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AN ACT  
RELATING TO PUBLIC SAFETY; REQUIRING THE HUMAN SERVICES  
DEPARTMENT TO PROVIDE, IN CONNECTION WITH MEDICAID  
ELIGIBILITY DETERMINATIONS, TECHNICAL SUPPORT AND TRAINING  
AND CERTIFICATION FOR COUNTIES UPON REQUEST; REQUIRING  
CORRECTIONAL FACILITIES TO TAKE CERTAIN ACTIONS DESIGNED TO  
REDUCE RECIDIVISM; PROVIDING FOR LAW ENFORCEMENT OFFICER  
RETENTION PAYMENTS; REVISING MULTIPLE OFFENSES TO PENALTY  
ASSESSMENT MISDEMEANORS; INCREASING THE PENALTY FOR A FELON  
IN POSSESSION OF A FIREARM OR DESTRUCTIVE DEVICE; ADJUSTING  
FINES FOR MOTOR VEHICLE OFFENSES; REVISING REQUIREMENTS FOR  
REINSTATING A DRIVER'S LICENSE; REPEALING SECTIONS OF LAW;  
RECONCILING CONFLICTING SECTIONS OF LAW BY REPEALING LAWS  
1989, CHAPTER 318, SECTION 31.

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

SECTION 1. Section 27-2-12.22 NMSA 1978 (being Laws  
2015, Chapter 127, Section 2) is amended to read:

"27-2-12.22. INCARCERATED INDIVIDUALS--MEDICAID  
ELIGIBILITY--COUNTY JAIL TECHNICAL ASSISTANCE--PRESUMPTIVE  
ELIGIBILITY DETERMINER TRAINING AND CERTIFICATION.--

A. Incarceration shall not be a basis to deny or  
terminate eligibility for medicaid.

B. Upon release from incarceration, a formerly  
incarcerated individual shall remain eligible for medicaid

1 until the individual is determined to be ineligible for  
2 medicaid on grounds other than incarceration.

3 C. An incarcerated individual who was not enrolled  
4 in medicaid upon the date that the individual became  
5 incarcerated shall be permitted to submit an application for  
6 medicaid during the incarcerated individual's period of  
7 incarceration.

8 D. The provisions of this section shall not be  
9 construed to abrogate:

10 (1) any deadline that governs the processing  
11 of applications for medicaid pursuant to existing federal or  
12 state law; or

13 (2) requirements under federal or state law  
14 that the human services department be notified of changes in  
15 income, resources, residency or household composition.

16 E. The provisions of this section shall not  
17 require the human services department to pay for services on  
18 behalf of any incarcerated individual, except as permitted by  
19 federal law.

20 F. A correctional facility shall:

21 (1) inform the human services department  
22 when an eligible individual is incarcerated;

23 (2) facilitate, with assistance from the  
24 department, eligibility determinations for medicaid during  
25 the incarcerated individuals' incarceration or upon release;

1 (3) notify the department upon an eligible  
2 individual's release; and

3 (4) facilitate the department's or any  
4 department contractor's provision of care coordination  
5 pursuant to the provisions of Section 2 of this 2018 act.

6 G. Upon the written request of a county, the  
7 department shall provide a behavioral health screening tool  
8 to facilitate screenings performed in accordance with the  
9 provisions of Subsection A of Section 2 of this 2018 act,  
10 technical assistance and training and certification of county  
11 jail presumptive eligibility determiners to a county jail.

12 H. The secretary of human services shall adopt and  
13 promulgate rules consistent with this section.

14 I. As used in this section:

15 (1) "care coordination" means an assessment  
16 for health risks and the creation of a plan of care to  
17 address an individual's comprehensive health needs, including  
18 access to physical health care and mental health services;  
19 substance use disorder treatment; and transportation  
20 services;

21 (2) "eligibility" means a finding by the  
22 human services department that an individual has met the  
23 criteria established in state and federal law and the  
24 requirements established by department rules to enroll in  
25 medicaid;

1                   (3) "incarcerated individual" means an  
2 individual, the legal guardian or conservator of an  
3 individual or, for an individual who is an unemancipated  
4 minor, the parent or guardian of the individual, who is  
5 confined in any of the following correctional facilities:

6                   (a) a state correctional facility;

7                   (b) a privately operated correctional  
8 facility;

9                   (c) a county jail;

10                  (d) a privately operated jail;

11                  (e) a detention facility that is  
12 operated under the authority of the children, youth and  
13 families department and that holds the individual pending a  
14 court hearing; or

15                  (f) a facility that is operated under  
16 the authority of the children, youth and families department  
17 and that provides for the care and rehabilitation of an  
18 individual who is under eighteen years of age and who has  
19 committed an act that would be designated as a crime under  
20 the law if committed by an individual who is eighteen years  
21 of age or older;

22                   (4) "medicaid" means the joint federal-state  
23 health coverage program pursuant to Title 19 or Title 21 of  
24 the federal Social Security Act and rules promulgated  
25 pursuant to that act; and

1 (5) "unemancipated minor" means an  
2 individual who is under eighteen years of age and who:

3 (a) is not on active duty in the armed  
4 forces; and

5 (b) has not been declared by court  
6 order to be emancipated."

7 SECTION 2. CORRECTIONAL FACILITIES--CARE  
8 COORDINATION.--

9 A. A correctional facility shall ensure that each  
10 inmate of that correctional facility is screened for mental  
11 illness and for habitual substance abuse within thirty days  
12 of incarceration in that facility.

13 B. A correctional facility shall offer a  
14 qualifying inmate the opportunity to enroll in medicaid in  
15 accordance with the provisions of Section 27-2-12.22 NMSA  
16 1978.

