to read:

"66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.--Every licensee shall have the licensee's driver's license in the licensee's immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a magistrate, a peace officer or a field deputy or inspector of the division. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor; however, a person charged with violating this section shall not be convicted if the person produces in court a driver's license issued to the person and valid at the time of the person's citation."

SECTION 36. Section 66-5-22 NMSA 1978 (being Laws 1978, Chapter 35, Section 244, as amended) is amended to read:

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

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

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

SECTION 37. Section 66-5-30 NMSA 1978 (being Laws 1978, Chapter 35, Section 252, as amended) is amended to read:

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

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

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

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

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

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

(5) is incompetent to drive a motor vehicle;

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

(7) has been convicted of an offense in
another state or tribal jurisdiction that if committed within
this state's jurisdiction would be grounds for suspension or
revocation of the license;

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

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

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

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

C. Upon suspending the license of a person as authorized in this section, the division shall immediately notify the licensee in writing of the licensee's right to a hearing before the administrative hearings office and, upon the licensee's request, shall notify the administrative hearings office. The administrative hearings office shall schedule the hearing to take place as early as practicable, but within no more than twenty days, not counting Saturdays, Sundays and legal holidays after receipt of the request. The hearing shall be held in the county in which the licensee resides unless the hearing officer and the licensee agree that the hearing may be held in some other county, provided that the hearing request is received within twenty days from the date that the suspension was deposited in the United States mail. The hearing officer may, in the hearing officer's discretion, extend the twenty-day period. The hearing shall be held as provided in the Administrative Hearings Office Act. After the hearing, the hearing officer shall either rescind the order of suspension or continue, modify or extend the suspension of the license or revoke the license.

SECTION 38. Section 66-5-33.1 NMSA 1978 (being Laws
1985, Chapter 47, Section 1, as amended) is amended to read:

"66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
REGISTRATION--IGNITION INTERLOCK--FEE.--

A. Whenever a driver's license or registration is
suspended or revoked and an application has been made for its
reinstatement, compliance with all appropriate provisions of
the Motor Vehicle Code and the payment of a fee of twenty-
five dollars ($25.00) is a prerequisite to the reinstatement
of any license or registration.

B. If a driver's license was revoked for driving
while under the influence of intoxicating liquor or drugs,
for aggravated driving while under the influence of
intoxicating liquor or drugs or pursuant to the Implied
Consent Act, the following are required to reinstate the
driver's license:

(1) an additional fee of seventy-five
dollars ($75.00);

(2) completion of the license revocation
period;

(3) satisfaction of any court-ordered
ignition interlock requirements;

(4) a minimum of six months of driving with
an ignition interlock license with no attempts to circumvent,
remove or tamper with the ignition interlock device;

(5) evidence that the ignition interlock
device has not recorded two vehicle lockouts; and

   (6) evidence of verified active usage as that phrase is defined by the bureau.

C. A person whose driver's license reinstatement is denied may file an appeal pursuant to the provisions of Section 39-3-1.1 NMSA 1978.

D. The department may reinstate the driving privileges of an out-of-state resident without the requirement that the person obtain an ignition interlock license for a minimum of six months, if the following conditions are met:

   (1) the license revocation period is completed;

   (2) satisfactory proof is presented to the department that the person is no longer a resident of New Mexico; and

   (3) the license reinstatement fee is paid.

E. Fees collected pursuant to Subsection B of this section are appropriated to the local governments road fund. The department shall maintain an accounting of the fees collected and shall report that amount upon request to the legislature.

F. For the purposes of this section, "vehicle lockout" means a driver has failed:

   (1) a breath test six times within a period
of three hours; or

(2) initial breath tests or random breath
re-tests ten times within a period of thirty days."

SECTION 39. Section 66-5-38 NMSA 1978 (being Laws 1978,
Chapter 35, Section 260) is amended to read:

"66-5-38. MAKING FALSE AFFIDAVIT PERJURY.--Except as
otherwise provided in the Motor Vehicle Code, a person who
makes a false affidavit or knowingly swears or affirms
falsely to a matter or thing required by the terms of the
Motor Vehicle Code to be sworn to or affirmed is guilty of
perjury as provided in Section 30-25-1 NMSA 1978."

