

1 SENATE BILL 48

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Peter Wirth and Reena Szczepanski

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9  
10 AN ACT

11 RELATING TO MOTOR VEHICLES; ENACTING A NEW SECTION OF THE MOTOR  
12 VEHICLE CODE TO AUTHORIZE CLASS A COUNTIES OR MUNICIPALITIES  
13 WITHIN CLASS A COUNTIES TO ENACT ORDINANCES ESTABLISHING  
14 MANDATORY VEHICLE INSPECTIONS FOR VEHICLE NOISE OR SAFETY  
15 MAINTENANCE; AMENDING SECTION 66-3-7 NMSA 1978 (BEING LAWS  
16 1978, CHAPTER 35, SECTION 27, AS AMENDED) TO INCLUDE THE  
17 FAILURE TO PROVIDE PROOF OF RECEIVING A MANDATORY VEHICLE  
18 INSPECTION FOR VEHICLE NOISE OR SAFETY MAINTENANCE AS GROUNDS  
19 FOR REFUSING, SUSPENDING OR REVOKING VEHICLE REGISTRATION,  
20 ISSUANCE OF CERTIFICATE OF TITLE OR A TRANSFER OF REGISTRATION;  
21 PROVIDING A PENALTY.

22  
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 SECTION 1. Section 66-3-7 NMSA 1978 (being Laws 1978,  
25 Chapter 35, Section 27, as amended) is amended to read:

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1 "66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING  
2 REGISTRATION OR CERTIFICATE OF TITLE.--The division may refuse,  
3 suspend or revoke registration or issuance of a certificate of  
4 title or a transfer of registration upon the [~~ground~~] grounds  
5 that:

6 A. the application contains a false or fraudulent  
7 statement or that the applicant failed to furnish the required  
8 information or reasonable additional information requested by  
9 the division or that the applicant is not entitled to the  
10 issuance of a certificate of title or registration of the  
11 vehicle under the Motor Vehicle Code;

12 B. the vehicle is mechanically unfit or unsafe to  
13 be operated or moved upon the highways;

14 C. a commercial motor vehicle is operated by a  
15 commercial motor carrier that is prohibited from operating the  
16 vehicle by order of a state or federal agency;

17 D. the division has [~~a~~] reasonable [~~ground~~] grounds  
18 to believe that the vehicle is a stolen or embezzled vehicle or  
19 that the granting of registration or the issuance of a  
20 certificate of title would constitute a fraud against the  
21 rightful owner or other person having valid lien upon the  
22 vehicle;

23 E. the registration of the vehicle stands suspended  
24 or revoked for any reason as provided in the motor vehicle laws  
25 of this state;

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- 1 F. the required fee has not been paid;  
2 G. the motor vehicle excise tax has not been paid;  
3 H. the weight distance tax has not been paid;  
4 I. international fuel tax agreement taxes have not  
5 been paid;  
6 J. if the vehicle is a mobile home, the property  
7 tax has not been paid;  
8 K. the owner's address, as shown in the records of  
9 the division, is within a class A county or within a  
10 municipality that has a vehicle emission inspection and  
11 maintenance program and the applicant has applied at an office  
12 outside the designated county or municipality; ~~[or]~~  
13 L. the owner is required to but has failed to  
14 provide proof of compliance with a vehicle emission inspection  
15 and maintenance program, if required in the county or  
16 municipality in which the owner resides; or  
17 M. the owner is required to but has failed to  
18 provide proof of compliance with a vehicle inspection program  
19 for vehicle noise or safety maintenance, if required in the  
20 county or municipality in which the owner resides."

21 SECTION 2. A new Section 66-3-7.2 NMSA 1978 is enacted to  
22 read:

23 "66-3-7.2. [NEW MATERIAL] ADOPTION OF A VEHICLE NOISE OR  
24 SAFETY MAINTENANCE INSPECTION ORDINANCE--PROOF OF INSPECTION  
25 REQUIRED FOR REGISTRATION--PENALTY.--

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1           A. A class A county or a municipality within a  
2 class A county may establish a mandatory vehicle safety  
3 maintenance or vehicle noise inspection ordinance. The  
4 ordinance may exempt or exclude certain categories or  
5 classifications of vehicles and may exempt or exclude a vehicle  
6 because of age or type of vehicle.

