

1 SENATE BILL 327

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Gerald Ortiz y Pino

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10 AN ACT

11 RELATING TO MOTORCYCLES; REQUIRING THE USE OF SAFETY HELMETS
12 FOR ALL MOTORCYCLE OPERATORS AND PASSENGERS; PRESCRIBING A
13 PENALTY.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 66-7-356 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 460, as amended) is amended to read:

18 "66-7-356. MANDATORY USE OF PROTECTIVE HELMETS.--

19 A. ~~[No]~~ A person ~~[under the age of eighteen shall~~
20 ~~operate]~~ who operates a motorcycle ~~[unless he is wearing]~~ shall
21 wear a safety helmet that is securely fastened on ~~[his]~~ the
22 person's head in a normal manner as headgear and ~~[meeting]~~ that
23 meets the standards specified by the director. The director
24 shall adopt rules and regulations establishing standards
25 ~~[covering the types of]~~ and specifications for acceptable

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1 helmets [~~and the specifications therefor~~] and shall establish
2 and maintain a list of approved helmets meeting [~~the~~] those
3 standards and specifications [~~of the director. No~~]. A dealer
4 or person who leases or rents motorcycles shall not lease or
5 rent a motorcycle to a person [~~under the age of eighteen~~]
6 unless the lessee or renter shows such person a valid driver's
7 license or permit and possesses the safety equipment required
8 of an operator [~~who is under the age of eighteen. No~~]. A
9 person shall not carry any passenger [~~under the age of~~
10 ~~eighteen~~] on any motorcycle unless the passenger is wearing a
11 securely fastened safety helmet, as specified in this section,
12 meeting the standards specified by the director.

13 B. Failure to wear a safety helmet as required in
14 this section shall not constitute contributory negligence."

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

17 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
18 DEFINITION--SCHEDULE OF ASSESSMENTS.--

19 A. As used in the Motor Vehicle Code, "penalty
20 assessment misdemeanor" means violation of any of the following
21 listed sections of the NMSA 1978 for which, except as provided
22 in Subsections D and E of this section, the listed penalty
23 assessment is established:

24	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
25			ASSESSMENT

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1	Improper display of		
2	registration plate	66-3-18	\$ 25.00
3	Failure to notify of		
4	change of name or address	66-3-23	25.00
5	Lost or damaged registration,		
6	plate or title	66-3-24	20.00
7	Permitting unauthorized		
8	minor to drive	66-5-40	50.00
9	Permitting unauthorized		
10	person to drive	66-5-41	25.00
11	Failure to obey sign	66-7-104	10.00
12	Failure to obey signal	66-7-105	10.00
13	Speeding	66-7-301	
14	(1) up to and including		
15	ten miles an hour		
16	over the speed limit		15.00
17	(2) from eleven up to		
18	and including fifteen		
19	miles an hour		
20	over the speed limit		30.00
21	(3) from sixteen up to		
22	and including twenty		
23	miles an hour over the		
24	speed limit		65.00
25	(4) from twenty-one up to		

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1	and including twenty-five		
2	miles an hour		
3	over the speed limit		100.00
4	(5) from twenty-six up to		
5	and including thirty		
6	miles an hour over the		
7	speed limit		125.00
8	(6) from thirty-one up to		
9	and including thirty-five		
10	miles an hour over the		
11	speed limit		150.00
12	(7) more than thirty-five		
13	miles an hour over the		
14	speed limit		200.00
15	Unfastened safety belt	66-7-372	25.00
16	Child not in restraint device		
17	or seat belt	66-7-369	25.00
18	Minimum speed	66-7-305	10.00
19	Speeding	66-7-306	15.00
20	Improper starting	66-7-324	10.00
21	Improper backing	66-7-354	10.00
22	Improper lane	66-7-308	10.00
23	Improper lane	66-7-313	10.00
24	Improper lane	66-7-316	10.00
25	Improper lane	66-7-317	10.00

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1	Improper lane	66-7-319	10.00
2	Improper passing	66-7-309 through 66-7-312	10.00
3	Improper passing	66-7-315	10.00
4	Controlled access		
5	violation	66-7-320	10.00
6	Controlled access		
7	violation	66-7-321	10.00
8	Improper turning	66-7-322	10.00
9	Improper turning	66-7-323	10.00
10	Improper turning	66-7-325	10.00
11	Following too closely	66-7-318	10.00
12	Failure to yield	66-7-328 through 66-7-331	10.00
13	Failure to yield	66-7-332	50.00
14	Failure to yield	66-7-332.1	25.00
15	Pedestrian violation	66-7-333	10.00
16	Pedestrian violation	66-7-340	10.00
17	Failure to stop	66-7-342 and 66-7-344	
18		through 66-7-346	10.00
19	Railroad-highway grade		
20	crossing violation	66-7-341 and 66-7-343	150.00
21	Passing school bus	66-7-347	100.00
22	Failure to signal	66-7-325 through 66-7-327	10.00
23	Failure to secure load	66-7-407	100.00
24	Operation without oversize-		
25	overweight permit	66-7-413	50.00

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1	Transport of reducible		
2	load with special		
3	permit more than six miles		
4	from a border crossing	66-7-413	100.00
5	Improper equipment	66-3-801	
6		through 66-3-851	25.00
7	Improper equipment	66-3-901	20.00
8	Improper emergency		
9	signal	66-3-853 through 66-3-857	10.00
10	[Minor on] <u>Failure to</u>		
11	<u>wear a</u> motorcycle		
12	[without] helmet -		
13	<u>first violation</u>	66-7-356	300.00
14	<u>Failure to wear a</u>		
15	<u>motorcycle helmet -</u>		
16	<u>subsequent violation</u>	<u>66-7-356</u>	<u>600.00</u>
17	Operation interference	66-7-357	50.00
18	Littering	66-7-364	300.00
19	Improper parking	66-7-349 through 66-7-352	
20		and 66-7-353	5.00
21	Improper parking	66-3-852	5.00
22	Failure to dim lights	66-3-831	10.00
23	Riding in or towing		
24	occupied house trailer	66-7-366	5.00
25	Improper opening of doors	66-7-367	5.00

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1	No slow-moving vehicle		
2	emblem or flashing		
3	amber light	66-3-887	5.00
4	Open container - first		
5	violation	66-8-138	25.00
6	Texting while driving -	[Section 1 of this	
7	first violation	2014 act] <u>66-7-374</u>	25.00
8	Texting while driving -	[Section 1 of this	
9	subsequent violation	2014 act] <u>66-7-374</u>	50.00.

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

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

20 D. The penalty assessment for speeding in violation
21 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
22 is twice the penalty assessment established in Subsection A of
23 this section for the equivalent miles per hour over the speed
24 limit.

25 E. Upon a second conviction for operation without a

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1 permit for excessive size or weight pursuant to Section
2 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
3 fifty dollars (\$250). Upon a third or subsequent conviction,
4 the penalty assessment shall be five hundred dollars (\$500).

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

12 SECTION 3. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2015.