

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 19, 215, 217, 266 & 271

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

AN ACT

RELATING TO PUBLIC SAFETY; REQUIRING THE HUMAN SERVICES
DEPARTMENT TO PROVIDE, IN CONNECTION WITH MEDICAID ELIGIBILITY
DETERMINATIONS, TECHNICAL SUPPORT AND TRAINING AND
CERTIFICATION FOR COUNTIES UPON REQUEST; REQUIRING CORRECTIONAL
FACILITIES TO TAKE CERTAIN ACTIONS DESIGNED TO REDUCE
RECIDIVISM; PROVIDING FOR LAW ENFORCEMENT OFFICER RETENTION
PAYMENTS; REVISING MULTIPLE OFFENSES TO PENALTY ASSESSMENT
MISDEMEANORS; INCREASING THE PENALTY FOR A FELON IN POSSESSION
OF A FIREARM OR DESTRUCTIVE DEVICE; ADJUSTING FINES FOR MOTOR
VEHICLE OFFENSES; REVISING REQUIREMENTS FOR REINSTATING A
DRIVER'S LICENSE; REPEALING SECTIONS OF LAW; RECONCILING
CONFLICTING SECTIONS OF LAW BY REPEALING LAWS 1989, CHAPTER
318, SECTION 31.

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

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underscoring material = new
~~[bracketed material] = delete~~

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1 SECTION 1. Section 27-2-12.22 NMSA 1978 (being Laws 2015,
2 Chapter 127, Section 2) is amended to read:

3 "27-2-12.22. INCARCERATED INDIVIDUALS--MEDICAID
4 ELIGIBILITY--COUNTY JAIL TECHNICAL ASSISTANCE--PRESUMPTIVE
5 ELIGIBILITY DETERMINER TRAINING AND CERTIFICATION.--

6 A. Incarceration shall not be a basis to deny or
7 terminate eligibility for medicaid.

8 B. Upon release from incarceration, a formerly
9 incarcerated individual shall remain eligible for medicaid
10 until the individual is determined to be ineligible for
11 medicaid on grounds other than incarceration.

12 C. An incarcerated individual who was not enrolled
13 in medicaid upon the date that the individual became
14 incarcerated shall be permitted to submit an application for
15 medicaid during the incarcerated individual's period of
16 incarceration.

17 D. The provisions of this section shall not be
18 construed to abrogate:

19 (1) any deadline that governs the processing
20 of applications for medicaid pursuant to existing federal or
21 state law; or

22 (2) requirements under federal or state law
23 that the human services department be notified of changes in
24 income, resources, residency or household composition.

25 E. The provisions of this section shall not require

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1 the human services department to pay for services on behalf of
2 any incarcerated individual, except as permitted by federal
3 law.

4 F. A correctional facility shall:

5 (1) inform the human services department when
6 an eligible individual is incarcerated; [~~and shall notify the~~
7 ~~department upon that eligible individual's release~~]

8 (2) assist the department and department
9 contractors in gaining access to incarcerated individuals to
10 make eligibility determinations and enroll eligible individuals
11 in medicaid during the incarcerated individuals' incarceration
12 or upon release;

13 (3) notify the department upon an eligible
14 individual's release; and

15 (4) facilitate the department's or any
16 department contractor's provision of care coordination pursuant
17 to the provisions of Section 2 of this 2018 act.

18 G. Upon the written request of a county, the
19 department shall provide a behavioral health screening tool to
20 facilitate screenings performed in accordance with the
21 provisions of Subsection A of Section 2 of this 2018 act,
22 technical assistance and training and certification of county
23 jail presumptive eligibility determiners to a county jail.

24 [G.] H. The secretary of human services shall adopt
25 and promulgate rules consistent with this section.

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[H-] I. As used in this section:

(1) "care coordination" means an assessment for health risks and the creation of a plan of care to address an individual's comprehensive health needs, including access to physical health care and mental health services; substance use disorder treatment; and transportation services;

[(+)] (2) "eligibility" means a finding by the human services department that an individual has met the criteria established in state and federal law and the requirements established by department rules to enroll in medicaid;

[(+)] (3) "incarcerated individual" means an individual, the legal guardian or conservator of an individual or, for an individual who is an unemancipated minor, the parent or guardian of the individual, who is confined in any of the following correctional facilities:

- (a) a state correctional facility;
- (b) a privately operated correctional facility;
- (c) a county jail;
- (d) a privately operated jail;
- (e) a detention facility that is operated under the authority of the children, youth and families department and that holds the individual pending a court hearing; or

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1 (f) a facility that is operated under
2 the authority of the children, youth and families department
3 and that provides for the care and rehabilitation of an
4 individual who is under eighteen years of age and who has
5 committed an act that would be designated as a crime under the
6 law if committed by an individual who is eighteen years of age
7 or older;

8 [~~(3)~~] (4) "medicaid" means the joint
9 federal-state health coverage program pursuant to Title 19 or
10 Title 21 of the federal Social Security Act and rules
11 promulgated pursuant to that act; and

12 [~~(4)~~] (5) "unemancipated minor" means an
13 individual who is under eighteen years of age and who:

14 (a) is not on active duty in the armed
15 forces; and

16 (b) has not been declared by court order
17 to be emancipated."

18 SECTION 2. [NEW MATERIAL] CORRECTIONAL FACILITIES--CARE
19 COORDINATION.--

20 A. A correctional facility shall ensure that each
21 inmate of that correctional facility is screened for mental
22 illness and for habitual substance abuse within thirty days of
23 incarceration in that facility.

24 B. A correctional facility shall offer a qualifying
25 inmate the opportunity to enroll in medicaid in accordance with

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1 the provisions of Section 27-2-12.22 NMSA 1978.

2 C. For inmates who are enrolled in a medicaid
3 managed care program, care coordinators employed by medicaid
4 managed care organizations shall link inmates to care
5 coordination prior to the inmate's release with health risk
6 assessment and comprehensive needs assessment services.
7 Medicaid care coordinators shall make appropriate referrals to
8 medicaid-covered services and community-based services in
9 accordance with inmates' needs.

10 D. The human services department shall provide
11 information to correctional facilities seeking medicaid care
12 coordination for qualifying inmates.

13 E. As used in this section:

14 (1) "care coordination" means an assessment
15 for health risks and the creation of a plan of care to address
16 an individual's comprehensive health needs, including access to
17 physical health care and mental health services; substance use
18 disorder treatment; and transportation services;

19 (2) "correctional facility" means a:
20 (a) state correctional facility;
21 (b) privately operated correctional
22 facility;
23 (c) county jail;
24 (d) privately operated jail;
25 (e) detention facility that is operated

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1 under the authority of the children, youth and families
2 department and that holds the individual pending a court
3 hearing; or

4 (f) facility that is operated under the
5 authority of the children, youth and families department and
6 that provides for the care and rehabilitation of an individual
7 who is under eighteen years of age and who has committed an act
8 that would be designated as a crime under the law if committed
9 by an individual who is eighteen years of age or older;

10 (3) "medicaid" means the joint federal-state
11 health coverage program pursuant to Title 19 or Title 21 of the
12 federal Social Security Act and rules promulgated pursuant to
13 that act; and

14 (4) "qualifying inmate" means an inmate who
15 has been identified as currently having a mental illness or a
16 substance use disorder, either through the screening provided
17 pursuant to the provisions of Subsection A of this section or
18 as evidenced in the inmate's medical record.

19 **SECTION 3.** Section 29-13-7 NMSA 1978 (being Laws 1983,
20 Chapter 289, Section 7, as amended) is amended to read:

21 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

22 A. Except as provided for the academy in Subsection
23 B of this section, amounts distributed from the fund shall be
24 expended only for the following:

25 (1) the repair and purchase of law enforcement

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1 apparatus and equipment, including the financing and
2 refinancing thereof, that meet minimum nationally recognized
3 standards;

4 (2) the purchase of law enforcement equipment,
5 including protective vests, for police dogs;

6 (3) expenses associated with advanced law
7 enforcement planning and training;

8 (4) maintaining the balance of the peace
9 officers', New Mexico mounted patrol members' and reserve
10 police officers' survivors fund at a minimum amount of three
11 hundred fifty thousand dollars (\$350,000);

12 (5) complying with match or contribution
13 requirements for the receipt of federal funds relating to
14 criminal justice programs; ~~and~~

15 (6) no more than fifty percent of the
16 replacement salaries of municipal and county law enforcement
17 personnel of municipalities or counties rated as class 1 in
18 Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978
19 participating in basic law enforcement training; and

20 (7) contingent upon the availability of
21 funding and until June 30, 2021, a law enforcement officer
22 retention payment in the amount of seven thousand five hundred
23 dollars (\$7,500); provided that:

24 (a) the distribution is requested by a
25 municipality or county law enforcement agency with a staffing

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1 vacancy rate of at least ten percent to retain a law
2 enforcement officer who is certified in accordance with the Law
3 Enforcement Training Act and has at least twenty years of
4 actual service credit earned under a municipal police member
5 coverage plan as determined by the public employees retirement
6 association;

7 (b) the municipality or county law
8 enforcement agency provides seven thousand five hundred dollars
9 (\$7,500) in matching funds to the law enforcement officer; and

10 (c) the distribution and the matching
11 funds paid to a law enforcement officer shall not constitute
12 the officer's base salary or wages and shall not be considered
13 to be salary or otherwise be used to determine a pension for
14 the purposes of the Public Employees Retirement Act.

15 B. For the academy, amounts distributed from the
16 fund shall be expended only for providing tourniquet and trauma
17 kits and training on the use of tourniquet and trauma kits
18 pursuant to Section [~~1 of this 2017 act~~] 29-7-7.7 NMSA 1978.

19 C. Amounts distributed from the fund shall be
20 expended only pursuant to approved budgets and upon duly
21 executed vouchers approved as required by law."

22 SECTION 4. Section 30-7-16 NMSA 1978 (being Laws 1981,
23 Chapter 225, Section 1, as amended) is amended to read:

24 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,
25 TRANSPORTATION OR POSSESSION BY A FELON--PENALTY.--

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1 A. It is unlawful for a felon to receive, transport
2 or possess any firearm or destructive device in this state.

3 B. Any person violating the provisions of this
4 section shall be guilty of a fourth degree felony and shall be
5 sentenced in accordance with the provisions of the Criminal
6 Sentencing Act; provided that the violation of and the sentence
7 imposed pursuant to this subsection shall be increased to a
8 violation of and the sentence for a third degree felony if the
9 person has previously been convicted of a capital felony or a
10 serious violent offense provided in Subparagraphs (a) through
11 (n) of Paragraph (4) of Subsection L of Section 33-2-34 NMSA
12 1978.

13 C. As used in this section:

14 (1) except as provided in Paragraph (2) of
15 this subsection, "destructive device" means:

16 (a) any explosive, incendiary or poison
17 gas: 1) bomb; 2) grenade; 3) rocket having a propellant charge
18 of more than four ounces; 4) missile having an explosive or
19 incendiary charge of more than one-fourth ounce; 5) mine; or 6)
20 similar device;

21 (b) any type of weapon by whatever name
22 known that will, or that may be readily converted to, expel a
23 projectile by the action of an explosive or other propellant,
24 the barrel or barrels of which have a bore of more than one-
25 half inch in diameter, except a shotgun or shotgun shell that

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1 is generally recognized as particularly suitable for sporting
2 purposes; [~~and~~] or

3 (c) any combination of parts either
4 designed or intended for use in converting any device into a
5 destructive device as defined in this paragraph and from which
6 a destructive device may be readily assembled;

7 (2) the term "destructive device" does not
8 include any device that is neither designed nor redesigned for
9 use as a weapon or any device, although originally designed for
10 use as a weapon, that is redesigned for use as a signaling,
11 pyrotechnic, line throwing, safety or similar device;

12 [~~(2)~~] (3) "felon" means a person convicted of
13 a felony offense by a court of the United States or of any
14 state or political subdivision thereof and:

15 (a) less than ten years have passed
16 since the person completed serving [~~his~~] a sentence or period
17 of probation for the felony conviction, whichever is later;

18 (b) the person has not been pardoned for
19 the felony conviction by the proper authority; and

20 (c) the person has not received a
21 deferred sentence; and

22 [~~(3)~~] (4) "firearm" means any weapon that will
23 or is designed to or may readily be converted to expel a
24 projectile by the action of an explosion; the frame or receiver
25 of any such weapon; or any firearm muffler or firearm silencer.

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1 "Firearm" includes any handgun, rifle or shotgun."

2 SECTION 5. Section 30-8-4 NMSA 1978 (being Laws 1963,
3 Chapter 303, Section 8-4, as amended) is amended to read:

4 "30-8-4. LITTERING.--

5 A. Littering consists of discarding refuse:

6 (1) on public property in any manner other
7 than by placing the refuse in a receptacle provided for the
8 purpose by the responsible governmental authorities or
9 otherwise in accordance with lawful direction; or

10 (2) on private property not owned or lawfully
11 occupied or controlled by the person, except with the consent
12 of [~~the~~] its owner, lessee or occupant [~~thereof~~].

13 B. Whoever commits littering is guilty of a petty
14 misdemeanor and, notwithstanding the provisions of Section
15 31-19-1 NMSA 1978, shall be punished by a fine of fifty dollars
16 (\$50.00). The use of uniform traffic citations is authorized
17 for the enforcement of this section. The court may to the
18 extent permitted by law, as a condition to suspension of any
19 other penalty provided by law, require a person who commits
20 littering to pick up and remove from any public place or any
21 private property, with prior permission of the legal owner, any
22 litter deposited thereon.

