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HOUSE BILL 772

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Timothy E. Macko

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING PENALTIES FOR TRAFFIC OFFENSES COMMITTED IN A CONSTRUCTION ZONE LOCATED ON AN INTERSTATE HIGHWAY OR ON A STATE HIGHWAY; AMENDING A SECTION OF THE MOTOR VEHICLE CODE.

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

Section 1. 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, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
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underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1	Permitting unlicensed		
2	minor to drive	66-5-40	\$ 10.00
3	Failure to obey sign	66-7-104	10.00
4	Failure to obey signal	66-7-105	10.00
5	Speeding	66-7-301	
6	(1) up to		
7	and including ten		
8	miles an hour		
9	over speed limit		15.00
10	(2) from eleven up to		
11	and including fifteen		
12	miles an hour		
13	over speed limit		30.00
14	(3) from sixteen up to		
15	and including twenty		
16	miles an hour over		
17	speed limit		65.00
18	(4) from twenty-one up to		
19	and including twenty-five		
20	miles an hour		
21	over speed limit		100.00
22	(5) from twenty-six up to		
23	and including thirty		
24	miles an hour over the		
25	speed limit		125.00

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underscored material = new
[bracketed material] = delete

1	(6) from thirty-one up to		
2	and including thirty-five		
3	miles an hour over the		
4	speed limit		150.00
5	(7) more than thirty-five		
6	miles an hour over the		
7	speed limit		200.00
8	Unfastened safety belt	66-7-372	25.00
9	Child not in restraint device		
10	or seat belt	66-7-369	25.00
11	Minimum speed	66-7-305	10.00
12	Speeding	66-7-306	15.00
13	Improper starting	66-7-324	10.00
14	Improper backing	66-7-354	10.00
15	Improper lane	66-7-308	10.00
16	Improper lane	66-7-313	10.00
17	Improper lane	66-7-316	10.00
18	Improper lane	66-7-317	10.00
19	Improper lane	66-7-319	10.00
20	Improper passing	66-7-309 through 66-7-312	10.00
21	Improper passing	66-7-315	10.00
22	Controlled access		
23	violation	66-7-320	10.00
24	Controlled access		
25	violation	66-7-321	10.00

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~~[bracketed material] = delete~~

1	Improper turning	66-7-322	10.00
2	Improper turning	66-7-323	10.00
3	Improper turning	66-7-325	10.00
4	Following too closely	66-7-318	10.00
5	Failure to yield	66-7-328 through 66-7-332	10.00
6	Failure to yield	66-7-332.1	25.00
7	Pedestrian violation	66-7-333	10.00
8	Pedestrian violation	66-7-340	10.00
9	Failure to stop	66-7-341 through 66-7-346	10.00
10	Passing school bus	66-7-347	100.00
11	Failure to signal	66-7-325 through 66-7-327	10.00
12	Failure to secure load	66-7-407	100.00
13	Operation without oversize-		
14	overweight permit	66-7-413	50.00
15	Improper equipment	66-3-801	10.00
16	Improper equipment	66-3-901	20.00
17	Improper emergency		
18	signal	66-3-853 through 66-3-857	10.00
19	Operation interference	66-7-357	5.00
20	Litterbugging	30-8-4	50.00
21	Litterbugging	30-8-10	100.00
22	Litterbugging	66-7-364	100.00
23	Improper parking	66-7-349 through	
24		66-7-352 and 66-7-353	5.00
25	Improper parking	66-7-352.5	50.00

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1	Improper parking	66-3-852	5.00
2	Failure to dim lights	66-3-831	10.00
3	Riding in or towing		
4	occupied house trailer	66-7-366	5.00
5	Improper opening of doors	66-7-367	5.00
6	No slow-moving vehicle		
7	emblem or flashing		
8	amber light	66-3-887	5.00
9	Open container - first		
10	violation	66-8-138	25.00.

11 B. The term "penalty assessment misdemeanor" does
12 not include any violation that has caused or contributed to
13 the cause of an accident resulting in injury or death to any
14 person.

15 C. When an alleged violator of a penalty
16 assessment misdemeanor elects to accept a notice to appear in
17 lieu of a notice of penalty assessment, no fine imposed upon
18 later conviction shall exceed the penalty assessment
19 established for the particular penalty assessment misdemeanor
20 and no probation imposed upon a suspended or deferred sentence
21 shall exceed ninety days.

22 D. The penalty assessments for the offenses listed
23 is Subsection A of this section shall be doubled when the
24 offense occurs in a construction zone located on an interstate
25 highway or on a state highway. The number of points assessed

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1 against a driver for the purpose of suspending his driver's
2 license shall be doubled when the offense occurs in a
3 construction zone located on an interstate highway or on a
4 state highway.

