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HOUSE BILL 24

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

INTRODUCED BY

Raymundo Lara and Abbas Akhil

AN ACT

RELATING TO SCHOOL BUSES; REQUIRING MONITORING EQUIPMENT TO BE MOUNTED ON THE OUTSIDE OF CERTAIN SCHOOL BUSES TO RECORD MOTORISTS ILLEGALLY PASSING SCHOOL BUSES WHEN THEY ARE STOPPED AND HAVE WARNING LIGHTS AND THE STOP ARM ENGAGED; INCREASING THE PENALTY ASSESSMENT MISDEMEANOR FINE FOR PASSING A SCHOOL BUS; CLARIFYING THAT FINES ARE CREDITED TO THE COMMON SCHOOL FUND PURSUANT TO THE CONSTITUTION OF NEW MEXICO.

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

SECTION 1. A new section of Chapter 22, Article 16 NMSA 1978 is enacted to read:

"[NEW MATERIAL] CERTAIN SCHOOL BUSES TO HAVE MONITORING EQUIPMENT ON STOP ARMS TO RECORD MOTOR VEHICLES THAT ILLEGALLY PASS A STOPPED SCHOOL BUS WHEN LIGHTS AND STOP ARM ARE ENGAGED.--Every new or retrofitted school bus shall have

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1 monitoring equipment such as a camera or video recorder on the
2 outside of a school bus that records images of the license
3 plate number of a motor vehicle and shall not record images of
4 the occupants of the motor vehicle or any other persons or
5 motor vehicles in the vicinity at the time the images are
6 recorded. The monitoring equipment shall be installed and
7 operated to give a clear view of motor vehicles passing the bus
8 on either side and showing the date and time the recording was
9 made and an electronic symbol showing the activation of amber
10 lights, flashing red lights, stop arms and brakes. A warning
11 sign shall be posted on every school bus on which a monitoring
12 system is installed and operated indicating the use of such
13 system."

14 SECTION 2. Section 66-7-348 NMSA 1978 (being Laws 1978,
15 Chapter 35, Section 452) is amended to read:

16 "66-7-348. SPECIAL LIGHTING AND CAMERA EQUIPMENT ON
17 SCHOOL BUSES.--

18 A. The director is authorized to adopt standards
19 and specifications applicable to lighting equipment on and
20 special warning devices to be carried by school buses
21 consistent with the provisions of the Motor Vehicle Code and
22 supplemental thereto, except that the standards and
23 specifications may designate and permit the use of flashing
24 warning signal lights on school buses for the purpose of
25 indicating when children are boarding or alighting from any

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1 school bus. Such standards and specifications shall correlate
2 with and, so far as possible, conform to specifications
3 approved by the society of automotive engineers.

4 B. The director is authorized to adopt standards
5 and specifications for monitoring equipment such as a camera or
6 video recorder on the outside of a school bus that records
7 images of the license plate number of a motor vehicle only, and
8 shall not record images of the occupants of the motor vehicle
9 or any other persons or motor vehicles in the vicinity at the
10 time the images are recorded. The monitoring equipment shall
11 be installed and operated to give a clear view of motor
12 vehicles passing the bus on either side and showing the date
13 and time the recording was made and an electronic symbol
14 showing the activation of amber lights, flashing red lights,
15 stop arms and brakes. A warning sign shall be posted on all
16 school buses on which a monitoring system is installed and
17 operated indicating the use of such system.

18 [~~B.~~] C. It is unlawful to operate any flashing
19 warning signal light on any school bus except when the school
20 bus is stopped or is about to stop on a roadway for the purpose
21 of permitting school children to board or alight from the
22 school bus."

23 **SECTION 3** Section 66-8-116 NMSA 1978 (being Laws 1978,
24 Chapter 35, Section 524, as amended) is amended to read:

25 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--

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1 SCHEDULE OF ASSESSMENTS.--

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

7	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
8			ASSESSMENT
9	Improper display of		
10	registration plate	66-3-18	\$ 25.00
11	Failure to notify of		
12	change of name or address	66-3-23	25.00
13	Lost or damaged registration,		
14	plate or title	66-3-24	25.00
15	Horseless carriage		
16	registration	66-3-27	25.00
17	Transfer of registration		
18	and title	66-3-103	25.00
19	Expiration of dealer		
20	plates	66-3-403	25.00
21	Special registration		
22	plates	66-3-409, 66-3-412.1,	
23		66-3-413, 66-3-415,	
24		66-3-417, 66-3-419,	
25		66-3-421, 66-3-422,	

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1		66-3-424.4, 66-3-424.5,	
2		66-3-424.7, 66-3-424.9,	
3		66-3-424.13,	
4		66-3-424.16	
5		and 66-3-424.28	75.00
6	Bicycle laws	66-3-701	
7		through	
8		66-3-707	50.00
9	No license display	66-5-16	25.00
10	Failure to change		
11	address or name on		
12	license	66-5-22	25.00
13	Permitting unauthorized		
14	minor to drive	66-5-40	50.00
15	Permitting unauthorized		
16	person to drive	66-5-41	25.00
17	Failure to obey sign	66-7-104	25.00
18	Failure to obey signal	66-7-105	25.00
19	Pedestrian signs and		
20	signals	66-7-106	
21		through	
22		66-7-108	25.00
23	Speeding	66-7-301	
24	(1) up to and including		
25	ten miles an hour		

