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HOUSE BILL 95

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Manuel G. Herrera

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT FOR SPEEDING IN A CONSTRUCTION OR OTHER SAFETY ZONE; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-7-301 NMSA 1978 (being Laws 1978, Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION. - -

A. No person shall drive a vehicle on a highway at a speed greater than:

(1) fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;

(2) thirty miles per hour in ~~any~~ a business or residence district;

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1 (3) seventy-five miles per hour; and
2 (4) the posted speed limit in construction
3 zones or other safety zones as designated by the department,
4 provided that the posted speed limit shall be determined by an
5 engineering study performed by the state highway and
6 transportation department.

7 B. In every event, speed shall be so controlled by
8 the driver as may be necessary:

9 (1) to avoid colliding with [~~any~~] a person,
10 vehicle or other conveyance on or entering the highway;

11 (2) to comply with legal requirements as may
12 be established by the state highway and transportation
13 department or the New Mexico state police division of the
14 department of public safety and the duty of all persons to use
15 due care; and

16 (3) to protect workers in [~~a~~] construction
17 [~~zone~~] zones or other safety zones as designated by the
18 department.

19 C. The speed limits set forth in Subsection A of
20 this section may be altered as authorized in Section 66-7-303
21 NMSA 1978. "

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

24 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
25 DEFINITION-- SCHEDULE OF ASSESSMENTS. --

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1 A. As used in the Motor Vehicle Code, "penalty
 2 assessment misdemeanor" means violation of any of the
 3 following listed sections of the NMSA 1978 for which, except
 4 as provided in Subsection D of this section, the listed
 5 penalty assessment is established:

6 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		ASSESSMENT
8 Permitting unlicensed		
9 minor to drive	66- 5- 40	\$ 10. 00
10 Failure to obey sign	66- 7- 104	10. 00
11 Failure to obey signal	66- 7- 105	10. 00
12 Speeding	66- 7- 301	
13 (1) up to		
14 and including ten		
15 miles an hour		
16 over <u>the</u> speed limit		15. 00
17 (2) from eleven up to		
18 and including fifteen		
19 miles an hour		
20 over <u>the</u> speed limit		30. 00
21 (3) from sixteen up to		
22 and including twenty		
23 miles an hour over <u>the</u>		
24 speed limit		65. 00
25 (4) from twenty-one up to		

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1	and including twenty-five		
2	miles an hour		
3	over <u>the</u> speed limit		100.00
4	(5) from twenty-six up to		
5	and including thirty		
6	miles an hour over the		
7	speed limit		125.00
8	(6) from thirty-one up to		
9	and including thirty-five		
10	miles an hour over the		
11	speed limit		150.00
12	(7) more than thirty-five		
13	miles an hour over the		
14	speed limit		200.00
15	Unfastened safety belt	66-7-372	25.00
16	Child not in restraint device		
17	or seat belt	66-7-369	25.00
18	Minimum speed	66-7-305	10.00
19	Speeding	66-7-306	15.00
20	Improper starting	66-7-324	10.00
21	Improper backing	66-7-354	10.00
22	Improper lane	66-7-308	10.00
23	Improper lane	66-7-313	10.00
24	Improper lane	66-7-316	10.00
25	Improper lane	66-7-317	10.00

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1	Improper lane	66- 7- 319	10. 00
2	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
3	Improper passing	66- 7- 315	10. 00
4	Controlled access		
5	violation	66- 7- 320	10. 00
6	Controlled access		
7	violation	66- 7- 321	10. 00
8	Improper turning	66- 7- 322	10. 00
9	Improper turning	66- 7- 323	10. 00
10	Improper turning	66- 7- 325	10. 00
11	Following too closely	66- 7- 318	10. 00
12	Failure to yield	66- 7- 328 through 66- 7- 332	10. 00
13	Failure to yield	66- 7- 332. 1	25. 00
14	Pedestrian violation	66- 7- 333	10. 00
15	Pedestrian violation	66- 7- 340	10. 00
16	Failure to stop	66- 7- 341 through 66- 7- 346	10. 00
17	Passing school bus	66- 7- 347	100. 00
18	Failure to signal	66- 7- 325 through 66- 7- 327	10. 00
19	Failure to secure load	66- 7- 407	100. 00
20	Operation without oversize-		
21	overweight permit	66- 7- 413	50. 00
22	Improper equipment	66- 3- 801	10. 00
23	Improper equipment	66- 3- 901	20. 00
24	Improper emergency		
25	signal	66- 3- 853 through 66- 3- 857	10. 00

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1	Operation interference	66-7-357	5.00
2	Littering	66-7-364	300.00
3	Improper parking	66-7-349 through	
4		66-7-352 and 66-7-353	5.00
5	Improper parking	66-7-352.5	50.00
6	Improper parking	66-3-852	5.00
7	Failure to dim lights	66-3-831	10.00
8	Riding in or towing		
9	occupied house trailer	66-7-366	5.00
10	Improper opening of doors	66-7-367	5.00
11	No slow-moving vehicle		
12	emblem or flashing		
13	amber light	66-3-887	5.00
14	Open container - first		
15	violation	66-8-138	25.00.

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

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

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1 sentence shall exceed ninety days.

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

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