

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 137

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

AN ACT

RELATING TO HIGHWAYS; PROHIBITING TRASH ON HIGHWAYS;
INCREASING THE PENALTY ASSESSMENT MISDEMEANOR FOR LITTERING;
AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-7-364 NMSA 1978 (being Laws 1978,
Chapter 35, Section 468) is amended to read:

"66-7-364. PUTTING, [~~GLASS OR OTHER~~] INJURIOUS MATERIAL
OR TRASH ON HIGHWAY PROHIBITED.--

A. No person shall throw or deposit upon [~~any~~] a
highway any trash, glass [~~bottle~~] bottles, glass, nails,
tacks, wire or cans [~~or any other substance likely to injure~~
~~any person, animal or vehicle upon such highway~~].

B. [~~Any~~] A person who drops or permits to be
dropped or thrown upon any highway any destructive or
injurious material or trash shall immediately remove the same

1 or cause it to be removed.

2 C. ~~Any~~ A person removing a wrecked or damaged
3 vehicle from a highway shall remove any glass or other
4 injurious substance dropped upon the highway from ~~such~~ the
5 vehicle.

6 D. As used in this section, "trash" means any
7 article or substance that when discarded creates or
8 contributes to an unsanitary, offensive or unsightly
9 condition. "Trash" includes waste food; paper products;
10 cans, bottles and other containers; household furnishings and
11 equipment; parts or bodies of vehicles and other metallic
12 junk or scrap; and collections of ashes, dirt, yard trimmings
13 and other rubbish."

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

16 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
17 DEFINITION--SCHEDULE OF ASSESSMENTS.--

18 A. As used in the Motor Vehicle Code, "penalty
19 assessment misdemeanor" means violation of any of the
20 following listed sections of the NMSA 1978 for which the
21 listed penalty assessment is established:

22 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
23 Permitting unlicensed		
24 minor to drive	66-5-40	\$ 10.00
25 Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	

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underscored material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1	(1) up to	
2	and including ten	
3	miles an hour	
4	over speed limit	15.00
5	(2) from eleven up to	
6	and including fifteen	
7	miles an hour	
8	over speed limit	30.00
9	(3) from sixteen up to	
10	and including twenty	
11	miles an hour over	
12	speed limit	65.00
13	(4) from twenty-one up to	
14	and including twenty-five	
15	miles an hour	
16	over 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	
	miles an hour over the	
	speed limit	200.00

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1	Unfastened safety belt	66-7-372	25.00
2	Child not in restraint device		
3	or seat belt	66-7-369	25.00
4	Minimum speed	66-7-305	10.00
5	Speeding	66-7-306	15.00
6	Improper starting	66-7-324	10.00
7	Improper backing	66-7-354	10.00
8	Improper lane	66-7-308	10.00
9	Improper lane	66-7-313	10.00
10	Improper lane	66-7-316	10.00
11	Improper lane	66-7-317	10.00
12	Improper lane	66-7-319	10.00
13	Improper passing	66-7-309 through 66-7-312	10.00
14	Improper passing	66-7-315	10.00
15	Controlled access		
16	violation	66-7-320	10.00
17	Controlled access		
18	violation	66-7-321	10.00
19	Improper turning	66-7-322	10.00
20	Improper turning	66-7-323	10.00
21	Improper turning	66-7-325	10.00
22	Following too closely	66-7-318	10.00
23	Failure to yield	66-7-328 through 66-7-332	10.00
24	Failure to yield	66-7-332.1	25.00
25	Pedestrian violation	66-7-333	10.00
	Pedestrian violation	66-7-340	10.00
	Failure to stop	66-7-341 through 66-7-346	10.00

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1	Passing school bus	66-7-347	100.00
2	Failure to signal	66-7-325 through 66-7-327	10.00
3	Failure to secure load	66-7-407	100.00
4	Operation without oversize-		
5	overweight permit	66-7-413	50.00
6	Improper equipment	66-3-801	10.00
7	Improper equipment	66-3-901	20.00
8	Improper emergency		
9	signal	66-3-853 through 66-3-857	10.00
10	Operation interference	66-7-357	5.00
11	[Litterbugging	30-8-4	50.00
12	Litterbugging	30-8-10	100.00
13	Litterbugging] <u>Littering</u>	66-7-364	[100.00] <u>300.00</u>
14	Improper parking	66-7-349 through	
15		66-7-352 and 66-7-353	5.00
16	Improper parking	66-7-352.5	50.00
17	Improper parking	66-3-852	5.00
18	Failure to dim lights	66-3-831	10.00
19	Riding in or towing		
20	occupied house trailer	66-7-366	5.00
21	Improper opening of doors	66-7-367	5.00
22	No slow-moving vehicle		
23	emblem or flashing		
24	amber light	66-3-887	5.00
25	Open container - first		
	violation	66-8-138	25.00.

B. The term "penalty assessment misdemeanor" does

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1 not include any violation that has caused or contributed to
2 the cause of an accident resulting in injury or death to any
3 person.

4 C. When an alleged violator of a penalty
5 assessment misdemeanor elects to accept a notice to appear in
6 lieu of a notice of penalty assessment, no fine imposed upon
7 later conviction shall exceed the penalty assessment
8 established for the particular penalty assessment misdemeanor
9 and no probation imposed upon a suspended or deferred
10 sentence shall exceed ninety days."

11 Section 3. REPEAL.--Section 30-8-10 NMSA 1978 (being
12 Laws 1963, Chapter 303, Section 8-7) is repealed.

13 Section 4. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is July 1, 2000.