

HOUSE BILL 24

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Raymundo Lara and Abbas Akhil

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO SCHOOL BUSES; HTPWC→~~REQUIRING MONITORING EQUIPMENT TO BE MOUNTED ON THE OUTSIDE OF CERTAIN SCHOOL BUSES TO RECORD MOTORISTS ILLEGALLY PASSING SCHOOL BUSES WHEN THEY ARE STOPPED AND HAVE WARNING LIGHTS AND THE STOP ARM ENGAGED~~←HTPWC

HTPWC→REQUIRING A SIGN ON THE BACK OF SCHOOL BUSES THAT SPECIFIES THE PENALTY FOR PASSING A SCHOOL BUS WHEN THE SCHOOL BUS IS STOPPED TO LET STUDENTS ON OR OFF THE BUS←HTPWC;

INCREASING THE PENALTY ASSESSMENT MISDEMEANOR FINE FOR PASSING A SCHOOL BUS Hf1→. ; ~~CLARIFYING THAT FINES ARE CREDITED TO THE COMMON SCHOOL FUND PURSUANT TO THE CONSTITUTION OF NEW~~

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~~MEXICO.~~ ←Hf1

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

HTPWC → ~~SECTION 1. A new section of Chapter 22, Article 16 NMSA 1978 is enacted to read:~~

~~"[NEW MATERIAL] CERTAIN SCHOOL BUSES TO HAVE MONITORING EQUIPMENT ON STOP ARMS TO RECORD MOTOR VEHICLES THAT ILLEGALLY PASS A STOPPED SCHOOL BUS WHEN LIGHTS AND STOP ARM ARE ENGAGED.--Every new or retrofitted school bus shall have monitoring equipment such as a camera or video recorder on the outside of a school bus that records images of the license plate number of a motor vehicle and shall not record images of the occupants of the motor vehicle or any other persons or motor vehicles in the vicinity at the time the images are recorded. The monitoring equipment shall be installed and operated to give a clear view of motor vehicles passing the bus on either side and showing the date and time the recording was made and an electronic symbol showing the activation of amber lights, flashing red lights, stop arms and brakes. A warning sign shall be posted on every school bus on which a monitoring system is installed and operated indicating the use of such system."~~

~~SECTION 2. Section 66-7-348 NMSA 1978 (being Laws 1978, Chapter 35, Section 452) is amended to read:~~

~~"66-7-348. SPECIAL LIGHTING AND CAMERA EQUIPMENT ON~~

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~~SCHOOL BUSES.---~~

~~A. The director is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses consistent with the provisions of the Motor Vehicle Code and supplemental thereto, except that the standards and specifications may designate and permit the use of flashing warning signal lights on school buses for the purpose of indicating when children are boarding or alighting from any school bus. Such standards and specifications shall correlate with and, so far as possible, conform to specifications approved by the society of automotive engineers.~~

~~B. The director is authorized to adopt standards and specifications for monitoring equipment such as a camera or video recorder on the outside of a school bus that records images of the license plate number of a motor vehicle only, and shall not record images of the occupants of the motor vehicle or any other persons or motor vehicles in the vicinity at the time the images are recorded. The monitoring equipment shall be installed and operated to give a clear view of motor vehicles passing the bus on either side and showing the date and time the recording was made and an electronic symbol showing the activation of amber lights, flashing red lights, stop arms and brakes. A warning sign shall be posted on all~~

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~~school buses on which a monitoring system is installed and operated indicating the use of such system.~~

~~[B.] C. It is unlawful to operate any flashing warning signal light on any school bus except when the school bus is stopped or is about to stop on a roadway for the purpose of permitting school children to board or alight from the school bus."~~←HTPWC

HTPWC→SECTION 1. A new section of Chapter 22, Article 16 NMSA 1978 is enacted to read:

"[NEW MATERIAL] BUS SIGNAGE--INFORMATION ABOUT PENALTY FOR PASSING A SCHOOL BUS WHEN STOPPED.--Every school bus shall have signage on the outside back of the bus that warns drivers that it is against the law to pass a school bus when the school bus is stopped to let students on or off the bus and that violation of the law is punishable by a fine of three hundred dollars (\$300)."~~←HTPWC~~

