

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 19, 215, 217, 266 & 271

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO PUBLIC SAFETY; REQUIRING THE HUMAN SERVICES DEPARTMENT TO PROVIDE, IN CONNECTION WITH MEDICAID ELIGIBILITY DETERMINATIONS, TECHNICAL SUPPORT AND TRAINING AND CERTIFICATION FOR COUNTIES UPON REQUEST; REQUIRING CORRECTIONAL FACILITIES TO TAKE CERTAIN ACTIONS DESIGNED TO REDUCE RECIDIVISM; PROVIDING FOR LAW ENFORCEMENT OFFICER RETENTION PAYMENTS; REVISING MULTIPLE OFFENSES TO PENALTY ASSESSMENT MISDEMEANORS; INCREASING THE PENALTY FOR A FELON IN POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE; ADJUSTING FINES FOR MOTOR VEHICLE OFFENSES; REVISING REQUIREMENTS FOR REINSTATING A

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HJC/HB 19, et al.

DRIVER'S LICENSE; REPEALING SECTIONS OF LAW; RECONCILING
CONFLICTING SECTIONS OF LAW BY REPEALING LAWS 1989, CHAPTER
318, SECTION 31.

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

SECTION 1. Section 27-2-12.22 NMSA 1978 (being Laws 2015,
Chapter 127, Section 2) is amended to read:

"27-2-12.22. INCARCERATED INDIVIDUALS--MEDICAID
ELIGIBILITY--COUNTY JAIL TECHNICAL ASSISTANCE--PRESUMPTIVE
ELIGIBILITY DETERMINER TRAINING AND CERTIFICATION.--

A. Incarceration shall not be a basis to deny or
terminate eligibility for medicaid.

B. Upon release from incarceration, a formerly
incarcerated individual shall remain eligible for medicaid
until the individual is determined to be ineligible for
medicaid on grounds other than incarceration.

C. An incarcerated individual who was not enrolled
in medicaid upon the date that the individual became
incarcerated shall be permitted to submit an application for
medicaid during the incarcerated individual's period of
incarceration.

D. The provisions of this section shall not be
construed to abrogate:

(1) any deadline that governs the processing
of applications for medicaid pursuant to existing federal or

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state law; or

(2) requirements under federal or state law that the human services department be notified of changes in income, resources, residency or household composition.

E. The provisions of this section shall not require the human services department to pay for services on behalf of any incarcerated individual, except as permitted by federal law.

F. A correctional facility shall:

(1) inform the human services department when an eligible individual is incarcerated; [~~and shall notify the department upon that eligible individual's release~~]

(2) Hf11→~~assist the department and department contractors in gaining access to incarcerated individuals to~~ ~~make~~←Hf11 Hf11→facilitate, with assistance from the department,←Hf11 eligibility determinations Hf11→~~and enroll eligible individuals~~←Hf11 Hf11→in for←Hf11 medicaid during the incarcerated individuals' incarceration or upon release;

(3) notify the department upon an eligible individual's release; and

(4) facilitate the department's or any department contractor's provision of care coordination pursuant to the provisions of Section 2 of this 2018 act.

G. Upon the written request of a county, the department shall provide a behavioral health screening tool to facilitate screenings performed in accordance with the provisions of Subsection A of Section 2 of this 2018 act, technical assistance and training and certification of county

.210052.4

HJC/HB 19, et al.

jail presumptive eligibility determiners to a county jail.

[G.] H. The secretary of human services shall adopt and promulgate rules consistent with this section.

[H.] I. As used in this section:

(1) "care coordination" means an assessment for health risks and the creation of a plan of care to address an individual's comprehensive health needs, including access to physical health care and mental health services; substance use disorder treatment; and transportation services;

[(+)] (2) "eligibility" means a finding by the human services department that an individual has met the criteria established in state and federal law and the requirements established by department rules to enroll in medicaid;

[(+)] (3) "incarcerated individual" means an individual, the legal guardian or conservator of an individual or, for an individual who is an unemancipated minor, the parent or guardian of the individual, who is confined in any of the following correctional facilities:

- (a) a state correctional facility;
- (b) a privately operated correctional facility;
- (c) a county jail;
- (d) a privately operated jail;
- (e) a detention facility that is

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operated under the authority of the children, youth and families department and that holds the individual pending a court hearing; or

(f) a facility that is operated under the authority of the children, youth and families department and that provides for the care and rehabilitation of an individual who is under eighteen years of age and who has committed an act that would be designated as a crime under the law if committed by an individual who is eighteen years of age or older;

~~(3)~~ (4) "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act and rules promulgated pursuant to that act; and

~~(4)~~ (5) "unemancipated minor" means an individual who is under eighteen years of age and who:

(a) is not on active duty in the armed forces; and

(b) has not been declared by court order to be emancipated."

SECTION 2. [NEW MATERIAL] CORRECTIONAL FACILITIES--CARE COORDINATION.--

A. A correctional facility shall ensure that each inmate of that correctional facility is screened for mental illness and for habitual substance abuse within thirty days of incarceration in that facility.

B. A correctional facility shall offer a qualifying inmate the opportunity to enroll in medicaid in accordance with

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HJC/HB 19, et al.

the provisions of Section 27-2-12.22 NMSA 1978.

Hf11→~~C. For inmates who are enrolled in a medicaid managed care program, care coordinators employed by medicaid managed care organizations shall link inmates to care coordination prior to the inmate's release with health risk assessment and comprehensive needs assessment services. Medicaid care coordinators shall make appropriate referrals to medicaid-covered services and community-based services in accordance with inmates' needs.~~←Hf11

Hf11→C. To the extent allowed by federal law or waiver agreement, care coordinators employed by medicaid managed care organizations shall link inmates who are enrolled in a medicaid managed care program to care coordination prior to the inmates' release.←Hf11

D. The human services department shall provide information to correctional facilities seeking medicaid care coordination for qualifying inmates.

E. As used in this section:

(1) "care coordination" means an assessment for health risks and the creation of a plan of care to address an individual's comprehensive health needs, including access to physical health care and mental health services; substance use disorder treatment; and transportation services;

(2) "correctional facility" means a:

(a) state correctional facility;

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(b) privately operated correctional facility;

(c) county jail;

(d) privately operated jail;

(e) detention facility that is operated under the authority of the children, youth and families department and that holds the individual pending a court hearing; or

(f) facility that is operated under the authority of the children, youth and families department and that provides for the care and rehabilitation of an individual who is under eighteen years of age and who has committed an act that would be designated as a crime under the law if committed by an individual who is eighteen years of age or older;

(3) "medicaid" means the joint federal-state health coverage program pursuant to Title 19 or Title 21 of the federal Social Security Act and rules promulgated pursuant to that act; and

(4) "qualifying inmate" means an inmate who has been identified as currently having a mental illness or a substance use disorder, either through the screening provided pursuant to the provisions of Subsection A of this section or as evidenced in the inmate's medical record.

SECTION 3. Section 29-13-7 NMSA 1978 (being Laws 1983, Chapter 289, Section 7, as amended) is amended to read:

"29-13-7. EXPENDITURE LIMITATION--CONTROL.--

A. Except as provided for the academy in Subsection B of this section, amounts distributed from the fund shall be

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HJC/HB 19, et al.

expended only for the following:

(1) the repair and purchase of law enforcement apparatus and equipment, including the financing and refinancing thereof, that meet minimum nationally recognized standards;

(2) the purchase of law enforcement equipment, including protective vests, for police dogs;

(3) expenses associated with advanced law enforcement planning and training;

(4) maintaining the balance of the peace officers', New Mexico mounted patrol members' and reserve police officers' survivors fund at a minimum amount of three hundred fifty thousand dollars (\$350,000);

(5) complying with match or contribution requirements for the receipt of federal funds relating to criminal justice programs; ~~and~~

(6) no more than fifty percent of the replacement salaries of municipal and county law enforcement personnel of municipalities or counties rated as class 1 in Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978 participating in basic law enforcement training; and

(7) contingent upon the availability of funding and until June 30, 2021, a law enforcement officer retention payment in the amount of seven thousand five hundred dollars (\$7,500); provided that:

.210052.4

(a) the distribution is requested by a municipality or county law enforcement agency SJC→with←SJC SJC→that on January 1, 2018 had←SJC a staffing vacancy rate of at least ten percent to retain a law enforcement officer who is certified in accordance with the Law Enforcement Training Act and has at least twenty years of actual service credit earned under a municipal police member coverage plan as determined by the public employees retirement association;

(b) the municipality or county law enforcement agency provides seven thousand five hundred dollars (\$7,500) in matching funds to the law enforcement officer; and

(c) the distribution and the matching funds paid to a law enforcement officer shall not constitute the officer's base salary or wages and shall not be considered to be salary or otherwise be used to determine a pension for the purposes of the Public Employees Retirement Act.

B. For the academy, amounts distributed from the fund shall be expended only for providing tourniquet and trauma kits and training on the use of tourniquet and trauma kits pursuant to Section [~~1 of this 2017 act~~] 29-7-7.7 NMSA 1978.

C. Amounts distributed from the fund shall be expended only pursuant to approved budgets and upon duly executed vouchers approved as required by law."

SECTION 4. Section 30-7-16 NMSA 1978 (being Laws 1981, Chapter 225, Section 1, as amended) is amended to read:

"30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT, TRANSPORTATION OR POSSESSION BY A FELON--PENALTY.--

A. It is unlawful for a felon to receive, transport

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HJC/HB 19, et al.

or possess any firearm or destructive device in this state.

B. Any person violating the provisions of this section shall be guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of the Criminal Sentencing Act; provided that the violation of and the sentence imposed pursuant to this subsection shall be increased to a violation of and the sentence for a third degree felony if the person has previously been convicted of a capital felony or a serious violent offense provided in Subparagraphs (a) through (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA 1978.

C. As used in this section:

(1) except as provided in Paragraph (2) of this subsection, "destructive device" means:

(a) any explosive, incendiary or poison gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge of more than four ounces; 4) missile having an explosive or incendiary charge of more than one-fourth ounce; 5) mine; or 6) similar device;

(b) any type of weapon by whatever name known that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell that is generally recognized as particularly suitable for sporting

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purposes; [~~and~~] or

(c) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in this paragraph and from which a destructive device may be readily assembled;

(2) the term "destructive device" does not include any device that is neither designed nor redesigned for use as a weapon or any device, although originally designed for use as a weapon, that is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device;

[~~(2)~~] (3) "felon" means a person convicted of a felony offense by a court of the United States or of any state or political subdivision thereof and:

(a) less than ten years have passed since the person completed serving [~~his~~] a sentence or period of probation for the felony conviction, whichever is later;

(b) the person has not been pardoned for the felony conviction by the proper authority; and

(c) the person has not received a deferred sentence; and

[~~(3)~~] (4) "firearm" means any weapon that will or is designed to or may readily be converted to expel a projectile by the action of an explosion; the frame or receiver of any such weapon; or any firearm muffler or firearm silencer. "Firearm" includes any handgun, rifle or shotgun."

SECTION 5. Section 30-8-4 NMSA 1978 (being Laws 1963, Chapter 303, Section 8-4, as amended) is amended to read:

"30-8-4. LITTERING.--

.210052.4

HJC/HB 19, et al.

A. Littering consists of discarding refuse:

(1) on public property in any manner other than by placing the refuse in a receptacle provided for the purpose by the responsible governmental authorities or otherwise in accordance with lawful direction; or

(2) on private property not owned or lawfully occupied or controlled by the person, except with the consent of ~~the~~ its owner, lessee or occupant ~~thereof~~.

B. Whoever commits littering is guilty of a petty misdemeanor and, notwithstanding the provisions of Section 31-19-1 NMSA 1978, shall be punished by a fine of fifty dollars (\$50.00). The use of uniform traffic citations is authorized for the enforcement of this section. The court may to the extent permitted by law, as a condition to suspension of any other penalty provided by law, require a person who commits littering to pick up and remove from any public place or any private property, with prior permission of the legal owner, any litter deposited thereon.