23 [~~G. Any jail sentence imposed pursuant to~~
24 ~~Subsection B of this section may be suspended, in the~~
25 ~~discretion of the magistrate or judge, upon conditions that the~~

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1 ~~offender assist in litter clean-up in the jurisdiction for a~~
2 ~~period not to exceed the length of the suspended sentence.]"~~

3 SECTION 6. Section 66-3-1 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 21, as amended) is amended to read:

5 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

6 A. With the exception of vehicles identified in
7 Subsection B of this section, every motor vehicle, manufactured
8 home, trailer, semitrailer and pole trailer when driven or
9 moved upon a highway and every off-highway motor vehicle is
10 subject to the registration and certificate of title provisions
11 of the Motor Vehicle Code except:

12 (1) any such vehicle driven or moved upon a
13 highway in conformance with the provisions of the Motor Vehicle
14 Code relating to manufacturers, dealers, lien-holders or
15 nonresidents;

16 (2) any such vehicle that is driven or moved
17 upon a highway only for the purpose of crossing the highway
18 from one property to another;

19 (3) an implement of husbandry that is only
20 incidentally operated or moved upon a highway;

21 (4) special mobile equipment;

22 (5) a vehicle that is propelled exclusively by
23 electric power obtained from overhead trolley wires though not
24 operated upon rails;

25 (6) a freight trailer if it is:

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1 (a) properly registered in another
2 state;

3 (b) identified by a proper base
4 registration plate that is properly displayed; and

5 (c) identified by other registration
6 documents that are in the possession of the operator and
7 exhibited at the request of a police officer;

8 (7) a freight trailer or utility trailer owned
9 and used by:

10 (a) a nonresident solely for the
11 transportation of farm products purchased by the nonresident
12 from growers or producers of the farm products and transported
13 in the trailer out of the state;

14 (b) a farmer or a rancher who transports
15 to market only the produce, animals or fowl produced by that
16 farmer or rancher or who transports back to the farm or ranch
17 supplies for use thereon; or

18 (c) a person who transports animals to
19 and from fairs, rodeos or other places, except racetracks,
20 where the animals are exhibited or otherwise take part in
21 performances, in trailers drawn by a motor vehicle or truck of
22 less than ten thousand pounds gross vehicle weight rating
23 bearing a proper registration plate, but in no case shall the
24 owner of an unregistered trailer described in this paragraph
25 perform such uses for hire;

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- 1 (8) a moped;
2 (9) an electric personal assistive mobility
3 device;
4 (10) a vehicle moved on a highway by a towing
5 service as defined in Section 59A-50-2 NMSA 1978; and
6 (11) an off-highway motor vehicle exempted
7 pursuant to Section 66-3-1005 NMSA 1978.

8 B. A certificate of title required pursuant to
9 Subsection A of this section is not required for a vehicle of a
10 type subject to registration owned by:

- 11 (1) the government of the United States; or
12 (2) a carrier that is from a jurisdiction that
13 is not a participant in the International Fuel Tax Agreement,
14 that is authorized by the United States government or an agency
15 of the United States government to conduct cross-border
16 operations beyond the commercial border zone pursuant to the
17 provisions of the North American Free Trade Agreement and that
18 identifies New Mexico as the carrier's base jurisdiction.

19 C. A person who violates the provisions of this
20 section is guilty of a penalty assessment misdemeanor [~~as~~
21 ~~provided in Section 66-8-7 NMSA 1978~~]. A person charged with
22 violating this section shall not be convicted if the person
23 produces, in court, evidence of compliance valid at the time of
24 issuance of the citation."

25 SECTION 7. Section 66-3-18 NMSA 1978 (being Laws 1978,
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1 Chapter 35, Section 38, as amended) is amended to read:

2 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY
3 REGISTRATION PERMITS--DISPLAYS PROHIBITED AND ALLOWED.--

4 A. The registration plate shall be attached to the
5 rear of the vehicle for which it is issued; however, the
6 registration plate shall be attached to the front of a road
7 tractor or truck tractor. The plate shall be securely fastened
8 at all times in a fixed horizontal position at a height of not
9 less than twelve inches from the ground, measuring from the
10 bottom of the plate. It shall be in a place and position so as
11 to be clearly visible, and it shall be maintained free from
12 foreign material and in a condition to be clearly legible.

13 B. A demonstration or temporary registration permit
14 shall be firmly affixed to the inside left rear window of the
15 vehicle to which it is issued, unless such display presents a
16 safety hazard or the demonstration or temporary registration
17 permit is not visible or readable from that position, in which
18 case, the demonstration or temporary registration permit shall
19 be displayed in such a manner that it is clearly visible from
20 the rear or left side of the vehicle.

21 C. No vehicle while being operated on the highways
22 of this state shall have displayed either on the front or the
23 rear of the vehicle any registration plate, including
24 validating sticker, other than one issued or validated for the
25 current registration period by the department or any other

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1 licensing authority having jurisdiction over the vehicle. No
2 expired registration plate or validating sticker shall be
3 displayed on the vehicle other than an expired special
4 registration plate, which may be exhibited on the front of the
5 vehicle.

6 D. Nothing contained in this section shall be
7 construed as prohibiting the use of a promotional or
8 advertising plate on the front of the vehicle.

9 E. A violation of a provision of this section is a
10 penalty assessment misdemeanor."

11 SECTION 8. Section 66-3-27 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 47) is amended to read:

13 "66-3-27. HORSELESS CARRIAGE REGISTRATION.--

14 A. A motor vehicle at least thirty-five years old
15 owned as a collector's item and used solely for exhibition and
16 educational purposes is a "horseless carriage". On application
17 to the [~~director of motor vehicles~~] secretary, the owner of the
18 horseless carriage may receive a certificate of title and
19 permanent registration upon:

20 (1) payment of a [~~ten-dollar (\$10.00)~~] fee of
21 ten dollars (\$10.00); and

22 (2) submission of a witnessed bill of sale on
23 the horseless carriage or an affidavit that the vehicle was
24 assembled by the owner from parts of automobiles at least
25 thirty-five years old.

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1 B. Upon approval of the application, the [~~director~~]
2 secretary shall issue one five-year registration plate with
3 registration numbers and the words "Horseless Carriage", "Land
4 of Enchantment" and "New Mexico". The plate, bearing no date,
5 shall be attached to the rear of the vehicle.

6 C. Upon transfer of ownership of a horseless
7 carriage, the new owner shall apply to the [~~director~~] secretary
8 for a transfer of title as provided in and subject to the
9 penalties contained in Section [~~64-3-103 NMSA 1953~~] 66-3-103
10 NMSA 1978. The registration plates shall remain with the
11 transferred vehicle.

12 D. Beginning in 1968 and each five-year period
13 thereafter, every plate shall be revalidated upon application
14 approved by the [~~director~~] secretary, accompanied by a fee of
15 five dollars (\$5.00). Upon loss of the original registration
16 plate, a duplicate plate may be obtained by the owner upon
17 payment of a fee of ten dollars (\$10.00).

18 E. [~~Any~~] A person [~~violating~~] who violates this
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 9. Section 66-3-103 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 50, as amended) is amended to read:

22 "66-3-103. NEW OWNER TO SECURE TRANSFER OF REGISTRATION
23 AND NEW CERTIFICATE OF TITLE--TIME PERIOD--PENALTY.--

24 A. Except as otherwise provided by law, the
25 transferee before operating or permitting the operation of the

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1 vehicle or boat on a highway or waterway shall present to the
2 division the certificate of registration and the properly
3 assigned certificate of title and shall apply for and obtain a
4 new certificate of title and a new registration for the
5 vehicle.

6 B. ~~[Failure]~~ A transferee who fails to apply for
7 transfer of registration and issuance of a new certificate of
8 title within thirty days from the date of transfer ~~[subjects~~
9 ~~the transferee to a penalty of twenty dollars (\$20.00). The~~
10 ~~penalty shall be collected by the division and shall be in~~
11 ~~addition to other fees and penalties provided by law]~~ is guilty
12 of a penalty assessment misdemeanor."

13 SECTION 10. Section 66-3-403 NMSA 1978 (being Laws 1978,
14 Chapter 35, Section 82, as amended) is amended to read:

15 "66-3-403. EXPIRATION OF DEALER PLATES.--Every dealer
16 plate issued pursuant to Section 66-3-402 NMSA 1978 expires at
17 midnight on December 31 of each year. Upon payment of the
18 proper fee, the person to whom the dealer plate was issued may
19 apply to the department for a new plate or validating sticker
20 for the ensuing year. Renewal of all dealer plates shall be on
21 or before December 31. ~~[It is]~~ A person who operates a vehicle
22 with a dealer plate that has expired is guilty of a penalty
23 assessment misdemeanor ~~[pursuant to the Motor Vehicle Code to~~
24 ~~operate a vehicle with a dealer plate that has expired]."~~

25 SECTION 11. Section 66-3-409 NMSA 1978 (being Laws 1978,

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1 Chapter 199, Section 1, as amended) is amended to read:

2 "66-3-409. SPECIAL REGISTRATION PLATES--MEDAL OF HONOR
3 RECIPIENTS.--

4 A. The [~~division~~] department shall issue
5 distinctive pale blue, white and gold registration plates to
6 any person who has been awarded the medal of honor and who so
7 requests and submits proof satisfactory to the [~~division~~]
8 department that [~~he~~] the person has been awarded that medal.
9 The plates shall each bear the inscription "Medal of Honor
10 Recipient". No fee, including the regular registration fee
11 applicable to the passenger motor vehicle, if any, shall be
12 collected for the issuance of a special registration plate
13 pursuant to this section.

14 B. No person shall falsely [~~represent himself to~~
15 ~~be~~] make any representation that the person is a medal of honor
16 recipient in order to be eligible to be issued special
17 registration plates pursuant to this section when [~~he~~] the
18 person is in fact not such a recipient. [~~Any~~] A person who
19 violates the provisions of this subsection is guilty of a
20 [~~petty~~] penalty assessment misdemeanor."

21 SECTION 12. Section 66-3-411 NMSA 1978 (being Laws 1978,
22 Chapter 99, Section 2, as amended) is amended to read:

23 "66-3-411. SPECIAL REGISTRATION PLATES--PRISONERS OF WAR
24 AND SURVIVING SPOUSES--SUBMISSION OF PROOF--PENALTY.--

25 A. The [~~division~~] department shall issue

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1 distinctive registration plates to any person, or to the
 2 surviving spouse of any deceased person, who was held as a
 3 prisoner of war by an enemy of the United States during any
 4 armed conflict, upon the submission by the person or surviving
 5 spouse of proof satisfactory to the [~~division~~] department that
 6 [~~he~~] the person was held as a prisoner of war by an enemy of
 7 the United States during a period of armed conflict or that
 8 [~~he~~] the person is the surviving spouse of such a person. No
 9 fee, including the regular registration fee applicable to the
 10 passenger motor vehicle, if any, shall be collected for
 11 issuance of a special registration plate pursuant to this
 12 section.

13 B. [~~No~~] A person shall not falsely [~~represent~~
 14 ~~himself to have~~] make a representation that the person has been
 15 held as a prisoner of war or to be the surviving spouse of a
 16 prisoner of war so as to be eligible to be issued special
 17 registration plates pursuant to this section when [~~he~~] the
 18 person in fact was not held as a prisoner of war or when [~~he~~]
 19 the person in fact is not the surviving spouse of a prisoner of
 20 war.

21 C. [~~Any~~] A person who violates the provisions of
 22 Subsection B of this section is guilty of a penalty assessment
 23 misdemeanor."

24 **SECTION 13.** Section 66-3-412.1 NMSA 1978 (being Laws
 25 2001, Chapter 243, Section 1) is amended to read:

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1 "66-3-412.1. SPECIAL MOTORCYCLE REGISTRATION PLATES FOR
2 ARMED FORCES VETERANS.--

3 A. The department shall issue distinctive
4 motorcycle registration plates indicating that the recipient is
5 a veteran of the armed forces of the United States [~~as defined~~
6 ~~in Section 28-13-7 NMSA 1978~~] or is retired from the national
7 guard or military reserves, if that person submits proof
8 satisfactory to the department of honorable discharge from the
9 armed forces or of retirement from the national guard or
10 military reserves.

11 B. For a fee of seven dollars (\$7.00), which [~~shall~~
12 ~~be~~] is in addition to the regular motorcycle registration fees,
13 [~~any~~] a motorcycle owner who is a veteran of the armed forces
14 of the United States or is retired from the national guard or
15 military reserves may apply for the issuance of a special
16 motorcycle registration plate as defined in Subsection A of
17 this section. No two owners shall be issued identically
18 lettered or numbered plates.

19 C. An owner shall make a new application and pay a
20 new fee each year [~~he~~] the owner desires to obtain a special
21 motorcycle registration plate. [~~He~~] The owner will have first
22 priority on that plate for each subsequent year that [~~he~~] the
23 owner makes a timely and appropriate application.

24 D. Each armed forces veteran may elect to receive a
25 veteran-designation decal to be placed across the top of the

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1 special motorcycle registration plate, centered above the
2 registration number. Replacement or different veteran-
3 designation decals shall be available for purchase from the
4 department at a reasonable charge to be set by the secretary.
5 The department shall furnish the following veteran-designation
6 decals with the armed forces veteran motorcycle registration
7 plate to a:

- 8 (1) medal of honor recipient;
- 9 (2) silver star recipient;
- 10 (3) bronze star recipient;
- 11 (4) navy cross recipient;
- 12 (5) distinguished service cross recipient;
- 13 (6) air force cross recipient;
- 14 (7) ex-prisoner of war;
- 15 (8) disabled veteran;
- 16 (9) purple heart veteran;
- 17 (10) atomic veteran;
- 18 (11) Pearl Harbor survivor;
- 19 (12) Navajo code talker;
- 20 (13) Vietnam veteran;
- 21 (14) Korean veteran;
- 22 (15) disabled Korean veteran;
- 23 (16) World War II veteran;
- 24 (17) World War I veteran;
- 25 (18) Grenada veteran;

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1 (19) Panama veteran; [~~or~~]

2 (20) Desert Storm veteran; or

3 (21) Iraqi Freedom veteran.