17 C. To the extent allowed by federal law or waiver  
18 agreement, care coordinators employed by medicaid managed  
19 care organizations shall link inmates who are enrolled in a  
20 medicaid managed care program to care coordination prior to  
21 the inmates' release.

22 D. The human services department shall provide  
23 information to correctional facilities seeking medicaid care  
24 coordination for qualifying inmates.

25 E. As used in this section:

1                   (1) "care coordination" means an assessment  
2 for health risks and the creation of a plan of care to  
3 address an individual's comprehensive health needs, including  
4 access to physical health care and mental health services;  
5 substance use disorder treatment; and transportation  
6 services;

7                   (2) "correctional facility" means a:  
8                   (a) state correctional facility;  
9                   (b) privately operated correctional  
10 facility;  
11                   (c) county jail;  
12                   (d) privately operated jail;  
13                   (e) detention facility that is operated  
14 under the authority of the children, youth and families  
15 department and that holds the individual pending a court  
16 hearing; or

17                   (f) facility that is operated under the  
18 authority of the children, youth and families department and  
19 that provides for the care and rehabilitation of an  
20 individual who is under eighteen years of age and who has  
21 committed an act that would be designated as a crime under  
22 the law if committed by an individual who is eighteen years  
23 of age or older;

24                   (3) "medicaid" means the joint federal-state  
25 health coverage program pursuant to Title 19 or Title 21 of

1 the federal Social Security Act and rules promulgated  
2 pursuant to that act; and

3 (4) "qualifying inmate" means an inmate who  
4 has been identified as currently having a mental illness or a  
5 substance use disorder, either through the screening provided  
6 pursuant to the provisions of Subsection A of this section or  
7 as evidenced in the inmate's medical record.

8 SECTION 3. Section 29-13-7 NMSA 1978 (being Laws 1983,  
9 Chapter 289, Section 7, as amended) is amended to read:

10 "29-13-7. EXPENDITURE LIMITATION--CONTROL.--

11 A. Except as provided for the academy in  
12 Subsection B of this section, amounts distributed from the  
13 fund shall be expended only for the following:

14 (1) the repair and purchase of law  
15 enforcement apparatus and equipment, including the financing  
16 and refinancing thereof, that meet minimum nationally  
17 recognized standards;

18 (2) the purchase of law enforcement  
19 equipment, including protective vests, for police dogs;

20 (3) expenses associated with advanced law  
21 enforcement planning and training;

22 (4) maintaining the balance of the peace  
23 officers', New Mexico mounted patrol members' and reserve  
24 police officers' survivors fund at a minimum amount of three  
25 hundred fifty thousand dollars (\$350,000);

1 (5) complying with match or contribution  
2 requirements for the receipt of federal funds relating to  
3 criminal justice programs;

4 (6) no more than fifty percent of the  
5 replacement salaries of municipal and county law enforcement  
6 personnel of municipalities or counties rated as class 1 in  
7 Paragraph (1) of Subsection C of Section 29-13-4 NMSA 1978  
8 participating in basic law enforcement training; and

9 (7) contingent upon the availability of  
10 funding and until June 30, 2021, a law enforcement officer  
11 retention payment in the amount of seven thousand five  
12 hundred dollars (\$7,500); provided that:

13 (a) the distribution is requested by a  
14 municipality or county law enforcement agency that on January  
15 1, 2018 had a staffing vacancy rate of at least ten percent  
16 to retain a law enforcement officer who is certified in  
17 accordance with the Law Enforcement Training Act and has at  
18 least twenty years of actual service credit earned under a  
19 municipal police member coverage plan as determined by the  
20 public employees retirement association;

21 (b) the municipality or county law  
22 enforcement agency provides seven thousand five hundred  
23 dollars (\$7,500) in matching funds to the law enforcement  
24 officer; and

25 (c) the distribution and the matching



1 funds paid to a law enforcement officer shall not constitute  
2 the officer's base salary or wages and shall not be  
3 considered to be salary or otherwise be used to determine a  
4 pension for the purposes of the Public Employees Retirement  
5 Act.

6 B. For the academy, amounts distributed from the  
7 fund shall be expended only for providing tourniquet and  
8 trauma kits and training on the use of tourniquet and trauma  
9 kits pursuant to Section 29-7-7.7 NMSA 1978.

10 C. Amounts distributed from the fund shall be  
11 expended only pursuant to approved budgets and upon duly  
12 executed vouchers approved as required by law."

13 SECTION 4. Section 30-7-16 NMSA 1978 (being Laws 1981,  
14 Chapter 225, Section 1, as amended) is amended to read:

15 "30-7-16. FIREARMS OR DESTRUCTIVE DEVICES--RECEIPT,  
16 TRANSPORTATION OR POSSESSION BY A FELON--PENALTY.--

17 A. It is unlawful for a felon to receive,  
18 transport or possess any firearm or destructive device in  
19 this state.

20 B. Any person violating the provisions of this  
21 section shall be guilty of a fourth degree felony and shall  
22 be sentenced in accordance with the provisions of the  
23 Criminal Sentencing Act; provided that the violation of and  
24 the sentence imposed pursuant to this subsection shall be  
25 increased to a violation of and the sentence for a third

1 degree felony if the person has previously been convicted of  
2 a capital felony or a serious violent offense provided in  
3 Subparagraphs (a) through (n) of Paragraph (4) of Subsection  
4 L of Section 33-2-34 NMSA 1978.

