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AN ACT

RELATING TO CRIME; REVISING PENALTIES FOR CERTAIN MOTOR
VEHICLE CODE OFFENSES.

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

SECTION 1. 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 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;

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

3 (5) is incompetent to drive a motor vehicle;

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

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

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

13 (9) has accumulated seven points, but less
14 than eleven points, and when the division has received a
15 recommendation from a municipal or magistrate judge that the
16 license be suspended for a period not to exceed three months.

17 B. The division may issue an administrative
18 suspension of the instruction permit, driver's license or
19 provisional license of a driver without preliminary hearing
20 upon a showing by its records or other sufficient evidence,
21 including information provided to the state pursuant to an
22 intergovernmental agreement authorized by Section 66-5-27.1
23 NMSA 1978, that the licensee has failed to:

24 (1) fulfill a signed promise to appear or
25 notice to appear in court as evidenced by notice from a state

1 court or tribal court, whenever appearance is required by law
2 or by the court as a consequence of a charge or conviction
3 under the Motor Vehicle Code or pursuant to the laws of the
4 tribe;

5 (2) pay a penalty assessment within thirty
6 days of the date of issuance by the state or a tribe; or

7 (3) comply with the terms of a citation
8 issued in a foreign jurisdiction that is a party to the
9 Nonresident Violator Compact and that has notified the
10 department of the failure in accordance with the Nonresident
11 Violator Compact.

12 C. If a person whose license was issued by a
13 jurisdiction outside New Mexico that is a party to the
14 Nonresident Violator Compact fails to comply with the terms
15 of a citation issued in New Mexico, the department shall
16 notify that other jurisdiction of the failure and that
17 jurisdiction shall initiate a license suspension action in
18 accordance with the provisions of Article IV of the
19 Nonresident Violator Compact.

20 D. Upon suspending the license of a person as
21 authorized in this section, the division shall immediately
22 notify the licensee in writing of the licensee's right to a
23 hearing before the administrative hearings office and, upon
24 the licensee's request, shall notify the administrative
25 hearings office. The administrative hearings office shall

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

16 SECTION 2. Section 66-5-39 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 261, as amended) is amended to read:

18 "66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--

19 A. A person who drives a motor vehicle on any
20 public highway of this state at a time when the person's
21 privilege to do so is suspended and who knows or should have
22 known that the person's license was suspended is guilty of a
23 misdemeanor and may be punished pursuant to Subsection B of
24 Section 66-8-7 NMSA 1978 or for no more than ninety days of
25 participation in a certified alternative sentencing program.

1 When a person pays any or all of the cost of participating in
2 a certified alternative sentencing program, the court may
3 apply that payment as a deduction to any fine imposed by the
4 court. Any municipal ordinance prohibiting driving with a
5 suspended license shall provide penalties no less stringent
6 than provided in this section.

7 B. In addition to any other penalties imposed
8 pursuant to the provisions of this section, when a person is
9 convicted pursuant to the provisions of this section or a
10 municipal ordinance that prohibits driving on a suspended
11 license, the motor vehicle the person was driving may be
12 immobilized by an immobilization device for thirty days,
13 unless immobilization of the motor vehicle poses an imminent
14 danger to the health, safety or employment of the convicted
15 person's immediate family or the family of the owner of the
16 motor vehicle. The convicted person shall bear the cost of
17 immobilizing the motor vehicle."

18 SECTION 3. A new Section 66-5-39.2 NMSA 1978 is enacted
19 to read:

20 "66-5-39.2. DRIVING WHILE LICENSE ADMINISTRATIVELY
21 SUSPENDED.--A person who drives a motor vehicle on any public
22 highway of this state at a time when the person's privilege
23 to do so is administratively suspended is guilty of a penalty
24 assessment misdemeanor and may be punished in accordance with
25 the provisions of Section 66-8-116 NMSA 1978."

