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HOUSE BILL 58

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Delores C. Wright

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR DEFENSIVE DRIVING SCHOOL IN LIEU OF A PENALTY ASSESSMENT FOR VIOLATION 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--DEFENSIVE DRIVING SCHOOL. --**

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
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ASSESSMENT

1			
2	Permitting unlicensed		
3	minor to drive	66- 5- 40	\$ 10. 00
4	Failure to obey sign	66- 7- 104	10. 00
5	Failure to obey signal	66- 7- 105	10. 00
6	Speeding	66- 7- 301	
7	(1) up to		
8	and including ten		
9	miles an hour		
10	over speed limit		15. 00
11	(2) from eleven up to		
12	and including fifteen		
13	miles an hour		
14	over speed limit		30. 00
15	(3) from sixteen up to		
16	and including twenty		
17	miles an hour over		
18	speed limit		65. 00
19	(4) from twenty-one up to		
20	and including twenty-five		
21	miles an hour		
22	over speed limit		100. 00
23	(5) from twenty-six up to		
24	and including thirty		
25	miles an hour over the		

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1	speed limit		125.00
2	(6) from thirty-one up to		
3	and including thirty-five		
4	miles an hour over the		
5	speed limit		150.00
6	(7) more than thirty-five		
7	miles an hour over the		
8	speed limit		200.00
9	Unfastened safety belt	66-7-372	25.00
10	Child not in restraint device		
11	or seat belt	66-7-369	25.00
12	Minimum speed	66-7-305	10.00
13	Speeding	66-7-306	15.00
14	Improper starting	66-7-324	10.00
15	Improper backing	66-7-354	10.00
16	Improper lane	66-7-308	10.00
17	Improper lane	66-7-313	10.00
18	Improper lane	66-7-316	10.00
19	Improper lane	66-7-317	10.00
20	Improper lane	66-7-319	10.00
21	Improper passing	66-7-309 through 66-7-312	10.00
22	Improper passing	66-7-315	10.00
23	Controlled access		
24	violation	66-7-320	10.00
25	Controlled access		

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1	violation	66-7-321	10.00
2	Improper turning	66-7-322	10.00
3	Improper turning	66-7-323	10.00
4	Improper turning	66-7-325	10.00
5	Following too closely	66-7-318	10.00
6	Failure to yield	66-7-328 through 66-7-332	10.00
7	Failure to yield	66-7-332.1	25.00
8	Pedestrian violation	66-7-333	10.00
9	Pedestrian violation	66-7-340	10.00
10	Failure to stop	66-7-341 through 66-7-346	10.00
11	Passing school bus	66-7-347	100.00
12	Failure to signal	66-7-325 through 66-7-327	10.00
13	Failure to secure load	66-7-407	100.00
14	Operation without oversize-		
15	overweight permit	66-7-413	50.00
16	Improper equipment	66-3-801	10.00
17	Improper equipment	66-3-901	20.00
18	Improper emergency		
19	signal	66-3-853 through 66-3-857	10.00
20	Operation interference	66-7-357	5.00
21	Littering	66-7-364	300.00
22	Improper parking	66-7-349 through	
23		66-7-352 and 66-7-353	5.00
24	Improper parking	66-7-352.5	50.00
25	Improper parking	66-3-852	5.00

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1	Failure to dim lights	66- 3- 831	10. 00
2	Riding in or towing		
3	occupied house trailer	66- 7- 366	5. 00
4	Improper opening of doors	66- 7- 367	5. 00
5	No slow-moving vehicle		
6	emblem or flashing		
7	amber light	66- 3- 887	5. 00
8	Open container - first		
9	violation	66- 8- 138	25. 00.

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

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

21 D. A court shall allow a person who is issued a
22 citation for a penalty assessment misdemeanor to attend a
23 defensive driving school in lieu of a listed penalty
24 assessment. A person who attends a defensive driving school
25 pursuant to this section is not eligible to attend a

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1 defensive driving school in lieu of a penalty assessment
2 again within twenty-four months from the day of the person's
3 last violation. "

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