5 C. As used in this section:

6 (1) except as provided in Paragraph (2) of  
7 this subsection, "destructive device" means:

8 (a) any explosive, incendiary or poison  
9 gas: 1) bomb; 2) grenade; 3) rocket having a propellant  
10 charge of more than four ounces; 4) missile having an  
11 explosive or incendiary charge of more than one-fourth ounce;  
12 5) mine; or 6) similar device;

13 (b) any type of weapon by whatever name  
14 known that will, or that may be readily converted to, expel a  
15 projectile by the action of an explosive or other propellant,  
16 the barrel or barrels of which have a bore of more than one-  
17 half inch in diameter, except a shotgun or shotgun shell that  
18 is generally recognized as particularly suitable for sporting  
19 purposes; or

20 (c) any combination of parts either  
21 designed or intended for use in converting any device into a  
22 destructive device as defined in this paragraph and from  
23 which a destructive device may be readily assembled;

24 (2) the term "destructive device" does not  
25 include any device that is neither designed nor redesigned

1 for use as a weapon or any device, although originally  
2 designed for use as a weapon, that is redesigned for use as a  
3 signaling, pyrotechnic, line throwing, safety or similar  
4 device;

5 (3) "felon" means a person convicted of a  
6 felony offense by a court of the United States or of any  
7 state or political subdivision thereof and:

8 (a) less than ten years have passed  
9 since the person completed serving a sentence or period of  
10 probation for the felony conviction, whichever is later;

11 (b) the person has not been pardoned  
12 for the felony conviction by the proper authority; and

13 (c) the person has not received a  
14 deferred sentence; and

15 (4) "firearm" means any weapon that will or  
16 is designed to or may readily be converted to expel a  
17 projectile by the action of an explosion; the frame or  
18 receiver of any such weapon; or any firearm muffler or  
19 firearm silencer. "Firearm" includes any handgun, rifle or  
20 shotgun."

21 SECTION 5. Section 30-8-4 NMSA 1978 (being Laws 1963,  
22 Chapter 303, Section 8-4, as amended) is amended to read:

23 "30-8-4. LITTERING.--

24 A. Littering consists of discarding refuse:

25 (1) on public property in any manner other

1 than by placing the refuse in a receptacle provided for the  
2 purpose by the responsible governmental authorities or  
3 otherwise in accordance with lawful direction; or

4 (2) on private property not owned or  
5 lawfully occupied or controlled by the person, except with  
6 the consent of its owner, lessee or occupant.

7 B. Whoever commits littering is guilty of a petty  
8 misdemeanor and, notwithstanding the provisions of Section  
9 31-19-1 NMSA 1978, shall be punished by a fine of fifty  
10 dollars (\$50.00). The use of uniform traffic citations is  
11 authorized for the enforcement of this section. The court  
12 may to the extent permitted by law, as a condition to  
13 suspension of any other penalty provided by law, require a  
14 person who commits littering to pick up and remove from any  
15 public place or any private property, with prior permission  
16 of the legal owner, any litter deposited thereon.

17 SECTION 6. Section 66-3-1 NMSA 1978 (being Laws 1978,  
18 Chapter 35, Section 21, as amended) is amended to read:

19 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--  
20 EXCEPTIONS.--

21 A. With the exception of vehicles identified in  
22 Subsection B of this section, every motor vehicle,  
23 manufactured home, trailer, semitrailer and pole trailer when  
24 driven or moved upon a highway and every off-highway motor  
25 vehicle is subject to the registration and certificate of

1 title provisions of the Motor Vehicle Code except:

2 (1) any such vehicle driven or moved upon a  
3 highway in conformance with the provisions of the Motor  
4 Vehicle Code relating to manufacturers, dealers, lien-holders  
5 or nonresidents;

6 (2) any such vehicle that is driven or moved  
7 upon a highway only for the purpose of crossing the highway  
8 from one property to another;

9 (3) an implement of husbandry that is only  
10 incidentally operated or moved upon a highway;

11 (4) special mobile equipment;

12 (5) a vehicle that is propelled exclusively  
13 by electric power obtained from overhead trolley wires though  
14 not operated upon rails;

15 (6) a freight trailer if it is:

16 (a) properly registered in another  
17 state;

18 (b) identified by a proper base  
19 registration plate that is properly displayed; and

20 (c) identified by other registration  
21 documents that are in the possession of the operator and  
22 exhibited at the request of a police officer;

23 (7) a freight trailer or utility trailer  
24 owned and used by:

25 (a) a nonresident solely for the

1 transportation of farm products purchased by the nonresident  
2 from growers or producers of the farm products and  
3 transported in the trailer out of the state;

4 (b) a farmer or a rancher who  
5 transports to market only the produce, animals or fowl  
6 produced by that farmer or rancher or who transports back to  
7 the farm or ranch supplies for use thereon; or

8 (c) a person who transports animals to  
9 and from fairs, rodeos or other places, except racetracks,  
10 where the animals are exhibited or otherwise take part in  
11 performances, in trailers drawn by a motor vehicle or truck  
12 of less than ten thousand pounds gross vehicle weight rating  
13 bearing a proper registration plate, but in no case shall the  
14 owner of an unregistered trailer described in this paragraph  
15 perform such uses for hire;

16 (8) a moped;

17 (9) an electric personal assistive mobility  
18 device;

19 (10) a vehicle moved on a highway by a  
20 towing service as defined in Section 59A-50-2 NMSA 1978; and

21 (11) an off-highway motor vehicle exempted  
22 pursuant to Section 66-3-1005 NMSA 1978.