SECTION 40. Section 66-5-39 NMSA 1978 (being Laws 1978,
Chapter 35, Section 261, as amended) is amended to read:

"66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--
A. A person who drives a motor vehicle on any
public highway of this state at a time when the person's
privilege to do so is suspended and who knows or should have
known that the person's license was suspended is guilty of a
misdemeanor and may be punished, notwithstanding the
provisions of Section 31-19-1 NMSA 1978, by imprisonment for
not more than ninety days or participation for an equivalent
period of time in a certified alternative sentencing program,
or by payment of a fine of not more than three hundred
dollars ($300), or both. When a person pays any or all of
the cost of participating in a certified alternative
sentencing program, the court may apply that payment as a
deduction to any fine imposed by the court. Any municipal
ordinance prohibiting driving with a suspended license shall
provide penalties no less stringent than provided in this
section.

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

SECTION 41. Section 66-7-106 NMSA 1978 (being Laws
1953, Chapter 139, Section 35, as amended) is amended to
read:

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

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

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

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

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

SECTION 42. Section 66-7-107 NMSA 1978 (being Laws 1978, Chapter 35, Section 387) is amended to read:

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

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

(1) flashing red (stop signal): when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

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

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

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

SECTION 43. Section 66-7-108 NMSA 1978 (being Laws 1978, Chapter 35, Section 388) is amended to read:

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

A. A person shall not place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device that purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal or that attempts to direct the movement of traffic or that hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. A person shall not place or maintain nor shall a public authority permit upon a highway any traffic sign or signal bearing any commercial advertising.

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

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

SECTION 44. Section 66-7-334 NMSA 1978 (being Laws
1978, Chapter 35, Section 438, as amended) is amended to
read:

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

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

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

C. Subsection A of this section shall not apply
under the conditions stated in Subsection B of Section
66-7-335 NMSA 1978.

D. Whenever a vehicle is stopped at a marked
crosswalk or at an unmarked crosswalk at an intersection to
permit a pedestrian to cross the roadway, the driver of
another vehicle approaching from the rear shall not overtake
and pass the stopped vehicle.
E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor.

SECTION 45. Section 66-7-335 NMSA 1978 (being Laws 1978, Chapter 35, Section 439) is amended to read:

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

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

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

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

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

SECTION 46. Section 66-7-338 NMSA 1978 (being Laws 1953, Chapter 139, Section 91) is amended to read:

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

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

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

SECTION 47. Section 66-7-339 NMSA 1978 (being Laws 1978, Chapter 35, Section 443) is amended to read:

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

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

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

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

SECTION 48. Section 66-7-355 NMSA 1978 (being Laws 1978, Chapter 35, Section 459, as amended) is amended to read:

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

A. A person operating a motorcycle, other than an autocycle, shall ride only upon the permanent and regular seat attached thereto, shall have the person's feet upon the footrests provided on the machine and shall not carry any other person nor shall any other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle, other than an autocycle, is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two
persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have the passenger's feet upon the footrests attached for passenger use.

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

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

SECTION 49. Section 66-7-358 NMSA 1978 (being Laws 1978, Chapter 35, Section 462, as amended by Laws 1989, Chapter 318, Section 31 and also by Laws 1989, Chapter 321, Section 1) is amended to read:

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

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

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

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

SECTION 50. Section 66-7-359 NMSA 1978 (being Laws 1978, Chapter 35, Section 463, as amended) is amended to read:

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

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

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

SECTION 51. Section 66-7-360 NMSA 1978 (being Laws 1953, Chapter 139, Section 117) is amended to read:

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

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

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

SECTION 52. Section 66-7-363 NMSA 1978 (being Laws 1953, Chapter 139, Section 119.1, as amended) is amended to read:
"66-7-363. ANIMALS ON HIGHWAY.--

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

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

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

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

SECTION 53. 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 and the Boat
Act, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D through F of this section, the listed penalty assessment is established:

<table>
<thead>
<tr>
<th>COMMON NAME OF OFFENSE</th>
<th>SECTION VIOLATED</th>
<th>PENALTY ASSESSMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Improper display of registration plate</td>
<td>66-3-18</td>
<td>$ 25.00</td>
</tr>
<tr>
<td>Failure to notify of change of name or address</td>
<td>66-3-23</td>
<td>25.00</td>
</tr>
<tr>
<td>Lost or damaged registration, plate or title</td>
<td>66-3-24</td>
<td>25.00</td>
</tr>
<tr>
<td>Horseless carriage registration</td>
<td>66-3-27</td>
<td>25.00</td>
</tr>
<tr>
<td>Transfer of registration and title</td>
<td>66-3-103</td>
<td>25.00</td>
</tr>
<tr>
<td>Expiration of dealer plates</td>
<td>66-3-403</td>
<td>25.00</td>
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<tr>
<td>Special registration plates</td>
<td>66-3-409, 66-3-412.1, 66-3-413, 66-3-415, 66-3-417, 66-3-419, 66-3-421, 66-3-422, 66-3-424.4, 66-3-424.5, 66-3-424.7, 66-3-424.9</td>
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</tr>
</tbody>
</table>
66-3-424.13, 66-3-424.16
and 66-3-424.28 75.00