4 E. The revenue from the fee imposed pursuant to
5 Subsection B of this section shall be retained by the
6 department and is appropriated to the department for the
7 manufacture and issuance of the special motorcycle registration
8 plates for armed forces veterans.

9 F. A person shall not falsely represent that the
10 person was honorably discharged from the armed forces or
11 retired from the national guard or military reserves so as to
12 be eligible to be issued a special registration plate pursuant
13 to this section. A person who violates the provisions of this
14 subsection is guilty of a penalty assessment misdemeanor."

15 SECTION 14. Section 66-3-413 NMSA 1978 (being Laws 1980,
16 Chapter 45, Section 1, as amended) is amended to read:

17 "66-3-413. SPECIAL REGISTRATION PLATES--NATIONAL GUARD
18 MEMBERS.--

19 A. The [~~division~~] department shall issue
20 distinctive registration plates to any person who is a member
21 of the New Mexico national guard, upon the submission by the
22 person of proof satisfactory to the [~~division~~] department that
23 the person is currently a member of the guard. No fee,
24 including the regular registration fee applicable to passenger
25 motor vehicles, shall be collected for issuance of a special

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1 registration plate pursuant to this section.

2 B. ~~[No]~~ A person shall not falsely represent that
3 the person is an active member of the New Mexico national guard
4 so as to be eligible to be issued special registration plates
5 pursuant to this section when the person in fact is not a
6 current member of the New Mexico national guard.

7 C. ~~[Any]~~ A person who violates the provisions of
8 Subsection B of this section is guilty of a penalty assessment
9 misdemeanor."

10 SECTION 15. Section 66-3-415 NMSA 1978 (being Laws 1989,
11 Chapter 162, Section 1, as amended) is amended to read:

12 "66-3-415. SPECIAL REGISTRATION PLATES ~~[FOR]~~--PEARL
13 HARBOR SURVIVORS.--

14 A. The ~~[division]~~ department shall issue
15 distinctive registration plates indicating that the recipient
16 is a survivor of the attack on Pearl Harbor if that person
17 submits satisfactory proof to the ~~[division]~~ department
18 indicating that the person:

19 (1) was a member of the United States armed
20 forces on December 7, 1941;

21 (2) received an honorable discharge from the
22 United States armed forces; and

23 (3) was on station on December 7, 1941 during
24 the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl
25 Harbor, the island of Oahu, or offshore at a distance not

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1 exceeding three miles.

2 B. The [~~division~~] department shall confirm
3 satisfactory proof with the New Mexico chapter of the Pearl
4 Harbor survivors association.

5 C. No fee other than the registration fee
6 applicable to the passenger motor vehicle, if any, shall be
7 collected for the issuance of the distinctive registration
8 plate pursuant to this section.

9 D. The recipient of a distinctive plate issued
10 pursuant to this section shall be issued replacement plates
11 upon request and without charge if the plate is lost, stolen or
12 mutilated.

13 E. [~~Any~~] A person eligible for a distinctive
14 registration plate pursuant to this section and also eligible
15 for one or more special or distinctive registration plates
16 pursuant to Sections 66-3-406, 66-3-409, 66-3-411, 66-3-412 and
17 66-3-414 NMSA 1978 shall be issued only one special or
18 distinctive registration plate of the person's choice.

19 F. [~~No~~] A person shall not falsely represent
20 [~~himself to be~~] that the person is a survivor of the attack on
21 Pearl Harbor so as to be eligible to be issued distinctive
22 plates pursuant to this section when that person in fact is not
23 a survivor of the attack on Pearl Harbor.

24 G. [~~Any~~] A person who violates the provisions of
25 Subsection F of this section is guilty of a penalty assessment

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1 ~~misdemeanor [and shall be punished by a fine of not less than~~
2 ~~one hundred dollars (\$100) or more than one thousand dollars~~
3 ~~(\$1,000) or by imprisonment for a definite term less than one~~
4 ~~year or both]."~~

5 SECTION 16. Section 66-3-417 NMSA 1978 (being Laws 1986,
6 Chapter 45, Section 2, as amended) is amended to read:

7 "66-3-417. RADIO STATION LICENSEES--SPECIAL REGISTRATION
8 PLATES--FEE.--

9 A. Any applicant who is a resident of this state
10 who holds an official commercial or amateur radio station
11 license in good standing issued by the federal communications
12 commission or who is a bona fide employee of such license
13 holder shall, upon compliance with all laws of this state
14 relating to registration and the licensing of motor vehicles
15 and drivers, be furnished with a registration plate for the
16 motor vehicle as prescribed by law, upon which:

17 (1) in lieu of the numbers required for
18 identification, shall be inscribed the official call letters of
19 the applicant as assigned by the federal communications
20 commission;

21 (2) the official call letters shall be
22 inscribed as internationally recognized call letters, including
23 the number zero with a diagonal line drawn across the number
24 from the upper right of the number down to the lower left of
25 the number; and

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1 (3) the words "amateur radio operator" shall
2 be inscribed on the registration plate upon request of the
3 applicant.

4 B. The licensee of the commercial or amateur radio
5 station shall certify to the [~~director~~] secretary the names of
6 bona fide personnel eligible to receive such special
7 registration plates. The applicant shall pay, in addition to
8 the registration tax required by law, the sum of three dollars
9 (\$3.00) for the special registration plate, which additional
10 sum shall be deposited by the [~~director~~] secretary with the
11 state treasurer to be credited to the state road fund. At the
12 time of delivery of the special registration plate, the
13 applicant shall surrender the current registration plate issued
14 for the motor vehicle. This provision for the issuance of a
15 special registration plate shall apply only if the applicant's
16 motor vehicle is already registered in New Mexico so that the
17 applicant has a valid regular New Mexico registration plate
18 issued for that motor vehicle under which to operate during the
19 time it will take to have the necessary special registration
20 plate made. The [~~director~~] secretary may make such reasonable
21 regulations governing the use of the special registration plate
22 as will assure the full compliance by the owner and holder of
23 the special plate with all existing laws governing the
24 registration, transfer and use of motor vehicles. When the
25 ownership of the motor vehicle for which the special

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1 registration plate has been furnished by the [~~director~~]
2 secretary changes from one person to another, the special
3 registration plate authorized in this section shall be promptly
4 removed from the motor vehicle by the seller and returned to
5 the [~~director~~] secretary, at which time the seller or the buyer
6 of the motor vehicle is entitled to receive a registration
7 plate for the motor vehicle. A seller who fails to remove and
8 return the special registration plate as required in this
9 subsection is guilty of a penalty assessment misdemeanor. The
10 purpose for the issuance of the special registration plate is
11 to readily identify personnel in aid of the performance of
12 necessary duties for civil defense in the communications
13 field."

14 SECTION 17. Section 66-3-419 NMSA 1978 (being Laws 1990,
15 Chapter 46, Section 2, as amended) is amended to read:

16 "66-3-419. SPECIAL REGISTRATION PLATES [~~FOR~~]-ARMED
17 FORCES VETERANS.--

18 A. The department shall issue distinctive
19 registration plates indicating that the recipient is a veteran
20 of the armed forces of the United States [~~as defined in Section~~
21 ~~28-13-7 NMSA 1978~~] or is retired from the national guard or
22 military reserves if that person submits proof satisfactory to
23 the department of honorable discharge from the armed forces or
24 of retirement from the national guard or military reserves.

25 B. For a fee of fifteen dollars (\$15.00), which

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1 ~~[shall be]~~ is in addition to the regular motor vehicle
2 registration fees, any motor vehicle owner who is a veteran of
3 the armed forces of the United States or is retired from the
4 national guard or military reserves may apply for the issuance
5 of a special registration plate, as defined in Subsection A of
6 this section. No two owners shall be issued identically
7 lettered or numbered plates.

8 C. The fifteen-dollar (\$15.00) fee provided in
9 Subsection B of this section shall be waived for each
10 registration period in which a validating sticker is issued
11 under the provisions of Section 66-3-17 NMSA 1978, in lieu of
12 the issuance of a special armed forces veteran plate.

13 D. Each armed forces veteran may elect to receive a
14 veteran-designation decal to be placed across the top of the
15 plate, centered above the registration number. Replacement or
16 different veteran-designation decals shall be available for
17 purchase from the department at a reasonable charge to be set
18 by the secretary. The department shall furnish the following
19 veteran-designation decals with the armed forces veteran plate
20 to a:

- 21 (1) medal of honor recipient;
- 22 (2) silver star recipient;
- 23 (3) bronze star recipient;
- 24 (4) navy cross recipient;
- 25 (5) distinguished service cross recipient;

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- 1 (6) air force cross recipient;
- 2 (7) ex-prisoner of war;
- 3 (8) disabled veteran;
- 4 (9) purple heart veteran;
- 5 (10) atomic veteran;
- 6 (11) Pearl Harbor survivor;
- 7 (12) Navajo code talker;
- 8 (13) Vietnam veteran;
- 9 (14) Korean veteran;
- 10 (15) disabled Korean veteran;
- 11 (16) World War II veteran;
- 12 (17) World War I veteran;
- 13 (18) Grenada veteran;
- 14 (19) Panama veteran;
- 15 (20) Desert Storm veteran; or
- 16 (21) Iraqi Freedom veteran.

17 E. The revenue from the special registration plates
18 for the armed forces veterans fee imposed by Subsection B of
19 this section shall be distributed as follows:

20 (1) seven dollars (\$7.00) of the fee collected
21 for each registration plate shall be retained by the department
22 and is appropriated to the department for the manufacture and
23 issuance of the registration plates; and

24 (2) eight dollars (\$8.00) of the fee collected
25 for each registration plate shall be transferred pursuant to

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underscored material = new
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1 the provisions of Subsection F of this section.

2 F. There is created in the state treasury the
3 "armed forces veterans license fund". A portion of the fee
4 collected for each special registration plate for armed forces
5 veterans, as provided in Subsection E of this section, shall be
6 transferred to the state treasurer for the credit of the fund.
7 Expenditures from the fund shall be made on vouchers issued and
8 signed by the secretary of veterans' services or [~~his~~] the
9 secretary's authorized representative upon warrants drawn by
10 the department of finance and administration for the purpose of
11 expanding services to rural areas of the state, including
12 Native American communities and senior citizen centers. Any
13 unexpended or unencumbered balance remaining at the end of any
14 fiscal year in the armed forces veterans license fund shall not
15 revert to the general fund.

16 G. A person shall not falsely represent that the
17 person was honorably discharged from the armed forces or
18 retired from the national guard or military reserves so as to
19 be eligible to be issued a special registration plate pursuant
20 to this section. A person who violates the provisions of this
21 subsection is guilty of a penalty assessment misdemeanor."

22 SECTION 18. Section 66-3-421 NMSA 1978 (being Laws 1993,
23 Chapter 180, Section 8) is amended to read:

24 "66-3-421. SPECIAL REGISTRATION PLATES--NEW MEXICO
25 RANGERS AND NEW MEXICO MOUNTED PATROL--SUBMISSION OF PROOF--

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1 PENALTY.--

2 A. The ~~[division]~~ department shall issue special
3 registration plates to any person who is a New Mexico ranger or
4 a member of the New Mexico mounted patrol upon the submission
5 by the person of proof satisfactory to the ~~[division]~~
6 department that ~~[he]~~ the person is currently a New Mexico
7 ranger or a member of the New Mexico mounted patrol. No fee,
8 including the regular registration fee applicable to the
9 passenger motor vehicle, if any, shall be collected for the
10 issuance of the special registration plates pursuant to this
11 section.

12 B. ~~[No]~~ A person shall not falsely represent
13 ~~[himself to be]~~ that the person is a New Mexico ranger or a
14 member of the New Mexico mounted patrol so as to be eligible to
15 be issued special registration plates pursuant to this section
16 when ~~[he]~~ the person in fact is not a New Mexico ranger or a
17 member of the New Mexico mounted patrol.

18 C. ~~[Any]~~ A person eligible for a special
19 registration plate ~~[under]~~ provided for in this section shall
20 only be eligible for one such plate.

21 D. ~~[Any]~~ A person who violates the provisions of
22 Subsection B of this section is guilty of a penalty assessment
23 misdemeanor."

24 SECTION 19. Section 66-3-422 NMSA 1978 (being Laws 1998,
25 Chapter 21, Section 1, as amended) is amended to read:

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1 "66-3-422. SPECIAL REGISTRATION PLATES [FØR]--
2 FIREFIGHTERS AND VOLUNTEER FIREFIGHTERS.--

3 A. The department shall issue special registration
4 plates to a person employed as a New Mexico firefighter, upon
5 the submission by the person of proof satisfactory to the
6 department that the person is currently employed as a New
7 Mexico firefighter, including submission of a signed consent
8 form from the fire chief.

9 B. The department shall issue special registration
10 plates to a person who is an active volunteer firefighter with
11 a volunteer fire department recognized by the state fire
12 marshal upon the submission by the person of proof satisfactory
13 to the department that the person is currently an active member
14 of a recognized volunteer fire department. Such proof shall
15 include the submission of a signed consent form from the fire
16 chief.

17 C. A person shall not [~~make any representation as~~
18 ~~being~~] falsely represent that the person is a New Mexico
19 firefighter or volunteer firefighter if the person is not, in
20 fact, a New Mexico firefighter or volunteer firefighter. The
21 secretary shall determine what constitutes satisfactory proof
22 of employment as a New Mexico firefighter or status as a
23 volunteer firefighter.

24 D. A person who violates the provisions of
25 Subsection C of this section is guilty of a [~~petty~~] penalty

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1 ~~assessment misdemeanor [and shall be sentenced pursuant to~~
2 ~~Section 31-19-1 NMSA 1978].~~

3 E. A fee of twenty-five dollars (\$25.00), which is
4 in addition to the regular motor vehicle registration fee,
5 shall be collected by the department for the original issuance
6 of the special registration plate for New Mexico firefighters
7 and volunteer firefighters.