23 B. A certificate of title required pursuant to  
24 Subsection A of this section is not required for a vehicle of  
25 a type subject to registration owned by:

1 (1) the government of the United States; or  
2 (2) a carrier that is from a jurisdiction  
3 that is not a participant in the International Fuel Tax  
4 Agreement, that is authorized by the United States government  
5 or an agency of the United States government to conduct  
6 cross-border operations beyond the commercial border zone  
7 pursuant to the provisions of the North American Free Trade  
8 Agreement and that identifies New Mexico as the carrier's  
9 base jurisdiction.

10 C. A person who violates the provisions of this  
11 section is guilty of a penalty assessment misdemeanor. A  
12 person charged with violating this section shall not be  
13 convicted if the person produces, in court, evidence of  
14 compliance valid at the time of issuance of the citation."

15 SECTION 7. Section 66-3-18 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 38, as amended) is amended to read:

17 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY  
18 REGISTRATION PERMITS--DISPLAYS PROHIBITED AND ALLOWED.--

19 A. The registration plate shall be attached to the  
20 rear of the vehicle for which it is issued; however, the  
21 registration plate shall be attached to the front of a road  
22 tractor or truck tractor. The plate shall be securely  
23 fastened at all times in a fixed horizontal position at a  
24 height of not less than twelve inches from the ground,  
25 measuring from the bottom of the plate. It shall be in a

1 place and position so as to be clearly visible, and it shall  
2 be maintained free from foreign material and in a condition  
3 to be clearly legible.

4 B. A demonstration or temporary registration  
5 permit shall be firmly affixed to the inside left rear window  
6 of the vehicle to which it is issued, unless such display  
7 presents a safety hazard or the demonstration or temporary  
8 registration permit is not visible or readable from that  
9 position, in which case, the demonstration or temporary  
10 registration permit shall be displayed in such a manner that  
11 it is clearly visible from the rear or left side of the  
12 vehicle.

13 C. No vehicle while being operated on the highways  
14 of this state shall have displayed either on the front or the  
15 rear of the vehicle any registration plate, including  
16 validating sticker, other than one issued or validated for  
17 the current registration period by the department or any  
18 other licensing authority having jurisdiction over the  
19 vehicle. No expired registration plate or validating sticker  
20 shall be displayed on the vehicle other than an expired  
21 special registration plate, which may be exhibited on the  
22 front of the vehicle.

23 D. Nothing contained in this section shall be  
24 construed as prohibiting the use of a promotional or  
25 advertising plate on the front of the vehicle.



1           E. A violation of a provision of this section is a  
2 penalty assessment misdemeanor."

3           SECTION 8. Section 66-3-27 NMSA 1978 (being Laws 1978,  
4 Chapter 35, Section 47) is amended to read:

5           "66-3-27. HORSELESS CARRIAGE REGISTRATION.--

6           A. A motor vehicle at least thirty-five years old  
7 owned as a collector's item and used solely for exhibition  
8 and educational purposes is a "horseless carriage". On  
9 application to the secretary, the owner of the horseless  
10 carriage may receive a certificate of title and permanent  
11 registration upon:

12                       (1) payment of a fee of ten dollars  
13 (\$10.00); and

14                       (2) submission of a witnessed bill of sale  
15 on the horseless carriage or an affidavit that the vehicle  
16 was assembled by the owner from parts of automobiles at least  
17 thirty-five years old.

18           B. Upon approval of the application, the secretary  
19 shall issue one five-year registration plate with  
20 registration numbers and the words "Horseless Carriage",  
21 "Land of Enchantment" and "New Mexico". The plate, bearing  
22 no date, shall be attached to the rear of the vehicle.

23           C. Upon transfer of ownership of a horseless  
24 carriage, the new owner shall apply to the secretary for a  
25 transfer of title as provided in and subject to the penalties

1 contained in Section 66-3-103 NMSA 1978. The registration  
2 plates shall remain with the transferred vehicle.

3 D. Beginning in 1968 and each five-year period  
4 thereafter, every plate shall be revalidated upon application  
5 approved by the secretary, accompanied by a fee of five  
6 dollars (\$5.00). Upon loss of the original registration  
7 plate, a duplicate plate may be obtained by the owner upon  
8 payment of a fee of ten dollars (\$10.00).

9 E. A person who violates this section is guilty of  
10 a penalty assessment misdemeanor."

11 SECTION 9. Section 66-3-103 NMSA 1978 (being Laws 1978,  
12 Chapter 35, Section 50, as amended) is amended to read:

13 "66-3-103. NEW OWNER TO SECURE TRANSFER OF REGISTRATION  
14 AND NEW CERTIFICATE OF TITLE--TIME PERIOD--PENALTY.--

15 A. Except as otherwise provided by law, the  
16 transferee before operating or permitting the operation of  
17 the vehicle or boat on a highway or waterway shall present to  
18 the division the certificate of registration and the properly  
19 assigned certificate of title and shall apply for and obtain  
20 a new certificate of title and a new registration for the  
21 vehicle.

22 B. A transferee who fails to apply for transfer of  
23 registration and issuance of a new certificate of title  
24 within thirty days from the date of transfer is guilty of a  
25 penalty assessment misdemeanor."

1           SECTION 10. Section 66-3-403 NMSA 1978 (being Laws  
2 1978, Chapter 35, Section 82, as amended) is amended to read:

3           "66-3-403. EXPIRATION OF DEALER PLATES.--Every dealer  
4 plate issued pursuant to Section 66-3-402 NMSA 1978 expires  
5 at midnight on December 31 of each year. Upon payment of the  
6 proper fee, the person to whom the dealer plate was issued  
7 may apply to the department for a new plate or validating  
8 sticker for the ensuing year. Renewal of all dealer plates  
9 shall be on or before December 31. A person who operates a  
10 vehicle with a dealer plate that has expired is guilty of a  
11 penalty assessment misdemeanor."

