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HOUSE BILL 68

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

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING A NEW SECTION OF THE MOTOR VEHICLE CODE; REQUIRING FREIGHT TRAILERS, TRAILERS AND TRUCKS TO HAVE AN UNDERCARRIAGE WITH A GROUND CLEARANCE OF SUFFICIENT HEIGHT TO PREVENT A VEHICLE OR BICYCLE FROM DRIVING UNDER IT; REQUIRING RULEMAKING; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Motor Vehicle Code is enacted to read:

"[NEW MATERIAL] FREIGHT TRAILERS, TRAILERS AND TRUCKS-- UNDERCARRIAGES--REQUIREMENTS--RULEMAKING.--

A. Every freight trailer, trailer or truck shall have an undercarriage with a ground clearance of sufficient height to prevent a vehicle or bicycle from driving under it as established by the division by rule.

1 B. An owner who operates a freight trailer, trailer
2 or truck in violation of this section is guilty of a penalty
3 assessment misdemeanor."

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

6 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
7 SCHEDULE OF ASSESSMENTS.--

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

13	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
14			ASSESSMENT
15	Vehicles subject to		
16	registration	66-3-1	\$ 50.00
17	Improper display of		
18	registration plate	66-3-18	25.00
19	Failure to notify of		
20	change of name or address	66-3-23	25.00
21	Lost or damaged registration,		
22	plate or title	66-3-24	25.00
23	Horseless carriage		
24	registration	66-3-27	25.00
25	Transfer of registration		

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1	and title	66-3-103	25.00
2	Expiration of dealer		
3	plates	66-3-403	25.00
4	Special registration		
5	plates	66-3-409, 66-3-412.1,	
6		66-3-413, 66-3-415,	
7		66-3-417, 66-3-419,	
8		66-3-421, 66-3-422,	
9		66-3-424.4, 66-3-424.5,	
10		66-3-424.7, 66-3-424.9,	
11		66-3-424.13, 66-3-424.16	
12		and 66-3-424.28	75.00
13	Bicycle laws	66-3-701 through	
14		66-3-707	50.00
15	No license display	66-5-16	25.00
16	Failure to change		
17	address or name on		
18	license	66-5-22	25.00
19	Permitting unauthorized		
20	minor to drive	66-5-40	50.00
21	Permitting unauthorized		
22	person to drive	66-5-41	25.00
23	Failure to obey sign	66-7-104	25.00
24	Failure to obey signal	66-7-105	25.00
25	Pedestrian signs and		
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1	signals	66-7-106 through	
2		66-7-108	25.00
3	Speeding	66-7-301	
4	(1) up to and including		
5	ten miles an hour		
6	over the speed limit		25.00
7	(2) from eleven up to		
8	and including fifteen		
9	miles an hour		
10	over the speed limit		30.00
11	(3) from sixteen up to		
12	and including twenty		
13	miles an hour over the		
14	speed limit		65.00
15	(4) from twenty-one up to		
16	and including twenty-five		
17	miles an hour		
18	over the speed limit		100.00
19	(5) from twenty-six up to		
20	and including thirty		
21	miles an hour over the		
22	speed limit		125.00
23	(6) from thirty-one up to		
24	and including thirty-five		
25	miles an hour over the		

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

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1	Following too closely	66-7-318	25.00
2	Failure to yield	66-7-328 through 66-7-331	25.00
3	Failure to yield	66-7-332	50.00
4	Failure to yield	66-7-332.1	25.00
5	Pedestrian violation	66-7-333 through	
6		66-7-340	25.00
7	Failure to stop	66-7-342 and 66-7-344	
8		through 66-7-346	25.00
9	Railroad-highway grade		
10	crossing violation	66-7-341 and 66-7-343	150.00
11	Passing school bus	66-7-347	100.00
12	Failure to signal	66-7-325 through 66-7-327	25.00
13	Riding on motorcycles	66-7-355	100.00
14	Video screens in		
15	automobiles	66-7-358	25.00
16	Driving on mountain		
17	highways	66-7-359	25.00
18	Coasting prohibited	66-7-360	25.00
19	Animals on highway at		
20	night	66-7-363	50.00
21	Failure to secure load	66-7-407	100.00
22	Operation without oversize-		
23	overweight permit	66-7-413	50.00
24	Transport of reducible		
25	load with special		

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1	permit more than six miles		
2	from a border crossing	66-7-413	100.00
3	Driving while license		
4	administratively		
5	suspended	66-5-39.2	25.00
6	Improper equipment	66-3-801 through	
7		66-3-840 and 66-3-842	
8		through 66-3-851	50.00
9	Improper equipment	66-3-901	50.00
10	Improper emergency		
11	signal	66-3-853 through 66-3-857	25.00
12	<u>Improper undercarriage</u>	<u>Section 1</u>	
13		<u>of this 2023 act</u>	<u>50.00</u>
14	Minor on motorcycle		
15	without helmet	66-7-356	300.00
16	Operation interference	66-7-357	50.00
17	Littering	66-7-364	300.00
18	Improper parking	66-7-349 through 66-7-352	
19		and 66-7-353	25.00
20	Improper parking	66-3-852	25.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	25.00
23	Improper opening of doors	66-7-367	25.00
24	No slow-moving vehicle		
25	emblem or flashing		

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1	amber light	66-3-887	25.00
2	Open container-first		
3	violation	66-8-138	25.00
4	Texting while driving-		
5	(1) first violation	66-7-374	25.00
6	(2) second and subsequent		
7	violation		50.00
8	Using a handheld mobile		
9	communication device		
10	while driving a		
11	commercial motor vehicle	66-7-375	
12	(1) first violation		25.00
13	(2) second and subsequent		
14	violation		50.00.

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

18 C. When an alleged violator of a penalty assessment
19 misdemeanor elects to accept a notice to appear in lieu of a
20 notice of penalty assessment, a fine imposed upon later
21 conviction shall not exceed the penalty assessment established
22 for the particular penalty assessment misdemeanor and probation
23 imposed upon a suspended or deferred sentence shall not exceed
24 ninety days.

25 D. The penalty assessment for speeding in violation

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

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

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