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HOUSE BILL 852

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Elias Barela

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING PENALTIES FOR LEAVING
CHILDREN UNATTENDED IN A MOTOR VEHICLE.

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

Section 1. A new section of the Motor Vehicle Code is
enacted to read:

"~~[NEW MATERIAL]~~ UNATTENDED CHILD--PENALTIES.--

A. A person who is responsible for a child eight
years of age or younger shall not leave that child in a motor
vehicle without the child being supervised by a person fourteen
years of age or older if:

(1) leaving the child presents a risk to the
child's health or safety; or

(2) the engine of the motor vehicle is running
or the keys or other starting mechanism for the motor vehicle

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underscoring material = new
~~[bracketed material] = delete~~

1 is left within the reach of the child.

2 B. A person who violates Subsection A of this
3 section is guilty of a penalty assessment misdemeanor pursuant
4 to the provisions of Section 66-8-116 NMSA 1978; provided that
5 nothing in this section precludes a person who violates
6 Subsection A of this section from being charged under another
7 provision of law."

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

10 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
11 DEFINITION--SCHEDULE OF ASSESSMENTS.--

12 A. As used in the Motor Vehicle Code, "penalty
13 assessment misdemeanor" means violation of any of the following
14 listed sections of the NMSA 1978 for which, except as provided
15 in Subsection D of this section, the listed penalty assessment
16 is established:

17 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		18 ASSESSMENT
19 Permitting unlicensed		
20 minor to drive	66-5-40	\$ 10.00
21 Failure to obey sign	66-7-104	10.00
22 Failure to obey signal	66-7-105	10.00
23 Speeding	66-7-301	
24 (1) up to and including		
25 ten miles an hour		

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1	over the speed limit		15.00
2	(2) from eleven up to		
3	and including fifteen		
4	miles an hour		
5	over the speed limit		30.00
6	(3) from sixteen up to		
7	and including twenty		
8	miles an hour over the		
9	speed limit		65.00
10	(4) from twenty-one up to		
11	and including twenty-five		
12	miles an hour		
13	over the speed limit		100.00
14	(5) from twenty-six up to		
15	and including thirty		
16	miles an hour over the		
17	speed limit		125.00
18	(6) from thirty-one up to		
19	and including thirty-five		
20	miles an hour over the		
21	speed limit		150.00
22	(7) more than thirty-five		
23	miles an hour over the		
24	speed limit		200.00
25	Unfastened safety belt	66-7-372	25.00

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1	Child not in restraint device		
2	or seat belt	66-7-369	25.00
3	Minimum speed	66-7-305	10.00
4	Speeding	66-7-306	15.00
5	Improper starting	66-7-324	10.00
6	Improper backing	66-7-354	10.00
7	Improper lane	66-7-308	10.00
8	Improper lane	66-7-313	10.00
9	Improper lane	66-7-316	10.00
10	Improper lane	66-7-317	10.00
11	Improper lane	66-7-319	10.00
12	Improper passing	66-7-309 through 66-7-312	10.00
13	Improper passing	66-7-315	10.00
14	Controlled access		
15	violation	66-7-320	10.00
16	Controlled access		
17	violation	66-7-321	10.00
18	Improper turning	66-7-322	10.00
19	Improper turning	66-7-323	10.00
20	Improper turning	66-7-325	10.00
21	Following too closely	66-7-318	10.00
22	Failure to yield	66-7-328 through 66-7-331	10.00
23	Failure to yield	66-7-332	50.00
24	Failure to yield	66-7-332.1	25.00
25	Pedestrian violation	66-7-333	10.00

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1	Pedestrian violation	66-7-340	10.00
2	Failure to stop	66-7-342 and 66-7-344	
3		through 66-7-346	10.00
4	Railroad-highway grade		
5	crossing violation	66-7-341 and 66-7-343	10.00
6	Passing school bus	66-7-347	100.00
7	Failure to signal	66-7-325 through 66-7-327	10.00
8	Failure to secure load	66-7-407	100.00
9	Operation without oversize-		
10	overweight permit	66-7-413	50.00
11	Improper equipment	66-3-801	10.00
12	Improper equipment	66-3-901	20.00
13	Improper emergency		
14	signal	66-3-853 through 66-3-857	10.00
15	Operation interference	66-7-357	5.00
16	Littering	66-7-364	300.00
17	Improper parking	66-7-349 through 66-7-352	
18		and 66-7-353	5.00
19	Improper parking	66-3-852	5.00
20	Failure to dim lights	66-3-831	10.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	5.00
23	Improper opening of doors	66-7-367	5.00
24	No slow-moving vehicle		
25	emblem or flashing		

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