7           B. The division shall not register a vehicle owned  
8 by a resident of a class A county or a municipality within a  
9 class A county with a mandatory vehicle safety maintenance or  
10 vehicle noise inspection ordinance unless proof of the required  
11 vehicle inspection or exemption from the requirement is  
12 presented, unless the ordinance of the municipality or county  
13 specifically excludes enforcement by the division.

14           C. A county or municipality that enacts an  
15 ordinance pursuant to Subsection A of this section shall inform  
16 the director of the division about the ordinance and its  
17 requirements and exemptions within thirty days of its passage.

18           D. It is a penalty assessment misdemeanor pursuant  
19 to Section 66-8-116 NMSA 1978 for any person to register a  
20 vehicle in a county or municipality that does not conduct a  
21 vehicle noise or safety maintenance program if the registered  
22 owner of that vehicle resides in a county or municipality  
23 conducting a vehicle noise or safety maintenance inspection  
24 program and the person registering the vehicle does so for the  
25 purpose of evading a vehicle noise or safety maintenance

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1 inspection program.

2 E. As used in this section, "safety maintenance"  
3 means maintenance of windshields, mirrors, registration plates  
4 or other vehicle parts required to meet certain safety  
5 standards established by ordinance."

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

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

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

15	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
16			ASSESSMENT
17	Vehicles subject to		
18	registration	66-3-1	\$ 50.00
19	Improper display of		
20	registration plate	66-3-18	25.00
21	<u>Improper location of</u>		
22	<u>    registration to</u>		
23	<u>    avoid inspection</u>	<u>66-3-7.2</u>	<u>50.00</u>
24	Failure to notify of		
25	change of name or		

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1	address	66-3-23	25.00
2	Lost or damaged registration,		
3	plate or title	66-3-24	25.00
4	Horseless carriage		
5	registration	66-3-27	25.00
6	Transfer of registration		
7	and title	66-3-103	25.00
8	Expiration of dealer		
9	plates	66-3-403	25.00
10	Special registration		
11	plates	66-3-409, 66-3-412.1,	
12		66-3-413, 66-3-415,	
13		66-3-417, 66-3-419,	
14		66-3-421, 66-3-422,	
15		66-3-424.4, 66-3-424.5,	
16		66-3-424.7, 66-3-424.9,	
17		66-3-424.13, 66-3-424.16	
18		and 66-3-424.28	75.00
19	Bicycle laws	66-3-701	
20		through	
21		66-3-707	50.00
22	No license display	66-5-16	25.00
23	Failure to change		
24	address or name on		
25	license	66-5-22	25.00

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1	Permitting unauthorized		
2	minor to drive	66-5-40	50.00
3	Permitting unauthorized		
4	person to drive	66-5-41	25.00
5	Failure to obey sign	66-7-104	25.00
6	Failure to obey signal	66-7-105	25.00
7	Pedestrian signs and		
8	signals	66-7-106	
9		through	
10		66-7-108	25.00
11	Speeding	66-7-301	
12	(1) up to and including		
13	ten miles an hour		
14	over the speed limit		25.00
15	(2) from eleven up to		
16	and including fifteen		
17	miles an hour		
18	over the speed limit		30.00
19	(3) from sixteen up to		
20	and including twenty		
21	miles an hour over the		
22	speed limit		65.00
23	(4) from twenty-one up to		
24	and including twenty-five		
25	miles an hour		