8 F. Ten dollars (\$10.00) of the fee collected
9 pursuant to Subsection E of this section shall be retained by
10 the department and is appropriated to the department to defray
11 the cost of making and issuing special registration plates for
12 New Mexico firefighters and volunteer firefighters.

13 G. The amount of the fee collected pursuant to this
14 section less any amount distributed pursuant to Subsection F of
15 this section shall be deposited in the firefighters' survivors
16 fund.

17 H. The secretary shall approve the final plate
18 design for the special registration plates for New Mexico
19 firefighters in accordance with New Mexico law. The secretary
20 shall approve and issue a separate and distinctive plate
21 clearly marked as "volunteer" for issuance to volunteer
22 firefighters.

23 I. When a person holding a special plate pursuant
24 to this section ceases to be employed as a firefighter or serve
25 as an active volunteer firefighter, the person shall

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1 immediately remove the plate from the vehicle and return it to
2 the secretary, at which time it shall be exchanged for a
3 regular registration plate. A person who fails to remove and
4 return a special plate as required by the provisions of this
5 subsection is guilty of a penalty assessment misdemeanor. A
6 firefighter who holds a special plate and retires may retain
7 the special plate."

8 SECTION 20. Section 66-3-424.4 NMSA 1978 (being Laws
9 2003, Chapter 176, Section 2) is amended to read:

10 "66-3-424.4. STANDARDIZED SPECIAL REGISTRATION [~~PLATE~~
11 ~~FOR~~] PLATES--RETIRED MEMBERS OF THE NEW MEXICO NATIONAL
12 GUARD.--

13 A. The [~~division~~] department shall issue a
14 standardized special registration plate with a logo specified
15 in Section 66-3-424 NMSA 1978 indicating that the recipient is
16 a person who is a retired member of the New Mexico national
17 guard upon submission by the person of proof satisfactory to
18 the [~~division~~] department that the person is a retired member
19 of the guard.

20 B. A person shall not falsely represent [~~himself to~~
21 ~~be~~] that the person is a retired member of the New Mexico
22 national guard if that person is not in fact a retired member
23 of the guard.

24 C. A person who violates the provisions of
25 Subsection B of this section is guilty of a penalty assessment

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1 misdemeanor [~~and shall be sentenced pursuant to Section 31-19-1~~
2 ~~NMSA 1978~~].

3 D. A fee of twenty-five dollars (\$25.00), which
4 [~~shall be~~] is in addition to the regular motor vehicle
5 registration fee, shall be collected by the [~~division~~]
6 department for the original issuance of the special
7 registration plate for retired members of the New Mexico
8 national guard.

9 E. Ten dollars (\$10.00) of the fee collected
10 pursuant to Subsection D of this section shall be retained by
11 the [~~division~~] department and is appropriated to the [~~division~~]
12 department to defray the cost of making and issuing special
13 registration plates for retired members of the New Mexico
14 national guard.

15 F. The amount of the fee collected pursuant to
16 Subsection D of this section less any amount distributed
17 pursuant to Subsection E of this section shall be deposited in
18 the motor vehicle suspense fund for distribution pursuant to
19 Section 66-6-23 NMSA 1978.

20 G. The secretary shall approve the final logo
21 design for the special registration plate for retired members
22 of the New Mexico national guard."

23 SECTION 21. Section 66-3-424.5 NMSA 1978 (being Laws
24 2003, Chapter 177, Section 2) is amended to read:

25 "66-3-424.5. SPECIAL REGISTRATION PLATES [~~FOR~~]-NEW

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1 MEXICO MEMBERS OF THE FRATERNAL ORDER OF POLICE.--

2 A. The department shall issue a standardized
3 special registration plate with a logo specified in Section
4 66-3-424 NMSA 1978 indicating that the recipient is a New
5 Mexico member of the fraternal order of police.

6 B. ~~[No]~~ A person shall not falsely represent
7 ~~[himself to be]~~ that the person is a New Mexico member of the
8 fraternal order of police if ~~[he]~~ the person is, in fact, not a
9 New Mexico member of the fraternal order of police. The
10 secretary shall determine what constitutes satisfactory proof.

11 C. A person who violates the provisions of
12 Subsection B of this section is guilty of a ~~[petty]~~ penalty
13 assessment misdemeanor ~~[and shall be sentenced pursuant to~~
14 ~~Section 31-19-1 NMSA 1978]~~.

15 D. A fee of twenty-five dollars (\$25.00), which
16 ~~[shall be]~~ is in addition to the regular motor vehicle
17 registration fee, shall be collected by the department for the
18 original issuance of the special registration plate for a New
19 Mexico member of the fraternal order of police.

20 E. Ten dollars (\$10.00) of the fee collected
21 pursuant to Subsection D of this section shall be retained by
22 the department and is appropriated to the department to defray
23 the cost of making and issuing a special registration plate for
24 a New Mexico member of the fraternal order of police.

25 F. The amount of the fee collected pursuant to this

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1 section less any amount distributed pursuant to Subsection E of
2 this section shall be deposited in the motor vehicle suspense
3 fund for distribution in accordance with Section 66-6-23 NMSA
4 1978.

5 G. The secretary shall approve the final logo
6 design for the special registration plates for New Mexico
7 members of the fraternal order of police.

8 H. When a person holding a special plate ceases to
9 be a New Mexico member of the fraternal order of police, [~~he~~
10 the person] shall immediately remove the plate from the vehicle
11 and return it to the secretary, at which time it shall be
12 exchanged for a regular registration plate. A person who fails
13 to remove and return a special plate as required by the
14 provisions of this subsection is guilty of a penalty assessment
15 misdemeanor."

16 SECTION 22. Section 66-3-424.7 NMSA 1978 (being Laws
17 2003, Chapter 179, Section 2) is amended to read:

18 "66-3-424.7. REGISTRATION PLATES [~~FOR~~]-MEMBERS OF THE
19 CIVIL AIR PATROL, NEW MEXICO WING.--

20 A. The department shall issue a standardized
21 special registration plate with a logo specified in Section
22 66-3-424 NMSA 1978 indicating that the recipient is a member of
23 the civil air patrol, New Mexico wing, upon the submission by
24 the person of proof satisfactory to the department that [~~he~~
25 the person] is a member of the civil air patrol, New Mexico

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1 wing. Such proof shall include the submission of a signed
2 consent form from the civil air patrol, New Mexico wing.

3 B. A person shall not falsely represent [~~himself to~~
4 ~~be~~] that the person is a member of the civil air patrol, New
5 Mexico wing, if that person is, in fact, not a member of the
6 civil air patrol, New Mexico wing. The secretary shall
7 determine what constitutes satisfactory proof that a person is
8 a member of the civil air patrol, New Mexico wing.

9 C. A person who violates the provisions of
10 Subsection B of this section is guilty of a [~~petty~~] penalty
11 assessment misdemeanor [~~and shall be sentenced pursuant to~~
12 ~~Section 31-19-1 NMSA 1978~~].

13 D. A fee of twenty-five dollars (\$25.00), which
14 [~~shall be~~] is in addition to the regular motor vehicle
15 registration fee, shall be collected by the department for the
16 original issuance of the special registration plate for a
17 member of the civil air patrol, New Mexico wing.

18 E. Ten dollars (\$10.00) of the fee collected
19 pursuant to Subsection D of this section shall be retained by
20 the department and is appropriated to the department to defray
21 the cost of making and issuing special registration plates for
22 members of the civil air patrol, New Mexico wing. The
23 remaining fifteen dollars (\$15.00) shall be deposited in the
24 motor vehicle suspense fund for distribution in accordance with
25 Section 66-6-23 NMSA 1978.

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1 F. The secretary shall approve the final logo
2 design for the special registration plates for members of the
3 civil air patrol, New Mexico wing, in accordance with New
4 Mexico law. The secretary shall approve and issue a separate
5 and distinctive logo clearly marked as "civil air patrol" for
6 issuance to members of the civil air patrol, New Mexico wing."

7 SECTION 23. Section 66-3-424.9 NMSA 1978 (being Laws
8 2003, Chapter 181, Section 2) is amended to read:

9 "66-3-424.9. STANDARDIZED SPECIAL REGISTRATION [~~PLATE~~
10 ~~FOR~~] PLATES--RETIRED FIREFIGHTERS.--

11 A. The [~~division~~] department shall issue a
12 standardized special registration plate with a logo specified
13 in Section 66-3-424 NMSA 1978 indicating that the recipient is
14 a person who is a retired New Mexico firefighter upon
15 submission by the person of proof satisfactory to the
16 [~~division~~] department that the person has retired from active
17 employment as a firefighter.

18 B. A person shall not falsely represent [~~himself to~~
19 ~~be~~] that the person is a retired New Mexico firefighter if [~~he~~]
20 the person is not, in fact, a retired New Mexico firefighter.
21 The secretary shall determine what constitutes proof of
22 previous active employment as a firefighter and proof of
23 retirement.

24 C. A person who violates the provisions of
25 Subsection B of this section is guilty of a [~~petty~~] penalty

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1 assessment misdemeanor [~~and shall be sentenced pursuant to~~
2 ~~Section 31-19-1 NMSA 1978~~].

3 D. A fee of twenty-five dollars (\$25.00), which is
4 in addition to the regular motor vehicle registration fee,
5 shall be collected by the department for the original issuance
6 of the special registration plate for retired New Mexico
7 firefighters.

8 E. Ten dollars (\$10.00) of the fee collected
9 pursuant to Subsection D of this section shall be retained by
10 the department and [~~shall be~~] is appropriated to the department
11 to defray the cost of making and issuing special registration
12 plates for retired New Mexico firefighters.

13 F. The amount of the fee collected pursuant to this
14 section less any amount distributed pursuant to Subsection E of
15 this section shall be deposited in the motor vehicle suspense
16 fund for distribution in accordance with Section 66-6-23 NMSA
17 1978.

18 G. The secretary shall approve the final logo
19 design for the special registration plates for retired New
20 Mexico firefighters."

21 **SECTION 24.** Section 66-3-424.13 NMSA 1978 (being Laws
22 2003, Chapter 211, Section 2) is amended to read:

23 "66-3-424.13. STANDARDIZED SPECIAL REGISTRATION [~~PLATE~~
24 ~~FOR~~] PLATES--RETIRED NEW MEXICO STATE POLICE OFFICERS.--

25 A. The [~~division~~] department shall issue a

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1 standardized special registration plate with a logo specified
2 in Section 66-3-424 NMSA 1978 indicating that the recipient is
3 a person who is a retired New Mexico state police officer upon
4 submission by the person of proof satisfactory to the
5 ~~[division]~~ department that the person is a retired New Mexico
6 state police officer. The proof shall include the submission
7 of a retirement commission from the New Mexico state police.

8 B. ~~[No]~~ A person shall not falsely represent
9 ~~[himself to be]~~ that the person is a retired New Mexico state
10 police officer if that person is, in fact, not a retired New
11 Mexico state police officer. The secretary shall determine
12 what constitutes satisfactory proof that a person is a retired
13 New Mexico state police officer.

14 C. A person who violates the provisions of
15 Subsection B of this section is guilty of a ~~[petty]~~ penalty
16 assessment misdemeanor ~~[and shall be sentenced pursuant to~~
17 ~~Section 31-19-1 NMSA 1978]~~.

18 D. A fee of twenty-five dollars (\$25.00), which is
19 in addition to the regular motor vehicle registration fee,
20 shall be collected by the ~~[division]~~ department for the
21 original issuance of the special registration plate for retired
22 New Mexico state police officers.

23 E. Ten dollars (\$10.00) of the fee collected
24 pursuant to Subsection D of this section shall be retained by
25 the ~~[division]~~ department and is appropriated to the ~~[division]~~

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1 department to defray the cost of making and issuing special
2 registration plates for retired New Mexico state police
3 officers. The remaining fifteen dollars (\$15.00) shall be
4 deposited in the motor vehicle suspense fund for distribution
5 pursuant to Section 66-6-23 NMSA 1978.

6 F. The secretary shall approve the final logo
7 design for the special registration plate for retired New
8 Mexico state police officers. The logo shall be clearly marked
9 as "retired New Mexico state police" for issuance to retired
10 New Mexico state police officers."

11 SECTION 25. Section 66-3-424.16 NMSA 1978 (being Laws
12 2005, Chapter 344, Section 1) is amended to read:

13 "66-3-424.16. SPECIAL REGISTRATION PLATES [~~FOR~~]
14 EMERGENCY MEDICAL TECHNICIANS.--

15 A. The department shall issue a standardized
16 special registration plate with a logo specified in Section
17 66-3-424 NMSA 1978 indicating that the recipient is an
18 emergency medical technician.

19 B. [~~No~~] A person shall not falsely represent
20 [~~himself to be~~] that the person is an emergency medical
21 technician if [~~he~~] the person is, in fact, not an emergency
22 medical technician licensed in New Mexico. The secretary shall
23 determine what constitutes satisfactory proof.

24 C. A person who violates the provisions of
25 Subsection B of this section is guilty of a [~~petty~~] penalty

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1 assessment misdemeanor [~~and shall be sentenced pursuant to~~
2 ~~Section 31-19-1 NMSA 1978~~].

3 D. A fee of twenty-five dollars (\$25.00), which
4 shall be in addition to the regular motor vehicle registration
5 fee, shall be collected by the department for the original
6 issuance of the special registration plate for an emergency
7 medical technician.

8 E. Ten dollars (\$10.00) of the fee collected
9 pursuant to Subsection D of this section shall be retained by
10 the department and is appropriated to the department to defray
11 the cost of making and issuing a special registration plate for
12 emergency medical technicians.

