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HOUSE BILL 288

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

PATSY TRUJILLO KNAUER

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR DEFENSIVE DRIVING
TRAINING IN LIEU OF CIVIL PENALTIES FOR VIOLATION OF THE MOTOR
VEHICLE CODE.

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

Section 1. 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- - DEFENSIVE DRIVING
SCHOOL- - ELIGIBILITY. - -

A. As used in the Motor Vehicle Code, "penalty
assessment misdemeanor" means violation of any of the
following listed sections of the NMSA 1978 for which the
listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
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Underscored material = new
[bracketed material] = delete

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1	Permitting unlicensed		
2	minor to drive	66-5-40	\$ 10.00
3	Failure to obey sign	66-7-104	10.00
4	Failure to obey signal	66-7-105	10.00
5	Speeding	66-7-301	
6	(1) up to		
7	and including ten		
8	miles an hour		
9	over speed limit		15.00
10	(2) from eleven up to		
11	and including fifteen		
12	miles an hour		
13	over speed limit		30.00
14	(3) from sixteen up to		
15	and including twenty		
16	miles an hour over		
17	speed limit		65.00
18	(4) from twenty-one up to		
19	and including twenty-five		
20	miles an hour		
21	over speed limit		100.00
22	(5) from twenty-six up to		
23	and including thirty		
24	miles an hour over the		
25	speed limit		125.00

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1	(6) from thirty-one up to		
2	and including thirty-five		
3	miles an hour over the		
4	speed limit		150.00
5	(7) more than thirty-five		
6	miles an hour over the		
7	speed limit		200.00
8	Unfastened safety belt	66-7-372	25.00
9	Child not in restraint device		
10	or seat belt	66-7-369	25.00
11	Minimum speed	66-7-305	10.00
12	Speeding	66-7-306	15.00
13	Improper starting	66-7-324	10.00
14	Improper backing	66-7-354	10.00
15	Improper lane	66-7-308	10.00
16	Improper lane	66-7-313	10.00
17	Improper lane	66-7-316	10.00
18	Improper lane	66-7-317	10.00
19	Improper lane	66-7-319	10.00
20	Improper passing	66-7-309 through 66-7-312	10.00
21	Improper passing	66-7-315	10.00
22	Controlled access		
23	violation	66-7-320	10.00
24	Controlled access		
25	violation	66-7-321	10.00

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1	Improper turning	66- 7- 322	10. 00
2	Improper turning	66- 7- 323	10. 00
3	Improper turning	66- 7- 325	10. 00
4	Following too closely	66- 7- 318	10. 00
5	Failure to yield	66- 7- 328 through 66- 7- 332	10. 00
6	Failure to yield	66- 7- 332. 1	25. 00
7	Pedestrian violation	66- 7- 333	10. 00
8	Pedestrian violation	66- 7- 340	10. 00
9	Failure to stop	66- 7- 341 through 66- 7- 346	10. 00
10	Passing school bus	66- 7- 347	100. 00
11	Failure to signal	66- 7- 325 through 66- 7- 327	10. 00
12	Failure to secure load	66- 7- 407	100. 00
13	Operation without oversize-		
14	overweight permit	66- 7- 413	50. 00
15	Improper equipment	66- 3- 801	10. 00
16	Improper equipment	66- 3- 901	20. 00
17	Improper emergency		
18	signal	66- 3- 853 through 66- 3- 857	10. 00
19	Operation interference	66- 7- 357	5. 00
20	Litterbugging	30- 8- 4	50. 00
21	Litterbugging	30- 8- 10	100. 00
22	Litterbugging	66- 7- 364	100. 00
23	Improper parking	66- 7- 349 through	
24		66- 7- 352 and 66- 7- 353	5. 00
25	Improper parking	66- 7- 352. 5	50. 00

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[bracketed material] = delete

1	Improper parking	66-3-852	5.00
2	Failure to dim lights	66-3-831	10.00
3	Riding in or towing		
4	occupied house trailer	66-7-366	5.00
5	Improper opening of doors	66-7-367	5.00
6	No slow-moving vehicle		
7	emblem or flashing		
8	amber light	66-3-887	5.00
9	Open container--first		
10	violation	66-8-138	25.00.

11 B. The term "penalty assessment misdemeanor" does
12 not include any violation that has caused or contributed to
13 the cause of an accident resulting in injury or death to any
14 person.

15 C. When an alleged violator of a penalty
16 assessment misdemeanor elects to accept a notice to appear in
17 lieu of a notice of penalty assessment, no fine imposed upon
18 later conviction shall exceed the penalty assessment
19 established for the particular penalty assessment misdemeanor
20 and no probation imposed upon a suspended or deferred sentence
21 shall exceed ninety days.

22 D. A court shall allow an individual who is issued
23 a citation for a civil traffic violation pursuant to this
24 section to attend a defensive driving school in lieu of the
25 civil penalties provided in this section. A person who

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[bracketed material] = delete

1 attends a defensive driving school pursuant to this section is
2 not eligible at attend a defensive driving school again within
3 twenty-four months from the day of the last violation for
4 which the person was authorized by this section to attend a
5 defensive driving school. A person who commits a civil or
6 criminal traffic violation resulting in death or serious
7 physical injury is not eligible to attend a defensive driving
8 school, except that the court may order the individual to
9 attend a defensive driving school in addition to another
10 sentence imposed by the court on an adjudication or admission
11 of the traffic violation. "