~~[C. Any jail sentence imposed pursuant to Subsection B of this section may be suspended, in the discretion of the magistrate or judge, upon conditions that the offender assist in litter clean-up in the jurisdiction for a period not to exceed the length of the suspended sentence.]"~~

SECTION 6. Section 66-3-1 NMSA 1978 (being Laws 1978, Chapter 35, Section 21, as amended) is amended to read:

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"66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

A. With the exception of vehicles identified in Subsection B of this section, every motor vehicle, manufactured home, trailer, semitrailer and pole trailer when driven or moved upon a highway and every off-highway motor vehicle is subject to the registration and certificate of title provisions of the Motor Vehicle Code except:

(1) any such vehicle driven or moved upon a highway in conformance with the provisions of the Motor Vehicle Code relating to manufacturers, dealers, lien-holders or nonresidents;

(2) any such vehicle that is driven or moved upon a highway only for the purpose of crossing the highway from one property to another;

(3) an implement of husbandry that is only incidentally operated or moved upon a highway;

(4) special mobile equipment;

(5) a vehicle that is propelled exclusively by electric power obtained from overhead trolley wires though not operated upon rails;

(6) a freight trailer if it is:

(a) properly registered in another state;

(b) identified by a proper base registration plate that is properly displayed; and

(c) identified by other registration documents that are in the possession of the operator and exhibited at the request of a police officer;

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HJC/HB 19, et al.

(7) a freight trailer or utility trailer owned and used by:

(a) a nonresident solely for the transportation of farm products purchased by the nonresident from growers or producers of the farm products and transported in the trailer out of the state;

(b) a farmer or a rancher who transports to market only the produce, animals or fowl produced by that farmer or rancher or who transports back to the farm or ranch supplies for use thereon; or

(c) a person who transports animals to and from fairs, rodeos or other places, except racetracks, where the animals are exhibited or otherwise take part in performances, in trailers drawn by a motor vehicle or truck of less than ten thousand pounds gross vehicle weight rating bearing a proper registration plate, but in no case shall the owner of an unregistered trailer described in this paragraph perform such uses for hire;

(8) a moped;

(9) an electric personal assistive mobility device;

(10) a vehicle moved on a highway by a towing service as defined in Section 59A-50-2 NMSA 1978; and

(11) an off-highway motor vehicle exempted pursuant to Section 66-3-1005 NMSA 1978.

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B. A certificate of title required pursuant to Subsection A of this section is not required for a vehicle of a type subject to registration owned by:

(1) the government of the United States; or

(2) a carrier that is from a jurisdiction that is not a participant in the International Fuel Tax Agreement, that is authorized by the United States government or an agency of the United States government to conduct cross-border operations beyond the commercial border zone pursuant to the provisions of the North American Free Trade Agreement and that identifies New Mexico as the carrier's base jurisdiction.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor [~~as provided in Section 66-8-7 NMSA 1978~~]. A person charged with violating this section shall not be convicted if the person produces, in court, evidence of compliance valid at the time of issuance of the citation."

SECTION 7. Section 66-3-18 NMSA 1978 (being Laws 1978, Chapter 35, Section 38, as amended) is amended to read:

"66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY REGISTRATION PERMITS--DISPLAYS PROHIBITED AND ALLOWED.--

A. The registration plate shall be attached to the rear of the vehicle for which it is issued; however, the registration plate shall be attached to the front of a road tractor or truck tractor. The plate shall be securely fastened at all times in a fixed horizontal position at a height of not less than twelve inches from the ground, measuring from the bottom of the plate. It shall be in a place and position so as

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HJC/HB 19, et al.

to be clearly visible, and it shall be maintained free from foreign material and in a condition to be clearly legible.

B. A demonstration or temporary registration permit shall be firmly affixed to the inside left rear window of the vehicle to which it is issued, unless such display presents a safety hazard or the demonstration or temporary registration permit is not visible or readable from that position, in which case, the demonstration or temporary registration permit shall be displayed in such a manner that it is clearly visible from the rear or left side of the vehicle.

C. No vehicle while being operated on the highways of this state shall have displayed either on the front or the rear of the vehicle any registration plate, including validating sticker, other than one issued or validated for the current registration period by the department or any other licensing authority having jurisdiction over the vehicle. No expired registration plate or validating sticker shall be displayed on the vehicle other than an expired special registration plate, which may be exhibited on the front of the vehicle.

D. Nothing contained in this section shall be construed as prohibiting the use of a promotional or advertising plate on the front of the vehicle.

E. A violation of a provision of this section is a penalty assessment misdemeanor."

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SECTION 8. Section 66-3-27 NMSA 1978 (being Laws 1978, Chapter 35, Section 47) is amended to read:

"66-3-27. HORSELESS CARRIAGE REGISTRATION.--

A. A motor vehicle at least thirty-five years old owned as a collector's item and used solely for exhibition and educational purposes is a "horseless carriage". On application to the [~~director of motor vehicles~~] secretary, the owner of the horseless carriage may receive a certificate of title and permanent registration upon:

(1) payment of a [~~ten-dollar (\$10.00)~~] fee of ten dollars (\$10.00); and

(2) submission of a witnessed bill of sale on the horseless carriage or an affidavit that the vehicle was assembled by the owner from parts of automobiles at least thirty-five years old.

B. Upon approval of the application, the [~~director~~] secretary shall issue one five-year registration plate with registration numbers and the words "Horseless Carriage", "Land of Enchantment" and "New Mexico". The plate, bearing no date, shall be attached to the rear of the vehicle.

C. Upon transfer of ownership of a horseless carriage, the new owner shall apply to the [~~director~~] secretary for a transfer of title as provided in and subject to the penalties contained in Section [~~64-3-103 NMSA 1953~~] 66-3-103 NMSA 1978. The registration plates shall remain with the transferred vehicle.

D. Beginning in 1968 and each five-year period thereafter, every plate shall be revalidated upon application

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HJC/HB 19, et al.

approved by the ~~[director]~~ secretary, accompanied by a fee of five dollars (\$5.00). Upon loss of the original registration plate, a duplicate plate may be obtained by the owner upon payment of a fee of ten dollars (\$10.00).

E. ~~[Any]~~ A person [violating] who violates this section is guilty of a penalty assessment misdemeanor."

SECTION 9. Section 66-3-103 NMSA 1978 (being Laws 1978, Chapter 35, Section 50, as amended) is amended to read:

"66-3-103. NEW OWNER TO SECURE TRANSFER OF REGISTRATION AND NEW CERTIFICATE OF TITLE--TIME PERIOD--PENALTY.--

A. Except as otherwise provided by law, the transferee before operating or permitting the operation of the vehicle or boat on a highway or waterway shall present to the division the certificate of registration and the properly assigned certificate of title and shall apply for and obtain a new certificate of title and a new registration for the vehicle.

B. ~~[Failure]~~ A transferee who fails to apply for transfer of registration and issuance of a new certificate of title within thirty days from the date of transfer ~~[subjects the transferee to a penalty of twenty dollars (\$20.00). The penalty shall be collected by the division and shall be in addition to other fees and penalties provided by law]~~ is guilty of a penalty assessment misdemeanor."

SECTION 10. Section 66-3-403 NMSA 1978 (being Laws 1978,

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Chapter 35, Section 82, as amended) is amended to read:

"66-3-403. EXPIRATION OF DEALER PLATES.--Every dealer plate issued pursuant to Section 66-3-402 NMSA 1978 expires at midnight on December 31 of each year. Upon payment of the proper fee, the person to whom the dealer plate was issued may apply to the department for a new plate or validating sticker for the ensuing year. Renewal of all dealer plates shall be on or before December 31. ~~[It is]~~ A person who operates a vehicle with a dealer plate that has expired is guilty of a penalty assessment misdemeanor ~~[pursuant to the Motor Vehicle Code to operate a vehicle with a dealer plate that has expired]."~~

SECTION 11. Section 66-3-409 NMSA 1978 (being Laws 1978, Chapter 199, Section 1, as amended) is amended to read:

"66-3-409. SPECIAL REGISTRATION PLATES--MEDAL OF HONOR RECIPIENTS.--

A. The ~~[division]~~ department shall issue distinctive pale blue, white and gold registration plates to any person who has been awarded the medal of honor and who so requests and submits proof satisfactory to the ~~[division]~~ department that ~~[he]~~ the person has been awarded that medal. The plates shall each bear the inscription "Medal of Honor Recipient". No fee, including the regular registration fee applicable to the passenger motor vehicle, if any, shall be collected for the issuance of a special registration plate pursuant to this section.

B. No person shall falsely ~~[represent himself to be]~~ make any representation that the person is a medal of honor recipient in order to be eligible to be issued special

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HJC/HB 19, et al.

registration plates pursuant to this section when [he] the person is in fact not such a recipient. [Any] A person who violates the provisions of this subsection is guilty of a [petty] penalty assessment misdemeanor."

SJC → ~~SECTION 12. Section 66-3-411 NMSA 1978 (being Laws 1978, Chapter 99, Section 2, as amended) is amended to read:~~

~~"66-3-411. SPECIAL REGISTRATION PLATES--PRISONERS OF WAR AND SURVIVING SPOUSES--SUBMISSION OF PROOF--PENALTY.--~~

~~A. The [division] department shall issue distinctive registration plates to any person, or to the surviving spouse of any deceased person, who was held as a prisoner of war by an enemy of the United States during any armed conflict, upon the submission by the person or surviving spouse of proof satisfactory to the [division] department that [he] the person was held as a prisoner of war by an enemy of the United States during a period of armed conflict or that [he] the person is the surviving spouse of such a person. No fee, including the regular registration fee applicable to the passenger motor vehicle, if any, shall be collected for issuance of a special registration plate pursuant to this section.~~

~~B. [No] A person shall not falsely [represent himself to have] make a representation that the person has been held as a prisoner of war or to be the surviving spouse of a prisoner of war so as to be eligible to be issued special~~

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~~registration plates pursuant to this section when [he] the person in fact was not held as a prisoner of war or when [he] the person in fact is not the surviving spouse of a prisoner of war.~~

~~G. [Any] A person who violates the provisions of Subsection B of this section is guilty of a penalty assessment misdemeanor."~~←SJC

SECTION SJC→13 12←SJC. Section 66-3-412.1 NMSA 1978 (being Laws 2001, Chapter 243, Section 1) is amended to read:

"66-3-412.1. SPECIAL MOTORCYCLE REGISTRATION PLATES FOR ARMED FORCES VETERANS.--

A. The department shall issue distinctive motorcycle registration plates indicating that the recipient is a veteran of the armed forces of the United States [~~as defined in Section 28-13-7 NMSA 1978~~] or is retired from the national guard or military reserves, if that person submits proof satisfactory to the department of honorable discharge from the armed forces or of retirement from the national guard or military reserves.

B. For a fee of seven dollars (\$7.00), which [~~shall be~~] is in addition to the regular motorcycle registration fees, [~~any~~] a motorcycle owner who is a veteran of the armed forces of the United States or is retired from the national guard or military reserves may apply for the issuance of a special motorcycle registration plate as defined in Subsection A of this section. No two owners shall be issued identically lettered or numbered plates.

C. An owner shall make a new application and pay a .210052.4

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HJC/HB 19, et al.

new fee each year [he] the owner desires to obtain a special motorcycle registration plate. [He] The owner will have first priority on that plate for each subsequent year that [he] the owner makes a timely and appropriate application.

D. Each armed forces veteran may elect to receive a veteran-designation decal to be placed across the top of the special motorcycle registration plate, centered above the registration number. Replacement or different veteran-designation decals shall be available for purchase from the department at a reasonable charge to be set by the secretary. The department shall furnish the following veteran-designation decals with the armed forces veteran motorcycle registration plate to a:

- (1) medal of honor recipient;
- (2) silver star recipient;
- (3) bronze star recipient;
- (4) navy cross recipient;
- (5) distinguished service cross recipient;
- (6) air force cross recipient;
- (7) ex-prisoner of war;
- (8) disabled veteran;
- (9) purple heart veteran;
- (10) atomic veteran;
- (11) Pearl Harbor survivor;
- (12) Navajo code talker;

.210052.4

- (13) Vietnam veteran;
- (14) Korean veteran;
- (15) disabled Korean veteran;
- (16) World War II veteran;
- (17) World War I veteran;
- (18) Grenada veteran;
- (19) Panama veteran; [øɹ]
- (20) Desert Storm veteran; or
- (21) Iraqi Freedom veteran.

