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AN ACT
RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY FOR A
RAILROAD-HIGHWAY GRADE CROSSING VIOLATION.

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.--

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, except
as provided in Subsections D and E of this section, the
listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Permitting unlicensed minor to drive	66-5-40	\$ 10.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding (1) up to and including ten miles an hour over the speed limit	66-7-301	15.00
(2) from eleven up to		

1	and including fifteen		
2	miles an hour		
3	over the speed limit		30.00
4	(3) from sixteen up to		
5	and including twenty		
6	miles an hour over the		
7	speed limit		65.00
8	(4) from twenty-one up to		
9	and including twenty-five		
10	miles an hour		
11	over the speed limit		100.00
12	(5) from twenty-six up to		
13	and including thirty		
14	miles an hour over the		
15	speed limit		125.00
16	(6) from thirty-one up to		
17	and including thirty-five		
18	miles an hour over the		
19	speed limit		150.00
20	(7) more than thirty-five		
21	miles an hour over the		
22	speed limit		200.00
23	Unfastened safety belt	66-7-372	25.00
24	Child not in restraint device		
25	or seat belt	66-7-369	25.00

1	Minimum speed	66-7-305	10.00
2	Speeding	66-7-306	15.00
3	Improper starting	66-7-324	10.00
4	Improper backing	66-7-354	10.00
5	Improper lane	66-7-308	10.00
6	Improper lane	66-7-313	10.00
7	Improper lane	66-7-316	10.00
8	Improper lane	66-7-317	10.00
9	Improper lane	66-7-319	10.00
10	Improper passing	66-7-309 through 66-7-312	10.00
11	Improper passing	66-7-315	10.00
12	Controlled access		
13	violation	66-7-320	10.00
14	Controlled access		
15	violation	66-7-321	10.00
16	Improper turning	66-7-322	10.00
17	Improper turning	66-7-323	10.00
18	Improper turning	66-7-325	10.00
19	Following too closely	66-7-318	10.00
20	Failure to yield	66-7-328 through 66-7-331	10.00
21	Failure to yield	66-7-332	50.00
22	Failure to yield	66-7-332.1	25.00
23	Pedestrian violation	66-7-333	10.00
24	Pedestrian violation	66-7-340	10.00
25	Failure to stop	66-7-342 and 66-7-344	

1		through 66-7-346	10.00
2	Railroad-highway grade		
3	crossing violation	66-7-341 and 66-7-343	150.00
4	Passing school bus	66-7-347	100.00
5	Failure to signal	66-7-325 through 66-7-327	10.00
6	Failure to secure load	66-7-407	100.00
7	Operation without oversize-		
8	overweight permit	66-7-413	50.00
9	Improper equipment	66-3-801	10.00
10	Improper equipment	66-3-901	20.00
11	Improper emergency		
12	signal	66-3-853 through 66-3-857	10.00
13	Operation interference	66-7-357	5.00
14	Littering	66-7-364	300.00
15	Improper parking	66-7-349 through 66-7-352	
16		and 66-7-353	5.00
17	Improper parking	66-3-852	5.00
18	Failure to dim lights	66-3-831	10.00
19	Riding in or towing		
20	occupied house trailer	66-7-366	5.00
21	Improper opening of doors	66-7-367	5.00
22	No slow-moving vehicle		
23	emblem or flashing		
24	amber light	66-3-887	5.00
25	Open container - first		

1 violation 66-8-138 25.00.

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

6 C. When an alleged violator of a penalty
7 assessment misdemeanor elects to accept a notice to appear in
8 lieu of a notice of penalty assessment, a fine imposed upon
9 later conviction shall not exceed the penalty assessment
10 established for the particular penalty assessment misdemeanor
11 and probation imposed upon a suspended or deferred sentence
12 shall not exceed ninety days.

13 D. The penalty assessment for speeding in
14 violation of Paragraph (4) of Subsection A of Section
15 66-7-301 NMSA 1978 is twice the penalty assessment
16 established in Subsection A of this section for the
17 equivalent miles per hour over the speed limit.

18 E. Upon a second conviction for operation without
19 a permit for excessive size or weight pursuant to Section
20 66-7-413 NMSA 1978, the penalty assessment shall be two
21 hundred fifty dollars (\$250). Upon a third or subsequent
22 conviction, the penalty assessment shall be five hundred
23 dollars (\$500)."

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