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SENATE BILL 89

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Stephen H. Fischmann

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING A SECTION OF THE MOTOR
VEHICLE CODE TO PROVIDE THAT CARELESS DRIVING INCLUDES TEXT
MESSAGING OR ELECTRONIC MAIL COMMUNICATION WHILE OPERATING A
VEHICLE; PROVIDING A PENALTY.

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

Section 1. Section 66-8-114 NMSA 1978 (being Laws 1969,
Chapter 169, Section 12) is amended to read:

"66-8-114. CARELESS DRIVING.--

A. Any person operating a vehicle on the highway
shall give [~~his~~] the person's full time and entire attention to
the operation of the vehicle.

B. Any person who operates a vehicle in a careless,
inattentive or imprudent manner without due regard for the
width, grade, curves, corners, traffic, weather and road

underscoring material = new
[bracketed material] = delete

1 conditions and all other attendant circumstances, including the
2 non-emergency use of a handheld wireless communication device
3 for text messaging or electronic communication, is guilty of a
4 misdemeanor punishable pursuant to Section 66-8-7 NMSA 1978.

5 C. As used in this section, "handheld wireless
6 communication device" means a handheld device used for
7 the transfer of information without the use of electrical
8 conductors or wires, including a:

- 9 (1) wireless telephone;
10 (2) personal digital assistant;
11 (3) pager; and
12 (4) text messaging device."

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