

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 65

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

RITA G. GETTY

FOR THE COURTS, CORRECTIONS AND CRIMINAL JUSTICE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING USE OF REAR SEAT SAFETY BELTS; INCREASING SAFETY RESTRAINT PENALTIES.

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

Section 1. Section 66-7-372 NMSA 1978 (being Laws 1985, Chapter 131, Section 3, as amended) is amended to read:

"66-7-372. SAFETY BELT USE REQUIRED--EXCEPTION.--

A. Except as provided by Section 66-7-369 NMSA 1978 and in Subsection B of this section, each front and rear seat occupant of a motor vehicle having a gross vehicle weight of ten thousand pounds or less manufactured with safety belts in compliance with federal motor vehicle safety standard number 208 shall have a safety belt properly fastened about his body at all times when the vehicle is in motion on any street or highway, unless all seating positions equipped with

Underscored material = new
[bracketed material] = delete

Underscored material = new
[bracketed material] = delete

1 safety belts are occupied.

2 B. This section shall not apply to an occupant of
3 a motor vehicle having a gross vehicle weight of ten thousand
4 pounds or less who possesses a written statement from a
5 licensed physician that he is unable for medical reasons to
6 wear a safety belt or to a rural letter carrier of the United
7 States postal service while performing the duties of a rural
8 letter carrier. "

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

11 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
12 DEFINITION-- SCHEDULE OF ASSESSMENTS. --

13 A. As used in the Motor Vehicle Code, "penalty
14 assessment misdemeanor" means violation of any of the
15 following listed sections of the NMSA 1978 for which the
16 listed penalty assessment is established:

17 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
18 Permitting unlicensed		
19 minor to drive	66-5-40	\$ 10.00
20 Failure to obey sign	66-7-104	10.00
21 Failure to obey signal	66-7-105	10.00
22 Speeding	66-7-301	
23 (1) up to		
24 and including ten		
25 miles an hour		

Underscored material = new
[bracketed material] = delete

1	over speed limit		15.00
2	(2) from eleven up to		
3	and including fifteen		
4	miles an hour		
5	over speed limit		30.00
6	(3) from sixteen up to		
7	and including twenty		
8	miles an hour over		
9	speed limit		65.00
10	(4) from twenty-one up to		
11	and including twenty-five		
12	miles an hour		
13	over speed limit		100.00
14	(5) from twenty-six up to		
15	and including thirty		
16	miles an hour over the		
17	speed limit		125.00
18	(6) from thirty-one up to		
19	and including thirty-five		
20	miles an hour over the		
21	speed limit		150.00
22	(7) more than thirty-five		
23	miles an hour over the		
24	speed limit		200.00
25	Unfastened safety belt	66-7-372	[25.00] <u>50.00</u>

. 119986. 2

Underscored material = new
[bracketed material] = delete

1	Child not in restraint device		
2	or seat belt	66-7-369	[25.00] <u>100.00</u>
3	Minimum speed	66-7-305	10.00
4	Speeding	66-7-306	15.00
5	Improper starting	66-7-324	10.00
6	Improper backing	66-7-354	10.00
7	Improper lane	66-7-308	10.00
8	Improper lane	66-7-313	10.00
9	Improper lane	66-7-316	10.00
10	Improper lane	66-7-317	10.00
11	Improper lane	66-7-319	10.00
12	Improper passing	66-7-309 through 66-7-312	10.00
13	Improper passing	66-7-315	10.00
14	Controlled access		
15	violation	66-7-320	10.00
16	Controlled access		
17	violation	66-7-321	10.00
18	Improper turning	66-7-322	10.00
19	Improper turning	66-7-323	10.00
20	Improper turning	66-7-325	10.00
21	Following too closely	66-7-318	10.00
22	Failure to yield	66-7-328 through 66-7-332	10.00
23	Failure to yield	66-7-332.1	25.00
24	Pedestrian violation	66-7-333	10.00
25	Pedestrian violation	66-7-340	10.00