5 E. The state highway and transportation department
6 shall designate double-fine construction zones by placing
7 appropriate signs at least one thousand feet before the
8 beginning of a double-fine construction zone. Appropriate
9 signs shall also be placed at the end of a double-fine
10 construction zone to alert drivers that the double-fine
11 construction zone is no longer in effect. "

12 Section 2. EFFECTIVE DATE. --The effective date of the
13 provisions of this act is July 1, 1999.

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 March 11, 1999

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8 Mr. Speaker:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 772

13
14 has had it under consideration and reports same with
15 recommendation that it DO NOT PASS, but that

16 HOUSE JUDICIARY COMMITTEE SUBSTITUTE
17 FOR HOUSE BILL 772

18
19 DO PASS.
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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Respectfully submitted,

R. David Pederson, Chairman

Adopted _____

(Chief Clerk)

Not Adopted _____

(Chief Clerk)

Date _____

The roll call vote was 8 For 1 Against

Yes: 8

No: Garcia

Excused: None

Absent: Luna, T. Taylor, Sanchez

J: \99BillsWP\H0772

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HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 772

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING FINES FOR CERTAIN
TRAFFIC OFFENSES COMMITTED IN A CONSTRUCTION ZONE LOCATED ON
AN INTERSTATE HIGHWAY OR ON A STATE HIGHWAY; AMENDING
SECTIONS OF THE MOTOR VEHICLE CODE.

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

Section 1. Section 66-8-113 NMSA 1978 (being Laws 1978,
Chapter 35, Section 521, as amended) is amended to read:

"66-8-113. RECKLESS DRIVING. - -

A. Any person who drives any vehicle carelessly
and heedlessly in willful or wanton disregard of the rights or
safety of others and without due caution and circumspection
and at a speed or in a manner so as to endanger or be likely
to endanger any person or property is guilty of reckless
driving.

B. Every person convicted of reckless driving
shall be punished notwithstanding the provisions of Section
31-18-13 NMSA 1978 upon a first conviction by imprisonment for

1 not [~~less than five days nor~~] more than ninety days or by a
2 fine of not [~~less than twenty-five dollars (\$25.00) nor more~~
3 ~~than one hundred dollars (\$100)~~] more than three hundred
4 dollars (\$300), or both and on a second or subsequent
5 conviction by imprisonment for not [~~less than ten days nor~~]
6 more than six months or by a fine of not [~~less than fifty~~
7 ~~dollars (\$50.00) nor~~] more than one thousand dollars (\$1,000),
8 or both.

9 ~~[C. Upon conviction of violation of this section,~~
10 ~~the director may suspend the license or permit to drive and~~
11 ~~any nonresident operating privilege for not to exceed ninety~~
12 ~~days.]~~

13 C. The fine imposed upon a conviction for a
14 violation of this section shall be doubled when the offense of
15 reckless driving occurs in a construction zone located on an
16 interstate highway or on a state highway.

17 D. The state highway and transportation department
18 shall designate double-fine construction zones by placing
19 appropriate signs at least one thousand feet before the
20 beginning of a double-fine construction zone. Appropriate
21 signs shall also be placed at the end of a double-fine
22 construction zone to alert drivers that the double-fine
23 construction zone is no longer in effect. "

24 Section 2. Section 66-8-114 NMSA 1978 (being Laws 1969,
25 Chapter 169, Section 12) is amended to read:

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

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

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

. 129044. 2

1 road conditions and all other attendant circumstances is
2 guilty of a misdemeanor and upon a first conviction shall be
3 punished by imprisonment for not more than ninety days or by a
4 fine of not more than one hundred fifty dollars (\$150), or
5 both, and on a second or subsequent conviction by imprisonment
6 for not more than ninety days or by a fine of not more than
7 five hundred dollars (\$500), or both.

8 C. The fine imposed upon a conviction for a
9 violation of this section shall be doubled when the offense of
10 careless driving occurs in a construction zone located on an
11 interstate highway or on a state highway.