12           SECTION 11. Section 66-3-409 NMSA 1978 (being Laws  
13 1978, Chapter 199, Section 1, as amended) is amended to read:

14           "66-3-409. SPECIAL REGISTRATION PLATES--MEDAL OF HONOR  
15 RECIPIENTS.--

16           A. The department shall issue distinctive pale  
17 blue, white and gold registration plates to any person who  
18 has been awarded the medal of honor and who so requests and  
19 submits proof satisfactory to the department that the person  
20 has been awarded that medal. The plates shall each bear the  
21 inscription "Medal of Honor Recipient". No fee, including  
22 the regular registration fee applicable to the passenger  
23 motor vehicle, if any, shall be collected for the issuance of  
24 a special registration plate pursuant to this section.

25           B. No person shall falsely make any representation

1 that the person is a medal of honor recipient in order to be  
2 eligible to be issued special registration plates pursuant to  
3 this section when the person is in fact not such a recipient.  
4 A person who violates the provisions of this subsection is  
5 guilty of a penalty assessment misdemeanor."

6 SECTION 12. Section 66-3-412.1 NMSA 1978 (being Laws  
7 2001, Chapter 243, Section 1) is amended to read:

8 "66-3-412.1. SPECIAL MOTORCYCLE REGISTRATION PLATES FOR  
9 ARMED FORCES VETERANS.--

10 A. The department shall issue distinctive  
11 motorcycle registration plates indicating that the recipient  
12 is a veteran of the armed forces of the United States or is  
13 retired from the national guard or military reserves, if that  
14 person submits proof satisfactory to the department of  
15 honorable discharge from the armed forces or of retirement  
16 from the national guard or military reserves.

17 B. For a fee of seven dollars (\$7.00), which is in  
18 addition to the regular motorcycle registration fees, a  
19 motorcycle owner who is a veteran of the armed forces of the  
20 United States or is retired from the national guard or  
21 military reserves may apply for the issuance of a special  
22 motorcycle registration plate as defined in Subsection A of  
23 this section. No two owners shall be issued identically  
24 lettered or numbered plates.

25 C. An owner shall make a new application and pay a

1 new fee each year the owner desires to obtain a special  
2 motorcycle registration plate. The owner will have first  
3 priority on that plate for each subsequent year that the  
4 owner makes a timely and appropriate application.

5 D. Each armed forces veteran may elect to receive  
6 a veteran-designation decal to be placed across the top of  
7 the special motorcycle registration plate, centered above the  
8 registration number. Replacement or different veteran-  
9 designation decals shall be available for purchase from the  
10 department at a reasonable charge to be set by the secretary.  
11 The department shall furnish the following veteran-  
12 designation decals with the armed forces veteran motorcycle  
13 registration plate to a:

- 14 (1) medal of honor recipient;
- 15 (2) silver star recipient;
- 16 (3) bronze star recipient;
- 17 (4) navy cross recipient;
- 18 (5) distinguished service cross recipient;
- 19 (6) air force cross recipient;
- 20 (7) ex-prisoner of war;
- 21 (8) disabled veteran;
- 22 (9) purple heart veteran;
- 23 (10) atomic veteran;
- 24 (11) Pearl Harbor survivor;
- 25 (12) Navajo code talker;

- 1 (13) Vietnam veteran;
- 2 (14) Korean veteran;
- 3 (15) disabled Korean veteran;
- 4 (16) World War II veteran;
- 5 (17) World War I veteran;
- 6 (18) Grenada veteran;
- 7 (19) Panama veteran;
- 8 (20) Desert Storm veteran; or
- 9 (21) Iraqi Freedom veteran.

10 E. The revenue from the fee imposed pursuant to  
11 Subsection B of this section shall be retained by the  
12 department and is appropriated to the department for the  
13 manufacture and issuance of the special motorcycle  
14 registration plates for armed forces veterans.

15 F. A person shall not falsely represent that the  
16 person was honorably discharged from the armed forces or  
17 retired from the national guard or military reserves so as to  
18 be eligible to be issued a special registration plate  
19 pursuant to this section. A person who violates the  
20 provisions of this subsection is guilty of a penalty  
21 assessment misdemeanor."

22 SECTION 13. Section 66-3-413 NMSA 1978 (being Laws  
23 1980, Chapter 45, Section 1, as amended) is amended to read:  
24 "66-3-413. SPECIAL REGISTRATION PLATES--NATIONAL GUARD  
25 MEMBERS.--

1           A. The department shall issue distinctive  
2 registration plates to any person who is a member of the New  
3 Mexico national guard, upon the submission by the person of  
4 proof satisfactory to the department that the person is  
5 currently a member of the guard. No fee, including the  
6 regular registration fee applicable to passenger motor  
7 vehicles, shall be collected for issuance of a special  
8 registration plate pursuant to this section.

9           B. A person shall not falsely represent that the  
10 person is an active member of the New Mexico national guard  
11 so as to be eligible to be issued special registration plates  
12 pursuant to this section when the person in fact is not a  
13 current member of the New Mexico national guard.

14           C. A person who violates the provisions of  
15 Subsection B of this section is guilty of a penalty  
16 assessment misdemeanor."