E. The revenue from the fee imposed pursuant to Subsection B of this section shall be retained by the department and is appropriated to the department for the manufacture and issuance of the special motorcycle registration plates for armed forces veterans.

F. A person shall not falsely represent that the person was honorably discharged from the armed forces or retired from the national guard or military reserves so as to be eligible to be issued a special registration plate pursuant to this section. A person who violates the provisions of this subsection is guilty of a penalty assessment misdemeanor."

SECTION SJC→14 13←SJC. Section 66-3-413 NMSA 1978 (being Laws 1980, Chapter 45, Section 1, as amended) is amended to read:

"66-3-413. SPECIAL REGISTRATION PLATES--NATIONAL GUARD MEMBERS.--

A. The [division] department shall issue distinctive registration plates to any person who is a member of the New Mexico national guard, upon the submission by the

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HJC/HB 19, et al.

person of proof satisfactory to the [~~division~~] department that the person is currently a member of the guard. No fee, including the regular registration fee applicable to passenger motor vehicles, shall be collected for issuance of a special registration plate pursuant to this section.

B. [~~No~~] A person shall not falsely represent that the person is an active member of the New Mexico national guard so as to be eligible to be issued special registration plates pursuant to this section when the person in fact is not a current member of the New Mexico national guard.

C. [~~Any~~] A person who violates the provisions of Subsection B of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→15 14←SJC. Section 66-3-415 NMSA 1978 (being Laws 1989, Chapter 162, Section 1, as amended) is amended to read:

"66-3-415. SPECIAL REGISTRATION PLATES [~~FOR~~]-PEARL HARBOR SURVIVORS.--

A. The [~~division~~] department shall issue distinctive registration plates indicating that the recipient is a survivor of the attack on Pearl Harbor if that person submits satisfactory proof to the [~~division~~] department indicating that the person:

(1) was a member of the United States armed forces on December 7, 1941;

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(2) received an honorable discharge from the United States armed forces; and

(3) was on station on December 7, 1941 during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not exceeding three miles.

B. The [~~division~~] department shall confirm satisfactory proof with the New Mexico chapter of the Pearl Harbor survivors association.

C. No fee other than the registration fee applicable to the passenger motor vehicle, if any, shall be collected for the issuance of the distinctive registration plate pursuant to this section.

D. The recipient of a distinctive plate issued pursuant to this section shall be issued replacement plates upon request and without charge if the plate is lost, stolen or mutilated.

E. [~~Any~~] A person eligible for a distinctive registration plate pursuant to this section and also eligible for one or more special or distinctive registration plates pursuant to Sections 66-3-406, 66-3-409, 66-3-411, 66-3-412 and 66-3-414 NMSA 1978 shall be issued only one special or distinctive registration plate of the person's choice.

F. [~~No~~] A person shall not falsely represent [~~himself to be~~] that the person is a survivor of the attack on Pearl Harbor so as to be eligible to be issued distinctive plates pursuant to this section when that person in fact is not a survivor of the attack on Pearl Harbor.

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HJC/HB 19, et al.

G. ~~[Any]~~ A person who violates the provisions of Subsection F of this section is guilty of a penalty assessment misdemeanor ~~[and shall be punished by a fine of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) or by imprisonment for a definite term less than one year or both]."~~

SECTION SJC→16 15←SJC. Section 66-3-417 NMSA 1978 (being Laws 1986, Chapter 45, Section 2, as amended) is amended to read:

"66-3-417. RADIO STATION LICENSEES--SPECIAL REGISTRATION PLATES--FEE.--

A. Any applicant who is a resident of this state who holds an official commercial or amateur radio station license in good standing issued by the federal communications commission or who is a bona fide employee of such license holder shall, upon compliance with all laws of this state relating to registration and the licensing of motor vehicles and drivers, be furnished with a registration plate for the motor vehicle as prescribed by law, upon which:

(1) in lieu of the numbers required for identification, shall be inscribed the official call letters of the applicant as assigned by the federal communications commission;

(2) the official call letters shall be inscribed as internationally recognized call letters, including

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the number zero with a diagonal line drawn across the number from the upper right of the number down to the lower left of the number; and

(3) the words "amateur radio operator" shall be inscribed on the registration plate upon request of the applicant.

B. The licensee of the commercial or amateur radio station shall certify to the [~~director~~] secretary the names of bona fide personnel eligible to receive such special registration plates. The applicant shall pay, in addition to the registration tax required by law, the sum of three dollars (\$3.00) for the special registration plate, which additional sum shall be deposited by the [~~director~~] secretary with the state treasurer to be credited to the state road fund. At the time of delivery of the special registration plate, the applicant shall surrender the current registration plate issued for the motor vehicle. This provision for the issuance of a special registration plate shall apply only if the applicant's motor vehicle is already registered in New Mexico so that the applicant has a valid regular New Mexico registration plate issued for that motor vehicle under which to operate during the time it will take to have the necessary special registration plate made. The [~~director~~] secretary may make such reasonable regulations governing the use of the special registration plate as will assure the full compliance by the owner and holder of the special plate with all existing laws governing the registration, transfer and use of motor vehicles. When the ownership of the motor vehicle for which the special

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HJC/HB 19, et al.

registration plate has been furnished by the ~~[director]~~
secretary changes from one person to another, the special
registration plate authorized in this section shall be promptly
removed from the motor vehicle by the seller and returned to
the ~~[director]~~ secretary, at which time the seller or the buyer
of the motor vehicle is entitled to receive a registration
plate for the motor vehicle. A seller who fails to remove and
return the special registration plate as required in this
subsection is guilty of a penalty assessment misdemeanor. The
purpose for the issuance of the special registration plate is
to readily identify personnel in aid of the performance of
necessary duties for civil defense in the communications
field."

SECTION SJC→17 16←SJC. Section 66-3-419 NMSA 1978 (being
Laws 1990, Chapter 46, Section 2, as amended) is amended to
read:

"66-3-419. SPECIAL REGISTRATION PLATES ~~[FOR]~~--ARMED
FORCES VETERANS.--

A. The department shall issue distinctive
registration plates indicating that the recipient is a veteran
of the armed forces of the United States ~~[as defined in Section
28-13-7 NMSA 1978]~~ or is retired from the national guard or
military reserves if that person submits proof satisfactory to
the department of honorable discharge from the armed forces or
of retirement from the national guard or military reserves.

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B. For a fee of fifteen dollars (\$15.00), which ~~[shall be]~~ is in addition to the regular motor vehicle registration fees, any motor vehicle owner who is a veteran of the armed forces of the United States or is retired from the national guard or military reserves may apply for the issuance of a special registration plate, as defined in Subsection A of this section. No two owners shall be issued identically lettered or numbered plates.

C. The fifteen-dollar (\$15.00) fee provided in Subsection B of this section shall be waived for each registration period in which a validating sticker is issued under the provisions of Section 66-3-17 NMSA 1978, in lieu of the issuance of a special armed forces veteran plate.

D. Each armed forces veteran may elect to receive a veteran-designation decal to be placed across the top of the plate, centered above the registration number. Replacement or different veteran-designation decals shall be available for purchase from the department at a reasonable charge to be set by the secretary. The department shall furnish the following veteran-designation decals with the armed forces veteran plate to a:

- (1) medal of honor recipient;
- (2) silver star recipient;
- (3) bronze star recipient;
- (4) navy cross recipient;
- (5) distinguished service cross recipient;
- (6) air force cross recipient;
- (7) ex-prisoner of war;

.210052.4

HJC/HB 19, et al.

- (8) disabled veteran;
- (9) purple heart veteran;
- (10) atomic veteran;
- (11) Pearl Harbor survivor;
- (12) Navajo code talker;
- (13) Vietnam veteran;
- (14) Korean veteran;
- (15) disabled Korean veteran;
- (16) World War II veteran;
- (17) World War I veteran;
- (18) Grenada veteran;
- (19) Panama veteran;
- (20) Desert Storm veteran; or
- (21) Iraqi Freedom veteran.

E. The revenue from the special registration plates for the armed forces veterans fee imposed by Subsection B of this section shall be distributed as follows:

(1) seven dollars (\$7.00) of the fee collected for each registration plate shall be retained by the department and is appropriated to the department for the manufacture and issuance of the registration plates; and

(2) eight dollars (\$8.00) of the fee collected for each registration plate shall be transferred pursuant to the provisions of Subsection F of this section.

F. There is created in the state treasury the

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"armed forces veterans license fund". A portion of the fee collected for each special registration plate for armed forces veterans, as provided in Subsection E of this section, shall be transferred to the state treasurer for the credit of the fund. Expenditures from the fund shall be made on vouchers issued and signed by the secretary of veterans' services or ~~[his]~~ the secretary's authorized representative upon warrants drawn by the department of finance and administration for the purpose of expanding services to rural areas of the state, including Native American communities and senior citizen centers. Any unexpended or unencumbered balance remaining at the end of any fiscal year in the armed forces veterans license fund shall not revert to the general fund.

G. A person shall not falsely represent that the person was honorably discharged from the armed forces or retired from the national guard or military reserves so as to be eligible to be issued a special registration plate pursuant to this section. A person who violates the provisions of this subsection is guilty of a penalty assessment misdemeanor."

SECTION SJC~~→18~~ 17~~←~~SJC. Section 66-3-421 NMSA 1978 (being Laws 1993, Chapter 180, Section 8) is amended to read:

"66-3-421. SPECIAL REGISTRATION PLATES--NEW MEXICO RANGERS AND NEW MEXICO MOUNTED PATROL--SUBMISSION OF PROOF--PENALTY.--

A. The ~~[division]~~ department shall issue special registration plates to any person who is a New Mexico ranger or a member of the New Mexico mounted patrol upon the submission by the person of proof satisfactory to the ~~[division]~~

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HJC/HB 19, et al.

department that [~~he~~] the person is currently a New Mexico ranger or a member of the New Mexico mounted patrol. No fee, including the regular registration fee applicable to the passenger motor vehicle, if any, shall be collected for the issuance of the special registration plates pursuant to this section.

B. [~~No~~] A person shall not falsely represent [~~himself to be~~] that the person is a New Mexico ranger or a member of the New Mexico mounted patrol so as to be eligible to be issued special registration plates pursuant to this section when [~~he~~] the person in fact is not a New Mexico ranger or a member of the New Mexico mounted patrol.

C. [~~Any~~] A person eligible for a special registration plate [~~under~~] provided for in this section shall only be eligible for one such plate.

D. [~~Any~~] A person who violates the provisions of Subsection B of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→19 18←SJC. Section 66-3-422 NMSA 1978 (being Laws 1998, Chapter 21, Section 1, as amended) is amended to read:

"66-3-422. SPECIAL REGISTRATION PLATES [~~FØR~~]-
FIREFIGHTERS AND VOLUNTEER FIREFIGHTERS.--

A. The department shall issue special registration plates to a person employed as a New Mexico firefighter, upon

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the submission by the person of proof satisfactory to the department that the person is currently employed as a New Mexico firefighter, including submission of a signed consent form from the fire chief.

B. The department shall issue special registration plates to a person who is an active volunteer firefighter with a volunteer fire department recognized by the state fire marshal upon the submission by the person of proof satisfactory to the department that the person is currently an active member of a recognized volunteer fire department. Such proof shall include the submission of a signed consent form from the fire chief.

C. A person shall not [~~make any representation as being~~] falsely represent that the person is a New Mexico firefighter or volunteer firefighter if the person is not, in fact, a New Mexico firefighter or volunteer firefighter. The secretary shall determine what constitutes satisfactory proof of employment as a New Mexico firefighter or status as a volunteer firefighter.

D. A person who violates the provisions of Subsection C of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

E. A fee of twenty-five dollars (\$25.00), which is in addition to the regular motor vehicle registration fee, shall be collected by the department for the original issuance of the special registration plate for New Mexico firefighters and volunteer firefighters.

