

1 HOUSE BILL 348

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Alan T. Martinez

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROHIBITING DRIVING LESS THAN TEN
12 MILES PER HOUR BELOW THE POSTED SPEED LIMIT IN THE FARTHEST
13 LEFT LANE; PROVIDING PENALTIES.

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

16 SECTION 1. Section 66-7-312 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 416) is amended to read:

18 "66-7-312. LIMITATIONS ON OVERTAKING ON THE LEFT.--

19 A. No vehicle shall be driven to the left side of
20 the center of the roadway in overtaking and passing another
21 vehicle proceeding in the same direction unless [~~such~~] the left
22 side is clearly visible and free of oncoming traffic for a
23 sufficient distance ahead to permit [~~such~~] the overtaking and
24 passing to be completely made without interfering with the safe
25 operation of any vehicle approaching from the opposite

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1 direction or any vehicle overtaken. In every event, the
2 overtaking vehicle must return to the right-hand side of the
3 roadway before coming within one hundred feet of any vehicle
4 approaching from the opposite direction.

5 B. A vehicle may not be driven in the farthest left
6 lane of a multi-lane highway at a speed of less than ten miles
7 per hour of the posted speed limit.

8 C. This section does not apply:

9 (1) when no other vehicle is directly behind
10 the vehicle in the left lane;

11 (2) when traffic conditions and congestion
12 make it impractical to drive in the right lane;

13 (3) when snow and other inclement weather
14 conditions make it necessary to drive in the left lane;

15 (4) when obstructions or hazards exist in the
16 right lane;

17 (5) when, because of highway design, a vehicle
18 must be driven in the left lane when preparing to make a left
19 turn or exit; or

20 (6) to law enforcement vehicles, ambulances
21 and other emergency vehicles engaged in official duties and
22 vehicles engaged in highway maintenance and construction
23 operations.

24 D. A person who violates this section is guilty of
25 a misdemeanor and shall be fined one hundred dollars (\$100)."

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

3 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
4 SCHEDULE OF ASSESSMENTS.--

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

10	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
11			ASSESSMENT
12	Vehicles subject to		
13	registration	66-3-1	\$ 50.00
14	Improper display of		
15	registration plate	66-3-18	25.00
16	Failure to notify of		
17	change of name or address	66-3-23	25.00
18	Lost or damaged registration,		
19	plate or title	66-3-24	25.00
20	Horseless carriage		
21	registration	66-3-27	25.00
22	Transfer of registration		
23	and title	66-3-103	25.00
24	Expiration of dealer		
25	plates	66-3-403	25.00

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1	Special registration		
2	plates	66-3-409, 66-3-412.1,	
3		66-3-413, 66-3-415,	
4		66-3-417, 66-3-419,	
5		66-3-421, 66-3-422,	
6		66-3-424.4, 66-3-424.5,	
7		66-3-424.7, 66-3-424.9,	
8		66-3-424.13, 66-3-424.16	
9		and 66-3-424.28	75.00
10	Bicycle laws	66-3-701	
11		through	
12		66-3-707	50.00
13	No license display	66-5-16	25.00
14	Failure to change		
15	address or name on		
16	license	66-5-22	25.00
17	Permitting unauthorized		
18	minor to drive	66-5-40	50.00
19	Permitting unauthorized		
20	person to drive	66-5-41	25.00
21	Failure to obey sign	66-7-104	25.00
22	Failure to obey signal	66-7-105	25.00
23	Pedestrian signs and		
24	signals	66-7-106	
25		through	

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1		66-7-108	25.00
2	Speeding	66-7-301	
3	(1) up to and including		
4	ten miles an hour		
5	over the speed limit		25.00
6	(2) from eleven up to		
7	and including fifteen		
8	miles an hour		
9	over the speed limit		30.00
10	(3) from sixteen up to		
11	and including twenty		
12	miles an hour over the		
13	speed limit		65.00
14	(4) from twenty-one up to		
15	and including twenty-five		
16	miles an hour		
17	over the speed limit		100.00
18	(5) from twenty-six up to		
19	and including thirty		
20	miles an hour over the		
21	speed limit		125.00
22	(6) from thirty-one up to		
23	and including thirty-five		
24	miles an hour over the		
25	speed limit		150.00