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1	over the speed limit	25.00
2	(2) from eleven up to	
3	and including fifteen	
4	miles an hour	
5	over the speed limit	30.00
6	(3) from sixteen up to	
7	and including twenty	
8	miles an hour over the	
9	speed limit	65.00
10	(4) from twenty-one up to	
11	and including twenty-five	
12	miles an hour	
13	over the speed limit	100.00
14	(5) from twenty-six up to	
15	and including thirty	
16	miles an hour over the	
17	speed limit	125.00
18	(6) from thirty-one up to	
19	and including thirty-five	
20	miles an hour over the	
21	speed limit	150.00
22	(7) more than thirty-five	
23	miles an hour over the	
24	speed limit	200.00
25	Unfastened safety belt 66-7-372	25.00

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1	Child not in restraint device		
2	or seat belt	66-7-369	25.00
3	Minimum speed	66-7-305	25.00
4	Speeding	66-7-306	25.00
5	Improper starting	66-7-324	25.00
6	Improper backing	66-7-354	25.00
7	Improper lane	66-7-308	25.00
8	Improper lane	66-7-313	25.00
9	Improper lane	66-7-316	25.00
10	Improper lane	66-7-317	25.00
11	Improper lane	66-7-319	25.00
12	Improper passing	66-7-309 through 66-7-312	25.00
13	Improper passing	66-7-315	25.00
14	Controlled access		
15	violation	66-7-320	25.00
16	Controlled access		
17	violation	66-7-321	25.00
18	Improper turning	66-7-322	25.00
19	Improper turning	66-7-323	25.00
20	Improper turning	66-7-325	25.00
21	Following too closely	66-7-318	25.00
22	Failure to yield	66-7-328 through 66-7-331	25.00
23	Failure to yield	66-7-332	50.00
24	Failure to yield	66-7-332.1	25.00
25	Pedestrian violation	66-7-333	

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1	through	
2	66-7-340	25.00
3	Failure to stop 66-7-342 and 66-7-344	
4	through 66-7-346	25.00
5	Railroad-highway grade	
6	crossing violation 66-7-341 and 66-7-343	150.00
7	Passing school bus 66-7-347	[100.00] <u>300.00</u>
8	Failure to signal 66-7-325 through 66-7-327	25.00
9	Riding on motorcycles 66-7-355	100.00
10	Video screens in	
11	automobiles 66-7-358	25.00
12	Driving on mountain	
13	highways 66-7-359	25.00
14	Coasting prohibited 66-7-360	25.00
15	Animals on highway at	
16	night 66-7-363	50.00
17	Failure to secure load 66-7-407	100.00
18	Operation without oversize-	
19	overweight permit 66-7-413	50.00
20	Transport of reducible	
21	load with special	
22	permit more than six miles	
23	from a border crossing 66-7-413	100.00
24	Improper equipment 66-3-801 through	
25	66-3-840 and 66-3-842	

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1		through 66-3-851	50.00
2	Improper equipment	66-3-901	50.00
3	Improper emergency		
4	signal	66-3-853 through 66-3-857	25.00
5	Minor on motorcycle		
6	without helmet	66-7-356	300.00
7	Operation interference	66-7-357	50.00
8	Littering	66-7-364	300.00
9	Improper parking	66-7-349 through 66-7-352	
10		and 66-7-353	25.00
11	Improper parking	66-3-852	25.00
12	Riding in or towing		
13	occupied house trailer	66-7-366	25.00
14	Improper opening of doors	66-7-367	25.00
15	No slow-moving vehicle		
16	emblem or flashing		
17	amber light	66-3-887	25.00
18	Open container-first		
19	violation	66-8-138	25.00
20	Texting while driving-		
21	(1) first violation	66-7-374	25.00
22	(2) second and subsequent		
23	violation		50.00
24	Using a handheld mobile		
25	communication device		

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1 while driving a
2 commercial motor vehicle 66-7-375

3 (1) first violation 25.00

4 (2) second and subsequent
5 violation 50.00.

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 (5) of Subsection A of Section 66-7-301 NMSA 1978
18 is twice the penalty assessment established in Subsection A of
19 this section for the equivalent miles per hour over the speed
20 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 4. Section 66-8-119 NMSA 1978 (being Laws 1968,
9 Chapter 62, Section 159, as amended) is amended to read:

10 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

11 A. The division shall remit all penalty assessment
12 receipts, except receipts collected pursuant to Subsections A
13 through I of Section 66-8-116.3 NMSA 1978, to the state
14 treasurer for credit to the ~~[general]~~ common school fund
15 pursuant to the constitution of New Mexico.

16 B. The division shall remit all penalty assessment
17 fee receipts collected pursuant to:

18 (1) Subsection A of Section 66-8-116.3 NMSA
19 1978 to the state treasurer for credit to the local government
20 corrections fund;

21 (2) Subsection B of Section 66-8-116.3 NMSA
22 1978 to the state treasurer for credit to the court automation
23 fund;

24 (3) Subsection C of Section 66-8-116.3 NMSA
25 1978 to the state treasurer for credit to the traffic safety

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1 education and enforcement fund;

2 (4) Subsection D of Section 66-8-116.3 NMSA
3 1978 to the state treasurer for credit to the judicial
4 education fund;

5 (5) Subsection E of Section 66-8-116.3 NMSA
6 1978 to the state treasurer for credit to the jury and witness
7 fee fund;

8 (6) Subsection F of Section 66-8-116.3 NMSA
9 1978 to the state treasurer for credit to the juvenile
10 adjudication fund;

11 (7) Subsection G of Section 66-8-116.3 NMSA
12 1978 to the state treasurer for credit to the brain injury
13 services fund;

14 (8) Subsection H of Section 66-8-116.3 NMSA
15 1978 to the state treasurer for credit to the court facilities
16 fund; and

17 (9) Subsection I of Section 66-8-116.3 NMSA
18 1978 to the state treasurer for credit to the magistrate courts
19 operations fund."

20 SECTION 5. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2019.

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