

1 SENATE BILL 265

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 George K. Muñoz

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT
12 FOR CERTAIN MISDEMEANOR VIOLATIONS OF THE MOTOR VEHICLE CODE
13 AND THE BOAT ACT.

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

16 SECTION 1. Section 66-8-7 NMSA 1978 (being Laws 1978,
17 Chapter 35, Section 505, as amended) is amended to read:

18 "66-8-7. PENALTY FOR MISDEMEANOR.--

19 A. It is a misdemeanor for any person to violate
20 any provision of the Motor Vehicle Code unless the violation is
21 declared a felony.

22 B. Unless another penalty is specified in the Motor
23 Vehicle Code, every person convicted of a misdemeanor for
24 violation of any provision of the Motor Vehicle Code shall be
25 punished by a fine of not ~~[more than three hundred dollars~~

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1 ~~(\$300)~~ less than one hundred dollars (\$100) and not more than
2 five hundred dollars (\$500) or by imprisonment for not more
3 than ninety days or both."

4 SECTION 2. Section 66-8-113 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 521, as amended) is amended to read:

6 "66-8-113. RECKLESS DRIVING.--

7 A. Any person who drives any vehicle carelessly and
8 heedlessly in willful or wanton disregard of the rights or
9 safety of others and without due caution and circumspection and
10 at a speed or in a manner so as to endanger or be likely to
11 endanger any person or property is guilty of reckless driving.

12 B. Every person convicted of reckless driving shall
13 be punished [~~notwithstanding the provisions of Section 31-18-13~~
14 ~~NMSA 1978~~] upon a first conviction by imprisonment for not less
15 than five days [~~nor~~] or more than ninety days or by a fine of
16 not less than [~~twenty-five dollars (\$25.00) nor~~] five hundred
17 dollars (\$500) or more than [~~one hundred dollars (\$100)~~] seven
18 hundred fifty dollars (\$750), or both and on a second or
19 subsequent conviction by imprisonment for not less than ten
20 days [~~nor~~] or more than six months or by a fine of not less
21 than [~~fifty dollars (\$50.00) nor~~] seven hundred fifty dollars
22 (\$750) or more than one thousand dollars (\$1,000), or both.

23 C. Upon conviction of violation of this section,
24 the director may suspend the license or permit to drive and any
25 nonresident operating privilege for not to exceed ninety days."

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1 SECTION 3. Section 66-8-114 NMSA 1978 (being Laws 1969,
2 Chapter 169, Section 12) is amended to read:

3 "66-8-114. CARELESS DRIVING.--

4 A. Any person operating a vehicle on the highway
5 shall give [~~his~~] the person's full time and entire attention to
6 the operation of the vehicle.

7 B. Any person who operates a vehicle in a careless,
8 inattentive or imprudent manner without due regard for the
9 width, grade, curves, corners, traffic, weather and road
10 conditions and all other attendant circumstances is guilty of
11 [~~a misdemeanor~~] careless driving.

12 C. Every person convicted of careless driving shall
13 be punished upon a first conviction by imprisonment of not more
14 than ninety days or by a fine of not less than two hundred
15 fifty dollars (\$250) or more than five hundred dollars (\$500),
16 or both and on a second or subsequent conviction by
17 imprisonment of not more than six months or by a fine of not
18 less than five hundred dollars (\$500) or more than seven
19 hundred fifty dollars (\$750), or both."

20 SECTION 4. Section 66-8-116 NMSA 1978 (being Laws 1978,
21 Chapter 35, Section 524, as amended) is amended to read:

22 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
23 SCHEDULE OF ASSESSMENTS.--

24 A. As used in the Motor Vehicle Code and the Boat
25 Act, "penalty assessment misdemeanor" means violation of any of

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1 the following listed sections of the NMSA 1978 for which,
2 except as provided in Subsections D through F of this section,
3 the listed penalty assessment is established:

4	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
5			ASSESSMENT
6	Vehicles subject to		
7	registration	66-3-1	\$ [50.00] <u>125.00</u>
8	Improper display of		
9	registration plate	66-3-18	[25.00] <u>100.00</u>
10	Failure to notify of		
11	change of name or address	66-3-23	[25.00] <u>100.00</u>
12	Lost or damaged registration,		
13	plate or title	66-3-24	[25.00] <u>100.00</u>
14	Horseless carriage		
15	registration	66-3-27	[25.00] <u>100.00</u>
16	Transfer of registration		
17	and title	66-3-103	[25.00] <u>100.00</u>
18	Expiration of dealer		
19	plates	66-3-403	[25.00] <u>100.00</u>
20	Special registration		
21	plates	66-3-409, 66-3-412.1,	
22		66-3-413, 66-3-415,	
23		66-3-417, 66-3-419,	
24		66-3-421, 66-3-422,	
25		66-3-424.4, 66-3-424.5,	

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1	66-3-424.7, 66-3-424.9,		
2	66-3-424.13, 66-3-424.16		
3	and 66-3-424.28	[75.00]	<u>150.00</u>
4	Bicycle laws	66-3-701	
5	through		
6	66-3-707	[50.00]	<u>125.00</u>
7	No license display	66-5-16	[25.00] <u>100.00</u>
8	Failure to change		
9	address or name on		
10	license	66-5-22	[25.00] <u>100.00</u>
11	Permitting unauthorized		
12	minor to drive	66-5-40	[50.00] <u>125.00</u>
13	Permitting unauthorized		
14	person to drive	66-5-41	[25.00] <u>100.00</u>
15	Failure to obey sign	66-7-104	[25.00] <u>100.00</u>
16	Failure to obey signal	66-7-105	[25.00] <u>100.00</u>
17	Pedestrian signs and		
18	signals	66-7-106	
19	through		
20	66-7-108	[25.00]	<u>100.00</u>
21	Speeding	66-7-301	
22	(1) up to and including		
23	ten miles an hour		
24	over the speed limit		[25.00] <u>100.00</u>
25	(2) from eleven up to		

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1	and including fifteen	
2	miles an hour	
3	over the speed limit	[30.00] <u>105.00</u>
4	(3) from sixteen up to	
5	and including twenty	
6	miles an hour over the	
7	speed limit	[65.00] <u>140.00</u>
8	(4) from twenty-one up to	
9	and including twenty-five	
10	miles an hour	
11	over the speed limit	[100.00] <u>175.00</u>
12	(5) from twenty-six up to	
13	and including thirty	
14	miles an hour over the	
15	speed limit	[125.00] <u>200.00</u>
16	(6) from thirty-one up to	
17	and including thirty-five	
18	miles an hour over the	
19	speed limit	[150.00] <u>225.00</u>
20	(7) more than thirty-five	
21	miles an hour over the	
22	speed limit	[200.00] <u>275.00</u>
23	Unfastened safety belt	66-7-372 [25.00] <u>100.00</u>
24	Child not in restraint device	
25	or seat belt	66-7-369 [25.00] <u>100.00</u>

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1	Minimum speed	66-7-305	[25.00]	<u>100.00</u>
2	Speeding	66-7-306	[25.00]	<u>100.00</u>
3	Improper starting	66-7-324	[25.00]	<u>100.00</u>
4	Improper backing	66-7-354	[25.00]	<u>100.00</u>
5	Improper lane	66-7-308	[25.00]	<u>100.00</u>
6	Improper lane	66-7-313	[25.00]	<u>100.00</u>
7	Improper lane	66-7-316	[25.00]	<u>100.00</u>
8	Improper lane	66-7-317	[25.00]	<u>100.00</u>
9	Improper lane	66-7-319	[25.00]	<u>100.00</u>
10	Improper passing	66-7-309		
11		through		
12		66-7-312	[25.00]	<u>100.00</u>
13	Improper passing	66-7-315	[25.00]	<u>100.00</u>
14	Controlled access			
15	violation	66-7-320	[25.00]	<u>100.00</u>
16	Controlled access			
17	violation	66-7-321	[25.00]	<u>100.00</u>
18	Improper turning	66-7-322	[25.00]	<u>100.00</u>
19	Improper turning	66-7-323	[25.00]	<u>100.00</u>
20	Improper turning	66-7-325	[25.00]	<u>100.00</u>
21	Following too closely	66-7-318	[25.00]	<u>100.00</u>
22	Failure to yield	66-7-328		
23		through		
24		66-7-331	[25.00]	<u>100.00</u>
25	Failure to yield	66-7-332	[50.00]	<u>125.00</u>