13 F. The amount of the fee collected pursuant to this
14 section less any amount distributed pursuant to Subsection E of
15 this section shall be deposited in the motor vehicle suspense
16 fund for distribution in accordance with Section 66-6-23 NMSA
17 1978.

18 G. The secretary shall approve the final logo
19 design for the special registration plate for emergency medical
20 technicians.

21 H. When a person holding a special registration
22 plate ceases to be an emergency medical technician, [~~he~~] the
23 person shall immediately remove the plate from the vehicle and
24 return it to the department, at which time it shall be
25 exchanged for a regular registration plate."

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1 SECTION 26. Section 66-3-424.24 NMSA 1978 (being Laws
2 2009, Chapter 88, Section 1) is amended to read:

3 "66-3-424.24. SPECIAL REGISTRATION PLATES--GOLD STAR
4 FAMILIES--SUBMISSION OF PROOF--PENALTY.--

5 A. Except as provided in Subsection B of this
6 section, the [~~division~~] department shall issue distinctive
7 registration plates to the surviving mother, father, stepparent
8 or spouse of a service member killed in an armed conflict with
9 an enemy of the United States upon the submission by the person
10 of proof satisfactory to the [~~division~~] department that the
11 person's son, daughter, stepchild or spouse was a service
12 member killed in an armed conflict with an enemy of the United
13 States.

14 B. For each family of a service member described in
15 Subsection A of this section, the [~~division~~] department shall
16 issue special registration plates for no more than four
17 vehicles.

18 C. No fee, including the regular registration fee
19 applicable to the passenger motor vehicle, if any, shall be
20 collected for issuance of the first special registration plate
21 issued to the mother or spouse of a service member described in
22 Subsection A of this section. No fee other than the regular
23 registration fee applicable to the passenger motor vehicle, if
24 any, shall be collected for issuance of the three additional
25 special registration plates issued to the family of a service

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1 member described in Subsection A of this section.

2 D. The special registration plate issued pursuant
3 to this section shall be known as the "gold star families"
4 special registration plate.

5 E. The [~~division~~] department, with the advice and
6 consultation of the gold star mothers, shall determine the
7 color and design of the gold star families registration plate
8 and provide for its issuance.

9 F. [~~No~~] A person shall not falsely [~~claim to be~~]
10 represent that the person is a surviving mother, father,
11 stepparent or spouse of a service member killed in an armed
12 conflict with an enemy of the United States so as to be
13 eligible to be issued special registration plates pursuant to
14 this section.

15 G. Any person who violates the provisions of
16 Subsection F of this section is guilty of a penalty assessment
17 misdemeanor."

18 **SECTION 27.** Section 66-3-424.28 NMSA 1978 (being Laws
19 2009, Chapter 86, Section 1) is amended to read:

20 "66-3-424.28. STANDARDIZED SPECIAL REGISTRATION [~~PLATE~~
21 ~~FOR~~] PLATES--RETIRED NEW MEXICO LAW ENFORCEMENT OFFICERS.--

22 A. The [~~division~~] department shall issue a
23 standardized special registration plate with a logo specified
24 in Section 66-3-424 NMSA 1978 indicating that the recipient is
25 a person who is a retired New Mexico law enforcement officer

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1 upon submission by the person of proof satisfactory to the
2 [~~division~~] department that the person is a retired New Mexico
3 law enforcement officer. The proof shall include the
4 submission of a retirement commission from a New Mexico law
5 enforcement agency.

6 B. A person shall not [~~make any representation as~~
7 ~~being~~] falsely represent that the person is a retired New
8 Mexico law enforcement officer if that person is, in fact, not
9 a retired New Mexico law enforcement officer. The secretary
10 shall determine what constitutes satisfactory proof that a
11 person is a retired New Mexico law enforcement officer.

12 C. A person who violates the provisions of
13 Subsection B of this section is guilty of a [~~petty~~] penalty
14 assessment misdemeanor [~~and shall be sentenced pursuant to~~
15 ~~Section 31-19-1 NMSA 1978~~].

16 D. A fee of twenty-five dollars (\$25.00), which is
17 in addition to the regular motor vehicle registration fee,
18 shall be collected by the [~~division~~] department for the
19 original issuance of the special registration plate for retired
20 New Mexico law enforcement officers.

21 E. Ten dollars (\$10.00) of the fee collected
22 pursuant to Subsection D of this section shall be retained by
23 the [~~division~~] department and is appropriated to the [~~division~~]
24 department to defray the cost of making and issuing special
25 registration plates for retired New Mexico law enforcement

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1 officers. The remaining fifteen dollars (\$15.00) shall be
2 deposited in the motor vehicle suspense fund for distribution
3 pursuant to Section 66-6-23 NMSA 1978.

4 F. The secretary shall approve the final logo
5 design for the special registration plate for retired New
6 Mexico law enforcement officers. The logo shall be clearly
7 marked as "retired New Mexico law enforcement officer" for
8 issuance to retired New Mexico law enforcement officers."

9 SECTION 28. Section 66-3-701 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 100) is amended to read:

11 "66-3-701. BICYCLES--EFFECT OF REGULATIONS.--

12 A. It is a penalty assessment misdemeanor for [~~any~~]
13 a person to do any act forbidden or fail to perform any act
14 required by Sections [~~64-3-701 through 64-3-707 NMSA 1953~~] 66-
15 3-701 through 66-3-707 NMSA 1978.

16 B. The parent of any child and the guardian of any
17 ward shall not authorize or permit any [~~such~~] child or ward to
18 violate any of the provisions of the Motor Vehicle Code.

19 C. These regulations applicable to bicycles [~~shall~~]
20 apply whenever a bicycle is operated upon any highway or upon
21 any path set aside for the exclusive use of bicycles subject to
22 those exceptions stated [~~herein~~] in Sections 66-3-701 through
23 66-3-707 NMSA 1978."

24 SECTION 29. Section 66-3-801 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 107, as amended) is amended to read:

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1 "66-3-801. EQUIPMENT--PROHIBITED ACTS.--

2 A. Except as otherwise provided in this section, it
3 is a penalty assessment misdemeanor for [~~any~~] a person to drive
4 or move or for the owner to cause or permit to be driven or
5 moved on any highway any vehicle or combination of vehicles
6 [~~which~~] that is in such unsafe condition as to endanger any
7 person or [~~which~~] that does not contain those parts or is not
8 at all times equipped with such lamps and other equipment in
9 proper condition and adjustment as is required by Sections
10 66-3-801 through 66-3-887 NMSA 1978 or [~~which~~] that is equipped
11 in any manner that is in violation of those sections or for any
12 person to do any act forbidden or fail to perform any act
13 required under those sections.

14 B. Nothing contained in Sections 66-3-801 through
15 66-3-887 NMSA 1978 shall be construed to prohibit the use of
16 additional parts and accessories on any vehicle [~~which~~] that
17 are not inconsistent with the provisions of those sections.

18 C. The provisions of Sections 66-3-801 through
19 66-3-887 NMSA 1978 with respect to equipment on vehicles shall
20 not apply to implements of husbandry, road machinery, road
21 rollers or farm tractors except as made applicable in those
22 sections.

23 D. The provisions of Sections 66-3-801 through
24 66-3-887 NMSA 1978 apply to vehicles subject to the provisions
25 of the Motor Carrier Safety Act only to the extent that the

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underscoring material = new
~~[bracketed material] = delete~~

1 provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 do
2 not conflict with the provisions of the Motor Carrier Safety
3 Act and regulations promulgated under that act."

4 SECTION 30. Section 66-3-802 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 108) is amended to read:

6 "66-3-802. WHEN LIGHTED LAMPS ARE REQUIRED.--

7 A. Every vehicle upon a highway within this state
8 at any time from a half-hour after sunset to a half-hour before
9 sunrise and at any other time when there is not sufficient
10 light to render clearly discernible persons and vehicles on the
11 highway at a distance of five hundred feet ahead shall display
12 lighted lamps and illuminating devices as [~~hereinafter~~]
13 respectively required in Sections 66-3-801 through 66-3-887
14 NMSA 1978 for different classes of vehicles, subject to
15 exceptions with respect to parked vehicles as [~~hereinafter~~]
16 stated in Section 66-3-825 NMSA 1978.

17 B. A person who violates the provisions of this
18 section is guilty of a penalty assessment misdemeanor."

19 SECTION 31. Section 66-3-804 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 110, as amended) is amended to read:

21 "66-3-804. HEADLAMPS ON MOTOR VEHICLES.--

22 A. Every motor vehicle other than a motorcycle
23 shall be equipped with at least two headlamps with at least one
24 on each side of the front of the motor vehicle, which headlamps
25 [~~shall~~] comply with the requirements and limitations set forth

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1 in Sections 66-3-801 through 66-3-887 NMSA 1978.

2 B. Every motorcycle shall be equipped with at least
3 one and not more than two headlamps [~~which shall~~] that comply
4 with the requirements and limitations of Sections 66-3-801
5 through 66-3-887 NMSA 1978.

6 C. Every headlamp upon every motor vehicle,
7 including every motorcycle, shall be located at a height
8 measured from the center of the headlamp of not more than
9 fifty-four inches [~~not~~] or less than twenty inches to be
10 measured as set forth in Subsection B of Section 66-3-803 NMSA
11 1978. The provisions of this subsection [~~shall~~] apply only to
12 new motor vehicles sold after July 1, 1953.

13 D. A person who violates the provisions of this
14 section is guilty of a penalty assessment misdemeanor."

15 SECTION 32. Section 66-3-805 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 111) is amended to read:

17 "66-3-805. TAIL LAMPS.--

18 A. Every motor vehicle, trailer, semitrailer, [~~and~~]
19 pole trailer and any other vehicle [~~which~~] that is being drawn
20 at the end of a train of vehicles shall be equipped with at
21 least one tail lamp mounted on the rear [~~which~~] that, when
22 lighted as [~~hereinbefore~~] required [~~shall emit~~] in Section
23 66-3-802 NMSA 1978, emits a red light plainly visible from a
24 distance of five hundred feet to the rear; provided that, in
25 the case of a train of vehicles, only the tail lamp on the

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1 rearmost vehicle need actually be seen from the distance
2 specified. [~~And further~~] Every such [~~above-mentioned~~] vehicle,
3 other than a truck tractor, registered in this state and
4 manufactured or assembled after July 1, 1953 shall be equipped
5 with at least two tail lamps mounted on the rear [~~which~~] that
6 when lighted as [~~herein~~] required [~~shall~~] in Section 66-3-802
7 NMSA 1978 comply with the provisions of this section.

8 B. Every tail lamp upon every vehicle shall be
9 located at [~~at~~] a height of not more than seventy-two inches
10 [~~nor~~] or less than twenty inches.

11 C. Either a tail lamp or a separate lamp shall be
12 so constructed and placed as to illuminate with a white light
13 the rear registration plate and render it clearly legible from
14 a distance of fifty feet to the rear. Any tail lamp [~~or tail~~
15 ~~lamps~~], together with any separate lamp for illuminating the
16 rear registration plate, shall be so wired as to be lighted
17 whenever the headlamps or auxiliary driving lamps are lighted.

18 D. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 33. Section 66-3-806 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 112, as amended) is amended to read:

22 "66-3-806. NEW MOTOR VEHICLES TO BE EQUIPPED WITH
23 REFLECTORS.--

24 A. Every new motor vehicle hereafter sold and
25 operated upon a highway, other than a truck tractor, shall

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1 carry on the rear, either as a part of the tail lamps or
2 separately, two red reflectors, except that every motorcycle
3 shall carry at least one reflector, meeting the requirements of
4 this section, and except that vehicles of the type mentioned in
5 Section 66-3-809 NMSA 1978 shall be equipped with reflectors as
6 required in those sections applicable [~~thereto~~] to those
7 vehicles.

8 B. Every [~~such~~] reflector shall be mounted on the
9 vehicle at a height not less than twenty inches [~~nor~~] or more
10 than sixty inches measured as set forth in Subsection B of
11 Section 66-3-803 NMSA 1978 and shall be of such size and
12 characteristics and so mounted as to be visible at night from
13 all distances within three hundred feet to fifty feet from
14 [~~such~~] the vehicle when directly in front of lawful upper beams
15 of headlamps, except that visibility from a greater distance is
16 hereinafter required of reflectors on certain types of
17 vehicles.

18 C. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 34. Section 66-3-846 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 152, as amended) is amended to read:

22 "66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED
23 WITH WIPERS--WINDOWS MUST BE TRANSPARENT--EXCEPTION.--

24 A. No person shall drive any motor vehicle with any
25 sign, poster or other nontransparent material upon or in the

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1 front windshield, the windows to the immediate right and left
2 of the driver or [~~in~~] the rearmost window if the latter is used
3 for driving visibility, except as provided in Section
4 66-3-846.1 NMSA 1978. The rearmost window is not necessary for
5 driving visibility where outside rearview mirrors are attached
6 to the vehicle.

7 B. The windshield on every motor vehicle except a
8 motorcycle shall be equipped with a device for cleaning rain,
9 snow or other moisture from the windshield, which device shall
10 be so constructed as to be controlled or operated by the driver
11 of the vehicle.

12 C. Every windshield wiper upon a motor vehicle
13 shall be maintained in good working order.

14 D. A person who violates the provisions of this
15 section is guilty of a penalty assessment misdemeanor."

16 SECTION 35. Section 66-3-846.1 NMSA 1978 (being Laws
17 1997, Chapter 151, Section 2) is amended to read:

18 "66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND
19 WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--

20 A. A person shall not operate on any street or
21 highway a motor vehicle that is registered or required to be
22 registered in this state if that motor vehicle has a sun
23 screening material on the windshield or any window that does
24 not comply with the requirements of this section.