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1	(7) more than thirty-five		
2	miles an hour over the		
3	speed limit		200.00
4	Unfastened safety belt	66-7-372	25.00
5	Child not in restraint device		
6	or seat belt	66-7-369	25.00
7	Minimum speed	66-7-305	25.00
8	Speeding	66-7-306	25.00
9	Improper starting	66-7-324	25.00
10	Improper backing	66-7-354	25.00
11	Improper lane	66-7-308	25.00
12	Improper lane	66-7-313	25.00
13	Improper lane	66-7-316	25.00
14	Improper lane	66-7-317	25.00
15	Improper lane	66-7-319	25.00
16	Improper passing	66-7-309 through 66-7-312	25.00
17	Improper passing	66-7-315	25.00
18	Controlled access		
19	violation	66-7-320	25.00
20	Controlled access		
21	violation	66-7-321	25.00
22	Improper turning	66-7-322	25.00
23	Improper turning	66-7-323	25.00
24	Improper turning	66-7-325	25.00
25	Following too closely	66-7-318	25.00

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1	Failure to yield	66-7-328 through 66-7-331	25.00
2	Failure to yield	66-7-332	50.00
3	Failure to yield	66-7-332.1	25.00
4	Pedestrian violation	66-7-333	
5		through	
6		66-7-340	25.00
7	Failure to stop	66-7-342 and 66-7-344	
8		through 66-7-346	25.00
9	Railroad-highway grade		
10	crossing violation	66-7-341 and 66-7-343	150.00
11	Passing school bus	66-7-347	100.00
12	Failure to signal	66-7-325 through 66-7-327	25.00
13	Riding on motorcycles	66-7-355	100.00
14	Video screens in		
15	automobiles	66-7-358	25.00
16	Driving on mountain		
17	highways	66-7-359	25.00
18	Coasting prohibited	66-7-360	25.00
19	Animals on highway at		
20	night	66-7-363	50.00
21	Failure to secure load	66-7-407	100.00
22	Operation without oversize-		
23	overweight permit	66-7-413	50.00
24	Transport of reducible		
25	load with special		

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1	permit more than six miles		
2	from a border crossing	66-7-413	100.00
3	Driving while license		
4	administratively		
5	suspended	66-5-39.2	25.00
6	Improper equipment	66-3-801 through	
7		66-3-840 and 66-3-842	
8		through 66-3-851	50.00
9	Improper equipment	66-3-901	50.00
10	Improper emergency		
11	signal	66-3-853 through 66-3-857	25.00
12	Minor on motorcycle		
13	without helmet	66-7-356	300.00
14	Operation interference	66-7-357	50.00
15	Littering	66-7-364	300.00
16	Improper parking	66-7-349 through 66-7-352	
17		and 66-7-353	25.00
18	Improper parking	66-3-852	25.00
19	Riding in or towing		
20	occupied house trailer	66-7-366	25.00
21	Improper opening of doors	66-7-367	25.00
22	No slow-moving vehicle		
23	emblem or flashing		
24	amber light	66-3-887	25.00
25	Open container-first		

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1	violation	66-8-138	25.00
2	Texting while driving		
3	(1) first violation	66-7-374	25.00
4	(2) second and subsequent		
5	violation		50.00
6	Using a handheld mobile		
7	communication device		
8	while driving a		
9	commercial motor vehicle	66-7-375	
10	(1) first violation		25.00
11	(2) second and subsequent		
12	violation		50.00
13	<u>Improper overtaking on</u>		
14	<u>the left</u>	<u>66-7-312</u>	<u>100.00.</u>

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

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

25 D. The penalty assessment for speeding in violation

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

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

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