17           **SECTION 14.** Section 66-3-415 NMSA 1978 (being Laws  
18 1989, Chapter 162, Section 1, as amended) is amended to read:

19           "66-3-415. SPECIAL REGISTRATION PLATES--PEARL HARBOR  
20 SURVIVORS.--

21           A. The department shall issue distinctive  
22 registration plates indicating that the recipient is a  
23 survivor of the attack on Pearl Harbor if that person submits  
24 satisfactory proof to the department indicating that the  
25 person:

1 (1) was a member of the United States armed  
2 forces on December 7, 1941;

3 (2) received an honorable discharge from the  
4 United States armed forces; and

5 (3) was on station on December 7, 1941  
6 during the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at  
7 Pearl Harbor, the island of Oahu, or offshore at a distance  
8 not exceeding three miles.

9 B. The department shall confirm satisfactory proof  
10 with the New Mexico chapter of the Pearl Harbor survivors  
11 association.

12 C. No fee other than the registration fee  
13 applicable to the passenger motor vehicle, if any, shall be  
14 collected for the issuance of the distinctive registration  
15 plate pursuant to this section.

16 D. The recipient of a distinctive plate issued  
17 pursuant to this section shall be issued replacement plates  
18 upon request and without charge if the plate is lost, stolen  
19 or mutilated.

20 E. A person eligible for a distinctive  
21 registration plate pursuant to this section and also eligible  
22 for one or more special or distinctive registration plates  
23 pursuant to Sections 66-3-406, 66-3-409, 66-3-411, 66-3-412  
24 and 66-3-414 NMSA 1978 shall be issued only one special or  
25 distinctive registration plate of the person's choice.



1 F. A person shall not falsely represent that the  
2 person is a survivor of the attack on Pearl Harbor so as to  
3 be eligible to be issued distinctive plates pursuant to this  
4 section when that person in fact is not a survivor of the  
5 attack on Pearl Harbor.

6 G. A person who violates the provisions of  
7 Subsection F of this section is guilty of a penalty  
8 assessment misdemeanor."

9 SECTION 15. Section 66-3-417 NMSA 1978 (being Laws  
10 1986, Chapter 45, Section 2, as amended) is amended to read:

11 "66-3-417. RADIO STATION LICENSEES--SPECIAL  
12 REGISTRATION PLATES--FEE.--

13 A. Any applicant who is a resident of this state  
14 who holds an official commercial or amateur radio station  
15 license in good standing issued by the federal communications  
16 commission or who is a bona fide employee of such license  
17 holder shall, upon compliance with all laws of this state  
18 relating to registration and the licensing of motor vehicles  
19 and drivers, be furnished with a registration plate for the  
20 motor vehicle as prescribed by law, upon which:

21 (1) in lieu of the numbers required for  
22 identification, shall be inscribed the official call letters  
23 of the applicant as assigned by the federal communications  
24 commission;

25 (2) the official call letters shall be

1 inscribed as internationally recognized call letters,  
2 including the number zero with a diagonal line drawn across  
3 the number from the upper right of the number down to the  
4 lower left of the number; and

5 (3) the words "amateur radio operator" shall  
6 be inscribed on the registration plate upon request of the  
7 applicant.

8 B. The licensee of the commercial or amateur radio  
9 station shall certify to the secretary the names of bona fide  
10 personnel eligible to receive such special registration  
11 plates. The applicant shall pay, in addition to the  
12 registration tax required by law, the sum of three dollars  
13 (\$3.00) for the special registration plate, which additional  
14 sum shall be deposited by the secretary with the state  
15 treasurer to be credited to the state road fund. At the time  
16 of delivery of the special registration plate, the applicant  
17 shall surrender the current registration plate issued for the  
18 motor vehicle. This provision for the issuance of a special  
19 registration plate shall apply only if the applicant's motor  
20 vehicle is already registered in New Mexico so that the  
21 applicant has a valid regular New Mexico registration plate  
22 issued for that motor vehicle under which to operate during  
23 the time it will take to have the necessary special  
24 registration plate made. The secretary may make such  
25 reasonable regulations governing the use of the special

1 registration plate as will assure the full compliance by the  
2 owner and holder of the special plate with all existing laws  
3 governing the registration, transfer and use of motor  
4 vehicles. When the ownership of the motor vehicle for which  
5 the special registration plate has been furnished by the  
6 secretary changes from one person to another, the special  
7 registration plate authorized in this section shall be  
8 promptly removed from the motor vehicle by the seller and  
9 returned to the secretary, at which time the seller or the  
10 buyer of the motor vehicle is entitled to receive a  
11 registration plate for the motor vehicle. A seller who fails  
12 to remove and return the special registration plate as  
13 required in this subsection is guilty of a penalty assessment  
14 misdemeanor. The purpose for the issuance of the special  
15 registration plate is to readily identify personnel in aid of  
16 the performance of necessary duties for civil defense in the  
17 communications field."

18 SECTION 16. Section 66-3-419 NMSA 1978 (being Laws  
19 1990, Chapter 46, Section 2, as amended) is amended to read:

20 "66-3-419. SPECIAL REGISTRATION PLATES--ARMED FORCES  
21 VETERANS.--

22 A. The department shall issue distinctive  
23 registration plates indicating that the recipient is a  
24 veteran of the armed forces of the United States or is  
25 retired from the national guard or military reserves if that

1 person submits proof satisfactory to the department of  
2 honorable discharge from the armed forces or of retirement  
3 from the national guard or military reserves.

4 B. For a fee of fifteen dollars (\$15.00), which  
5 is in addition to the regular motor vehicle registration  
6 fees, any motor vehicle owner who is a veteran of the armed  
7 forces of the United States or is retired from the national  
8 guard or military reserves may apply for the issuance of a  
9 special registration plate, as defined in Subsection A of  
10 this section. No two owners shall be issued identically  
11 lettered or numbered plates.