1 SECTION 4. Section 66-8-116 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 524, as amended) is amended to read:

3 "66-8-116. PENALTY ASSESSMENT

4 MISDEMEANORS--DEFINITION-- SCHEDULE OF ASSESSMENTS.--

5 A. As used in the Motor Vehicle Code and the Boat
6 Act, "penalty assessment misdemeanor" means violation of any
7 of the following listed sections of the NMSA 1978 for which,
8 except as provided in Subsections D through F of this
9 section, the listed penalty assessment is established:

| 10 COMMON NAME OF OFFENSE | SECTION VIOLATED | PENALTY |
|----------------------------------|------------------|---------------|
| | | 11 ASSESSMENT |
| 12 Vehicles subject to | | |
| 13 registration | 66-3-1 | \$ 50.00 |
| 14 Improper display of | | |
| 15 registration plate | 66-3-18 | 25.00 |
| 16 Failure to notify of | | |
| 17 change of name or address | 66-3-23 | 25.00 |
| 18 Lost or damaged registration, | | |
| 19 plate or title | 66-3-24 | 25.00 |
| 20 Horseless carriage | | |
| 21 registration | 66-3-27 | 25.00 |
| 22 Transfer of registration | | |
| 23 and title | 66-3-103 | 25.00 |
| 24 Expiration of dealer | | |
| 25 plates | 66-3-403 | 25.00 |

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| 1 | Special registration | | |
| 2 | plates | 66-3-409, 66-3-412.1, | |
| 3 | | 66-3-413, 66-3-415, | |
| 4 | | 66-3-417, 66-3-419, | |
| 5 | | 66-3-421, 66-3-422, | |
| 6 | | 66-3-424.4, 66-3-424.5, | |
| 7 | | 66-3-424.7, 66-3-424.9, | |
| 8 | | 66-3-424.13, | |
| 9 | | 66-3-424.16 | |
| 10 | | and 66-3-424.28 | 75.00 |
| 11 | Bicycle laws | 66-3-701 | |
| 12 | | through | |
| 13 | | 66-3-707 | 50.00 |
| 14 | No license display | 66-5-16 | 25.00 |
| 15 | Failure to change | | |
| 16 | address or name on | | |
| 17 | license | 66-5-22 | 25.00 |
| 18 | Permitting unauthorized | | |
| 19 | minor to drive | 66-5-40 | 50.00 |
| 20 | Permitting unauthorized | | |
| 21 | person to drive | 66-5-41 | 25.00 |
| 22 | Failure to obey sign | 66-7-104 | 25.00 |
| 23 | Failure to obey signal | 66-7-105 | 25.00 |
| 24 | Pedestrian signs and | | |
| 25 | signals | 66-7-106 | |

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| 1 | | through | |
| 2 | | 66-7-108 | 25.00 |
| 3 | Speeding | 66-7-301 | |
| 4 | (1) up to and including | | |
| 5 | ten miles an hour | | |
| 6 | over the speed limit | | 25.00 |
| 7 | (2) from eleven up to | | |
| 8 | and including fifteen | | |
| 9 | miles an hour | | |
| 10 | over the speed limit | | 30.00 |
| 11 | (3) from sixteen up to | | |
| 12 | and including twenty | | |
| 13 | miles an hour over the | | |
| 14 | speed limit | | 65.00 |
| 15 | (4) from twenty-one up to | | |
| 16 | and including twenty-five | | |
| 17 | miles an hour | | |
| 18 | over the speed limit | | 100.00 |
| 19 | (5) from twenty-six up to | | |
| 20 | and including thirty | | |
| 21 | miles an hour over the | | |
| 22 | speed limit | | 125.00 |
| 23 | (6) from thirty-one up to | | |
| 24 | and including thirty-five | | |
| 25 | miles an hour over the | | |

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| 1 | speed limit | | 150.00 |
| 2 | (7) more than thirty-five | | |
| 3 | miles an hour over the | | |
| 4 | speed limit | | 200.00 |
| 5 | Unfastened safety belt | 66-7-372 | 25.00 |
| 6 | Child not in restraint device | | |
| 7 | or seat belt | 66-7-369 | 25.00 |
| 8 | Minimum speed | 66-7-305 | 25.00 |
| 9 | Speeding | 66-7-306 | 25.00 |
| 10 | Improper starting | 66-7-324 | 25.00 |
| 11 | Improper backing | 66-7-354 | 25.00 |
| 12 | Improper lane | 66-7-308 | 25.00 |
| 13 | Improper lane | 66-7-313 | 25.00 |
| 14 | Improper lane | 66-7-316 | 25.00 |
| 15 | Improper lane | 66-7-317 | 25.00 |
| 16 | Improper lane | 66-7-319 | 25.00 |
| 17 | Improper passing | 66-7-309 through 66-7-312 | 25.00 |
| 18 | Improper passing | 66-7-315 | 25.00 |
| 19 | Controlled access | | |
| 20 | violation | 66-7-320 | 25.00 |
| 21 | Controlled access | | |
| 22 | violation | 66-7-321 | 25.00 |
| 23 | Improper turning | 66-7-322 | 25.00 |
| 24 | Improper turning | 66-7-323 | 25.00 |
| 25 | Improper turning | 66-7-325 | 25.00 |

