

SENATE BILL 225

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

George K. Muñoz

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PENALTIES; INCREASING FINES FOR LITTERING;  
INCREASING HOURS OF COMMUNITY SERVICE REQUIRED FOR COMMITTING  
GRAFFITI; INCREASING THE PENALTY FOR THE IMPROPER USE OF A  
TRAVEL LANE SJC→; ~~INCREASING AND PROVIDING PENALTIES FOR  
VIOLATIONS OF THE RECYCLING AND ILLEGAL DUMPING ACT~~←SJC .

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

SECTION 1. Section 30-8-4 NMSA 1978 (being Laws 1963,

.229875.2AIC March 13, 2025 (11:42am)

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Chapter 303, Section 8-4, as amended) is amended to read:

"30-8-4. LITTERING.--

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 its owner, lessee or occupant.

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)~~] two hundred fifty dollars (\$250). 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."

SECTION 2. Section 30-15-1.1 NMSA 1978 (being Laws 1990, Chapter 36, Section 1, as amended) is amended to read:

"30-15-1.1. UNAUTHORIZED GRAFFITI ON PERSONAL OR REAL PROPERTY.--

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A. Graffiti consists of intentionally and maliciously defacing any real or personal property of another with graffiti or other inscribed material inscribed with ink, paint, spray paint, crayon, charcoal or the use of any object without ~~[the]~~ consent or reasonable ~~[ground]~~ grounds to believe ~~[there is consent of]~~ the owner of the property has given consent.

B. Whoever commits graffiti to real or personal property when the damage to the property is one thousand dollars (\$1,000) or less is guilty of a petty misdemeanor and shall be required to perform a mandatory one hundred fifty hours of community service within a continuous six-month period immediately following ~~[his]~~ conviction and shall be required to make restitution to the property owner for the cost of damages and restoration.

C. Whoever commits graffiti to real or personal property when the damage to the property is greater than one thousand dollars (\$1,000) is guilty of a fourth degree felony and shall be required to perform a mandatory ~~[one hundred sixty]~~ two hundred hours of community service within a continuous eight-month period immediately following ~~[his]~~ conviction and shall be required to provide restitution to the property owner for the cost of damages and restoration as a condition of probation or following any term of incarceration as a condition of parole.

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D. When a single occurrence of graffiti is committed by more than one individual, the court may apportion the amount of restitution owed by each offender in accordance with each offender's degree of culpability."

**SECTION 3.** 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 through F of this section, the listed penalty assessment is established:

| COMMON NAME OF OFFENSE                         | SECTION VIOLATED | PENALTY ASSESSMENT |
|--|------------------|--------------------|
| Vehicles subject to registration               | 66-3-1           | \$ 50.00           |
| Improper display of registration plate         | 66-3-18          | 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          | 25.00              |
| Horseless carriage                             |                  |                    |

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| registration                                       | 66-3-27   | 25.00 |
| Transfer of registration<br>and title              | 66-3-103  | 25.00 |
| Expiration of dealer<br>plates                     | 66-3-403  | 25.00 |
| Special registration<br>plates                     | 66-3-409, 66-3-412.1,<br>66-3-413, 66-3-415,<br>66-3-417, 66-3-419,<br>66-3-421, 66-3-422,<br>66-3-424.4, 66-3-424.5,<br>66-3-424.7, 66-3-424.9,<br>66-3-424.13, 66-3-424.16<br>and 66-3-424.28 | 75.00 |
| Bicycle laws<br>through                            | 66-3-701<br>66-3-707  | 50.00 |
| No license display                                 | 66-5-16   | 25.00 |
| Failure to change<br>address or name on<br>license | 66-5-22   | 25.00 |
| Permitting unauthorized<br>minor to drive          | 66-5-40   | 50.00 |
| Permitting unauthorized<br>person to drive         | 66-5-41   | 25.00 |

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| Failure to obey sign  | 66-7-104                        | 25.00  |
| Failure to obey signal  | 66-7-105                        | 25.00  |
| Pedestrian signs and<br>signals   | 66-7-106<br>through<br>66-7-108 | 25.00  |
| Speeding  | 66-7-301                        |        |
| (1) up to and including<br>ten miles an hour<br>over the speed limit                            |                                 | 25.00  |
| (2) from eleven up to<br>and including fifteen<br>miles an hour<br>over the speed limit         |                                 | 30.00  |
| (3) from sixteen up to<br>and including twenty<br>miles an hour over the<br>speed limit         |                                 | 65.00  |
| (4) from twenty-one up to<br>and including twenty-five<br>miles an hour<br>over the speed limit |                                 | 100.00 |
| (5) from twenty-six up to<br>and including thirty<br>miles an hour over the                     |                                 |        |