25 B. Except as otherwise provided in this section, a

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1 sun screening material:

2 (1) when used in conjunction with the
3 windshield, shall be nonreflective, shall not be red, yellow or
4 amber in color and shall be used only along the top of the
5 windshield, not extending downward beyond the ASI line or more
6 than five inches from the top of the windshield, whichever is
7 closer to the top of the windshield; and

8 (2) when used in conjunction with the safety
9 glazing materials of the side wings or side windows located at
10 the immediate right and left of the driver, the side windows
11 behind the driver and the rearmost window shall be
12 nonreflective, shall have a light transmission of not less than
13 twenty percent and shall be used only on the windows of a motor
14 vehicle equipped with one right and one left outside rearview
15 mirror.

16 C. Each manufacturer shall:

17 (1) certify to the division that a sun
18 screening material used by that manufacturer is in compliance
19 with the nonreflectivity and light transmission requirements of
20 this section;

21 (2) provide a label not to exceed one and one-
22 half square inches in size that:

23 (a) is installed permanently and legibly
24 between the sun screening material and each glazing surface to
25 which it is applied;

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1 (b) contains the manufacturer's name,
2 the date that the sun screening material was manufactured and
3 the percentage of light transmission; and

4 (c) is placed in the left lower corner
5 of each glazing surface when facing the motor vehicle from the
6 outside; and

7 (3) include instructions with the sun
8 screening material for proper installation, including the
9 affixing of the label specified in this subsection.

10 D. ~~No~~ A person shall not:

11 (1) offer for sale or for use any sun
12 screening material for motor vehicle use not in compliance with
13 this section; or

14 (2) install any sun screening material on
15 motor vehicles intended for operation on any street or highway
16 without permanently affixing the label specified in Subsection
17 C of this section.

18 E. The provisions of this section do not apply to a
19 motor vehicle registered in this state in the name of a person,
20 or the person's legal guardian, who has an affidavit signed by
21 a physician or an optometrist licensed to practice in this
22 state that states that the person has a physical condition that
23 makes it necessary to equip the motor vehicle with sun
24 screening material that is in violation of this section. The
25 affidavit shall be in the possession of the person with such a

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1 physical condition, or the person's legal guardian, at all
2 times while being transported in the motor vehicle.

3 F. The light transmission requirement of this
4 section does not apply to windows behind the driver on truck
5 tractors, buses, recreational vehicles, multipurpose passenger
6 vehicles [~~and~~] or motor homes. The provisions of this section
7 shall not apply to motor vehicle glazing [~~which~~] that complies
8 with federal motor vehicle standards.

9 G. The provisions of this section do not apply to
10 motor vehicles that have sun screening material on the
11 windshield or any window prior to [~~the effective date of this~~
12 ~~section~~] July 1, 1997.

13 H. As used in this section:

14 (1) "light transmission" means the ratio of
15 the amount of total light that passes through a product or
16 material, expressed in percentages, to the amount of the total
17 light falling on the product or material;

18 (2) "manufacturer" means any person engaged in
19 the manufacturing or assembling of sun screening products or
20 materials designed to be used in conjunction with motor vehicle
21 glazing materials for the purpose of reducing the effects of
22 the sun;

23 (3) "nonreflective" means designed to absorb
24 light rather [~~that~~] than to reflect it; and

25 (4) "sun screening material" means any film

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1 material, substance, device or product that is designed to be
2 used in conjunction with motor vehicle safety glazing materials
3 for reducing the effects of the sun.

4 I. ~~[Any]~~ A person who violates ~~[any]~~ a provision of
5 this section is guilty of a ~~[petty]~~ penalty assessment
6 misdemeanor ~~[and upon conviction shall be punished by a fine of~~
7 ~~not more than seventy-five dollars (\$75.00)]."~~

8 SECTION 36. Section 66-3-901 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 194, as amended) is amended to read:

10 "66-3-901. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN
11 UNSAFE CONDITION.--~~[No]~~

12 A. A person shall not drive or move on any highway
13 any motor vehicle, trailer, semitrailer or pole trailer or any
14 combination thereof unless the equipment upon every vehicle is
15 in good working order and adjustment as required in the Motor
16 Vehicle Code and the vehicle is in such safe mechanical
17 condition as not to endanger the driver or other occupant or
18 any person upon the highway.

19 B. A person who violates the provisions of this
20 section is guilty of a penalty assessment misdemeanor."

21 SECTION 37. Section 66-5-16 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 238, as amended) is amended to read:

23 "66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON
24 DEMAND.--Every licensee shall have ~~[his]~~ the licensee's
25 driver's license in ~~[his]~~ the licensee's immediate possession

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1 at all times when operating a motor vehicle and shall display
2 the license upon demand of a magistrate, a peace officer or a
3 field deputy or inspector of the division. A person who
4 violates the provisions of this section is guilty of a penalty
5 assessment misdemeanor; however, ~~[no]~~ a person charged with
6 violating this section shall not be convicted if ~~[he]~~ the
7 person produces in court a driver's license ~~[theretofore]~~
8 issued to ~~[him]~~ the person and valid at the time of ~~[his~~
9 ~~arrest]~~ the person's citation."

10 SECTION 38. Section 66-5-22 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 244, as amended) is amended to read:

12 "66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME.--

13 A. Whenever a person, after applying for or
14 receiving a driver's license, moves from the address named in
15 the application or in the issued license or when the name of a
16 licensee is changed by marriage or otherwise, the person shall,
17 within ten days, notify the division of the new address in
18 writing or by electronic media pursuant to department
19 regulations. In the event of a change of name, the license
20 ~~[must]~~ shall be delivered by the licensee to the division and
21 the change of name be accomplished on the license itself. The
22 division may require such evidence as it deems satisfactory
23 regarding the change of name.

24 B. A person who violates the provisions of this
25 section is guilty of a penalty assessment misdemeanor."

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1 **SECTION 39.** Section 66-5-30 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 252, as amended) is amended to read:

3 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
4 LICENSE.--

5 A. The division may suspend the instruction permit,
6 driver's license or provisional license of a driver without
7 preliminary hearing upon a showing by its records or other
8 sufficient evidence, including information provided to the
9 state pursuant to an intergovernmental agreement authorized by
10 Section 66-5-27.1 NMSA 1978, that the licensee:

11 (1) has been convicted of an offense for which
12 mandatory revocation of license is required upon conviction;

13 (2) has been convicted as a driver in an
14 accident resulting in the death or personal injury of another
15 or serious property damage;

16 (3) has been convicted with such frequency of
17 offenses against traffic laws or rules governing motor vehicles
18 as to indicate a disrespect for traffic laws and a disregard
19 for the safety of other persons on the highways;

20 (4) is an habitually reckless or negligent
21 driver of a motor vehicle;

22 (5) is incompetent to drive a motor vehicle;

23 (6) has permitted an unlawful or fraudulent
24 use of the license;

25 (7) has been convicted of an offense in

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1 another state or tribal jurisdiction that if committed within
2 this state's jurisdiction would be grounds for suspension or
3 revocation of the license;

4 (8) has violated provisions stipulated by a
5 district court in limitation of certain driving privileges;

6 ~~[(9) has failed to fulfill a signed promise to~~
7 ~~appear or notice to appear in court as evidenced by notice from~~
8 ~~a state court or tribal court, whenever appearance is required~~
9 ~~by law or by the court as a consequence of a charge or~~
10 ~~conviction under the Motor Vehicle Code or pursuant to the laws~~
11 ~~of the tribe;~~

12 ~~(10) has failed to pay a penalty assessment~~
13 ~~within thirty days of the date of issuance by the state or a~~
14 ~~tribe; or~~

15 ~~(11)]~~ (9) has accumulated seven points, but
16 less than eleven points, and when the division has received a
17 recommendation from a municipal or magistrate judge that the
18 license be suspended for a period not to exceed three months;
19 or

20 (10) has failed to comply with the terms of a
21 citation issued in a foreign jurisdiction that is a party to
22 the Nonresident Violator Compact and that has notified the
23 division of the failure in accordance with the Nonresident
24 Violator Compact.

25 B. If a person whose license was issued by a

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1 jurisdiction outside New Mexico that is a party to the
2 Nonresident Violator Compact fails to comply with the terms of
3 a citation issued in New Mexico, the division shall notify that
4 other jurisdiction of the failure and that jurisdiction shall
5 initiate a license suspension action in accordance with the
6 provisions of Article IV of the Nonresident Violator Compact.

7 [~~B.~~] C. Upon suspending the license of a person as
8 authorized in this section, the division shall immediately
9 notify the licensee in writing of the licensee's right to a
10 hearing before the administrative hearings office and, upon the
11 licensee's request, shall notify the administrative hearings
12 office. The administrative hearings office shall schedule the
13 hearing to take place as early as practicable, but within no
14 more than twenty days, not counting Saturdays, Sundays and
15 legal holidays after receipt of the request. The hearing shall
16 be held in the county in which the licensee resides unless the
17 hearing officer and the licensee agree that the hearing may be
18 held in some other county; provided that the hearing request is
19 received within twenty days from the date that the suspension
20 was deposited in the United States mail. The hearing officer
21 may, in the hearing officer's discretion, extend the twenty-day
22 period. The hearing shall be held as provided in the
23 Administrative Hearings Office Act. After the hearing, the
24 hearing officer shall either rescind the order of suspension or
25 continue, modify or extend the suspension of the license or

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1 revoke the license."

2 SECTION 40. Section 66-5-33.1 NMSA 1978 (being Laws 1985,
3 Chapter 47, Section 1, as amended) is amended to read:

4 "66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
5 REGISTRATION--IGNITION INTERLOCK--FEE.--

6 A. Whenever a driver's license or registration is
7 suspended or revoked and an application has been made for its
8 reinstatement, compliance with all appropriate provisions of
9 the Motor Vehicle Code and the payment of a fee of twenty-five
10 dollars (\$25.00) is a prerequisite to the reinstatement of any
11 license or registration.

12 B. If a driver's license was revoked for driving
13 while under the influence of intoxicating liquor or drugs, for
14 aggravated driving while under the influence of intoxicating
15 liquor or drugs or pursuant to the Implied Consent Act, the
16 following are required to reinstate the driver's license:

17 (1) an additional fee of seventy-five dollars
18 (\$75.00);

19 (2) completion of the license revocation
20 period;

21 (3) satisfaction of any court-ordered ignition
22 interlock requirements; ~~and~~

23 (4) a minimum of six months of driving with an
24 ignition interlock license with no attempts to circumvent or
25 tamper with the ignition interlock device;

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1 (5) evidence that the ignition interlock
2 device has not recorded two failed breath tests that prevented
3 the driver from starting the vehicle; and

4 (6) evidence of verified active usage as that
5 phrase is defined by the bureau.

6 C. The department may reinstate the driving
7 privileges of an out-of-state resident without the requirement
8 that the person obtain an ignition interlock license for a
9 minimum of six months, if the following conditions are met:

10 (1) the license revocation period is
11 completed;

12 (2) satisfactory proof is presented to the
13 department that the person is no longer a resident of New
14 Mexico; and

15 (3) the license reinstatement fee is paid.

16 D. Fees collected pursuant to Subsection B of this
17 section are appropriated to the local governments road fund.
18 The department shall maintain an accounting of the fees
19 collected and shall report that amount upon request to the
20 legislature."

21 SECTION 41. Section 66-5-39 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 261, as amended) is amended to read:

23 "66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--

24 A. ~~[Any]~~ A person who drives a motor vehicle on any
25 public highway of this state at a time when the person's

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1 privilege to do so is suspended and who knows or should have
2 known that the person's license was suspended is guilty of a
3 misdemeanor and [~~shall be charged with a violation of this~~
4 ~~section. Upon conviction, the person shall~~] may be punished,
5 notwithstanding the provisions of Section [~~31-18-13~~] 31-19-1
6 NMSA 1978, by imprisonment for not [~~less than four days or~~
7 more than [~~three hundred sixty-four~~] ninety days or
8 participation for an equivalent period of time in a certified
9 alternative sentencing program, [~~and there may be imposed in~~
10 ~~addition~~] or by payment of a fine of not more than [~~one~~
11 ~~thousand dollars (\$1,000)~~] three hundred dollars (\$300), or
12 both. When a person pays any or all of the cost of
13 participating in a certified alternative sentencing program,
14 the court may apply that payment as a deduction to any fine
15 imposed by the court. Any municipal ordinance prohibiting
16 driving with a suspended license shall provide penalties no
17 less stringent than provided in this section.

18 B. In addition to any other penalties imposed
19 pursuant to the provisions of this section, when a person is
20 convicted pursuant to the provisions of this section or a
21 municipal ordinance that prohibits driving on a suspended
22 license, the motor vehicle the person was driving may be
23 immobilized by an immobilization device for thirty days, unless
24 immobilization of the motor vehicle poses an imminent danger to
25 the health, safety or employment of the convicted person's

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1 immediate family or the family of the owner of the motor
2 vehicle. The convicted person shall bear the cost of
3 immobilizing the motor vehicle.

4 ~~[G. The division, upon receiving a record of the~~
5 ~~conviction of any person under this section, shall extend the~~
6 ~~period of suspension for an additional like period.]"~~

7 SECTION 42. Section 66-7-106 NMSA 1978 (being Laws 1953,
8 Chapter 139, Section 35, as amended) is amended to read:

9 "66-7-106. PEDESTRIAN CONTROL SIGNALS.--

10 A. Whenever special pedestrian control signals
11 exhibiting the words "walk" or "don't walk" are in place:

12 ~~[A.]~~ (1) "walk" indicates that pedestrians
13 facing the signal may proceed across the roadway in the
14 direction of the signal and shall be given the right of way by
15 drivers of all vehicles; and

16 ~~[B.]~~ (2) "don't walk" indicates that no
17 pedestrian shall start to cross the roadway in the directions
18 of the signal, but any pedestrian who has partially completed
19 ~~[his]~~ the pedestrian's crossing on the walk signal shall
20 proceed to a sidewalk or safety island while the don't walk
21 signal is showing.

