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SENATE BILL 102

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

INTRODUCED BY

George K. Muñoz

AN ACT

RELATING TO MOTOR VEHICLES; REGULATING LANE TRAVEL; PROVIDING PENALTIES.

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

SECTION 1. A new section of the Motor Vehicle Code, Section 66-7-376 NMSA 1978, is enacted to read:

"66-7-376. [NEW MATERIAL] MULTIPLE LANE ROADWAYS--REQUIRED LANE TRAVEL--TWO-WAY LEFT-TURN LANES.--

A. Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following requirements, in addition to all consistent requirements within the Motor Vehicle Code, shall apply:

- (1) a vehicle shall be driven as nearly as practicable entirely within a single lane;
- (2) a vehicle shall not be moved from the lane

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1 until the driver has first ascertained that the movement can be
2 made with safety and then given a signal, not less than the
3 last one hundred feet traveled by the vehicle, of the driver's
4 intention to change lanes;

5 (3) upon a roadway that is divided into three
6 lanes, a vehicle shall not be driven in the center lane except:

7 (a) when overtaking and passing another
8 vehicle where the roadway is clearly visible and the center
9 lane is clear of traffic within a safe distance;

10 (b) in preparation for a left turn; or

11 (c) where the center lane is at the time
12 allocated exclusively to traffic moving in the direction the
13 vehicle is proceeding and is signposted to give notice of the
14 allocation;

15 (4) a vehicle shall not be driven in the left
16 lane of a roadway except when overtaking and passing another
17 vehicle; provided, however, that this paragraph shall not
18 prohibit driving in the left lane when traffic conditions, flow
19 or road configuration, such as the potential of merging
20 traffic, require the use of the left lane to maintain safe
21 traffic conditions; and provided further that this paragraph
22 shall not prohibit driving in the left lane of a roadway within
23 the city limits of a municipality or upon a county road as long
24 as such roadway is not part of the national system of
25 interstate and defense highways; and

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1 (5) official signs may be erected directing
2 slow-moving traffic to use a designated lane or designating
3 those lanes to be used by traffic moving in a particular
4 direction regardless of the center of the roadway, and drivers
5 of vehicles shall obey the directions of every such sign.

6 B. A two-way left-turn lane is a lane near the
7 center of the highway set aside for use by vehicles making left
8 turns in both directions from or into the roadway. Two-way
9 left-turn lanes shall be designated by distinctive roadway
10 markings consisting of parallel double yellow lines, interior
11 line dashed and exterior line solid, on each side of the lane.
12 A vehicle shall not be driven in a designated two-way left-turn
13 lane except when preparing for or making a left turn from or
14 into a roadway. Vehicles turning left from the roadway shall
15 not be driven in the two-way left-turn lane for more than two
16 hundred feet while preparing for and making the turn. A
17 vehicle turning left onto the roadway may utilize the two-way
18 left-turn lane as a staging area by stopping and waiting for
19 traffic proceeding in the same direction to clear before
20 merging into the adjacent lanes of travel. A left turn shall
21 not be made from any other lane where a two-way left-turn lane
22 has been designated; provided, however, that this section shall
23 not prohibit driving across a two-way left-turn lane when
24 moving from a service drive onto such marked roadway."

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

2 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
3 SCHEDULE OF ASSESSMENTS.--

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

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

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1	plates	66-3-409, 66-3-412.1,	
2		66-3-413, 66-3-415,	
3		66-3-417, 66-3-419,	
4		66-3-421, 66-3-422,	
5		66-3-424.4, 66-3-424.5,	
6		66-3-424.7, 66-3-424.9,	
7		66-3-424.13, 66-3-424.16	
8		and 66-3-424.28	75.00
9	Bicycle laws	66-3-701	
10		through	
11		66-3-707	50.00
12	No license display	66-5-16	25.00
13	Failure to change		
14	address or name on		
15	license	66-5-22	25.00
16	Permitting unauthorized		
17	minor to drive	66-5-40	50.00
18	Permitting unauthorized		
19	person to drive	66-5-41	25.00
20	Failure to obey sign	66-7-104	25.00
21	Failure to obey signal	66-7-105	25.00
22	Pedestrian signs and		
23	signals	66-7-106	
24		through	
25		66-7-108	25.00

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

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

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

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1	Coasting prohibited	66-7-360	25.00
2	Animals on highway at		
3	night	66-7-363	50.00
4	Failure to secure load	66-7-407	100.00
5	Operation without oversize-		
6	overweight permit	66-7-413	50.00
7	Transport of reducible		
8	load with special		
9	permit more than six miles		
10	from a border crossing	66-7-413	100.00
11	Driving while license		
12	administratively		
13	suspended	66-5-39.2	25.00
14	Improper equipment	66-3-801	
15	through		
16	66-3-840		
17	and 66-3-842		
18	through		
19	66-3-851		50.00
20	Improper equipment	66-3-901	50.00
21	Improper emergency		
22	signal	66-3-853	
23	through		
24	66-3-857		25.00
25	Minor on motorcycle		

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1	without helmet	66-7-356	300.00
2	Operation interference	66-7-357	50.00
3	Littering	66-7-364	300.00
4	Improper parking	66-7-349	
5	through		
6		66-7-352	
7		and 66-7-353	25.00
8	Improper parking	66-3-852	25.00
9	Riding in or towing		
10	occupied house trailer	66-7-366	25.00
11	Improper opening of doors	66-7-367	25.00
12	No slow-moving vehicle		
13	emblem or flashing		
14	amber light	66-3-887	25.00
15	Open container-first		
16	violation	66-8-138	25.00
17	Texting while driving-		
18	(1) first violation	66-7-374	25.00
19	(2) second and subsequent		
20	violation		50.00
21	Using a handheld mobile		
22	communication device		
23	while driving a		
24	commercial motor vehicle	66-7-375	
25	(1) first violation		25.00

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1 (2) second and subsequent
2 violation 50.00
3 Improper use of travel lane 66-7-376 50.00.

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

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

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

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

24 F. Upon a second conviction for transport of a
25 reducible load with a permit for excessive size or weight

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

6 SECTION 3. EFFECTIVE DATE.--The effective date of the
7 provisions of this act is July 1, 2023.

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