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HJC/HB 19, et al.

F. Ten dollars (\$10.00) of the fee collected pursuant to Subsection E of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing special registration plates for New Mexico firefighters and volunteer firefighters.

G. The amount of the fee collected pursuant to this section less any amount distributed pursuant to Subsection F of this section shall be deposited in the firefighters' survivors fund.

H. The secretary shall approve the final plate design for the special registration plates for New Mexico firefighters in accordance with New Mexico law. The secretary shall approve and issue a separate and distinctive plate clearly marked as "volunteer" for issuance to volunteer firefighters.

I. When a person holding a special plate pursuant to this section ceases to be employed as a firefighter or serve as an active volunteer firefighter, the person shall immediately remove the plate from the vehicle and return it to the secretary, at which time it shall be exchanged for a regular registration plate. A person who fails to remove and return a special plate as required by the provisions of this subsection is guilty of a penalty assessment misdemeanor. A firefighter who holds a special plate and retires may retain the special plate."

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SECTION SJC→20 19←SJC. Section 66-3-424.4 NMSA 1978

(being Laws 2003, Chapter 176, Section 2) is amended to read:

"66-3-424.4. STANDARDIZED SPECIAL REGISTRATION [~~PLATE FOR~~] PLATES--RETIRED MEMBERS OF THE NEW MEXICO NATIONAL GUARD.--

A. The [~~division~~] department shall issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is a person who is a retired member of the New Mexico national guard upon submission by the person of proof satisfactory to the [~~division~~] department that the person is a retired member of the guard.

B. A person shall not falsely represent [~~himself to be~~] that the person is a retired member of the New Mexico national guard if that person is not in fact a retired member of the guard.

C. A person who violates the provisions of Subsection B of this section is guilty of a penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

D. A fee of twenty-five dollars (\$25.00), which [~~shall be~~] is in addition to the regular motor vehicle registration fee, shall be collected by the [~~division~~] department for the original issuance of the special registration plate for retired members of the New Mexico national guard.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by

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HJC/HB 19, et al.

the [division] department and is appropriated to the [division] department to defray the cost of making and issuing special registration plates for retired members of the New Mexico national guard.

F. The amount of the fee collected pursuant to Subsection D of this section less any amount distributed pursuant to Subsection E of this section shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978.

G. The secretary shall approve the final logo design for the special registration plate for retired members of the New Mexico national guard."

SECTION SJC→21 20←SJC. Section 66-3-424.5 NMSA 1978 (being Laws 2003, Chapter 177, Section 2) is amended to read:

"66-3-424.5. SPECIAL REGISTRATION PLATES [FOR]--NEW MEXICO MEMBERS OF THE FRATERNAL ORDER OF POLICE.--

A. The department shall issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is a New Mexico member of the fraternal order of police.

B. [~~No~~] A person shall not falsely represent [~~himself to be~~] that the person is a New Mexico member of the fraternal order of police if [~~he~~] the person is, in fact, not a New Mexico member of the fraternal order of police. The secretary shall determine what constitutes satisfactory proof.

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C. A person who violates the provisions of Subsection B of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

D. A fee of twenty-five dollars (\$25.00), which [~~shall be~~] is in addition to the regular motor vehicle registration fee, shall be collected by the department for the original issuance of the special registration plate for a New Mexico member of the fraternal order of police.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing a special registration plate for a New Mexico member of the fraternal order of police.

F. The amount of the fee collected pursuant to this section less any amount distributed pursuant to Subsection E of this section shall be deposited in the motor vehicle suspense fund for distribution in accordance with Section 66-6-23 NMSA 1978.

G. The secretary shall approve the final logo design for the special registration plates for New Mexico members of the fraternal order of police.

H. When a person holding a special plate ceases to be a New Mexico member of the fraternal order of police, [~~he~~] the person shall immediately remove the plate from the vehicle and return it to the secretary, at which time it shall be exchanged for a regular registration plate. A person who fails to remove and return a special plate as required by the

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HJC/HB 19, et al.

provisions of this subsection is guilty of a penalty assessment misdemeanor."

SECTION SJC→22 21←SJC. Section 66-3-424.7 NMSA 1978 (being Laws 2003, Chapter 179, Section 2) is amended to read:

"66-3-424.7. REGISTRATION PLATES [FOR]--MEMBERS OF THE CIVIL AIR PATROL, NEW MEXICO WING.--

A. The department shall issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is a member of the civil air patrol, New Mexico wing, upon the submission by the person of proof satisfactory to the department that ~~he~~ the person is a member of the civil air patrol, New Mexico wing. Such proof shall include the submission of a signed consent form from the civil air patrol, New Mexico wing.

B. A person shall not falsely represent ~~[himself to be]~~ that the person is a member of the civil air patrol, New Mexico wing, if that person is, in fact, not a member of the civil air patrol, New Mexico wing. The secretary shall determine what constitutes satisfactory proof that a person is a member of the civil air patrol, New Mexico wing.

C. A person who violates the provisions of Subsection B of this section is guilty of a ~~[petty]~~ penalty assessment misdemeanor ~~[and shall be sentenced pursuant to Section 31-19-1 NMSA 1978]~~.

D. A fee of twenty-five dollars (\$25.00), which

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[~~shall be~~] is in addition to the regular motor vehicle registration fee, shall be collected by the department for the original issuance of the special registration plate for a member of the civil air patrol, New Mexico wing.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing special registration plates for members of the civil air patrol, New Mexico wing. The remaining fifteen dollars (\$15.00) shall be deposited in the motor vehicle suspense fund for distribution in accordance with Section 66-6-23 NMSA 1978.

F. The secretary shall approve the final logo design for the special registration plates for members of the civil air patrol, New Mexico wing, in accordance with New Mexico law. The secretary shall approve and issue a separate and distinctive logo clearly marked as "civil air patrol" for issuance to members of the civil air patrol, New Mexico wing."

SECTION SJC→23 22←SJC. Section 66-3-424.9 NMSA 1978 (being Laws 2003, Chapter 181, Section 2) is amended to read:
"66-3-424.9. STANDARDIZED SPECIAL REGISTRATION [PLATE FOR] PLATES--RETIRED FIREFIGHTERS.--

A. The [~~division~~] department shall issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is a person who is a retired New Mexico firefighter upon submission by the person of proof satisfactory to the [~~division~~] department that the person has retired from active

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HJC/HB 19, et al.

employment as a firefighter.

B. A person shall not falsely represent [~~himself to be~~] that the person is a retired New Mexico firefighter if [~~he~~] the person is not, in fact, a retired New Mexico firefighter.

The secretary shall determine what constitutes proof of previous active employment as a firefighter and proof of retirement.

C. A person who violates the provisions of Subsection B of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

D. A fee of twenty-five dollars (\$25.00), which is in addition to the regular motor vehicle registration fee, shall be collected by the department for the original issuance of the special registration plate for retired New Mexico firefighters.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and [~~shall be~~] is appropriated to the department to defray the cost of making and issuing special registration plates for retired New Mexico firefighters.

F. The amount of the fee collected pursuant to this section less any amount distributed pursuant to Subsection E of this section shall be deposited in the motor vehicle suspense fund for distribution in accordance with Section 66-6-23 NMSA

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G. The secretary shall approve the final logo design for the special registration plates for retired New Mexico firefighters."

SECTION SJC→24 23←SJC. Section 66-3-424.13 NMSA 1978 (being Laws 2003, Chapter 211, Section 2) is amended to read:
"66-3-424.13. STANDARDIZED SPECIAL REGISTRATION [PLATE FOR] PLATES--RETIRED NEW MEXICO STATE POLICE OFFICERS.--

A. The [~~division~~] department shall issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is a person who is a retired New Mexico state police officer upon submission by the person of proof satisfactory to the [~~division~~] department that the person is a retired New Mexico state police officer. The proof shall include the submission of a retirement commission from the New Mexico state police.

B. [~~No~~] A person shall not falsely represent [~~himself to be~~] that the person is a retired New Mexico state police officer if that person is, in fact, not a retired New Mexico state police officer. The secretary shall determine what constitutes satisfactory proof that a person is a retired New Mexico state police officer.

C. A person who violates the provisions of Subsection B of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

D. A fee of twenty-five dollars (\$25.00), which is in addition to the regular motor vehicle registration fee,

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HJC/HB 19, et al.

shall be collected by the [~~division~~] department for the original issuance of the special registration plate for retired New Mexico state police officers.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the [~~division~~] department and is appropriated to the [~~division~~] department to defray the cost of making and issuing special registration plates for retired New Mexico state police officers. The remaining fifteen dollars (\$15.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978.

F. The secretary shall approve the final logo design for the special registration plate for retired New Mexico state police officers. The logo shall be clearly marked as "retired New Mexico state police" for issuance to retired New Mexico state police officers."

SECTION SJC→25 24←SJC. Section 66-3-424.16 NMSA 1978 (being Laws 2005, Chapter 344, Section 1) is amended to read:

"66-3-424.16. SPECIAL REGISTRATION PLATES [~~FOR~~]
EMERGENCY MEDICAL TECHNICIANS.--

A. The department shall issue a standardized special registration plate with a logo specified in Section 66-3-424 NMSA 1978 indicating that the recipient is an emergency medical technician.

B. [~~N~~] A person shall not falsely represent

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[~~himself to be~~] that the person is an emergency medical technician if [~~he~~] the person is, in fact, not an emergency medical technician licensed in New Mexico. The secretary shall determine what constitutes satisfactory proof.

C. A person who violates the provisions of Subsection B of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

D. A fee of twenty-five dollars (\$25.00), which shall be in addition to the regular motor vehicle registration fee, shall be collected by the department for the original issuance of the special registration plate for an emergency medical technician.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the department and is appropriated to the department to defray the cost of making and issuing a special registration plate for emergency medical technicians.

F. The amount of the fee collected pursuant to this section less any amount distributed pursuant to Subsection E of this section shall be deposited in the motor vehicle suspense fund for distribution in accordance with Section 66-6-23 NMSA 1978.

G. The secretary shall approve the final logo design for the special registration plate for emergency medical technicians.

H. When a person holding a special registration plate ceases to be an emergency medical technician, [~~he~~] the

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HJC/HB 19, et al.

person shall immediately remove the plate from the vehicle and return it to the department, at which time it shall be exchanged for a regular registration plate. SJC→A person who fails to remove and return a plate as required in this subsection is guilty of a penalty assessment misdemeanor.←SJC

SJC→SECTION 26. ~~Section 66-3-424.24 NMSA 1978 (being Laws 2009, Chapter 88, Section 1) is amended to read:~~

~~"66-3-424.24. SPECIAL REGISTRATION PLATES--GOLD STAR FAMILIES--SUBMISSION OF PROOF--PENALTY.--~~

~~A. Except as provided in Subsection B of this section, the [division] department shall issue distinctive registration plates to the surviving mother, father, stepparent or spouse of a service member killed in an armed conflict with an enemy of the United States upon the submission by the person of proof satisfactory to the [division] department that the person's son, daughter, stepchild or spouse was a service member killed in an armed conflict with an enemy of the United States.~~

~~B. For each family of a service member described in Subsection A of this section, the [division] department shall issue special registration plates for no more than four vehicles.~~

~~C. No fee, including the regular registration fee applicable to the passenger motor vehicle, if any, shall be collected for issuance of the first special registration plate~~

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~~issued to the mother or spouse of a service member described in Subsection A of this section. No fee other than the regular registration fee applicable to the passenger motor vehicle, if any, shall be collected for issuance of the three additional special registration plates issued to the family of a service member described in Subsection A of this section.~~

~~D. The special registration plate issued pursuant to this section shall be known as the "gold star families" special registration plate.~~

~~E. The [division] department, with the advice and consultation of the gold star mothers, shall determine the color and design of the gold star families registration plate and provide for its issuance.~~

~~F. [No] A person shall not falsely [claim to be] represent that the person is a surviving mother, father, stepparent or spouse of a service member killed in an armed conflict with an enemy of the United States so as to be eligible to be issued special registration plates pursuant to this section.~~

~~G. Any person who violates the provisions of Subsection F of this section is guilty of a penalty assessment misdemeanor."~~←SJC

SECTION SJC→27 25←SJC. Section 66-3-424.28 NMSA 1978 (being Laws 2009, Chapter 86, Section 1) is amended to read:

"66-3-424.28. STANDARDIZED SPECIAL REGISTRATION [PLATE FOR] PLATES--RETIRED NEW MEXICO LAW ENFORCEMENT OFFICERS.--

A. The [division] department shall issue a standardized special registration plate with a logo specified .210052.4

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HJC/HB 19, et al.

in Section 66-3-424 NMSA 1978 indicating that the recipient is a person who is a retired New Mexico law enforcement officer upon submission by the person of proof satisfactory to the [division] department that the person is a retired New Mexico law enforcement officer. The proof shall include the submission of a retirement commission from a New Mexico law enforcement agency.