22 B. A person who violates the provisions of this
23 section is guilty of a penalty assessment misdemeanor."

24 SECTION 43. Section 66-7-107 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 387) is amended to read:

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1 "66-7-107. FLASHING SIGNALS.--

2 A. Whenever an illuminated flashing red or yellow
3 signal is used in a traffic sign or signal, it shall require
4 obedience by vehicular traffic as follows:

5 (1) flashing red (stop signal): when a red
6 lens is illuminated with rapid intermittent flashes, drivers of
7 vehicles shall stop before entering the nearest crosswalk at an
8 intersection or at a limit line when marked or, if none, ~~[then]~~
9 before entering the intersection, and the right to proceed
10 shall be subject to the rules applicable after making a stop at
11 a stop sign; or

12 (2) flashing yellow (caution signal): when a
13 yellow lens is illuminated with rapid intermittent flashes,
14 drivers of vehicles may proceed through the intersection or
15 pass such signal only with caution.

16 B. This section ~~[shall]~~ does not apply at railroad
17 grade crossings. Conduct of drivers of vehicles approaching
18 railroad grade ~~[crossings]~~ crossings shall be governed by the
19 rules as set forth in Section ~~[64-7-341 NMSA 1953]~~ 66-7-341
20 NMSA 1978.

21 C. A person who violates the provisions of this
22 section is guilty of a penalty assessment misdemeanor."

23 SECTION 44. Section 66-7-108 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 388) is amended to read:

25 "66-7-108. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR

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1 MARKINGS.--

2 A. ~~No~~ A person shall not place, maintain or
3 display upon or in view of any highway any unauthorized sign,
4 signal, marking or device ~~which~~ that purports to be or is an
5 imitation of or resembles an official traffic-control device or
6 railroad sign or signal or ~~which~~ that attempts to direct the
7 ~~movements~~ movement of traffic or ~~which~~ that hides from view
8 or interferes with the effectiveness of any official traffic-
9 control device or any railroad sign or signal. ~~and no~~ A
10 person shall not place or maintain nor shall ~~any~~ a public
11 authority permit upon ~~any~~ a highway any traffic sign or
12 signal bearing ~~thereon~~ any commercial advertising.

13 B. Every such prohibited sign, signal, ~~or~~ marking
14 or device is ~~hereby~~ declared to be a public nuisance, and the
15 authority having jurisdiction over the highway is ~~hereby~~
16 empowered to remove the ~~same~~ sign, signal, marking or device
17 or cause it to be removed without notice.

18 C. A person who violates the provisions of this
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 45. Section 66-7-334 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 438, as amended) is amended to read:

22 "66-7-334. PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS.--

23 A. When traffic-control signals are not in place or
24 not in operation, the driver of a vehicle shall yield the right
25 of way, slowing down or stopping if need be to so yield, to a

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1 pedestrian crossing the roadway within a crosswalk when the
2 pedestrian is in the crosswalk.

3 B. ~~[No]~~ A pedestrian shall not suddenly leave a
4 curb or other place of safety and walk or run into the path of
5 a vehicle that is so close that it is impossible for the driver
6 to yield.

7 C. Subsection A of this section shall not apply
8 under the conditions stated in Subsection B of Section 66-7-335
9 NMSA 1978.

10 D. Whenever a vehicle is stopped at a marked
11 crosswalk or at an unmarked crosswalk at an intersection to
12 permit a pedestrian to cross the roadway, the driver of another
13 vehicle approaching from the rear shall not overtake and pass
14 the stopped vehicle.

15 E. A person who violates the provisions of this
16 section is guilty of a penalty assessment misdemeanor."

17 SECTION 46. Section 66-7-335 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 439) is amended to read:

19 "66-7-335. CROSSING AT OTHER THAN CROSSWALKS.--

20 A. ~~[Every]~~ A pedestrian crossing a roadway at any
21 point other than within a marked crosswalk or within an
22 unmarked crosswalk at an intersection shall yield the right of
23 way to all vehicles upon the roadway.

24 B. Any pedestrian crossing a roadway at a point
25 where a pedestrian tunnel or overhead pedestrian crossing has

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1 been provided shall yield the right of way to all vehicles upon
2 the roadway.

3 C. Between adjacent intersections at which traffic-
4 control signals are in operation, pedestrians shall not cross
5 at any place except in a marked crosswalk.

6 D. A person who violates the provisions of this
7 section is guilty of a penalty assessment misdemeanor."

8 SECTION 47. Section 66-7-338 NMSA 1978 (being Laws 1953,
9 Chapter 139, Section 91) is amended to read:

10 "66-7-338. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.--

11 A. Pedestrians shall move, whenever practicable,
12 upon the right half of crosswalks.

13 B. A person who violates the provisions of this
14 section is guilty of a penalty assessment misdemeanor."

15 SECTION 48. Section 66-7-339 NMSA 1978 (being Laws 1978,
16 Chapter 35, Section 443) is amended to read:

17 "66-7-339. PEDESTRIANS ON ROADWAYS.--

18 A. Where sidewalks are provided, it [~~shall be~~] is
19 unlawful for [~~any~~] a pedestrian to walk along and upon an
20 adjacent roadway.

21 B. Where sidewalks are not provided, [~~any~~] a
22 pedestrian walking along and upon a highway shall, when
23 practicable, walk only on the left side of the roadway or its
24 shoulder facing traffic [~~which~~] that may approach from the
25 opposite direction.

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1 C. A person who violates the provisions of this
2 section is guilty of a penalty assessment misdemeanor."

3 SECTION 49. Section 66-7-355 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 459, as amended) is amended to read:

5 "66-7-355. RIDING ON MOTORCYCLES.--

6 A. A person operating a motorcycle, other than an
7 autocycle, shall ride only upon the permanent and regular seat
8 attached thereto, shall have the person's feet upon the
9 footrests provided on the machine and shall not carry any other
10 person nor shall any other person ride on the motorcycle unless
11 it is designed to carry more than one person. If a motorcycle,
12 other than an autocycle, is designed to carry more than one
13 person, the passenger may ride upon the permanent and regular
14 seat if designed for two persons or upon another seat firmly
15 attached to the rear or side of the motorcycle. The passenger
16 shall have the passenger's feet upon the footrests attached for
17 passenger use.

18 B. ~~Any~~ A person operating a motorcycle not having
19 a fixed windshield of a type approved by regulation of the
20 secretary shall wear an eye protective device, which may be a
21 faceshield attached to a safety helmet, goggles or safety
22 eyeglasses. All eye protective devices shall be of a type
23 approved by regulations promulgated by the secretary.

24 C. A person who violates the provisions of this
25 section is guilty of a penalty assessment misdemeanor."

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1 SECTION 50. Section 66-7-358 NMSA 1978 (being Laws 1978,
2 Chapter 35, Section 462, as amended by Laws 1989, Chapter 318,
3 Section 31 and also by Laws 1989, Chapter 321, Section 1) is
4 amended to read:

5 "66-7-358. RESTRICTION ON USE OF ~~[TELEVISION]~~ VIDEO
6 SCREENS IN MOTOR VEHICLES.--

7 A. It is unlawful to operate in this state any
8 motor vehicle equipped with a ~~[television]~~ video screen upon
9 which images may be projected or shown if the screen is within
10 the normal view of the driver of the motor vehicle unless the
11 ~~[television]~~ video screen is used solely as an aid to the
12 driver in the operation of the vehicle.

13 B. A person who violates the provisions of this
14 section is guilty of a penalty assessment misdemeanor.

15 C. As used in this section, "~~[television]~~ video
16 screen" does not include closed circuit monitors or computer
17 terminal monitors used by law enforcement agencies in law
18 enforcement motor vehicles."

19 SECTION 51. Section 66-7-359 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 463, as amended) is amended to read:

21 "66-7-359. DRIVING ON MOUNTAIN HIGHWAYS.--

22 A. The driver of a motor vehicle traveling through
23 defiles or canyons or on mountain highways shall hold the motor
24 vehicle under control and as near the right-hand edge of the
25 highway as reasonably possible.

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1 B. A person who violates the provisions of this
2 section is guilty of a penalty assessment misdemeanor."

3 SECTION 52. Section 66-7-360 NMSA 1978 (being Laws 1953,
4 Chapter 139, Section 117) is amended to read:

5 "66-7-360. COASTING PROHIBITED.--

6 A. The driver of any motor vehicle, when traveling
7 upon a [~~down-grade~~] downgrade, shall not coast with the clutch
8 disengaged.

9 B. A person who violates the provisions of this
10 section is guilty of a penalty assessment misdemeanor."

11 SECTION 53. Section 66-7-363 NMSA 1978 (being Laws 1953,
12 Chapter 139, Section 119.1, as amended) is amended to read:

13 "66-7-363. ANIMALS ON HIGHWAY.--

14 A. It is unlawful for any person, during the hours
15 of darkness, to ride a horse or other animal upon the traveled
16 portion of any highway [~~which~~] that is normally used by motor
17 vehicles.

18 B. It is unlawful for any person negligently to
19 permit livestock to wander or graze upon any fenced highway at
20 any time or, during the hours of darkness, to drive livestock
21 along or upon any highway [~~which~~] that is normally used by
22 motor vehicles.

23 C. Owners of livestock ranging in pastures through
24 which unfenced roads or highways pass shall not be liable for
25 damages by reason of injury or damage to persons or property

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1 occasioned by collisions of vehicles using ~~[said]~~ the roads and
 2 highways and livestock ~~[or animals]~~ ranging in ~~[said]~~ the
 3 pastures unless ~~[such]~~ the owner of the livestock is guilty of
 4 specific negligence other than allowing ~~[his animals]~~ livestock
 5 to range in ~~[said]~~ the pasture.

6 D. A person who violates the provisions of this
 7 section is guilty of a penalty assessment misdemeanor."

8 SECTION 54. Section 66-8-116 NMSA 1978 (being Laws 1978,
 9 Chapter 35, Section 524, as amended) is amended to read:

10 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
 11 SCHEDULE OF ASSESSMENTS.--

12 A. As used in the Motor Vehicle Code and the Boat
 13 Act, "penalty assessment misdemeanor" means violation of any of
 14 the following listed sections of the NMSA 1978 for which,
 15 except as provided in Subsections D ~~[and E]~~ through F of this
 16 section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
<u>Failure to surrender</u>		
<u>parking placard</u>	<u>66-3-16.1</u>	<u>\$100.00</u>
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,		

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1	plate or title	66-3-24	[20.00]
2	<u>25.00</u>		
3	<u>Horseless carriage</u>		
4	registration	<u>66-3-27</u>	<u>25.00</u>
5	<u>Transfer of registration</u>		
6	and title	<u>66-3-103</u>	<u>25.00</u>
7	<u>Expiration of dealer</u>		
8	plates	<u>66-3-403</u>	<u>25.00</u>
9	<u>Special registration</u>		
10	plates	<u>66-3-409, 66-3-411,</u>	
11		<u>66-3-412.1, 66-3-413,</u>	
12		<u>66-3-415 through</u>	
13		<u>66-3-417 and 66-3-419</u>	
14		<u>through 66-3-424.28</u>	<u>75.00</u>
15	<u>Bicycle laws</u>	<u>66-3-701</u>	
16		<u>through</u>	
17		<u>66-3-707</u>	<u>50.00</u>
18	<u>No license display</u>	<u>66-5-16</u>	<u>25.00</u>
19	<u>Failure to change</u>		
20	<u>address or name on</u>		
21	<u>license</u>	<u>66-5-22</u>	<u>25.00</u>
22	Permitting unauthorized		
23	minor to drive	66-5-40	50.00
24	Permitting unauthorized		
25	person to drive	66-5-41	25.00

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1	Failure to obey sign	66-7-104	[10.00] <u>25.00</u>
2	Failure to obey signal	66-7-105	[10.00] <u>25.00</u>
3	<u>Pedestrian signs and</u>		
4	<u>signals</u>	<u>66-7-106</u>	
5		<u>through</u>	
6		<u>66-7-108</u>	<u>25.00</u>
7	Speeding	66-7-301	
8	(1) up to and including		
9	ten miles an hour		
10	over the speed limit		[15.00] <u>25.00</u>
11	(2) from eleven up to		
12	and including fifteen		
13	miles an hour		
14	over the speed limit		30.00
15	(3) from sixteen up to		
16	and including twenty		
17	miles an hour over the		
18	speed limit		65.00
19	(4) from twenty-one up to		
20	and including twenty-five		
21	miles an hour		
22	over the 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] <u>25.00</u>
13	Speeding	66-7-306	[15.00] <u>25.00</u>
14	Improper starting	66-7-324	[10.00] <u>25.00</u>
15	Improper backing	66-7-354	[10.00] <u>25.00</u>
16	Improper lane	66-7-308	[10.00] <u>25.00</u>
17	Improper lane	66-7-313	[10.00] <u>25.00</u>
18	Improper lane	66-7-316	[10.00] <u>25.00</u>
19	Improper lane	66-7-317	[10.00] <u>25.00</u>
20	Improper lane	66-7-319	[10.00] <u>25.00</u>
21	Improper passing	66-7-309 through 66-7-312	[10.00] <u>25.00</u>
22	Improper passing	66-7-315	[10.00] <u>25.00</u>
23	Controlled access		
24	violation	66-7-320	[10.00] <u>25.00</u>
25	Controlled access		