12 C. The fifteen-dollar (\$15.00) fee provided in  
13 Subsection B of this section shall be waived for each  
14 registration period in which a validating sticker is issued  
15 under the provisions of Section 66-3-17 NMSA 1978, in lieu of  
16 the issuance of a special armed forces veteran plate.

17 D. Each armed forces veteran may elect to receive  
18 a veteran-designation decal to be placed across the top of  
19 the plate, centered above the registration number.  
20 Replacement or different veteran-designation decals shall be  
21 available for purchase from the department at a reasonable  
22 charge to be set by the secretary. The department shall  
23 furnish the following veteran-designation decals with the  
24 armed forces veteran plate to a:

- 25 (1) medal of honor recipient;

- 1 (2) silver star recipient;
- 2 (3) bronze star recipient;
- 3 (4) navy cross recipient;
- 4 (5) distinguished service cross recipient;
- 5 (6) air force cross recipient;
- 6 (7) ex-prisoner of war;
- 7 (8) disabled veteran;
- 8 (9) purple heart veteran;
- 9 (10) atomic veteran;
- 10 (11) Pearl Harbor survivor;
- 11 (12) Navajo code talker;
- 12 (13) Vietnam veteran;
- 13 (14) Korean veteran;
- 14 (15) disabled Korean veteran;
- 15 (16) World War II veteran;
- 16 (17) World War I veteran;
- 17 (18) Grenada veteran;
- 18 (19) Panama veteran;
- 19 (20) Desert Storm veteran; or
- 20 (21) Iraqi Freedom veteran.

21 E. The revenue from the special registration  
22 plates for the armed forces veterans fee imposed by  
23 Subsection B of this section shall be distributed as follows:

- 24 (1) seven dollars (\$7.00) of the fee  
25 collected for each registration plate shall be retained by

1 the department and is appropriated to the department for the  
2 manufacture and issuance of the registration plates; and

3 (2) eight dollars (\$8.00) of the fee  
4 collected for each registration plate shall be transferred  
5 pursuant to the provisions of Subsection F of this section.

6 F. There is created in the state treasury the  
7 "armed forces veterans license fund". A portion of the fee  
8 collected for each special registration plate for armed  
9 forces veterans, as provided in Subsection E of this section,  
10 shall be transferred to the state treasurer for the credit of  
11 the fund. Expenditures from the fund shall be made on  
12 vouchers issued and signed by the secretary of veterans'  
13 services or the secretary's authorized representative upon  
14 warrants drawn by the department of finance and  
15 administration for the purpose of expanding services to rural  
16 areas of the state, including Native American communities and  
17 senior citizen centers. Any unexpended or unencumbered  
18 balance remaining at the end of any fiscal year in the armed  
19 forces veterans license fund shall not revert to the general  
20 fund.

21 G. A person shall not falsely represent that the  
22 person was honorably discharged from the armed forces or  
23 retired from the national guard or military reserves so as to  
24 be eligible to be issued a special registration plate  
25 pursuant to this section. A person who violates the

1 provisions of this subsection is guilty of a penalty  
2 assessment misdemeanor."

3 SECTION 17. Section 66-3-421 NMSA 1978 (being Laws  
4 1993, Chapter 180, Section 8) is amended to read:

5 "66-3-421. SPECIAL REGISTRATION PLATES--NEW MEXICO  
6 RANGERS AND NEW MEXICO MOUNTED PATROL--SUBMISSION OF PROOF--  
7 PENALTY.--

8 A. The department shall issue special registration  
9 plates to any person who is a New Mexico ranger or a member  
10 of the New Mexico mounted patrol upon the submission by the  
11 person of proof satisfactory to the department that the  
12 person is currently a New Mexico ranger or a member of the  
13 New Mexico mounted patrol. No fee, including the regular  
14 registration fee applicable to the passenger motor vehicle,  
15 if any, shall be collected for the issuance of the special  
16 registration plates pursuant to this section.

17 B. A person shall not falsely represent that the  
18 person is a New Mexico ranger or a member of the New Mexico  
19 mounted patrol so as to be eligible to be issued special  
20 registration plates pursuant to this section when the person  
21 in fact is not a New Mexico ranger or a member of the New  
22 Mexico mounted patrol.

23 C. A person eligible for a special registration  
24 plate provided for in this section shall only be eligible for  
25 one such plate.

1           D. A person who violates the provisions of  
2 Subsection B of this section is guilty of a penalty  
3 assessment misdemeanor."

4           **SECTION 18.** Section 66-3-422 NMSA 1978 (being Laws  
5 1998, Chapter 21, Section 1, as amended) is amended to read:

6           "66-3-422. SPECIAL REGISTRATION PLATES--FIREFIGHTERS  
7 AND VOLUNTEER FIREFIGHTERS.--

8           A. The department shall issue special registration  
9 plates to a person employed as a New Mexico firefighter, upon  
10 the submission by the person of proof satisfactory to the  
11 department that the person is currently employed as a New  
12 Mexico firefighter, including submission of a signed consent  
13 form from the fire chief.

14           B. The department shall issue special registration  
15 plates to a person who is an active volunteer firefighter  
16 with a volunteer fire department recognized by the state fire  
17 marshal upon the submission by the person of proof  
18 satisfactory to the department that the person is currently  
19 an active member of a recognized volunteer fire department.  
20 Such proof shall include the submission of a signed consent  
21 form from the fire chief.

