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SENATE BILL 302

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

L. Skip Vernon

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY FOR
COMMERCIAL VEHICLES DRIVING IN THE IMPROPER LANE.

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

Section 1. Section 66-7-308 NMSA 1978 (being Laws 1978,
Chapter 35, Section 412) is amended to read:

"66-7-308. DRIVE ON RIGHT SIDE OF ROADWAY--EXCEPTIONS. --

A. Upon all roadways of sufficient width, a
vehicle shall be driven [~~upon~~] on the right half of the
roadway and, where practicable, entirely to the right of the
center [~~thereof~~] of the roadway except as follows:

(1) when overtaking and passing another
vehicle proceeding in the same direction under the rules
governing such movement;

(2) when the right half of a roadway is

underscored material = new
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1 closed to traffic while under construction or repair;

2 (3) upon a roadway divided into three marked
3 lanes for traffic under the rules applicable [~~thereon~~] on that
4 roadway; or

5 (4) upon a roadway designated and signposted
6 for one-way traffic.

7 B. A commercial vehicle shall drive in the right-
8 most travel lane unless passing another vehicle.

9 ~~[B.]~~ C. Upon all roadways, any vehicle proceeding
10 at less than the normal speed of traffic at the time and place
11 and under the conditions then existing shall be driven in the
12 right-hand lane then available for traffic or as close as
13 practicable to the right-hand curb or edge of the roadway
14 except when overtaking and passing another car proceeding in
15 the same direction or when preparing for a left turn at an
16 intersection or into a private road or driveway. "

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

19 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
20 DEFINITION--SCHEDULE OF ASSESSMENTS. --

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

25 COMMON NAME OF OFFENSE SECTION VIOLATED PENALTY ASSESSMENT

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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	<u>Improper lane, if</u>		
17	<u>a commercial motor</u>		
18	<u>vehicle</u>	<u>66-7-308</u>	<u>100.00</u>
19	Improper lane	66-7-313	10.00
20	Improper lane	66-7-316	10.00
21	Improper lane	66-7-317	10.00
22	Improper lane	66-7-319	10.00
23	Improper passing	66-7-309 through 66-7-312	10.00
24	Improper passing	66-7-315	10.00
25	Controlled access		

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1	violation	66- 7- 320	10. 00
2	Controlled access		
3	violation	66- 7- 321	10. 00
4	Improper turning	66- 7- 322	10. 00
5	Improper turning	66- 7- 323	10. 00
6	Improper turning	66- 7- 325	10. 00
7	Following too closely	66- 7- 318	10. 00
8	Failure to yield	66- 7- 328 through 66- 7- 332	10. 00
9	Failure to yield	66- 7- 332. 1	25. 00
10	Pedestrian violation	66- 7- 333	10. 00
11	Pedestrian violation	66- 7- 340	10. 00
12	Failure to stop	66- 7- 341 through 66- 7- 346	10. 00
13	Passing school bus	66- 7- 347	100. 00
14	Failure to signal	66- 7- 325 through 66- 7- 327	10. 00
15	Failure to secure load	66- 7- 407	100. 00
16	Operation without oversize-		
17	overweight permit	66- 7- 413	50. 00
18	Improper equipment	66- 3- 801	10. 00
19	Improper equipment	66- 3- 901	20. 00
20	Improper emergency		
21	signal	66- 3- 853 through 66- 3- 857	10. 00
22	Operation interference	66- 7- 357	5. 00
23	Litterbugging	30- 8- 4	50. 00
24	Litterbugging	30- 8- 10	100. 00
25	Litterbugging	66- 7- 364	100. 00

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1	Improper parking	66-7-349 through	
2		66-7-352 and 66-7-353	5.00
3	Improper parking	66-7-352.5	50.00
4	Improper parking	66-3-852	5.00
5	Failure to dim lights	66-3-831	10.00
6	Riding in or towing		
7	occupied house trailer	66-7-366	5.00
8	Improper opening of doors	66-7-367	5.00
9	No slow-moving vehicle		
10	emblem or flashing		
11	amber light	66-3-887	5.00
12	Open container - first		
13	violation	66-8-138	25.00.

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

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

25 Section 3. EFFECTIVE DATE. --The effective date of the

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provisions of this act is July 1, 1999.

- 7 -

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 4, 1999

6
7
8 Mr. President:

9
10 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
11 whom has been referred

12
13 SENATE BILL 302

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.

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19 Respectfully submitted,

Roman M. Maes, Chairman

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: Rawson

Excused: Aragon, Kysar, Macias, Robinson

Absent: None

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FORTY-FOURTH LEGISLATURE

FIRST SESSION, 1999

March 1, 1999

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 302

has had it under consideration and reports same WITHOUT
RECOMMENDATION, amended as follows:

1. On page 1, line 12, strike the word "COMMERCIAL".
2. On page 4, line 15, strike "10.00" and insert in lieu thereof
"50.00".
3. On page 4, strike lines 16 through 18 in their entirety.

Respectfully submitted,

FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

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Page 11

Mi chael S. Sanchez, Chai rman

Adopted _____

Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 5 For 3 Against

Yes: 5

No: Davi s, Lopez, McSorley

Excused: None

Absent: None

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