SENATE BILL 115

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

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AN ACT

RELATING TO MOTOR VEHICLES; AMENDING PROVISIONS OF THE MOTOR VEHICLE CODE PERTAINING TO SPEED LIMITS AND DRIVER'S LICENSE SUSPENSION REVOCATION.

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 a business or residence district;

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- (4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [highway and transportation] department of transportation, provided that the posted speed limit shall be determined by an engineering study performed by the [state highway and transportation] department of transportation.
- B. In every event, speed shall be so controlled by the driver as may be necessary:
- (1) to avoid colliding with a person, vehicle or other conveyance on or entering the highway;
- (2) to comply with legal requirements as may be established by the [state highway and transportation] department of transportation or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and
- (3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the [highway and transportation] department of transportation.
- C. The speed limits set forth in Subsection A of this section may be altered as authorized in Section 66-7-303 NMSA 1978."

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SECTION 2. Section 66-7-302.1 NMSA 1978 (being Laws 1989, Chapter 318, Section 30 and also Laws 1989, Chapter 319, Section 8, as amended) is amended to read:

"66-7-302.1. SPEED LIMIT--CONVICTION--USE LIMITED.--

The division shall not use a violation under Paragraph (3) [or (4)] of Subsection A of Section 66-7-301 NMSA 1978 for the purpose of suspending or revoking a driver's license unless the driver was exceeding the [speed of seventyfive miles an hour] posted speed limit by more than five miles per hour.

An insurer shall not consider a violation under Paragraph (3) [or (4)] of Subsection A of Section 66-7-301 NMSA 1978 as a moving traffic violation against a person unless the person was exceeding the [speed of seventy-five miles an hour] posted speed limit by more than five miles per hour for the purpose of establishing rates of motor vehicle insurance charged by the insurer, [nor shall] and the insurer shall not cancel or refuse to renew any policy of insurance for such a violation."

SECTION 3. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2011.

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