B. A person shall not [~~make any representation as being~~] falsely represent that the person is a retired New Mexico law enforcement officer if that person is, in fact, not a retired New Mexico law enforcement officer. The secretary shall determine what constitutes satisfactory proof that a person is a retired New Mexico law enforcement officer.

C. A person who violates the provisions of Subsection B of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1 NMSA 1978~~].

D. A fee of twenty-five dollars (\$25.00), which is in addition to the regular motor vehicle registration fee, shall be collected by the [division] department for the original issuance of the special registration plate for retired New Mexico law enforcement officers.

E. Ten dollars (\$10.00) of the fee collected pursuant to Subsection D of this section shall be retained by the [division] department and is appropriated to the [division]

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department to defray the cost of making and issuing special registration plates for retired New Mexico law enforcement officers. The remaining fifteen dollars (\$15.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978.

F. The secretary shall approve the final logo design for the special registration plate for retired New Mexico law enforcement officers. The logo shall be clearly marked as "retired New Mexico law enforcement officer" for issuance to retired New Mexico law enforcement officers."

SECTION SJC→28 26←SJC. Section 66-3-701 NMSA 1978 (being Laws 1978, Chapter 35, Section 100) is amended to read:

"66-3-701. BICYCLES--EFFECT OF REGULATIONS.--

A. It is a penalty assessment misdemeanor for [~~any~~] a person to do any act forbidden or fail to perform any act required by Sections [~~64-3-701 through 64-3-707 NMSA 1953~~] 66-3-701 through 66-3-707 NMSA 1978.

B. The parent of any child and the guardian of any ward shall not authorize or permit any [~~such~~] child or ward to violate any of the provisions of the Motor Vehicle Code.

C. These regulations applicable to bicycles [~~shall~~] apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated [~~herein~~] in Sections 66-3-701 through 66-3-707 NMSA 1978."

SECTION SJC→29 27←SJC. Section 66-3-801 NMSA 1978 (being Laws 1978, Chapter 35, Section 107, as amended) is amended to read:

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HJC/HB 19, et al.

"66-3-801. EQUIPMENT--PROHIBITED ACTS.--

A. Except as otherwise provided in this section, it is a penalty assessment misdemeanor for [~~any~~] a person to drive or move or for the owner to cause or permit to be driven or moved on any highway any vehicle or combination of vehicles [~~which~~] that is in such unsafe condition as to endanger any person or [~~which~~] that does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as is required by Sections 66-3-801 through 66-3-887 NMSA 1978 or [~~which~~] that is equipped in any manner that is in violation of those sections or for any person to do any act forbidden or fail to perform any act required under those sections.

B. Nothing contained in Sections 66-3-801 through 66-3-887 NMSA 1978 shall be construed to prohibit the use of additional parts and accessories on any vehicle [~~which~~] that are not inconsistent with the provisions of those sections.

C. The provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as made applicable in those sections.

D. The provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 apply to vehicles subject to the provisions of the Motor Carrier Safety Act only to the extent that the

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provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 do not conflict with the provisions of the Motor Carrier Safety Act and regulations promulgated under that act."

SECTION SJC→30 28←SJC. Section 66-3-802 NMSA 1978 (being Laws 1978, Chapter 35, Section 108) is amended to read:

"66-3-802. WHEN LIGHTED LAMPS ARE REQUIRED.--

A. Every vehicle upon a highway within this state at any time from a half-hour after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to render clearly discernible persons and vehicles on the highway at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as [hereinafter] respectively required in Sections 66-3-801 through 66-3-887 NMSA 1978 for different classes of vehicles, subject to exceptions with respect to parked vehicles as [hereinafter] stated in Section 66-3-825 NMSA 1978.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→31 29←SJC. Section 66-3-804 NMSA 1978 (being Laws 1978, Chapter 35, Section 110, as amended) is amended to read:

"66-3-804. HEADLAMPS ON MOTOR VEHICLES.--

A. Every motor vehicle other than a motorcycle shall be equipped with at least two headlamps with at least one on each side of the front of the motor vehicle, which headlamps [shall] comply with the requirements and limitations set forth in Sections 66-3-801 through 66-3-887 NMSA 1978.

B. Every motorcycle shall be equipped with at least

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HJC/HB 19, et al.

one and not more than two headlamps [~~which shall~~] that comply with the requirements and limitations of Sections 66-3-801 through 66-3-887 NMSA 1978.

C. Every headlamp upon every motor vehicle, including every motorcycle, shall be located at a height measured from the center of the headlamp of not more than fifty-four inches [~~nor~~] or less than twenty inches to be measured as set forth in Subsection B of Section 66-3-803 NMSA 1978. The provisions of this subsection [~~shall~~] apply only to new motor vehicles sold after July 1, 1953.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→32 30←SJC. Section 66-3-805 NMSA 1978 (being Laws 1978, Chapter 35, Section 111) is amended to read:

"66-3-805. TAIL LAMPS.--

A. Every motor vehicle, trailer, semitrailer, [~~and~~] pole trailer and any other vehicle [~~which~~] that is being drawn at the end of a train of vehicles shall be equipped with at least one tail lamp mounted on the rear [~~which~~] that, when lighted as [~~hereinbefore~~] required [~~shall emit~~] in Section 66-3-802 NMSA 1978, emits a red light plainly visible from a distance of five hundred feet to the rear; provided that, in the case of a train of vehicles, only the tail lamp on the rearmost vehicle need actually be seen from the distance specified. [~~And further~~] Every such [~~above-mentioned~~] vehicle,

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other than a truck tractor, registered in this state and manufactured or assembled after July 1, 1953 shall be equipped with at least two tail lamps mounted on the rear [~~which~~] that when lighted as [~~herein~~] required [~~shall~~] in Section 66-3-802 NMSA 1978 comply with the provisions of this section.

B. Every tail lamp upon every vehicle shall be located at [~~at~~] a height of not more than seventy-two inches [~~nor~~] or less than twenty inches.

C. Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp [~~or tail lamps~~], together with any separate lamp for illuminating the rear registration plate, shall be so wired as to be lighted whenever the headlamps or auxiliary driving lamps are lighted.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→~~33~~ 31←SJC. Section 66-3-806 NMSA 1978 (being Laws 1978, Chapter 35, Section 112, as amended) is amended to read:

"66-3-806. NEW MOTOR VEHICLES TO BE EQUIPPED WITH REFLECTORS.--

A. Every new motor vehicle hereafter sold and operated upon a highway, other than a truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors, except that every motorcycle shall carry at least one reflector, meeting the requirements of this section, and except that vehicles of the type mentioned in

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HJC/HB 19, et al.

Section 66-3-809 NMSA 1978 shall be equipped with reflectors as required in those sections applicable ~~[thereto]~~ to those vehicles.

B. Every [~~such~~] reflector shall be mounted on the vehicle at a height not less than twenty inches [~~nor~~] or more than sixty inches measured as set forth in Subsection B of Section 66-3-803 NMSA 1978 and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred feet to fifty feet from [~~such~~] the vehicle when directly in front of lawful upper beams of headlamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→34 32←SJC. Section 66-3-846 NMSA 1978 (being Laws 1978, Chapter 35, Section 152, as amended) is amended to read:

"66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS--WINDOWS MUST BE TRANSPARENT--EXCEPTION.--

A. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon or in the front windshield, the windows to the immediate right and left of the driver or [~~in~~] the rearmost window if the latter is used for driving visibility, except as provided in Section

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66-3-846.1 NMSA 1978. The rearmost window is not necessary for driving visibility where outside rearview mirrors are attached to the vehicle.

B. The windshield on every motor vehicle except a motorcycle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

C. Every windshield wiper upon a motor vehicle shall be maintained in good working order.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→35 33←SJC. Section 66-3-846.1 NMSA 1978 (being Laws 1997, Chapter 151, Section 2) is amended to read:

"66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--

A. A person shall not operate on any street or highway a motor vehicle that is registered or required to be registered in this state if that motor vehicle has a sun screening material on the windshield or any window that does not comply with the requirements of this section.

B. Except as otherwise provided in this section, a sun screening material:

(1) when used in conjunction with the windshield, shall be nonreflective, shall not be red, yellow or amber in color and shall be used only along the top of the windshield, not extending downward beyond the ASI line or more than five inches from the top of the windshield, whichever is

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HJC/HB 19, et al.

closer to the top of the windshield; and

(2) when used in conjunction with the safety glazing materials of the side wings or side windows located at the immediate right and left of the driver, the side windows behind the driver and the rearmost window shall be nonreflective, shall have a light transmission of not less than twenty percent and shall be used only on the windows of a motor vehicle equipped with one right and one left outside rearview mirror.

C. Each manufacturer shall:

(1) certify to the division that a sun screening material used by that manufacturer is in compliance with the nonreflectivity and light transmission requirements of this section;

(2) provide a label not to exceed one and one-half square inches in size that:

(a) is installed permanently and legibly between the sun screening material and each glazing surface to which it is applied;

(b) contains the manufacturer's name, the date that the sun screening material was manufactured and the percentage of light transmission; and

(c) is placed in the left lower corner of each glazing surface when facing the motor vehicle from the outside; and

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(3) include instructions with the sun screening material for proper installation, including the affixing of the label specified in this subsection.

D. ~~No~~ A person shall not:

(1) offer for sale or for use any sun screening material for motor vehicle use not in compliance with this section; or

(2) install any sun screening material on motor vehicles intended for operation on any street or highway without permanently affixing the label specified in Subsection C of this section.

E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.

F. The light transmission requirement of this section does not apply to windows behind the driver on truck tractors, buses, recreational vehicles, multipurpose passenger vehicles ~~and~~ or motor homes. The provisions of this section shall not apply to motor vehicle glazing ~~which~~ that complies with federal motor vehicle standards.

G. The provisions of this section do not apply to

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HJC/HB 19, et al.

motor vehicles that have sun screening material on the windshield or any window prior to [~~the effective date of this section~~] July 1, 1997.

H. As used in this section:

(1) "light transmission" means the ratio of the amount of total light that passes through a product or material, expressed in percentages, to the amount of the total light falling on the product or material;

(2) "manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

(3) "nonreflective" means designed to absorb light rather [~~that~~] than to reflect it; and

(4) "sun screening material" means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

I. [~~Any~~] A person who violates [~~any~~] a provision of this section is guilty of a [~~petty~~] penalty assessment misdemeanor [~~and upon conviction shall be punished by a fine of not more than seventy-five dollars (\$75.00)]~~."

SECTION SJC→36 34←SJC. Section 66-3-901 NMSA 1978 (being Laws 1978, Chapter 35, Section 194, as amended) is amended to

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read:

"66-3-901. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN UNSAFE CONDITION.--[~~Ne~~]

A. A person shall not drive or move on any highway any motor vehicle, trailer, semitrailer or pole trailer or any combination thereof unless the equipment upon every vehicle is in good working order and adjustment as required in the Motor Vehicle Code and the vehicle is in such safe mechanical condition as not to endanger the driver or other occupant or any person upon the highway.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→~~37~~ 35←SJC. Section 66-5-16 NMSA 1978 (being Laws 1978, Chapter 35, Section 238, as amended) is amended to read:

"66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON DEMAND.--Every licensee shall have [~~his~~] the licensee's driver's license in [~~his~~] the licensee's immediate possession at all times when operating a motor vehicle and shall display the license upon demand of a magistrate, a peace officer or a field deputy or inspector of the division. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor; however, [~~ne~~] a person charged with violating this section shall not be convicted if [~~he~~] the person produces in court a driver's license [~~theretofore~~] issued to [~~him~~] the person and valid at the time of [~~his arrest~~] the person's citation."

