

SENATE BILL 102

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

George K. Muñoz

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MOTOR VEHICLES; REGULATING LANE TRAVEL ~~SJC~~→FOR  
TRUCK TRACTORS←SJC ; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Motor Vehicle Code,  
Section 66-7-376 NMSA 1978, is enacted to read:

"66-7-376. [NEW MATERIAL] MULTIPLE LANE ROADWAYS--  
REQUIRED LANE TRAVEL ~~SJC~~→FOR TRUCK TRACTORS←SJC --TWO-WAY

.223619.2AIC February 9, 2023 (2:03pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

LEFT-TURN LANES.--

A. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements, in addition to all consistent requirements within the Motor Vehicle Code, shall apply:

(1) a SJC→vehicle←SJC SJC→truck tractor←SJC shall be driven as nearly as practicable entirely within a single lane;

(2) a SJC→vehicle←SJC SJC→truck tractor←SJC shall not be moved from the lane until the driver has first ascertained that the movement can be made with safety and then given a signal, not less than the last one hundred feet traveled by the SJC→vehicle←SJC SJC→truck tractor←SJC , of the driver's intention to change lanes;

(3) upon a roadway that is divided into three lanes, a SJC→vehicle←SJC SJC→truck tractor←SJC shall not be driven in the center lane except:

(a) when overtaking and passing another vehicle where the roadway is clearly visible and the center lane is clear of traffic within a safe distance;

(b) in preparation for a left turn; or

(c) where the center lane is at the time allocated exclusively to traffic moving in the direction the SJC→vehicle←SJC SJC→truck tractor←SJC is proceeding and is signposted to give notice of the allocation;

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

(4) a SJC→vehicle←SJC SJC→truck tractor←SJC shall not be driven in the left lane of a roadway except when overtaking and passing another vehicle; provided, however, that this paragraph shall not prohibit driving in the left lane when traffic conditions, flow or road configuration, such as the potential of merging traffic, require the use of the left lane to maintain safe traffic conditions; and provided further that this paragraph shall not prohibit driving in the left lane of a roadway within the city limits of a municipality or upon a county road as long as such roadway is not part of the national system of interstate and defense highways; and

(5) official signs may be erected directing slow-moving traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway, and drivers of vehicles shall obey the directions of every such sign.

B. A two-way left-turn lane is a lane near the center of the highway set aside for use by vehicles making left turns in both directions from or into the roadway. Two-way left-turn lanes shall be designated by distinctive roadway markings consisting of parallel double yellow lines, interior line dashed and exterior line solid, on each side of the lane. A vehicle shall not be driven in a designated two-way left-turn lane except when preparing for or making a left turn from or into a roadway. Vehicles turning left from the roadway shall

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

not be driven in the two-way left-turn lane for more than two hundred feet while preparing for and making the turn. A vehicle turning left onto the roadway may utilize the two-way left-turn lane as a staging area by stopping and waiting for traffic proceeding in the same direction to clear before merging into the adjacent lanes of travel. A left turn shall not be made from any other lane where a two-way left-turn lane has been designated; provided, however, that this section shall not prohibit driving across a two-way left-turn lane when moving from a service drive onto such marked roadway."

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

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

A. As used in the Motor Vehicle Code 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:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Vehicles subject to registration	66-3-1	\$ 50.00
Improper display of registration plate	66-3-18	25.00

.223619.2AIC February 9, 2023 (2:03pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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
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		

underscored material = new  
 [bracketed material] = delete  
 Amendments: new = →bold, blue, highlight←  
 delete = →bold, red, highlight, strikethrough←

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		

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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
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

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight ←  
delete = → bold, red, highlight, strikethrough ←

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		

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↵

delete = →bold, red, highlight, strikethrough↵

crossing violation	66-7-341	
	and 66-7-343	150.00
Passing school bus	66-7-347	100.00
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
Driving while license		
administratively		
suspended	66-5-39.2	25.00
Improper equipment	66-3-801	

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

	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		
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

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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
<u>Improper use of travel lane</u>	<u>66-7-376</u>	SJC→ <del>50.00</del> ←SJC
		SJC→250.00←SJC .

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.

.223619.2AIC February 9, 2023 (2:03pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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 3. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2023.