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SENATE BILL 720

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO MOTOR VEHICLES; REDUCING THE MAXIMUM SPEED LIMIT TO SIXTY-FIVE MILES PER HOUR; DEFINING "SAFETY CORRIDOR" FOR THE PURPOSE OF DOUBLE FINES FOR EXCEEDING THE POSTED SPEED LIMIT.

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;

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1 (3) [~~seventy-five~~] sixty-five miles per hour;  
2 and

3 (4) the posted speed limit in construction  
4 zones or in safety corridors posted as double fine zones [~~or~~  
5 ~~other safety zones posted as double fine zones~~] as designated  
6 by the [~~highway and transportation~~] department of  
7 transportation, provided that the posted speed limit shall be  
8 determined by an engineering study performed by the [~~state~~  
9 ~~highway and transportation~~] department of transportation. As  
10 used in this paragraph, "safety corridor" means a highway  
11 segment with a five-year history of ten or more fatal or  
12 serious injury crashes. Double fines in a safety corridor  
13 shall not be imposed or enforced until conspicuous notice of  
14 the safety corridor designation has been given within the  
15 safety corridor for at least the ten-day period immediately  
16 preceding the start of enforcement.

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

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

21 (2) to comply with legal requirements as may  
22 be established by the [~~state highway and transportation~~]  
23 department of transportation or the New Mexico state police  
24 division of the department of public safety and the duty of all  
25 persons to use due care [~~and~~

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1                   ~~(3) to protect workers in construction zones~~  
2 ~~posted as double fine zones or other safety zones posted as~~  
3 ~~double fine zones as designated by the highway and~~  
4 ~~transportation department].~~

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

8                   Section 2. Section 66-7-302.1 NMSA 1978 (being Laws 1989,  
9 Chapter 318, Section 30 and Laws 1989, Chapter 319, Section 8,  
10 as amended) is amended to read:

11                   "66-7-302.1. SPEED LIMIT--CONVICTION--USE LIMITED.--

12                   A. The division shall not use a violation under  
13 Paragraph (3) or (4) of Subsection A of Section 66-7-301 NMSA  
14 1978 for the purpose of suspending or revoking a driver's  
15 license unless the driver was exceeding the speed of [~~seventy-~~  
16 ~~five miles an~~] sixty-five miles per hour.

17                   B. An insurer shall not consider a violation under  
18 Paragraph (3) or (4) of Subsection A of Section 66-7-301 NMSA  
19 1978 as a moving traffic violation against a person, unless the  
20 person was exceeding the speed of [~~seventy-five miles an~~]  
21 sixty-five miles per hour, for the purpose of establishing  
22 rates of motor vehicle insurance charged by the insurer, nor  
23 shall the insurer cancel or refuse to renew [~~any~~] a policy of  
24 insurance for such a violation."

25                   Section 3. Section 66-7-303 NMSA 1978 (being Laws 1957,  
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1 Chapter 73, Section 2, as amended) is amended to read:

2 "66-7-303. ESTABLISHMENT OF SPEED ZONES.--

3 A. Whenever the secretary of [~~highway and~~  
4 transportation determines upon the basis of an engineering  
5 survey and traffic investigation, a detailed report of which is  
6 filed with the traffic safety bureau of the [~~state highway and~~  
7 ~~transportation~~] department of transportation, that [~~any~~] a  
8 speed established by law is greater or less than is reasonable  
9 or safe under the conditions found to exist upon any part of a  
10 state highway, the secretary of [~~highway and~~] transportation  
11 may declare the speed limit for that part, and that speed limit  
12 shall be [~~authorized and~~] effective when appropriate signs  
13 giving notice [~~thereof~~] of that speed limit are erected at that  
14 particular part of the highway; provided that no speed limit  
15 shall be declared greater than [~~seventy-five~~] sixty-five miles  
16 per hour. The declaration of speed limits by the secretary of  
17 [~~highway and~~] transportation shall not be considered rules for  
18 purposes of the State Rules Act.

19 B. Whenever a local authority determines upon the  
20 basis of an engineering survey and traffic investigation that  
21 [~~any~~] a speed limit permitted under state law or local  
22 ordinance is greater or less than is reasonable or safe under  
23 the conditions found to exist upon any part of a highway within  
24 its jurisdiction, it may declare a speed limit for that part,  
25 and that speed limit shall be [~~authorized and~~] effective when

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1 appropriate signs giving notice [~~thereof~~] of that speed limit  
2 are erected at that particular part of the highway; provided  
3 that no speed limit shall be declared greater than [~~seventy-~~  
4 ~~five~~] sixty-five miles per hour.

5 C. Engineering surveys and traffic investigations  
6 made by local authorities shall be on a form approved by the  
7 secretary of [~~highway and~~] transportation. If engineers are  
8 not available to the local authorities, the [~~state highway and~~  
9 ~~transportation~~] department of transportation may make the  
10 surveys and investigations for the local authorities.

11 D. Speed zones may be marked by a sign containing a  
12 flashing yellow light and, when the light is in operation, the  
13 speed limit, instructions or regulations on the sign are in  
14 effect.

15 E. Alteration of speed limits on state highways by  
16 local authorities is not effective until approved by the  
17 secretary of [~~highway and~~] transportation.

18 F. The provisions of Subsections A and B of this  
19 section shall not apply to changes of speed limit in  
20 construction zones authorized pursuant to Section 66-7-303.1  
21 NMSA 1978."