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

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| violation              | 66-7-320     | 25.00  |
| Controlled access      |              |        |
| violation              | 66-7-321     | 25.00  |
| Improper turning       | 66-7-322     | 25.00  |
| Improper turning       | 66-7-323     | 25.00  |
| Improper turning       | 66-7-325     | 25.00  |
| Following too closely  | 66-7-318     | 25.00  |
| Failure to yield       | 66-7-328     |        |
|                        | through      |        |
|                        | 66-7-331     | 25.00  |
| Failure to yield       | 66-7-332     | 50.00  |
| Failure to yield       | 66-7-332.1   | 25.00  |
| Pedestrian violation   | 66-7-333     |        |
|                        | through      |        |
|                        | 66-7-340     | 25.00  |
| Failure to stop        | 66-7-342     |        |
|                        | and 66-7-344 |        |
|                        | through      |        |
|                        | 66-7-346     | 25.00  |
| 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      |        |

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|   | 66-7-327  | 25.00  |
| Riding on motorcycles   | 66-7-355  | 100.00 |
| Video screens in<br>automobiles   | 66-7-358  | 25.00  |
| Driving on mountain<br>highways   | 66-7-359  | 25.00  |
| Coasting prohibited   | 66-7-360  | 25.00  |
| Animals on highway at<br>night  | 66-7-363  | 50.00  |
| Failure to secure load  | 66-7-407  | 100.00 |
| Operation without oversize-<br>overweight permit  | 66-7-413  | 50.00  |
| Transport of reducible<br>load with special<br>permit more than six miles<br>from a border crossing | 66-7-413  | 100.00 |
| Driving while license<br>administratively<br>suspended  | 66-5-39.2 | 25.00  |
| Improper equipment<br>through<br>66-3-840<br>and 66-3-842<br>through<br>66-3-851                    |           | 50.00  |

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| Improper equipment   | 66-3-901                        | 50.00  |
| Improper emergency<br>signal   | 66-3-853<br>through<br>66-3-857 | 25.00  |
| Minor on motorcycle<br>without helmet                                      | 66-7-356                        | 300.00 |
| Operation interference   | 66-7-357                        | 50.00  |
| Littering  | 66-7-364                        | 300.00 |
| Improper parking<br>through<br>66-7-352<br>and 66-7-353                    | 66-7-349                        | 25.00  |
| Improper parking   | 66-3-852                        | 25.00  |
| Riding in or towing<br>occupied house trailer                              | 66-7-366                        | 25.00  |
| Improper opening of doors  | 66-7-367                        | 25.00  |
| No slow-moving vehicle<br>emblem or flashing<br>amber light                | 66-3-887                        | 25.00  |
| Open container-first<br>violation  | 66-8-138                        | 25.00  |
| Texting while driving-<br>(1) first violation<br>(2) second and subsequent | 66-7-374                        | 25.00  |

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violation 50.00

Using a handheld mobile  
communication device  
while driving a  
commercial motor vehicle 66-7-375

(1) first violation 25.00

(2) second and subsequent  
violation 50.00

Improper use of travel lane 66-7-376 [~~250.00~~] 500.00.

B. 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.

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 (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.

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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)."

SJC→~~SECTION 4. Section 74-13-16 NMSA 1978 (being Laws 2005, Chapter 171, Section 16) is amended to read:~~

~~"74-13-16. PENALTY--CRIMINAL.--"~~

~~A. A person who knowingly violates Section [4 of the Recycling and Illegal Dumping Act] 74-13-4 NMSA 1978:~~

~~(1) is guilty of a misdemeanor if the violation involves a quantity of scrap tires or tire-derived products that is less than five thousand pounds and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978; [or]~~

~~(2) is guilty of a fourth degree felony if the violation involves a quantity of scrap tires or~~

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~~tire-derived products that is five thousand pounds or greater and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978; or~~

~~(3) is guilty of a fourth degree felony if the violation involves illegal dumping prohibited by Subsection J of Section 74-13-4 NMSA 1978 and shall be punished by a fine not to exceed ten thousand dollars (\$10,000).~~

~~B. A person who knowingly omits any substantive information or knowingly makes a false substantive statement or representation required pursuant to the Recycling and Illegal Dumping Act or rule adopted pursuant to the provisions of that act is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of Section 31-18-15 NMSA 1978."~~←SJC