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HOUSE BILL 224

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Al Park

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING THE USE OF A HAND-HELD CELLULAR PHONE WHILE DRIVING A MOTOR VEHICLE; PROVIDING A PENALTY.

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

Section 1. A new section of the Motor Vehicle Code,

Section 66-7-358.1 NMSA 1978, is enacted to read:

"66-7-358.1. [NEW MATERIAL] HAND-HELD CELLULAR PHONE USE PROHIBITION.--A person shall not use a hand-held cellular phone while driving a motor vehicle on a highway."

Section 2. 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.--

A. As used in the Motor Vehicle Code, "penalty

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underscored material = new
[bracketed material] = delete

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

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

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[bracketed material] = delete

1	miles an hour		
2	over the speed limit		100.00
3	(5) from twenty-six up to		
4	and including thirty		
5	miles an hour over the		
6	speed limit		125.00
7	(6) from thirty-one up to		
8	and including thirty-five		
9	miles an hour over the		
10	speed limit		150.00
11	(7) more than thirty-five		
12	miles an hour over the		
13	speed limit		200.00
14	Unfastened safety belt	66- 7- 372	25.00
15	Child not in restraint device		
16	or seat belt	66- 7- 369	25.00
17	Minimum speed	66- 7- 305	10.00
18	Speeding	66- 7- 306	15.00
19	Improper starting	66- 7- 324	10.00
20	Improper backing	66- 7- 354	10.00
21	Improper lane	66- 7- 308	10.00
22	Improper lane	66- 7- 313	10.00
23	Improper lane	66- 7- 316	10.00
24	Improper lane	66- 7- 317	10.00
25	Improper lane	66- 7- 319	10.00

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1	Improper passing	66-7-309 through 66-7-312	10.00
2	Improper passing	66-7-315	10.00
3	Controlled access		
4	violation	66-7-320	10.00
5	Controlled access		
6	violation	66-7-321	10.00
7	Improper turning	66-7-322	10.00
8	Improper turning	66-7-323	10.00
9	Improper turning	66-7-325	10.00
10	Following too closely	66-7-318	10.00
11	Failure to yield	66-7-328 through 66-7-332	10.00
12	Failure to yield	66-7-332.1	25.00
13	Pedestrian violation	66-7-333	10.00
14	Pedestrian violation	66-7-340	10.00
15	Failure to stop	66-7-341 through 66-7-346	10.00
16	Passing school bus	66-7-347	100.00
17	Failure to signal	66-7-325 through 66-7-327	10.00
18	Failure to secure load	66-7-407	100.00
19	Operation without oversize-		
20	overweight permit	66-7-413	50.00
21	Improper equipment	66-3-801	10.00
22	Improper equipment	66-3-901	20.00
23	Improper emergency		
24	signal	66-3-853 through 66-3-857	10.00
25	Operation interference	66-7-357	5.00

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[bracketed material] = delete

1	Littering	66- 7- 364	300. 00
2	Improper parking	66- 7- 349 through 66- 7- 352	
3		and 66- 7- 353	5. 00
4	Improper parking	66- 7- 352. 5	50. 00
5	Improper parking	66- 3- 852	5. 00
6	Failure to dim lights	66- 3- 831	10. 00
7	Riding in or towing		
8	occupied house trailer	66- 7- 366	5. 00
9	Improper opening of doors	66- 7- 367	5. 00
10	No slow-moving vehicle		
11	emblem or flashing		
12	amber light	66- 3- 887	5. 00
13	Open container - first		
14	violation	66- 8- 138	25. 00
15	<u>Cellular phone use</u>	<u>66- 7- 358. 1</u>	<u>30. 00.</u>

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

19 C. When an alleged violator of a penalty assessment
20 misdemeanor elects to accept a notice to appear in lieu of a
21 notice of penalty assessment, [no] a fine imposed upon later
22 conviction shall not exceed the penalty assessment established
23 for the particular penalty assessment misdemeanor and [no]
24 probation imposed upon a suspended or deferred sentence shall
25 not exceed ninety days.

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