12 D. The state highway and transportation department
13 shall designate double-fine construction zones by placing
14 appropriate signs at least one thousand feet before the
15 beginning of a double-fine construction zone. Appropriate
16 signs shall also be placed at the end of a double-fine
17 construction zone to alert drivers that the double-fine
18 construction zone is no longer in effect. "

19 Section 3. Section 66-8-116 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 524, as amended) is amended to read:

21 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
22 DEFINITION--SCHEDULE OF ASSESSMENTS. --

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

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Permitting unlicensed		

underscored material = new
[bracketed material] = delete

1	minor to drive	66-5-40	\$ 10.00
2	Failure to obey sign	66-7-104	10.00
3	Failure to obey signal	66-7-105	10.00
4	Speeding	66-7-301	
5	(1) up to		
6	and including ten		
7	miles an hour		
8	over speed limit		15.00
9	(2) from eleven up to		
10	and including fifteen		
11	miles an hour		
12	over speed limit		30.00
13	(3) from sixteen up to		
14	and including twenty		
15	miles an hour over		
16	speed limit		65.00
17	(4) from twenty-one up to		
18	and including twenty-five		
19	miles an hour		
20	over speed limit		100.00
21	(5) from twenty-six up to		
22	and including thirty		
23	miles an hour over the		
24	speed limit		125.00
25	(6) from thirty-one up to		
	and including thirty-five		
	miles an hour over the		
	speed limit		150.00

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HJC/HB 772

1	(7) more than thirty-five		
2	miles an hour over the		
3	speed limit		200.00
4	Unfastened safety belt	66-7-372	25.00
5	Child not in restraint device		
6	or seat belt	66-7-369	25.00
7	Minimum speed	66-7-305	10.00
8	Speeding	66-7-306	15.00
9	Improper starting	66-7-324	10.00
10	Improper backing	66-7-354	10.00
11	Improper lane	66-7-308	10.00
12	Improper lane	66-7-313	10.00
13	Improper lane	66-7-316	10.00
14	Improper lane	66-7-317	10.00
15	Improper lane	66-7-319	10.00
16	Improper passing	66-7-309 through 66-7-312	10.00
17	Improper passing	66-7-315	10.00
18	Controlled access		
19	violation	66-7-320	10.00
20	Controlled access		
21	violation	66-7-321	10.00
22	Improper turning	66-7-322	10.00
23	Improper turning	66-7-323	10.00
24	Improper turning	66-7-325	10.00
25	Following too closely	66-7-318	10.00
26	Failure to yield	66-7-328 through 66-7-332	10.00
27	Failure to yield	66-7-332.1	25.00
28	Pedestrian violation	66-7-333	10.00

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1	Pedestrian violation	66-7-340	10.00
2	Failure to stop	66-7-341 through 66-7-346	10.00
3	Passing school bus	66-7-347	100.00
4	Failure to signal	66-7-325 through 66-7-327	10.00
5	Failure to secure load	66-7-407	100.00
6	Operation without oversize-		
7	overweight permit	66-7-413	50.00
8	Improper equipment	66-3-801	10.00
9	Improper equipment	66-3-901	20.00
10	Improper emergency		
11	signal	66-3-853 through 66-3-857	10.00
12	Operation interference	66-7-357	5.00
13	Litterbugging	30-8-4	50.00
14	Litterbugging	30-8-10	100.00
15	Litterbugging	66-7-364	100.00
16	Improper parking	66-7-349 through	
17		66-7-352 and 66-7-353	5.00
18	Improper parking	66-7-352.5	50.00
19	Improper parking	66-3-852	5.00
20	Failure to dim lights	66-3-831	10.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	5.00
23	Improper opening of doors	66-7-367	5.00
24	No slow-moving vehicle		
25	emblem or flashing		
26	amber light	66-3-887	5.00
27	Open container - first		
28	violation	66-8-138	25.00.

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1 B. The term "penalty assessment misdemeanor" does
2 not include any violation that has caused or contributed to
3 the cause of an accident resulting in injury or death to any
4 person.

5 C. When an alleged violator of a penalty
6 assessment misdemeanor elects to accept a notice to appear in
7 lieu of a notice of penalty assessment, no fine imposed upon
8 later conviction shall exceed the penalty assessment
9 established for the particular penalty assessment misdemeanor
10 and no probation imposed upon a suspended or deferred sentence
11 shall exceed ninety days.

12 D. The fines for the offenses of speeding, as
13 provided in Section 66-7-301 NMSA 1978, and following too
14 closely, as provided in Section 66-7-318 NMSA 1978, shall be
15 doubled when the offense occurs in a construction zone located
16 on an interstate highway or on a state highway.

17 E. The state highway and transportation department
18 shall designate double-fine construction zones by placing
19 appropriate signs at least one thousand feet before the
20 beginning of a double-fine construction zone. Appropriate
21 signs shall also be placed at the end of a double-fine
22 construction zone to alert drivers that the double-fine
23 construction zone is no longer in effect. "

24 Section 4. EFFECTIVE DATE. --The effective date of the
25 provisions of this act is July 1, 1999.

underscored material = new
[bracketed material] = delete