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1	violation	66-7-321	[10.00] <u>25.00</u>
2	Improper turning	66-7-322	[10.00] <u>25.00</u>
3	Improper turning	66-7-323	[10.00] <u>25.00</u>
4	Improper turning	66-7-325	[10.00] <u>25.00</u>
5	Following too closely	66-7-318	[10.00] <u>25.00</u>
6	Failure to yield	66-7-328 through 66-7-331	[10.00] <u>25.00</u>
7	Failure to yield	66-7-332	50.00
8	Failure to yield	66-7-332.1	25.00
9	Pedestrian violation	66-7-333	[10.00]
10		<u>through</u>	
11	[Pedestrian violation]	66-7-340	[10.00] <u>25.00</u>
12	Failure to stop	66-7-342 and 66-7-344	
13		through 66-7-346	[10.00] <u>25.00</u>
14	Railroad-highway grade		
15	crossing violation	66-7-341 and 66-7-343	150.00
16	Passing school bus	66-7-347	100.00
17	Failure to signal	66-7-325 through 66-7-327	[10.00] <u>25.00</u>
18	<u>Riding on motorcycles</u>	<u>66-7-355</u>	<u>100.00</u>
19	<u>Video screens in</u>		
20	<u>automobiles</u>	<u>66-7-358</u>	<u>25.00</u>
21	<u>Driving on mountain</u>		
22	<u>highways</u>	<u>66-7-359</u>	<u>25.00</u>
23	<u>Coasting prohibited</u>	<u>66-7-360</u>	<u>25.00</u>
24	<u>Animals on highway at</u>		
25	<u>night</u>	<u>66-7-363</u>	<u>50.00</u>

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1	Failure to secure load	66-7-407	100.00
2	Operation without oversize-		
3	overweight permit	66-7-413	50.00
4	Transport of reducible		
5	load with special		
6	permit more than six miles		
7	from a border crossing	66-7-413	100.00
8	Improper equipment	66-3-801 <u>through</u>	
9		<u>66-3-840 and 66-3-842</u>	
10		through 66-3-851	[25.00] <u>50.00</u>
11	Improper equipment	66-3-901	[20.00] <u>50.00</u>
12	Improper emergency		
13	signal	66-3-853 through 66-3-857	[10.00] <u>25.00</u>
14	Minor on motorcycle		
15	without helmet	66-7-356	300.00
16	Operation interference	66-7-357	50.00
17	Littering	66-7-364	300.00
18	Improper parking	66-7-349 through 66-7-352	
19		and 66-7-353	[5.00] <u>25.00</u>
20	Improper parking	66-3-852	[5.00] <u>25.00</u>
21	[Failure to dim lights	66-3-831	10.00]
22	Riding in or towing		
23	occupied house trailer	66-7-366	[5.00] <u>25.00</u>
24	Improper opening of doors	66-7-367	[5.00] <u>25.00</u>
25	No slow-moving vehicle		

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1	emblem or flashing		
2	amber light	66-3-887	[5.00] <u>25.00</u>
3	<u>Failure to appear</u>	<u>66-8-126</u>	<u>50.00</u>
4	Open container-first		
5	violation	66-8-138	25.00
6	Texting while driving-		
7	<u>(1) first violation</u>	66-7-374	25.00
8	[Texting while driving-		
9	subsequent violation	66-7-374]	
10	<u>(2) second and subsequent</u>		
11	<u>violation</u>		50.00
12	Using a handheld mobile		
13	communication device		
14	while driving a		
15	commercial motor	[Section 1 of this	
16	vehicle	2016 act] <u>66-7-375</u>	[25.00
17	Using a handheld mobile		
18	communication device		
19	while driving a		
20	commercial motor		
21	vehicle-subsequent	Section 1 of this	
22	violation	2016 act]	
23	<u>(1) first violation</u>		<u>25.00</u>
24	<u>(2) second and subsequent</u>		
25	<u>violation</u>		50.00.

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1	<u>Boat numbering violation</u>	<u>66-12-4</u>	
2		<u>66-12-5</u>	
3		<u>66-12-6.5</u>	<u>20.00</u>
4	<u>Boat equipment violation</u>	<u>66-12-7</u>	
5		<u>66-12-10</u>	<u>100.00.</u>

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

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

16 D. The penalty assessment for speeding in violation
17 of Paragraph [~~4~~] (5) of Subsection A of Section 66-7-301 NMSA
18 1978 is twice the penalty assessment established in Subsection
19 A of this section for the equivalent miles per hour over the
20 speed limit.

21 E. Upon a second conviction for operation without a
22 permit for excessive size or weight pursuant to Section
23 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
24 fifty dollars (\$250). Upon a third or subsequent conviction,
25 the penalty assessment shall be five hundred dollars (\$500).

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

8 SECTION 55. Section 66-8-126 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 534) is amended to read:

10 "66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--

11 A. It is a penalty assessment misdemeanor for [~~any~~]
12 a person to violate [~~his~~] that person's written promise to
13 appear in court given to an officer upon issuance of a uniform
14 traffic citation regardless of the disposition of the charge
15 for which the citation was issued.

16 B. A written promise to appear in court may be
17 complied with by appearance of counsel."

18 SECTION 56. Section 66-12-4 NMSA 1978 (being Laws 1959,
19 Chapter 338, Section 4, as amended) is amended to read:

20 "66-12-4. OPERATION OF UNNUMBERED MOTORBOATS
21 PROHIBITED.--

22 A. [~~Every~~] A motorboat [~~which~~] that is propelled by
23 sail or machinery operating on the waters of this state shall
24 be numbered. [~~No~~] A person shall not operate or give
25 permission for the operation of any motorboat on the waters of

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1 this state unless the motorboat is numbered in accordance with
2 the Boat Act or in accordance with applicable federal law or in
3 accordance with a federally approved numbering system of
4 another state and unless the certificate of number awarded to
5 the motorboat is in force and the identifying number set forth
6 in the certificate of number is displayed on each side of the
7 bow of the motorboat.

8 B. ~~Every~~ A boat operating on the waters of this
9 state and owned by a person who is domiciled in this state
10 shall be titled. ~~No~~ A person shall not operate or give
11 permission for the operation of any boat on the waters of this
12 state unless the boat is titled as provided in the Boat Act.

13 C. A person who is not domiciled in this state but
14 ~~who~~ operates a boat on the waters of this state may, pursuant
15 to the provisions of the Boat Act, elect to register the boat
16 in this state.

17 D. A person who violates the provisions of this
18 section is guilty of a penalty assessment misdemeanor as
19 provided in Section 66-8-116 NMSA 1978."

20 SECTION 57. Section 66-12-5 NMSA 1978 (being Laws 1959,
21 Chapter 338, Section 5, as amended) is amended to read:

22 "66-12-5. IDENTIFICATION NUMBER.--

23 A. The owner of ~~each~~ a motorboat requiring
24 numbering and inspection by this state shall file an
25 application for number with the division on forms approved by

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1 ~~[it]~~ the division. The application shall be signed by the
2 owner of the motorboat and shall be accompanied by a ~~[three~~
3 ~~year]~~ three-year registration fee as required in Section
4 66-12-5.1 NMSA 1978. Upon receipt of the application in
5 approved form, the division shall file it and issue to the
6 applicant a certificate of number stating the number awarded to
7 the motorboat and the name and address of the owner. The owner
8 shall paint on or attach to each side of the bow of the
9 motorboat the identification number in the manner prescribed by
10 regulations of the division in order that it is clearly visible
11 but in no case less than three inches in height and of a
12 contrasting color to the boat color. The number shall be
13 maintained in legible condition. The certificate of number
14 shall be pocket size and shall be available at all times for
15 inspection on the motorboat for which it is issued whenever the
16 motorboat is in operation.

17 B. Should the ownership of a motorboat change prior
18 to operating it on the waters of this state, the new owner
19 shall file with the division an application for a new
20 certificate of number in the same manner required for the award
21 of a number under Subsection A of this section.

22 C. If an agency of the United States has in force
23 an overall system of identification numbering for motorboats
24 within the United States, the numbering system employed by the
25 division pursuant to the Boat Act shall be in conformity with

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1 that system.

2 D. The division may award any certificate of number
3 directly or may authorize [~~any~~] a person to act as agent for
4 the awarding. If a person accepts such authorization, [~~he~~] the
5 person may be assigned a block of numbers and certificates
6 [~~which~~] that, upon award in conformity with the Boat Act and
7 with any regulations of the division, are valid as if awarded
8 directly by the division.

9 E. [~~Every~~] A certificate of number awarded pursuant
10 to the Boat Act shall continue in force through December 31 of
11 the third calendar year of registration unless sooner
12 terminated in accordance with the provisions of the Boat Act.
13 A certificate of number may be renewed in the same manner
14 provided for in the initial securing of the certificate and
15 upon payment of the [~~three-year~~] three-year registration fee.
16 Each application for renewal of a certificate of number shall
17 be made by the owner on an application form, which must be
18 received by the division within sixty days after the expiration
19 date of the certificate.

20 F. [~~The~~] An owner shall notify the division of
21 transfer, destruction or abandonment of [~~the~~] a motorboat
22 within fifteen days thereof. The transfer, destruction or
23 abandonment terminates the certificate of number for the
24 motorboat except in the case of a transfer of a part interest
25 [~~which~~] that does not affect the owner's right to operate the

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1 motorboat. Whenever the certificate of number is terminated,
2 the owner shall return it to the division within fifteen days
3 and state the reason for termination.

4 G. If there is a change of address, the holder of a
5 certificate of number shall provide to the division the new
6 address, existing certificate of number and a reasonable
7 administrative fee. Upon receipt, the division will issue a
8 new certificate of number.

9 H. Only the assigned registration number shall be
10 painted, attached or otherwise displayed on either side of the
11 bow of a motorboat.

12 I. The registration number assigned to the motorboat
13 shall remain the assigned number for the life of the boat,
14 except when a boat is transferred out of state, destroyed or
15 abandoned.

16 J. A person who violates the provisions of this
17 section is guilty of a penalty assessment misdemeanor as
18 provided in Section 66-8-116 NMSA 1978."

19 SECTION 58. Section 66-12-6.5 NMSA 1978 (being Laws 2003,
20 Chapter 410, Section 4) is amended to read:

21 "66-12-6.5. PROHIBITED DISPLAY OF DEALER OR MANUFACTURER
22 NUMBERS.--

23 A. A dealer or manufacturer shall not display a
24 dealer or manufacturer number on a motorboat that is not being
25 operated for test or demonstration purposes.

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1 B. A person who violates the provisions of this
2 section is guilty of a penalty assessment misdemeanor as
3 provided in Section 66-8-116 NMSA 1978."

4 SECTION 59. Section 66-12-7 NMSA 1978 (being Laws 1959,
5 Chapter 338, Section 6, as amended) is amended to read:

6 "66-12-7. EQUIPMENT.--

7 A. Every vessel shall have aboard:

8 (1) one life preserver, buoyant vest, ring buoy
9 or buoyant cushion bearing the mark of approval of the United
10 States coast guard and in serviceable condition for each person
11 on board;

12 (2) one oar or paddle;

13 (3) one bailing bucket with a capacity of at
14 least one gallon or a hand-operated bilge pump; and

15 (4) a length of stout rope at least equal to the
16 length of the vessel.

17 B. Every motorboat, during the hours of darkness,
18 shall carry:

19 (1) a bright white light aft to show around the
20 horizon; and

21 (2) a combined light on the [~~fore-part~~] forepart
22 of the vessel and lower than the white light and showing green
23 to the starboard and red to the port and so fixed as to throw
24 the light from right ahead to two points abaft the beam on
25 their respective sides. No other light shall be shown except

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1 as specifically prescribed by the United States coast guard for
2 the particular class of boats.

3 C. If carrying or using any inflammable or toxic
4 fluid in any enclosure for any purpose and if that enclosure is
5 not entirely open, ~~[every]~~ the vessel shall have an efficient
6 natural or mechanical ventilation system capable of removing
7 resulting gases prior to and during the time the vessel is
8 occupied by any person.

9 D. ~~[No]~~ A privately owned vessel shall not carry a
10 siren unless specifically authorized in writing by the director
11 of the division.

12 E. ~~[No]~~ A person shall not operate or give permission
13 for the operation of a vessel ~~[which]~~ that is not equipped as
14 required by this section.

15 F. A person who violates the provisions of this
16 section is guilty of a penalty assessment misdemeanor as
17 provided in Section 66-8-116 NMSA 1978."

18 **SECTION 60.** Section 66-12-10 NMSA 1978 (being Laws 1959,
19 Chapter 338, Section 9, as amended) is amended to read:

20 "66-12-10. MUFFLING DEVICES.--

21 A. The exhaust of ~~[every]~~ an internal combustion
22 engine used on ~~[any]~~ a motorboat shall be effectively muffled
23 by equipment ~~[so]~~ constructed and used ~~[as]~~ to muffle the noise
24 of the exhaust in a reasonable manner. ~~[This]~~ Muffling
25 equipment may include ~~[but is not limited to]~~ such devices as

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1 mufflers, exhaust restricters and water-injected exhaust
2 headers. ~~[The use of]~~ A person shall not use cut-outs or non-
3 muffled headers ~~[is prohibited]~~ except for motorboats competing
4 in a regatta or boat race approved as provided in Section
5 ~~[66-2-15]~~ 66-12-15 NMSA 1978 and for ~~[such]~~ those motorboats
6 while on trial runs during a period not to exceed forty-eight
7 hours immediately preceding the regatta or race and ~~[for such~~
8 ~~motorboats]~~ while competing in official trials for speed
9 records during a period not to exceed forty-eight hours
10 immediately following the regatta or race.

11 B. A person who violates the provisions of this
12 section is guilty of a penalty assessment misdemeanor as
13 provided in Section 66-8-116 NMSA 1978."

14 SECTION 61. REPEAL.--

15 A. Sections 30-8-12, 30-8-13 and 66-3-424.2 NMSA 1978
16 (being Laws 1963, Chapter 303, Sections 8-9 and 8-10 and Laws
17 2003, Chapter 174, Section 2, as amended) are repealed.

18 B. Laws 1989, Chapter 318, Section 31 is repealed.

19 SECTION 62. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2018.