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| 1 | Following too closely | 66-7-318 | 25.00 |
| 2 | Failure to yield | 66-7-328 through 66-7-331 | 25.00 |
| 3 | Failure to yield | 66-7-332 | 50.00 |
| 4 | Failure to yield | 66-7-332.1 | 25.00 |
| 5 | Pedestrian violation | 66-7-333 | |
| 6 | | through | |
| 7 | | 66-7-340 | 25.00 |
| 8 | Failure to stop | 66-7-342 and 66-7-344 | |
| 9 | | through 66-7-346 | 25.00 |
| 10 | Railroad-highway grade | | |
| 11 | crossing violation | 66-7-341 and 66-7-343 | 150.00 |
| 12 | Passing school bus | 66-7-347 | 100.00 |
| 13 | Failure to signal | 66-7-325 through 66-7-327 | 25.00 |
| 14 | Riding on motorcycles | 66-7-355 | 100.00 |
| 15 | Video screens in | | |
| 16 | automobiles | 66-7-358 | 25.00 |
| 17 | Driving on mountain | | |
| 18 | highways | 66-7-359 | 25.00 |
| 19 | Coasting prohibited | 66-7-360 | 25.00 |
| 20 | Animals on highway at | | |
| 21 | night | 66-7-363 | 50.00 |
| 22 | Failure to secure load | 66-7-407 | 100.00 |
| 23 | Operation without oversize- | | |
| 24 | overweight permit | 66-7-413 | 50.00 |
| 25 | Transport of reducible | | |

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| 1 | load with special | | |
| 2 | permit more than six miles | | |
| 3 | from a border crossing | 66-7-413 | 100.00 |
| 4 | Driving while license | | |
| 5 | administratively | | |
| 6 | suspended | 66-5-39.2 | 25.00 |
| 7 | Improper equipment | 66-3-801 through | |
| 8 | | 66-3-840 and 66-3-842 | |
| 9 | | through 66-3-851 | 50.00 |
| 10 | Improper equipment | 66-3-901 | 50.00 |
| 11 | Improper emergency | | |
| 12 | signal | 66-3-853 through 66-3-857 | 25.00 |
| 13 | Minor on motorcycle | | |
| 14 | without helmet | 66-7-356 | 300.00 |
| 15 | Operation interference | 66-7-357 | 50.00 |
| 16 | Littering | 66-7-364 | 300.00 |
| 17 | Improper parking | 66-7-349 through 66-7-352 | |
| 18 | | and 66-7-353 | 25.00 |
| 19 | Improper parking | 66-3-852 | 25.00 |
| 20 | Riding in or towing | | |
| 21 | occupied house trailer | 66-7-366 | 25.00 |
| 22 | Improper opening of doors | 66-7-367 | 25.00 |
| 23 | No slow-moving vehicle | | |
| 24 | emblem or flashing | | |
| 25 | amber light | 66-3-887 | 25.00 |

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| 1 | Open container-first | | |
| 2 | violation | 66-8-138 | 25.00 |
| 3 | Texting while driving- | | |
| 4 | (1) first violation | 66-7-374 | 25.00 |
| 5 | (2) second and subsequent | | |
| 6 | violation | | 50.00 |
| 7 | Using a handheld mobile | | |
| 8 | communication device | | |
| 9 | while driving a | | |
| 10 | commercial motor vehicle | 66-7-375 | |
| 11 | (1) first violation | | 25.00 |
| 12 | (2) second and subsequent | | |
| 13 | violation | | 50.00. |

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

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

25 D. The penalty assessment for speeding in

1 violation of Paragraph (5) of Subsection A of Section
2 66-7-301 NMSA 1978 is twice the penalty assessment
3 established in Subsection A of this section for the
4 equivalent miles per hour over the speed limit.

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

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

18 **SECTION 5.** Section 66-8-126 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 534) is amended to read:

20 "66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--

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

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

SECTION 6. EFFECTIVE DATE.--The effective date of the
provisions of this act is October 1, 2019. _____