

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 113

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE MOTOR VEHICLE CODE TO REQUIRE DRIVERS TO MOVE OVER AND SLOW DOWN FOR STATIONARY VEHICLES DISPLAYING FLASHING EMERGENCY LIGHTS WHEN IT IS REASONABLY SAFE TO DO SO; PROVIDING PENALTIES.

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

SECTION 1. Section 66-7-332 NMSA 1978 (being Laws 1978, Chapter 35, Section 436, as amended) is amended to read:

"66-7-332. OPERATION OF VEHICLES ON APPROACH OF MOVING

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AUTHORIZED EMERGENCY VEHICLES--OPERATION OF VEHICLES [ON
APPROACH OF] UPON APPROACHING CERTAIN STATIONARY VEHICLES.--

A. Upon the immediate approach of an authorized emergency vehicle displaying flashing emergency lights or when the driver is giving audible signal by siren, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in that position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

B. Upon approaching a stationary [~~authorized emergency vehicle or a recovery or repair~~] Hfl→**authorized emergency vehicle or a recovery or repair**←Hfl vehicle displaying flashing emergency or hazard lights, unless otherwise directed, the driver of a vehicle shall:

(1) if reasonably safe to do so, drive in a lane not adjacent to the stationary vehicle, decrease the speed of the vehicle to a speed that is ten miles per hour lower than the posted speed limit or to a speed that is reasonable and prudent under the circumstances and proceed with caution; or

(2) if it is not reasonably safe to drive in a lane not adjacent to the stationary vehicle, decrease the speed of the vehicle to a speed that is ten miles per hour

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lower than the posted speed limit or to a speed that is reasonable and prudent under the circumstances, proceed with caution and be prepared to stop.

C. This section shall not operate to relieve the driver of an authorized emergency vehicle or the driver of any other vehicle from the duty to drive and park with due regard for the safety of all persons using the highway.

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

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

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

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

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Improper display of registration plate	66-3-18	\$ 25.00
Failure to notify of change of name or address	66-3-23	25.00
Lost or damaged registration, plate or title	66-3-24	25.00
Horseless carriage registration	66-3-27	25.00

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HTPWC/HB 113

Transfer of registration

and title 66-3-103 25.00

Expiration of dealer

plates 66-3-403 25.00

Special registration

plates 66-3-409, 66-3-412.1,
 66-3-413, 66-3-415,
 66-3-417, 66-3-419,
 66-3-421, 66-3-422,
 66-3-424.4, 66-3-424.5,
 66-3-424.7, 66-3-424.9,
 66-3-424.13,
 66-3-424.16
 and 66-3-424.28 75.00

Bicycle laws

66-3-701
 through
 66-3-707 50.00

No license display

66-5-16 25.00

Failure to change

address or name on
 license 66-5-22 25.00

Permitting unauthorized

minor to drive 66-5-40 50.00

Permitting unauthorized

person to drive 66-5-41 25.00

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Failure to obey sign	66-7-104	25.00
Failure to obey signal	66-7-105	25.00
Pedestrian signs and signals	66-7-106 through 66-7-108	25.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		25.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the		

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speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	25.00
Speeding	66-7-306	25.00
Improper starting	66-7-324	25.00
Improper backing	66-7-354	25.00
Improper lane	66-7-308	25.00
Improper lane	66-7-313	25.00
Improper lane	66-7-316	25.00
Improper lane	66-7-317	25.00
Improper lane	66-7-319	25.00
Improper passing	66-7-309 through 66-7-312	25.00
Improper passing	66-7-315	25.00
Controlled access violation	66-7-320	25.00
Controlled access violation	66-7-321	25.00
Improper turning	66-7-322	25.00
Improper turning	66-7-323	25.00
Improper turning	66-7-325	25.00

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Following too closely	66-7-318	25.00
Failure to yield	66-7-328 through 66-7-331	25.00
Failure to yield	66-7-332	[50.00] <u>500.00</u>
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333 through	
	66-7-340	25.00
Failure to stop	66-7-342 and 66-7-344	
	through 66-7-346	25.00
Railroad-highway grade		
crossing violation	66-7-341 and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through 66-7-327	25.00
Riding on motorcycles	66-7-355	100.00
Video screens in		
automobiles	66-7-358	25.00
Driving on mountain		
highways	66-7-359	25.00
Coasting prohibited	66-7-360	25.00
Animals on highway at		
night	66-7-363	50.00
Failure to secure load	66-7-407	100.00
Operation without oversize-		
overweight permit	66-7-413	50.00
Transport of reducible		
load with special		
permit more than six miles		
from a border crossing	66-7-413	100.00
Improper equipment	66-3-801 through	
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HTPWC/HB 113

	66-3-840 and 66-3-842	
	through 66-3-851	50.00
Improper equipment	66-3-901	50.00
Improper emergency		
signal	66-3-853 through 66-3-857	25.00
Minor on motorcycle		
without helmet	66-7-356	300.00
Operation interference	66-7-357	50.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352	
	and 66-7-353	25.00
Improper parking	66-3-852	25.00
Riding in or towing		
occupied house trailer	66-7-366	25.00
Improper opening of doors	66-7-367	25.00
No slow-moving vehicle		
emblem or flashing		
amber light	66-3-887	25.00
Open container-first		
violation	66-8-138	25.00
Texting while driving-		
(1) first violation	66-7-374	25.00
(2) second and subsequent		
violation		50.00
Using a handheld mobile		
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communication device
while driving a
commercial motor vehicle 66-7-375

(1) first violation 25.00

(2) second and subsequent
violation 50.00.

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

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

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

E. Upon a third or subsequent conviction for failure to yield pursuant to Section 66-7-332 NMSA 1978, the penalty assessment shall be one thousand dollars (\$1,000).

~~[E.]~~ F. Upon a second conviction for operation without a permit for excessive size or weight pursuant to Section 66-7-413 NMSA 1978, the penalty assessment shall be two hundred fifty dollars (\$250). Upon a third or subsequent

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conviction, the penalty assessment shall be five hundred dollars (\$500).

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

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