

## CHAPTER 71

### CHAPTER 71, LAWS 2002

#### AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY ASSESSMENT FOR SPEEDING IN A CONSTRUCTION OR OTHER SAFETY ZONE; EXCLUDING CERTAIN SPEEDING CONVICTIONS FROM CONSIDERATION IN ANY POINT SYSTEM USED TO DETERMINE WHETHER DRIVING PRIVILEGES SHOULD BE SUSPENDED OR REVOKED; AMENDING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-7-301 NMSA 1978 (being Laws 1978, Chapter 35, Section 405, as amended) is amended to read:

"66-7-301. SPEED REGULATION.--

A. No person shall drive a vehicle on a highway at a speed greater than:

(1) fifteen miles per hour on all highways when passing a school while children are going to or leaving school and when the school zone is properly posted;

(2) thirty miles per hour in a business or residence district;

(3) seventy-five miles per hour; and

(4) the posted speed limit in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the highway and transportation department, provided that the posted speed limit shall be determined by an engineering study performed by the state highway and transportation department.

B. In every event, speed shall be so controlled by the driver as may be necessary:

(1) to avoid colliding with a person, vehicle or other conveyance on or entering the highway;

(2) to comply with legal requirements as may be established by the state highway and transportation department or the New Mexico state police division of the department of public safety and the duty of all persons to use due care; and

(3) to protect workers in construction zones posted as double fine zones or other safety zones posted as double fine zones as designated by the highway and

transportation department.

C. The speed limits set forth in Subsection A of this section may be altered as authorized in Section 66-7-303 NMSA 1978."

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

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

A. As used in the Motor Vehicle Code, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsection D of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Permitting unlicensed minor to drive	66-5-40	\$ 10.00
Failure to obey sign	66-7-104	10.00
Failure to obey signal	66-7-105	10.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		15.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00

Child not in restraint device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	10.00
Speeding	66-7-306	15.00
Improper starting	66-7-324	10.00
Improper backing	66-7-354	10.00
Improper lane	66-7-308	10.00
Improper lane	66-7-313	10.00
Improper lane	66-7-316	10.00
Improper lane	66-7-317	10.00
Improper lane	66-7-319	10.00
Improper passing 66-7-309 through 66-7-312		10.00
Improper passing 66-7-315		10.00
Controlled access violation	66-7-320	10.00
Controlled access violation	66-7-321	10.00
Improper turning	66-7-322	10.00
Improper turning	66-7-323	10.00
Improper turning	66-7-325	10.00
Following too closely	66-7-318	10.00
Failure to yield 66-7-328 through 66-7-332		10.00
Failure to yield 66-7-332.1		25.00
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
Passing school bus 66-7-347		100.00
Failure to signal 66-7-325 through 66-7-327		10.00
Failure to secure load 66-7-407		100.00
Operation without oversize- overweight permit 66-7-413		50.00
Improper equipment 66-3-801		10.00
Improper equipment 66-3-901		20.00
Improper emergency signal 66-3-853 through 66-3-857		10.00
Operation interference 66-7-357		5.00
Littering 66-7-364	300.00	
Improper parking 66-7-349 through 66-7-352 and 66-7-353		5.00
Improper parking 66-7-352.5	50.00	
Improper parking 66-3-852	5.00	
Failure to dim lights 66-3-831		10.00
Riding in or towing occupied house trailer 66-7-366		5.00
Improper opening of doors 66-7-367		5.00
No slow-moving vehicle emblem or flashing amber light 66-3-887		5.00

Open container - first  
violation

66-8-138

25.00.

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

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

D. The penalty assessment for speeding in violation of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit."

Section 3. A new section of the Motor Vehicle Code is enacted to read:

"CERTAIN SPEEDING CONVICTIONS TO BE DISREGARDED IN THE DEVELOPMENT OR APPLICATION OF A POINT SYSTEM.--

A. Except as provided in Subsection B of this section, in developing and applying a point system that is used as a basis for suspension or revocation of driving privileges, the division shall not assign points for convictions for speeding on rural highways of the state. As used in this section, "rural highway" means that part of a highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. The two-mile distance shall be measured:

(1) from the point where the highway crosses the boundary, and if there is more than one such intersection, from the intersection most distant from the geographic center of the city, town or village; or

(2) if there are milepost markers on the highway, to the first milepost marker indicating two or more miles.

B. The provisions of this section do not apply to:

(1) rural highways in Bernalillo county;

(2) a conviction for speeding if the citation out of which the conviction arises indicated that excessive speed of the motorist cited was a factor in the accident; or

(3) motor vehicles weighing twelve thousand  
pounds or more."

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HOUSE BILL 95, AS AMENDED