SECTION HTPWC→~~3~~ 2.~~←HTPWC~~ 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,
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the listed penalty assessment is established:

| COMMON NAME OF OFFENSE | SECTION VIOLATED | PENALTY ASSESSMENT |
|---|--|--------------------|
| Improper display of registration plate | 66-3-18 | \$ 25.00 |
| Failure to notify of change of name or address | 66-3-23 | 25.00 |
| Lost or damaged registration, plate or title | 66-3-24 | 25.00 |
| Horseless carriage registration | 66-3-27 | 25.00 |
| Transfer of registration and title | 66-3-103 | 25.00 |
| Expiration of dealer plates | 66-3-403 | 25.00 |
| Special registration plates | 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, 66-3-424.13, 66-3-424.16 and 66-3-424.28 | 75.00 |

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| 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 |

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| (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 |
| Speeding | 66-7-306 | 25.00 |
| Improper starting | 66-7-324 | 25.00 |
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| Improper backing | 66-7-354 | 25.00 |
| Improper lane | 66-7-308 | 25.00 |
| Improper lane | 66-7-313 | 25.00 |
| Improper lane | 66-7-316 | 25.00 |
| Improper lane | 66-7-317 | 25.00 |
| Improper lane | 66-7-319 | 25.00 |
| Improper passing | 66-7-309 through 66-7-312 | 25.00 |
| Improper passing | 66-7-315 | 25.00 |
| Controlled access violation | 66-7-320 | 25.00 |
| Controlled access violation | 66-7-321 | 25.00 |
| Improper turning | 66-7-322 | 25.00 |
| Improper turning | 66-7-323 | 25.00 |
| Improper turning | 66-7-325 | 25.00 |
| Following too closely | 66-7-318 | 25.00 |
| Failure to yield | 66-7-328 through 66-7-331 | 25.00 |
| Failure to yield | 66-7-332 | 50.00 |
| Failure to yield | 66-7-332.1 | 25.00 |
| Pedestrian violation | 66-7-333 | |
| | through | |
| | 66-7-340 | 25.00 |
| Failure to stop | 66-7-342 and 66-7-344 | |
| | through 66-7-346 | 25.00 |
| Railroad-highway grade | | |
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| crossing violation | 66-7-341 and 66-7-343 | 150.00 |
| Passing school bus | 66-7-347 | [100.00] <u>300.00</u> |
| Failure to signal | 66-7-325 through 66-7-327 | 25.00 |
| Riding on motorcycles | 66-7-355 | 100.00 |
| Video screens in | | |
| automobiles | 66-7-358 | 25.00 |
| Driving on mountain | | |
| highways | 66-7-359 | 25.00 |
| Coasting prohibited | 66-7-360 | 25.00 |
| Animals on highway at | | |
| night | 66-7-363 | 50.00 |
| Failure to secure load | 66-7-407 | 100.00 |
| Operation without oversize- | | |
| overweight permit | 66-7-413 | 50.00 |
| Transport of reducible | | |
| load with special | | |
| permit more than six miles | | |
| from a border crossing | 66-7-413 | 100.00 |
| Improper equipment | 66-3-801 through | |
| | 66-3-840 and 66-3-842 | |
| | through 66-3-851 | 50.00 |
| Improper equipment | 66-3-901 | 50.00 |
| Improper emergency | | |
| signal | 66-3-853 through 66-3-857 | 25.00 |
| Minor on motorcycle | | |

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| 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 |
| 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. |

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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

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(\$500). Upon a third or subsequent conviction, the penalty assessment shall be one thousand dollars (\$1,000)."

SECTION HTPWC→4 3←HTPWC. Section 66-8-119 NMSA 1978 (being Laws 1968, Chapter 62, Section 159, as amended) is amended to read:

"66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

A. The division shall remit all penalty assessment receipts, except receipts collected pursuant to Subsections A through I of Section 66-8-116.3 NMSA 1978, to the state treasurer for credit to the HJC→[general] general←HJC
HJC→common school←HJC fund HJC→pursuant to the constitution of New Mexico←HJC.

B. The division shall remit all penalty assessment fee receipts collected pursuant to:

(1) Subsection A of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the local government corrections fund;

(2) Subsection B of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court automation fund;

(3) Subsection C of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the traffic safety education and enforcement fund;

(4) Subsection D of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the judicial

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education fund;

(5) Subsection E of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the jury and witness fee fund;

(6) Subsection F of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the juvenile adjudication fund;

(7) Subsection G of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the brain injury services fund;

(8) Subsection H of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the court facilities fund; and

(9) Subsection I of Section 66-8-116.3 NMSA 1978 to the state treasurer for credit to the magistrate courts operations fund."

SECTION HTPWC→5 4←HTPWC. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.