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1	over the speed limit		100.00
2	(5) from twenty-six up to		
3	and including thirty		
4	miles an hour over the		
5	speed limit		125.00
6	(6) from thirty-one up to		
7	and including thirty-five		
8	miles an hour over the		
9	speed limit		150.00
10	(7) more than thirty-five		
11	miles an hour over the		
12	speed limit		200.00
13	Unfastened safety belt	66-7-372	25.00
14	Child not in restraint device		
15	or seat belt	66-7-369	25.00
16	Minimum speed	66-7-305	25.00
17	Speeding	66-7-306	25.00
18	Improper starting	66-7-324	25.00
19	Improper backing	66-7-354	25.00
20	Improper lane	66-7-308	25.00
21	Improper lane	66-7-313	25.00
22	Improper lane	66-7-316	25.00
23	Improper lane	66-7-317	25.00
24	Improper lane	66-7-319	25.00
25	Improper passing	66-7-309 through 66-7-312	25.00

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1	Improper passing	66-7-315	25.00
2	Controlled access		
3	violation	66-7-320	25.00
4	Controlled access		
5	violation	66-7-321	25.00
6	Improper turning	66-7-322	25.00
7	Improper turning	66-7-323	25.00
8	Improper turning	66-7-325	25.00
9	Following too closely	66-7-318	25.00
10	Failure to yield	66-7-328 through 66-7-331	25.00
11	Failure to yield	66-7-332	50.00
12	Failure to yield	66-7-332.1	25.00
13	Pedestrian violation	66-7-333	
14		through	
15		66-7-340	25.00
16	Failure to stop	66-7-342 and 66-7-344	
17		through 66-7-346	25.00
18	Railroad-highway grade		
19	crossing violation	66-7-341 and 66-7-343	150.00
20	Passing school bus	66-7-347	100.00
21	Failure to signal	66-7-325 through 66-7-327	25.00
22	Riding on motorcycles	66-7-355	100.00
23	Video screens in		
24	automobiles	66-7-358	25.00
25	Driving on mountain		

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1	highways	66-7-359	25.00
2	Coasting prohibited	66-7-360	25.00
3	Animals on highway at		
4	night	66-7-363	50.00
5	Failure to secure load	66-7-407	100.00
6	Operation without oversize-		
7	overweight permit	66-7-413	50.00
8	Transport of reducible		
9	load with special		
10	permit more than six miles		
11	from a border crossing	66-7-413	100.00
12	Driving while license		
13	administratively		
14	suspended	66-5-39.2	25.00
15	Improper equipment	66-3-801 through	
16		66-3-840 and 66-3-842	
17		through 66-3-851	50.00
18	Improper equipment	66-3-901	50.00
19	Improper emergency		
20	signal	66-3-853 through 66-3-857	25.00
21	Minor on motorcycle		
22	without helmet	66-7-356	300.00
23	Operation interference	66-7-357	50.00
24	Littering	66-7-364	300.00
25	Improper parking	66-7-349 through 66-7-352	

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1		and 66-7-353	25.00
2	Improper parking	66-3-852	25.00
3	Riding in or towing		
4	occupied house trailer	66-7-366	25.00
5	Improper opening of doors	66-7-367	25.00
6	No slow-moving vehicle		
7	emblem or flashing		
8	amber light	66-3-887	25.00
9	Open container-first		
10	violation	66-8-138	25.00
11	Texting while driving-		
12	(1) first violation	66-7-374	25.00
13	(2) second and subsequent		
14	violation		50.00
15	Using a handheld mobile		
16	communication device		
17	while driving a		
18	commercial motor vehicle	66-7-375	
19	(1) first violation		25.00
20	(2) second and subsequent		
21	violation		50.00.

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

25 C. When an alleged violator of a penalty assessment

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1 misdemeanor elects to accept a notice to appear in lieu of a  
2 notice of penalty assessment, a fine imposed upon later  
3 conviction shall not exceed the penalty assessment established  
4 for the particular penalty assessment misdemeanor and probation  
5 imposed upon a suspended or deferred sentence shall not exceed  
6 ninety days.

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

12 E. Upon a second conviction for operation without a  
13 permit for excessive size or weight pursuant to Section  
14 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
15 fifty dollars (\$250). Upon a third or subsequent conviction,  
16 the penalty assessment shall be five hundred dollars (\$500).

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

24 SECTION 4. EFFECTIVE DATE.--The effective date of the  
25 provisions of this act is July 1, 2023.

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