Bicycle laws 66-3-701
through
66-3-707 50.00

No license display 66-5-16 25.00
Failure to change
address or name on
license 66-5-22 25.00

Permitting unauthorized
minor to drive 66-5-40 50.00
Permitting unauthorized
person to drive 66-5-41 25.00

Failure to obey sign 66-7-104 25.00
Failure to obey signal 66-7-105 25.00
Pedestrian signs and
signals 66-7-106
through
66-7-108 25.00

Speeding 66-7-301
(1) up to and including
ten miles an hour
over the speed limit 25.00
(2) from eleven up to
and including fifteen
miles an hour over the speed limit 30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit 65.00
(4) from twenty-one up to and including twenty-five miles an hour over the 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 25.00
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<tr>
<th></th>
<th>Violation</th>
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<th>Fee</th>
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<tbody>
<tr>
<td>1</td>
<td>Speeding</td>
<td>66-7-306</td>
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<tr>
<td>2</td>
<td>Improper starting</td>
<td>66-7-324</td>
<td>25.00</td>
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<tr>
<td>3</td>
<td>Improper backing</td>
<td>66-7-354</td>
<td>25.00</td>
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<td>4</td>
<td>Improper lane</td>
<td>66-7-308</td>
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<tr>
<td>5</td>
<td>Improper lane</td>
<td>66-7-313</td>
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<td>Improper lane</td>
<td>66-7-316</td>
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<td>7</td>
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<tr>
<td>8</td>
<td>Improper lane</td>
<td>66-7-319</td>
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<tr>
<td>9</td>
<td>Improper passing</td>
<td>66-7-309 through 66-7-312</td>
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<tr>
<td>10</td>
<td>Improper passing</td>
<td>66-7-315</td>
<td>25.00</td>
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<tr>
<td>11</td>
<td>Controlled access violation</td>
<td>66-7-320</td>
<td>25.00</td>
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<tr>
<td>12</td>
<td>Controlled access violation</td>
<td>66-7-321</td>
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<tr>
<td>13</td>
<td>Improper turning</td>
<td>66-7-322</td>
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<td>Improper turning</td>
<td>66-7-323</td>
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<tr>
<td>15</td>
<td>Improper turning</td>
<td>66-7-325</td>
<td>25.00</td>
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<td>16</td>
<td>Following too closely</td>
<td>66-7-318</td>
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<td>17</td>
<td>Failure to yield</td>
<td>66-7-328 through 66-7-331</td>
<td>25.00</td>
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<tr>
<td>18</td>
<td>Failure to yield</td>
<td>66-7-332</td>
<td>50.00</td>
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<td>19</td>
<td>Failure to yield</td>
<td>66-7-332.1</td>
<td>25.00</td>
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<tr>
<td>20</td>
<td>Pedestrian violation</td>
<td>66-7-333</td>
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<td>21</td>
<td></td>
<td>through</td>
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<td>22</td>
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<td>66-7-340</td>
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<tr>
<td>23</td>
<td>Failure to stop</td>
<td>66-7-342 and 66-7-344</td>
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1 Railroad-highway grade
2 crossing violation 66-7-341 and 66-7-343 150.00
3 Passing school bus 66-7-347 100.00
4 Failure to signal 66-7-325 through 66-7-327 25.00
5 Riding on motorcycles 66-7-355 100.00
6 Video screens in automobiles 66-7-358 25.00
7 Driving on mountain highways 66-7-359 25.00
8 Coasting prohibited 66-7-360 25.00
9 Animals on highway at night 66-7-363 50.00
10 Failure to secure load 66-7-407 100.00
11 Operation without oversize-overweight permit 66-7-413 50.00
12 Transport of reducible load with special permit more than six miles from a border crossing 66-7-413 100.00
13 Improper equipment 66-3-801 through 66-3-840 and 66-3-842 through 66-3-851 50.00
14 Improper equipment 66-3-901 50.00
15 Improper emergency
signal 66-3-853 through 66-3-857  25.00
Minor on motorcycle
without helmet 66-7-356  300.00
Operation interference 66-7-357  50.00
Littering 66-7-364  300.00
Improper parking 66-7-349 through 66-7-352
and 66-7-353  25.00
Improper parking 66-3-852  25.00
Riding in or towing
occupied house trailer 66-7-366  25.00
Improper opening of doors 66-7-367  25.00
No slow-moving vehicle
emblem or flashing
amber light 66-3-887  25.00
Failure to appear 66-8-126  50.00
Open container-first
violation 66-8-138  25.00
Texting while driving-
(1) first violation 66-7-374  25.00
(2) second and subsequent
violation  50.00
Using a handheld mobile
communication device
while driving a
commercial motor vehicle 66-7-375
(1) first violation 25.00
(2) second and subsequent violation 50.00.