SECTION SJC→~~38~~ 36←SJC. Section 66-5-22 NMSA 1978 (being .210052.4

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HJC/HB 19, et al.

Laws 1978, Chapter 35, Section 244, as amended) is amended to read:

"66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME.--

A. Whenever a person, after applying for or receiving a driver's license, moves from the address named in the application or in the issued license or when the name of a licensee is changed by marriage or otherwise, the person shall, within ten days, notify the division of the new address in writing or by electronic media pursuant to department regulations. In the event of a change of name, the license ~~[must]~~ shall be delivered by the licensee to the division and the change of name be accomplished on the license itself. The division may require such evidence as it deems satisfactory regarding the change of name.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→~~39~~ **37**←SJC. Section 66-5-30 NMSA 1978 (being Laws 1978, Chapter 35, Section 252, as amended) is amended to read:

"66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE LICENSE.--

A. The division may suspend the instruction permit, driver's license or provisional license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence, including information provided to the

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state pursuant to an intergovernmental agreement authorized by Section 66-5-27.1 NMSA 1978, that the licensee:

(1) has been convicted of an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted as a driver in an accident resulting in the death or personal injury of another or serious property damage;

(3) has been convicted with such frequency of offenses against traffic laws or rules governing motor vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(4) is an habitually reckless or negligent driver of a motor vehicle;

(5) is incompetent to drive a motor vehicle;

(6) has permitted an unlawful or fraudulent use of the license;

(7) has been convicted of an offense in another state or tribal jurisdiction that if committed within this state's jurisdiction would be grounds for suspension or revocation of the license;

(8) has violated provisions stipulated by a district court in limitation of certain driving privileges;

~~[(9) has failed to fulfill a signed promise to appear or notice to appear in court as evidenced by notice from a state court or tribal court, whenever appearance is required by law or by the court as a consequence of a charge or conviction under the Motor Vehicle Code or pursuant to the laws of the tribe;~~

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HJC/HB 19, et al.

~~(10) has failed to pay a penalty assessment within thirty days of the date of issuance by the state or a tribe; or~~

~~(11)] (9) has accumulated seven points, but less than eleven points, and when the division has received a recommendation from a municipal or magistrate judge that the license be suspended for a period not to exceed three months; or~~

(10) has failed to comply with the terms of a citation issued in a foreign jurisdiction that is a party to the Nonresident Violator Compact and that has notified the division of the failure in accordance with the Nonresident Violator Compact.

B. If a person whose license was issued by a jurisdiction outside New Mexico that is a party to the Nonresident Violator Compact fails to comply with the terms of a citation issued in New Mexico, the division shall notify that other jurisdiction of the failure and that jurisdiction shall initiate a license suspension action in accordance with the provisions of Article IV of the Nonresident Violator Compact.

~~[B.]~~ C. Upon suspending the license of a person as authorized in this section, the division shall immediately notify the licensee in writing of the licensee's right to a hearing before the administrative hearings office and, upon the licensee's request, shall notify the administrative hearings

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office. The administrative hearings office shall schedule the hearing to take place as early as practicable, but within no more than twenty days, not counting Saturdays, Sundays and legal holidays after receipt of the request. The hearing shall be held in the county in which the licensee resides unless the hearing officer and the licensee agree that the hearing may be held in some other county; provided that the hearing request is received within twenty days from the date that the suspension was deposited in the United States mail. The hearing officer may, in the hearing officer's discretion, extend the twenty-day period. The hearing shall be held as provided in the Administrative Hearings Office Act. After the hearing, the hearing officer shall either rescind the order of suspension or continue, modify or extend the suspension of the license or revoke the license."

SECTION SJC→40 38←SJC. Section 66-5-33.1 NMSA 1978 (being Laws 1985, Chapter 47, Section 1, as amended) is amended to read:

"66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR REGISTRATION--IGNITION INTERLOCK--FEE.--

A. Whenever a driver's license or registration is suspended or revoked and an application has been made for its reinstatement, compliance with all appropriate provisions of the Motor Vehicle Code and the payment of a fee of twenty-five dollars (\$25.00) is a prerequisite to the reinstatement of any license or registration.

B. If a driver's license was revoked for driving while under the influence of intoxicating liquor or drugs, for

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HJC/HB 19, et al.

aggravated driving while under the influence of intoxicating liquor or drugs or pursuant to the Implied Consent Act, the following are required to reinstate the driver's license:

- (1) an additional fee of seventy-five dollars (\$75.00);
- (2) completion of the license revocation period;
- (3) satisfaction of any court-ordered ignition interlock requirements; [~~and~~]
- (4) a minimum of six months of driving with an ignition interlock license with no attempts to circumvent SJC→, ~~remove~~←SJC or tamper with the ignition interlock device;
- (5) evidence that the ignition interlock device has not recorded two SJC→~~failed breath tests that prevented the driver from starting the vehicle~~←SJC SJC→~~vehicle lockouts~~←SJC; and
- (6) evidence of verified active usage as that phrase is defined by the bureau.

Sf11→**C. A person whose driver's license reinstatement is denied may file an appeal pursuant to the provisions of Section 39-3-1.1 NMSA 1978.**←Sf11

Sf1→**C D**←Sf1. The department may reinstate the driving privileges of an out-of-state resident without the requirement that the person obtain an ignition interlock license for a minimum of six months, if the following

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conditions are met:

- (1) the license revocation period is completed;
- (2) satisfactory proof is presented to the department that the person is no longer a resident of New Mexico; and
- (3) the license reinstatement fee is paid.

Sf1→D E←Sf1. Fees collected pursuant to Subsection B of this section are appropriated to the local governments road fund. The department shall maintain an accounting of the fees collected and shall report that amount upon request to the legislature SJC→."←SJC

SJC→ Sf1→→E F←Sf1. For the purposes of this section, "vehicle lockout" means a driver has failed:

- (1) a breath test six times within a period of three hours; or
- (2) initial breath tests or random breath re-tests ten times within a period of thirty days."←SJC

SJC→SECTION 39. Section 66-5-38 NMSA 1978 (being Laws 1978, Chapter 35, Section 260) is amended to read:

"66-5-38. MAKING FALSE AFFIDAVIT PERJURY.--[Any] Except as otherwise provided in the Motor Vehicle Code, a person who makes [any] a false affidavit or knowingly swears or affirms falsely to [any] a matter or thing required by the terms of the Motor Vehicle Code to be sworn to or affirmed is guilty of perjury [and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are

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HJC/HB 19, et al.

punishable] as provided in Section 30-25-1 NMSA 1978."←SJC

SECTION SJC→41 40←SJC. Section 66-5-39 NMSA 1978 (being Laws 1978, Chapter 35, Section 261, as amended) is amended to read:

"66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--

A. ~~[Any]~~ A person who drives a motor vehicle on any public highway of this state at a time when the person's privilege to do so is suspended and who knows or should have known that the person's license was suspended is guilty of a misdemeanor and ~~[shall be charged with a violation of this section. Upon conviction, the person shall]~~ may be punished, notwithstanding the provisions of Section ~~[31-18-13]~~ 31-19-1 NMSA 1978, by imprisonment for not ~~[less than four days or]~~ more than ~~[three hundred sixty-four]~~ ninety days or participation for an equivalent period of time in a certified alternative sentencing program, ~~[and there may be imposed in addition]~~ or by payment of a fine of not more than ~~[one thousand dollars (\$1,000)]~~ three hundred dollars (\$300), or both. When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Any municipal ordinance prohibiting driving with a suspended license shall provide penalties no less stringent than provided in this section.

B. In addition to any other penalties imposed

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pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section or a municipal ordinance that prohibits driving on a suspended license, the motor vehicle the person was driving may be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle.

~~[G. The division, upon receiving a record of the conviction of any person under this section, shall extend the period of suspension for an additional like period.]"~~

SECTION SJC→42 41←SJC. Section 66-7-106 NMSA 1978 (being Laws 1953, Chapter 139, Section 35, as amended) is amended to read:

"66-7-106. PEDESTRIAN CONTROL SIGNALS.--

A. Whenever special pedestrian control signals exhibiting the words "walk" or "don't walk" are in place:

~~[A.]~~ (1) "walk" indicates that pedestrians facing the signal may proceed across the roadway in the direction of the signal and shall be given the right of way by drivers of all vehicles; and

~~[B.]~~ (2) "don't walk" indicates that no pedestrian shall start to cross the roadway in the directions of the signal, but any pedestrian who has partially completed ~~[his]~~ the pedestrian's crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk

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HJC/HB 19, et al.

signal is showing.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→43 42←SJC. Section 66-7-107 NMSA 1978 (being Laws 1978, Chapter 35, Section 387) is amended to read:

"66-7-107. FLASHING SIGNALS.--

A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by vehicular traffic as follows:

(1) flashing red (stop signal): when a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked or, if none, [then] before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign; or

(2) flashing yellow (caution signal): when a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or pass such signal only with caution.

B. This section [shall] does not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade [crossings] crossings shall be governed by the rules as set forth in Section [~~64-7-341 NMSA 1953~~] 66-7-341 NMSA 1978.

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C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→44 43←SJC. Section 66-7-108 NMSA 1978 (being Laws 1978, Chapter 35, Section 388) is amended to read:

"66-7-108. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.--

A. [~~No~~] A person shall not place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device [~~which~~] that purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal or [~~which~~] that attempts to direct the [~~movements~~] movement of traffic or [~~which~~] that hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal. [~~and no~~] A person shall not place or maintain nor shall [~~any~~] a public authority permit upon [~~any~~] a highway any traffic sign or signal bearing [~~thereon~~] any commercial advertising.

B. Every such prohibited sign, signal, [~~or~~] marking or device is [~~hereby~~] declared to be a public nuisance, and the authority having jurisdiction over the highway is [~~hereby~~] empowered to remove the [~~same~~] sign, signal, marking or device or cause it to be removed without notice.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→45 44←SJC. Section 66-7-334 NMSA 1978 (being Laws 1978, Chapter 35, Section 438, as amended) is amended to read:

"66-7-334. PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS.--

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HJC/HB 19, et al.

A. When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is in the crosswalk.

B. [~~No~~] A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield.

C. Subsection A of this section shall not apply under the conditions stated in Subsection B of Section 66-7-335 NMSA 1978.

D. Whenever a vehicle is stopped at a marked crosswalk or at an unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of another vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

E. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→46 45←SJC. Section 66-7-335 NMSA 1978 (being Laws 1978, Chapter 35, Section 439) is amended to read:

"66-7-335. CROSSING AT OTHER THAN CROSSWALKS.--

A. [~~Every~~] A pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of

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way to all vehicles upon the roadway.

B. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

C. Between adjacent intersections at which traffic-control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→47 46←SJC. Section 66-7-338 NMSA 1978 (being Laws 1953, Chapter 139, Section 91) is amended to read:

"66-7-338. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.--

A. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→48 47←SJC. Section 66-7-339 NMSA 1978 (being Laws 1978, Chapter 35, Section 443) is amended to read:

"66-7-339. PEDESTRIANS ON ROADWAYS.--

A. Where sidewalks are provided, it [~~shall be~~] is unlawful for [~~any~~] a pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, [~~any~~] a pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic [~~which~~] that may approach from the opposite direction.

.210052.4

HJC/HB 19, et al.

C. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→49 48←SJC. Section 66-7-355 NMSA 1978 (being Laws 1978, Chapter 35, Section 459, as amended) is amended to read:

"66-7-355. RIDING ON MOTORCYCLES.--

A. A person operating a motorcycle, other than an autocycle, shall ride only upon the permanent and regular seat attached thereto, shall have the person's feet upon the footrests provided on the machine and shall not carry any other person nor shall any other person ride on the motorcycle unless it is designed to carry more than one person. If a motorcycle, other than an autocycle, is designed to carry more than one person, the passenger may ride upon the permanent and regular seat if designed for two persons or upon another seat firmly attached to the rear or side of the motorcycle. The passenger shall have the passenger's feet upon the footrests attached for passenger use.

B. [~~Any~~] A person operating a motorcycle not having a fixed windshield of a type approved by regulation of the secretary shall wear an eye protective device, which may be a faceshield attached to a safety helmet, goggles or safety eyeglasses. All eye protective devices shall be of a type approved by regulations promulgated by the secretary.

C. A person who violates the provisions of this

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section is guilty of a penalty assessment misdemeanor."

SECTION SJC→50 49←SJC. Section 66-7-358 NMSA 1978 (being Laws 1978, Chapter 35, Section 462, as amended by Laws 1989, Chapter 318, Section 31 and also by Laws 1989, Chapter 321, Section 1) is amended to read:

"66-7-358. RESTRICTION ON USE OF [TELEVISION] VIDEO SCREENS IN MOTOR VEHICLES.--

A. It is unlawful to operate in this state any motor vehicle equipped with a [~~television~~] video screen upon which images may be projected or shown if the screen is within the normal view of the driver of the motor vehicle unless the [~~television~~] video screen is used solely as an aid to the driver in the operation of the vehicle.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor.

C. As used in this section, "[~~television~~] video screen" does not include closed circuit monitors or computer terminal monitors used by law enforcement agencies in law enforcement motor vehicles."

SECTION SJC→51 50←SJC. Section 66-7-359 NMSA 1978 (being Laws 1978, Chapter 35, Section 463, as amended) is amended to read:

"66-7-359. DRIVING ON MOUNTAIN HIGHWAYS.--

A. The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold the motor vehicle under control and as near the right-hand edge of the highway as reasonably possible.

B. A person who violates the provisions of this

.210052.4

HJC/HB 19, et al.

section is guilty of a penalty assessment misdemeanor."

SECTION SJC→52 51←SJC. Section 66-7-360 NMSA 1978 (being Laws 1953, Chapter 139, Section 117) is amended to read:

"66-7-360. COASTING PROHIBITED.--

A. The driver of any motor vehicle, when traveling upon a [~~down grade~~] downgrade, shall not coast with the clutch disengaged.

B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→53 52←SJC. Section 66-7-363 NMSA 1978 (being Laws 1953, Chapter 139, Section 119.1, as amended) is amended to read:

"66-7-363. ANIMALS ON HIGHWAY.--

A. It is unlawful for any person, during the hours of darkness, to ride a horse or other animal upon the traveled portion of any highway [~~which~~] that is normally used by motor vehicles.

B. It is unlawful for any person negligently to permit livestock to wander or graze upon any fenced highway at any time or, during the hours of darkness, to drive livestock along or upon any highway [~~which~~] that is normally used by motor vehicles.

C. Owners of livestock ranging in pastures through which unfenced roads or highways pass shall not be liable for damages by reason of injury or damage to persons or property

.210052.4

occasioned by collisions of vehicles using [~~said~~] the roads and highways and livestock [~~or animals~~] ranging in [~~said~~] the pastures unless [~~such~~] the owner of the livestock is guilty of specific negligence other than allowing [~~his animals~~] livestock to range in [~~said~~] the pasture.

D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor."

SECTION SJC→54 53←SJC. 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 and the Boat Act, "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~~] through F of this section, the listed penalty assessment is established:

| COMMON NAME OF OFFENSE | SECTION VIOLATED | PENALTY ASSESSMENT |
|---|----------------------|-------------------------|
| SJC→Failure to surrender parking placard | 66-3-16.1 | \$100.00←SJC |
| Improper display of registration plate | 66-3-18 | SJC→[\$] \$←SJC 25.00 |
| Failure to notify of change of name or address | 66-3-23 | 25.00 |
| Lost or damaged registration, plate or title | 66-3-24 | [20.00] |
| | | 25.00 |

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HJC/HB 19, et al.

Horseless carriage

registration 66-3-27 25.00

Transfer of registration

and title 66-3-103 25.00

Expiration of dealer

plates 66-3-403 25.00

Special registration

plates 66-3-409, SJC→~~66-3-411~~←SJC
 66-3-412.1, 66-3-413,
 66-3-415 SJC→~~through~~←SJC
 SJC→~~66-3-417 and 66-3-419~~←SJC
 SJC→~~through~~←SJC , SJC→~~66-3-417~~,
 66-3-419, 66-3-421, 66-3-422,
 66-3-424.4, 66-3-424.5,
 66-3-424.7, 66-3-424.9,
 66-3-424.13, 66-3-424.16
and ←SJC 66-3-424.28 75.00

Bicycle laws

66-3-701
through
 66-3-707 50.00

No license display

66-5-16 25.00

Failure to change
 address or name on

license 66-5-22 25.00

Permitting unauthorized

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| minor to drive | 66-5-40 | 50.00 |
| Permitting unauthorized | | |
| person to drive | 66-5-41 | 25.00 |
| Failure to obey sign | 66-7-104 | [10.00] <u>25.00</u> |
| Failure to obey signal | 66-7-105 | [10.00] <u>25.00</u> |
| <u>Pedestrian signs and</u> | | |
| <u>signals</u> | <u>66-7-106</u> | |
| | <u>through</u> | |
| | <u>66-7-108</u> | <u>25.00</u> |
| Speeding | 66-7-301 | |
| (1) up to and including | | |
| ten miles an hour | | |
| over the speed limit | | [15.00] <u>25.00</u> |
| (2) from eleven up to | | |
| and including fifteen | | |
| miles an hour | | |
| over the speed limit | | 30.00 |
| (3) from sixteen up to | | |
| and including twenty | | |
| miles an hour over the | | |
| speed limit | | 65.00 |
| (4) from twenty-one up to | | |
| and including twenty-five | | |
| miles an hour | | |
| over the speed limit | | 100.00 |
| (5) from twenty-six up to | | |
| and including thirty | | |
| miles an hour over the | | |

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HJC/HB 19, et al.

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|---|---------------------------|---------------------------------|
| speed limit | | 125.00 |
| (6) from thirty-one up to and including thirty-five miles an hour over the speed limit | | 150.00 |
| (7) more than thirty-five miles an hour over the speed limit | | 200.00 |
| Unfastened safety belt | 66-7-372 | 25.00 |
| Child not in restraint device or seat belt | 66-7-369 | 25.00 |
| Minimum speed | 66-7-305 | [10.00] <u>25.00</u> |
| Speeding | 66-7-306 | [15.00] <u>25.00</u> |
| Improper starting | 66-7-324 | [10.00] <u>25.00</u> |
| Improper backing | 66-7-354 | [10.00] <u>25.00</u> |
| Improper lane | 66-7-308 | [10.00] <u>25.00</u> |
| Improper lane | 66-7-313 | [10.00] <u>25.00</u> |
| Improper lane | 66-7-316 | [10.00] <u>25.00</u> |
| Improper lane | 66-7-317 | [10.00] <u>25.00</u> |
| Improper lane | 66-7-319 | [10.00] <u>25.00</u> |
| Improper passing | 66-7-309 through 66-7-312 | [10.00] <u>25.00</u> |
| Improper passing | 66-7-315 | [10.00] <u>25.00</u> |
| Controlled access violation | 66-7-320 | [10.00] <u>25.00</u> |
| Controlled access | | |

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|--|---|-----------------------------------|
| violation | 66-7-321 | [10.00] <u>25.00</u> |
| Improper turning | 66-7-322 | [10.00] <u>25.00</u> |
| Improper turning | 66-7-323 | [10.00] <u>25.00</u> |
| Improper turning | 66-7-325 | [10.00] <u>25.00</u> |
| Following too closely | 66-7-318 | [10.00] <u>25.00</u> |
| Failure to yield | 66-7-328 through 66-7-331 | [10.00] <u>25.00</u> |
| Failure to yield | 66-7-332 | 50.00 |
| Failure to yield | 66-7-332.1 | 25.00 |
| Pedestrian violation | 66-7-333 | [10.00] |
| | <u>through</u> | |
| [Pedestrian violation] | 66-7-340 | [10.00] <u>25.00</u> |
| Failure to stop | 66-7-342 and 66-7-344 through 66-7-346 | [10.00] <u>25.00</u> |
| Railroad-highway grade crossing violation | 66-7-341 and 66-7-343 | 150.00 |
| Passing school bus | 66-7-347 | 100.00 |
| Failure to signal | 66-7-325 through 66-7-327 | [10.00] <u>25.00</u> |
| <u>Riding on motorcycles</u> | <u>66-7-355</u> | <u>100.00</u> |
| <u>Video screens in</u> <u>automobiles</u> | <u>66-7-358</u> | <u>25.00</u> |
| <u>Driving on mountain</u> <u>highways</u> | <u>66-7-359</u> | <u>25.00</u> |
| <u>Coasting prohibited</u> | <u>66-7-360</u> | <u>25.00</u> |
| <u>Animals on highway at</u> <u>night</u> | <u>66-7-363</u> | <u>50.00</u> |
| Failure to secure load | 66-7-407 | 100.00 |
| Operation without oversize- overweight permit | 66-7-413 | 50.00 |

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HJC/HB 19, et al.

Transport of reducible

load with special

permit more than six miles

from a border crossing 66-7-413 100.00

Improper equipment 66-3-801 through

66-3-840 and 66-3-842

through 66-3-851 [~~25.00~~] 50.00

Improper equipment 66-3-901 [~~20.00~~] 50.00

Improper emergency

signal 66-3-853 through 66-3-857 [~~10.00~~] 25.00

Minor on motorcycle

without helmet 66-7-356 300.00

Operation interference 66-7-357 50.00

Littering 66-7-364 300.00

Improper parking 66-7-349 through 66-7-352

and 66-7-353 [~~5.00~~] 25.00

Improper parking 66-3-852 [~~5.00~~] 25.00

[~~Failure to dim lights 66-3-831 10.00~~]

Riding in or towing

occupied house trailer 66-7-366 [~~5.00~~] 25.00

Improper opening of doors 66-7-367 [~~5.00~~] 25.00

No slow-moving vehicle

emblem or flashing

amber light 66-3-887 [~~5.00~~] 25.00

Failure to appear 66-8-126 50.00

Open container-first

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| | | |
|---|--------------------------------------|----------------------|
| violation | 66-8-138 | 25.00 |
| Texting while driving- | | |
| <u>(1) first violation</u> | 66-7-374 | 25.00 |
| [Texting while driving- | | |
| subsequent violation | 66-7-374] | |
| <u>(2) second and subsequent</u> | | |
| <u>violation</u> | | 50.00 |
| Using a handheld mobile | | |
| communication device | | |
| while driving a | | |
| commercial motor | [Section 1 of this | |
| vehicle | 2016 act] <u>66-7-375</u> | [25.00 |
| Using a handheld mobile | | |
| communication device | | |
| while driving a | | |
| commercial motor | | |
| vehicle-subsequent | Section 1 of this | |
| violation | 2016 act] | |
| <u>(1) first violation</u> | | <u>25.00</u> |
| <u>(2) second and subsequent</u> | | |
| <u>violation</u> | | 50.00. |
| Hf12→ <u>Boat numbering violation 66-12-4</u> | | |
| | <u>66-12-5</u> | |
| | <u>66-12-6.5</u> | <u>20.00</u> |
| <u>Boat equipment violation</u> | <u>66-12-7</u> | |
| | <u>66-12-10</u> | <u>100.00.</u> ←Hf12 |

B. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the .210052.4

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HJC/HB 19, et al.

cause of an accident resulting in injury or death to a person.

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

D. The penalty assessment for speeding in violation of Paragraph [~~4~~] (5) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.