. 119986. 2

Underscored material = new
[bracketed material] = delete

1	Failure to stop	66-7-341 through 66-7-346	10.00
2	Passing school bus	66-7-347	100.00
3	Failure to signal	66-7-325 through 66-7-327	10.00
4	Failure to secure load	66-7-407	100.00
5	Operation without oversize-		
6	overweight permit	66-7-413	50.00
7	Improper equipment	66-3-801	10.00
8	Improper equipment	66-3-901	20.00
9	Improper emergency		
10	signal	66-3-853 through 66-3-857	10.00
11	Operation interference	66-7-357	5.00
12	Litterbugging	30-8-4	50.00
13	Litterbugging	30-8-10	100.00
14	Litterbugging	66-7-364	100.00
15	Improper parking	66-7-349 through	
16		66-7-352 and 66-7-353	5.00
17	Improper parking	66-7-352.5	50.00
18	Improper parking	66-3-852	5.00
19	Failure to dim lights	66-3-831	10.00
20	Riding in or towing		
21	occupied house trailer	66-7-366	5.00
22	Improper opening of doors	66-7-367	5.00
23	No slow-moving vehicle		
24	emblem or flashing		
25	amber light	66-3-887	5.00

. 119986. 2

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Open container, first violation 66-8-138 25.00.

B. The term "penalty assessment misdemeanor" does not include any violation that has caused or contributed to the cause of an accident resulting in injury or death to [~~any~~] 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, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed ninety days. "

Section 3. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1998.

1
2 **FORTY-THIRD LEGISLATURE**
3 **SECOND SESSION, 1998**
4

5
6 **January 29, 1998**
7

8 **Mr. Speaker:**
9

10 **Your BUSINESS AND INDUSTRY COMMITTEE, to whom has**
11 **been referred**
12

13 **HOUSE BILL 65**
14

15 **has had it under consideration and reports same with**
16 **recommendation that it DO PASS, and thence referred to the**
17 **JUDICIARY COMMITTEE.**

18 **Respectfully submitted,**
19

20
21
22 _____
23 Fred Luna, Chairman
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HBI/ HB 65

Page 8

4 Adopted _____ Not Adopted _____

5 (Chief Clerk)

(Chief Clerk)

7 Date _____

9 The roll call vote was 10 For 1 Against

10 Yes: 10

11 No: Lutz

12 Excused: Kissner, Varela

13 Absent: None

15 G: \BILLTEXT\BILLW_98\H0065

16
17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998
3
4

5 February 9, 1998
6

7 Mr. Speaker:
8

9 Your JUDICIARY COMMITTEE, to whom has been referred
10

11 HOUSE BILL 65
12

13 has had it under consideration and reports same with
14 recommendation that it DO PASS, amended as follows:
15

- 16 1. On page 1, line 19, strike "front and rear".
- 17 2. On page 1, line 20, strike "seat".
18

19 Respectfully submitted,
20
21

22 _____
23 Thomas P. Foy, Chairman
24
25

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HBIC/HJC/HB 65

Page 10

4 Adopted _____ Not Adopted _____
5 (Chief Clerk) (Chief Clerk)

6
7 Date _____

8
9 The roll call vote was 9 For 0 Against

10 Yes: 9

11 Excused: King, Luna, Rios, Sanchez

12 Absent: None

13
14
15 G:\BILLTEXT\BILLW_98\H0065

16
17
18
19
20
21
22
23
24
25
Underscored material = new
[bracketed material] = delete

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

1 HBIC/HJC/HB 65

Page 11

2

3

4

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

5

6

7

8

February 16, 1998

9

Mr. President:

10

Your JUDICIARY COMMITTEE, to whom has been referred

11

12

HOUSE BILL 65, as amended

13

14

has had it under consideration and reports same WITHOUT
RECOMMENDATION, and thence referred to the PUBLIC AFFAIRS
COMMITTEE.

15

16

17

Respectfully submitted,

18

19

20

21

22

Fernando R. Macias, Chairman

23

24

25

. 119986. 2

FORTY-SECOND LEGISLATURE
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 12

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 4 For 2 Against

Yes: 4

No: Sanchez, Stockard

Excused: Tsosie, McSorley

Absent: None

H0065JU1

Underscored material = new
[bracketed material] = delete

. 119986. 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FORTY-SECOND LEGISLATURE
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 13

FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 19, 1998

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 65, as amended

has had it under consideration and reports same with recommendation that
it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

. 119986. 2

FORTY-SECOND LEGISLATURE
SECOND SESSION

KEYBOARD(TYPE SLUGS)

Page 14

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 3 For 2 Against

Yes: 3

No: Adair, Ingle

Excused: Boitano, Vernon, Rodarte, Smith

Absent: None

H0065PA1

Underscored material = new
[bracketed material] = delete