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of an accident resulting in injury or death to a 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, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

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

E. Upon a second conviction for operation without a permit for excessive size or weight pursuant to Section 66-7-413 NMSA 1978, the penalty assessment shall be two hundred fifty dollars ($250). Upon a third or subsequent conviction, the penalty assessment shall be five hundred dollars ($500).
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 54. Section 66-8-126 NMSA 1978 (being Laws 1978, Chapter 35, Section 534) is amended to read:

"66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--
A. It is a penalty assessment misdemeanor for a person to violate that person's written promise to appear in court given to an officer upon issuance of a uniform traffic citation regardless of the disposition of the charge for which the citation was issued.

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

SECTION 55. Section 66-12-23 NMSA 1978 (being Laws 1963, Chapter 45, Section 9, as amended) is amended to read:

"66-12-23. PENALTIES.--
A. Except for penalty provisions provided in Subsections B through M of this section, a person who violates a provision of the Boat Act or a rule of the division promulgated pursuant to that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the
provisions of Section 31-19-1 NMSA 1978.

B. As used in Chapter 66, Article 12 NMSA 1978, "penalty assessment misdemeanor" means a violation of Section 66-12-6.5, 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978 or a rule of the division promulgated pursuant to those sections.

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

D. Whenever a person is arrested for violation of a penalty assessment misdemeanor, the arresting officer shall advise the person of the option either to accept the penalty assessment and pay it to the court or to appear in court. The arresting officer, using a uniform non-traffic citation, shall complete the information section, prepare the penalty assessment and prepare a notice to appear in court specifying the time and place to appear. The arresting officer shall have the person sign the citation as a promise either to pay the penalty assessment as prescribed or to appear in court as specified, give a copy of the citation to the person and release the person from custody. An officer shall not accept custody of payment of any penalty assessment.

E. The arresting officer may issue a warning notice, but shall fill in the information section of the
citation and give a copy to the arrested person after
requiring a signature on the warning notice as an
acknowledgment of receipt. No warning notice issued under
this section shall be used as evidence of conviction for
purposes of Subsection M of this section.

F. In order to secure release, the arrested person
must give a written promise to appear in court or to pay the
penalty assessment prescribed or to acknowledge receipt of a
warning notice.

G. The magistrate court or metropolitan court in
the county where the alleged violation occurred has
jurisdiction for any case arising from a penalty assessment
misdemeanor.

H. A penalty assessment citation issued by a law
enforcement officer shall be submitted to the appropriate
magistrate or metropolitan court within three business days
of issuance. If the citation is not submitted within three
business days, it may be dismissed with prejudice.

I. It is a misdemeanor for any person to violate a
written promise to pay the penalty assessment or to appear in
court given to an officer upon issuance of a citation
regardless of the disposition of the charge for which the
citation was issued.

J. A citation with a written promise to appear in
court or to pay the penalty assessment is a summons. If a
person fails to appear or to pay the penalty assessment by the appearance date, a warrant for failure to appear may be issued.

K. A written promise to appear in court may be complied with by appearance of counsel.

L. When an alleged violator of a penalty assessment misdemeanor elects to appear in court rather than to pay the penalty assessment to the court, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor.

M. The penalty assessment for a first penalty assessment misdemeanor is thirty dollars ($30.00). This penalty assessment is in addition to any magistrate or metropolitan court costs as provided in Subsection B of Section 35-6-4 NMSA 1978. Upon a second conviction or acceptance of a notice of penalty assessment for a penalty assessment misdemeanor, the penalty assessment shall be fifty dollars ($50.00). Upon a third or subsequent conviction or acceptance of a notice of penalty assessment, the penalty assessment shall be one hundred fifty dollars ($150)."

SECTION 56. REPEAL.--

A. Sections 30-8-12, 30-8-13 and 66-3-424.2 NMSA 1978 (being Laws 1963, Chapter 303, Sections 8-9 and 8-10 and Laws 2003, Chapter 174, Section 2, as amended) are repealed.
B. Laws 1989, Chapter 318, Section 31 is repealed.

SECTION 57. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2018.