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1	Failure to yield	66-7-332.1	[25.00] <u>100.00</u>
2	Pedestrian violation	66-7-333	
3	through		
4		66-7-340	[25.00] <u>100.00</u>
5	Failure to stop	66-7-342	
6		and 66-7-344	
7		through	
8		66-7-346	[25.00] <u>100.00</u>
9	Railroad-highway grade		
10	crossing violation	66-7-341	
11		and 66-7-343	[150.00] <u>225.00</u>
12	Passing school bus	66-7-347	[100.00] <u>175.00</u>
13	Failure to signal	66-7-325	
14		through	
15		66-7-327	[25.00] <u>100.00</u>
16	Riding on motorcycles	66-7-355	[100.00] <u>175.00</u>
17	Video screens in		
18	automobiles	66-7-358	[25.00] <u>100.00</u>
19	Driving on mountain		
20	highways	66-7-359	[25.00] <u>100.00</u>
21	Coasting prohibited	66-7-360	[25.00] <u>100.00</u>
22	Animals on highway at		
23	night	66-7-363	[50.00] <u>125.00</u>
24	Failure to secure load	66-7-407	[100.00] <u>175.00</u>
25	Operation without oversize-		
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1	overweight permit	66-7-413	[50.00]	<u>250.00</u>
2	Transport of reducible			
3	load with special			
4	permit more than six miles			
5	from a border crossing	66-7-413	[100.00]	<u>250.00</u>
6	Driving while license			
7	administratively			
8	suspended	66-5-39.2	[25.00]	<u>100.00</u>
9	Improper equipment	66-3-801		
10	through			
11		66-3-840		
12		and 66-3-842		
13		through		
14		66-3-851	[50.00]	<u>125.00</u>
15	Improper equipment	66-3-901	[50.00]	<u>125.00</u>
16	Improper emergency			
17	signal	66-3-853		
18		through		
19		66-3-857	[25.00]	<u>100.00</u>
20	Minor on motorcycle			
21	without helmet	66-7-356	[300.00]	<u>375.00</u>
22	Operation interference	66-7-357	[50.00]	<u>125.00</u>
23	Littering	66-7-364	[300.00]	<u>375.00</u>
24	Improper parking	66-7-349		
25	through			

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1	66-7-352	
2	and 66-7-353	[25.00] <u>100.00</u>
3	Improper parking 66-3-852	[25.00] <u>100.00</u>
4	Riding in or towing	
5	occupied house trailer 66-7-366	[25.00] <u>100.00</u>
6	Improper opening of doors 66-7-367	[25.00] <u>100.00</u>
7	No slow-moving vehicle	
8	emblem or flashing	
9	amber light 66-3-887	[25.00] <u>100.00</u>
10	Open container-first	
11	violation 66-8-138	[25.00] <u>300.00</u>
12	Texting while driving-	
13	(1) first violation 66-7-374	[25.00] <u>100.00</u>
14	(2) second and subsequent	
15	violation	[50.00] <u>125.00</u>
16	Using a handheld mobile	
17	communication device	
18	while driving a	
19	commercial motor vehicle 66-7-375	
20	(1) first violation	[25.00] <u>250.00</u>
21	(2) second and subsequent	
22	violation	[50.00] <u>300.00</u>
23	Improper use of travel lane 66-7-376	[250.00] <u>325.00.</u>

24 B. The term "penalty assessment misdemeanor" does
25 not include a violation that has caused or contributed to the

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1 cause of an accident resulting in injury or death to a person.

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

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

14 E. Upon a second conviction for operation without a
15 permit for excessive size or weight pursuant to Section
16 66-7-413 NMSA 1978, the penalty assessment shall be [~~two~~
17 ~~hundred fifty dollars (\$250)~~] three hundred twenty-five dollars
18 (\$325). Upon a third or subsequent conviction, the penalty
19 assessment shall be [~~five hundred dollars (\$500)~~] five hundred
20 seventy-five dollars (\$575).

21 F. Upon a second conviction for transport of a
22 reducible load with a permit for excessive size or weight
23 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more
24 than six miles from a port-of-entry facility on the border with
25 Mexico, the penalty assessment shall be [~~five hundred dollars~~

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1 ~~(\$500)~~ five hundred seventy-five dollars (\$575). Upon a third
2 or subsequent conviction, the penalty assessment shall be [~~one~~
3 ~~thousand dollars (\$1,000)~~] one thousand seventy-five dollars
4 (\$1,075)."

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