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

F. Upon a second conviction for transport of a reducible load with a permit for excessive size or weight pursuant to Subsection N of Section 66-7-413 NMSA 1978 more than six miles from a port-of-entry facility on the border with Mexico, the penalty assessment shall be five hundred dollars (\$500). Upon a third or subsequent conviction, the penalty assessment shall be one thousand dollars (\$1,000)."

SECTION HJC→55 54←SJC. Section 66-8-126 NMSA 1978

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(being Laws 1978, Chapter 35, Section 534) is amended to read:

"66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--

A. It is a penalty assessment misdemeanor for [any] a person to violate [his] that person's written promise to appear in court given to an officer upon issuance of a uniform traffic citation regardless of the disposition of the charge for which the citation was issued.

B. A written promise to appear in court may be complied with by appearance of counsel."

Hf12→~~SECTION 56. Section 66-12-4 NMSA 1978 (being Laws 1959, Chapter 338, Section 4, as amended) is amended to read:~~

~~"66-12-4. OPERATION OF UNNUMBERED MOTORBOATS~~

~~PROHIBITED.--~~

~~A. [Every] A motorboat [which] that is propelled by sail or machinery operating on the waters of this state shall be numbered. [No] A person shall not operate or give permission for the operation of any motorboat on the waters of this state unless the motorboat is numbered in accordance with the Boat Act or in accordance with applicable federal law or in accordance with a federally approved numbering system of another state and unless the certificate of number awarded to the motorboat is in force and the identifying number set forth in the certificate of number is displayed on each side of the bow of the motorboat.~~

~~B. [Every] A boat operating on the waters of this state and owned by a person who is domiciled in this state shall be titled. [No] A person shall not operate or give permission for the operation of any boat on the waters of this~~

.210052.4

HJC/HB 19, et al.

~~state unless the boat is titled as provided in the Boat Act.~~

~~G. A person who is not domiciled in this state but [who] operates a boat on the waters of this state may, pursuant to the provisions of the Boat Act, elect to register the boat in this state.~~

~~D. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor as provided in Section 66-8-116 NMSA 1978."~~

~~SECTION 57. Section 66-12-5 NMSA 1978 (being Laws 1959, Chapter 338, Section 5, as amended) is amended to read:~~

~~"66-12-5. IDENTIFICATION NUMBER.--~~

~~A. The owner of [each] a motorboat requiring numbering and inspection by this state shall file an application for number with the division on forms approved by [it] the division. The application shall be signed by the owner of the motorboat and shall be accompanied by a [three year] three-year registration fee as required in Section 66-12-5.1 NMSA 1978. Upon receipt of the application in approved form, the division shall file it and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the bow of the motorboat the identification number in the manner prescribed by regulations of the division in order that it is clearly visible but in no case less than three inches in height and of a~~

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~~contrasting color to the boat color. The number shall be maintained in legible condition. The certificate of number shall be pocket size and shall be available at all times for inspection on the motorboat for which it is issued whenever the motorboat is in operation.~~

~~B. Should the ownership of a motorboat change prior to operating it on the waters of this state, the new owner shall file with the division an application for a new certificate of number in the same manner required for the award of a number under Subsection A of this section.~~

~~C. If an agency of the United States has in force an overall system of identification numbering for motorboats within the United States, the numbering system employed by the division pursuant to the Boat Act shall be in conformity with that system.~~

~~D. The division may award any certificate of number directly or may authorize [any] a person to act as agent for the awarding. If a person accepts such authorization, [he] the person may be assigned a block of numbers and certificates [which] that, upon award in conformity with the Boat Act and with any regulations of the division, are valid as if awarded directly by the division.~~

~~E. [Every] A certificate of number awarded pursuant to the Boat Act shall continue in force through December 31 of the third calendar year of registration unless sooner terminated in accordance with the provisions of the Boat Act. A certificate of number may be renewed in the same manner provided for in the initial securing of the certificate and~~

.210052.4

~~upon payment of the [three year] three-year registration fee.~~
~~Each application for renewal of a certificate of number shall~~
~~be made by the owner on an application form, which must be~~
~~received by the division within sixty days after the expiration~~
~~date of the certificate.~~

F. ~~[The] An owner shall notify the division of~~
~~transfer, destruction or abandonment of [the] a motorboat~~
~~within fifteen days thereof. The transfer, destruction or~~
~~abandonment terminates the certificate of number for the~~
~~motorboat except in the case of a transfer of a part interest~~
~~[which] that does not affect the owner's right to operate the~~
~~motorboat. Whenever the certificate of number is terminated,~~
~~the owner shall return it to the division within fifteen days~~
~~and state the reason for termination.~~

G. ~~If there is a change of address, the holder of a~~
~~certificate of number shall provide to the division the new~~
~~address, existing certificate of number and a reasonable~~
~~administrative fee. Upon receipt, the division will issue a~~
~~new certificate of number.~~

H. ~~Only the assigned registration number shall be~~
~~painted, attached or otherwise displayed on either side of the~~
~~bow of a motorboat.~~

I. ~~The registration number assigned to the motorboat~~
~~shall remain the assigned number for the life of the boat,~~
~~except when a boat is transferred out of state, destroyed or~~

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~~abandoned.~~

~~J. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor as provided in Section 66-8-116 NMSA 1978."~~

~~SECTION 58. Section 66-12-6.5 NMSA 1978 (being Laws 2003, Chapter 410, Section 4) is amended to read:~~

~~"66-12-6.5. PROHIBITED DISPLAY OF DEALER OR MANUFACTURER NUMBERS.--~~

~~A. A dealer or manufacturer shall not display a dealer or manufacturer number on a motorboat that is not being operated for test or demonstration purposes.~~

~~B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor as provided in Section 66-8-116 NMSA 1978."~~

~~SECTION 59. Section 66-12-7 NMSA 1978 (being Laws 1959, Chapter 338, Section 6, as amended) is amended to read:~~

~~"66-12-7. EQUIPMENT.--~~

~~A. Every vessel shall have aboard:~~

~~(1) one life preserver, buoyant vest, ring buoy or buoyant cushion bearing the mark of approval of the United States coast guard and in serviceable condition for each person on board;~~

~~(2) one oar or paddle;~~

~~(3) one bailing bucket with a capacity of at least one gallon or a hand-operated bilge pump; and~~

~~(4) a length of stout rope at least equal to the length of the vessel.~~

~~B. Every motorboat, during the hours of darkness,~~

.210052.4

HJC/HB 19, et al.

~~shall carry:~~

~~(1) a bright white light aft to show around the horizon; and~~

~~(2) a combined light on the [fore part] forepart of the vessel and lower than the white light and showing green to the starboard and red to the port and so fixed as to throw the light from right ahead to two points abaft the beam on their respective sides. No other light shall be shown except as specifically prescribed by the United States coast guard for the particular class of boats.~~

~~G. If carrying or using any inflammable or toxic fluid in any enclosure for any purpose and if that enclosure is not entirely open, [every] the vessel shall have an efficient natural or mechanical ventilation system capable of removing resulting gases prior to and during the time the vessel is occupied by any person.~~

~~D. [No] A privately owned vessel shall not carry a siren unless specifically authorized in writing by the director of the division.~~

~~E. [No] A person shall not operate or give permission for the operation of a vessel [which] that is not equipped as required by this section.~~

~~F. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor as provided in Section 66-8-116 NMSA 1978."~~

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~~SECTION 60. Section 66-12-10 NMSA 1978 (being Laws 1959,~~

~~Chapter 338, Section 9, as amended) is amended to read:~~

~~"66-12-10. MUFFLING DEVICES.--~~

~~A. The exhaust of [every] an internal combustion engine used on [any] a motorboat shall be effectively muffled by equipment [so] constructed and used [as] to muffle the noise of the exhaust in a reasonable manner. [This] Muffling equipment may include [but is not limited to] such devices as mufflers, exhaust restricters and water-injected exhaust headers. [The use of] A person shall not use cut-outs or non-muffled headers [is prohibited] except for motorboats competing in a regatta or boat race approved as provided in Section [66-2-15] 66-12-15 NMSA 1978 and for [such] those motorboats while on trial runs during a period not to exceed forty-eight hours immediately preceding the regatta or race and [for such motorboats] while competing in official trials for speed records during a period not to exceed forty-eight hours immediately following the regatta or race.~~

~~B. A person who violates the provisions of this section is guilty of a penalty assessment misdemeanor as provided in Section 66-8-116 NMSA 1978.~~ ←Hf12

Hf12→SECTION SJC→56 55←SJC. Section 66-12-23 NMSA 1978 (being Laws 1963, Chapter 45, Section 9, as amended) is amended to read:

~~"66-12-23. PENALTIES.--~~

~~A. Except for penalty provisions provided in Subsections B through M of this section, a person who violates a provision of the Boat Act or a rule of the [state parks]~~

.210052.4

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HJC/HB 19, et al.

~~division [of the energy, minerals and natural resources department]~~ promulgated pursuant to that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

B. As used in Chapter 66, Article 12 NMSA 1978, "penalty assessment misdemeanor" means a violation of Section 66-12-6.5, 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978 or a rule of the division promulgated pursuant to those sections.

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

D. Whenever a person is arrested for violation of a penalty assessment misdemeanor, the arresting officer shall advise the person of the option either to accept the penalty assessment and pay it to the court or to appear in court. The arresting officer, using a uniform non-traffic citation, shall complete the information section, prepare the penalty assessment and prepare a notice to appear in court specifying the time and place to appear. The arresting officer shall have the person sign the citation as a promise either to pay the penalty assessment as prescribed or to appear in court as specified, give a copy of the citation to the person and release the person from custody. An officer shall not accept

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custody of payment of any penalty assessment.

E. The arresting officer may issue a warning notice, but shall fill in the information section of the citation and give a copy to the arrested person after requiring a signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of Subsection M of this section.

F. In order to secure release, the arrested person must give a written promise to appear in court or to pay the penalty assessment prescribed or to acknowledge receipt of a warning notice.

G. The magistrate court or metropolitan court in the county where the alleged violation occurred has jurisdiction for any case arising from a penalty assessment misdemeanor [issued for violation of Section 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978 or a rule of the division promulgated pursuant to those sections].

H. A penalty assessment citation issued by a law enforcement officer shall be submitted to the appropriate magistrate or metropolitan court within three business days of issuance. If the citation is not submitted within three business days, it may be dismissed with prejudice.

I. It is a misdemeanor for any person to violate a written promise to pay the penalty assessment or to appear in court given to an officer upon issuance of a citation regardless of the disposition of the charge for which the

.210052.4

HJC/HB 19, et al.

citation was issued.

J. A citation with a written promise to appear in court or to pay the penalty assessment is a summons. If a person fails to appear or to pay the penalty assessment by the appearance date, a warrant for failure to appear may be issued.

K. A written promise to appear in court may be complied with by appearance of counsel.

L. When an alleged violator of a penalty assessment misdemeanor elects to appear in court rather than to pay the penalty assessment to the court, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor.

M. The penalty assessment for a first ~~[violation of Section 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978 or any rule of the division promulgated pursuant to those sections]~~ penalty assessment misdemeanor is thirty dollars (\$30.00). This penalty assessment is in addition to any magistrate or metropolitan court costs as provided in Subsection B of Section 35-6-4 NMSA 1978. Upon a second conviction or acceptance of a notice of penalty assessment for ~~[violation of Section 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978 or any rule of the division promulgated pursuant to those sections]~~ a penalty assessment misdemeanor, the penalty assessment shall be fifty dollars (\$50.00). Upon a third or subsequent conviction or acceptance of a notice of penalty

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assessment, the penalty assessment shall be one hundred fifty dollars (\$150)."~~←Hf12~~

SECTION Hf12→~~61.~~ SJC→57←SJC.~~←Hf12~~ SJC→56←SJC REPEAL.--

A. Sections 30-8-12, 30-8-13 and 66-3-424.2 NMSA 1978 (being Laws 1963, Chapter 303, Sections 8-9 and 8-10 and Laws 2003, Chapter 174, Section 2, as amended) are repealed.

B. Laws 1989, Chapter 318, Section 31 is repealed.

SECTION Hf12→~~62.~~ SJC→58←SJC ←Hf12 SJC→57←SJC

EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2018.

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