22           C. A person shall not falsely represent that the  
23 person is a New Mexico firefighter or volunteer firefighter  
24 if the person is not, in fact, a New Mexico firefighter or  
25 volunteer firefighter. The secretary shall determine what



1 constitutes satisfactory proof of employment as a New Mexico  
2 firefighter or status as a volunteer firefighter.

3 D. A person who violates the provisions of  
4 Subsection C of this section is guilty of a penalty  
5 assessment misdemeanor.

6 E. A fee of twenty-five dollars (\$25.00), which is  
7 in addition to the regular motor vehicle registration fee,  
8 shall be collected by the department for the original  
9 issuance of the special registration plate for New Mexico  
10 firefighters and volunteer firefighters.

11 F. Ten dollars (\$10.00) of the fee collected  
12 pursuant to Subsection E of this section shall be retained by  
13 the department and is appropriated to the department to  
14 defray the cost of making and issuing special registration  
15 plates for New Mexico firefighters and volunteer  
16 firefighters.

17 G. The amount of the fee collected pursuant to  
18 this section less any amount distributed pursuant to  
19 Subsection F of this section shall be deposited in the  
20 firefighters' survivors fund.

21 H. The secretary shall approve the final plate  
22 design for the special registration plates for New Mexico  
23 firefighters in accordance with New Mexico law. The  
24 secretary shall approve and issue a separate and distinctive  
25 plate clearly marked as "volunteer" for issuance to volunteer

1 firefighters.

2 I. When a person holding a special plate pursuant  
3 to this section ceases to be employed as a firefighter or  
4 serve as an active volunteer firefighter, the person shall  
5 immediately remove the plate from the vehicle and return it  
6 to the secretary, at which time it shall be exchanged for a  
7 regular registration plate. A person who fails to remove and  
8 return a special plate as required by the provisions of this  
9 subsection is guilty of a penalty assessment misdemeanor. A  
10 firefighter who holds a special plate and retires may retain  
11 the special plate."

12 SECTION 19. Section 66-3-424.4 NMSA 1978 (being Laws  
13 2003, Chapter 176, Section 2) is amended to read:

14 "66-3-424.4. STANDARDIZED SPECIAL REGISTRATION PLATES--  
15 RETIRED MEMBERS OF THE NEW MEXICO NATIONAL GUARD.--

16 A. The department shall issue a standardized  
17 special registration plate with a logo specified in Section  
18 66-3-424 NMSA 1978 indicating that the recipient is a person  
19 who is a retired member of the New Mexico national guard upon  
20 submission by the person of proof satisfactory to the  
21 department that the person is a retired member of the guard.

22 B. A person shall not falsely represent that the  
23 person is a retired member of the New Mexico national guard  
24 if that person is not in fact a retired member of the guard.

25 C. A person who violates the provisions of

1 Subsection B of this section is guilty of a penalty  
2 assessment misdemeanor.

3 D. A fee of twenty-five dollars (\$25.00), which is  
4 in addition to the regular motor vehicle registration fee,  
5 shall be collected by the department for the original  
6 issuance of the special registration plate for retired  
7 members of the New Mexico national guard.

8 E. Ten dollars (\$10.00) of the fee collected  
9 pursuant to Subsection D of this section shall be retained by  
10 the department and is appropriated to the department to  
11 defray the cost of making and issuing special registration  
12 plates for retired members of the New Mexico national guard.

13 F. The amount of the fee collected pursuant to  
14 Subsection D of this section less any amount distributed  
15 pursuant to Subsection E of this section shall be deposited  
16 in the motor vehicle suspense fund for distribution pursuant  
17 to Section 66-6-23 NMSA 1978.

18 G. The secretary shall approve the final logo  
19 design for the special registration plate for retired members  
20 of the New Mexico national guard."

21 **SECTION 20.** Section 66-3-424.5 NMSA 1978 (being Laws  
22 2003, Chapter 177, Section 2) is amended to read:

23 "66-3-424.5. SPECIAL REGISTRATION PLATES--NEW MEXICO  
24 MEMBERS OF THE FRATERNAL ORDER OF POLICE.--

25 A. The department shall issue a standardized

1 special registration plate with a logo specified in Section  
2 66-3-424 NMSA 1978 indicating that the recipient is a New  
3 Mexico member of the fraternal order of police.

4 B. A person shall not falsely represent that the  
5 person is a New Mexico member of the fraternal order of  
6 police if the person is, in fact, not a New Mexico member of  
7 the fraternal order of police. The secretary shall determine  
8 what constitutes satisfactory proof.

9 C. A person who violates the provisions of  
10 Subsection B of this section is guilty of a penalty  
11 assessment misdemeanor.

12 D. A fee of twenty-five dollars (\$25.00), which is  
13 in addition to the regular motor vehicle registration fee,  
14 shall be collected by the department for the original  
15 issuance of the special registration plate for a New Mexico  
16 member of the fraternal order of police.

17 E. Ten dollars (\$10.00) of the fee collected  
18 pursuant to Subsection D of this section shall be retained by  
19 the department and is appropriated to the department to  
20 defray the cost of making and issuing a special registration  
21 plate for a New Mexico member of the fraternal order of  
22 police.

23 F. The amount of the fee collected pursuant to  
24 this section less any amount distributed pursuant to  
25 Subsection E of this section shall be deposited in the motor

1 vehicle suspense fund for distribution in accordance with  
2 Section 66-6-23 NMSA 1978.

3 G. The secretary shall approve the final logo  
4 design for the special registration plates for New Mexico  
5 members of the fraternal order of police.

6 H. When a person holding a special plate ceases to  
7 be a New Mexico member of the fraternal order of police, the  
8 person shall immediately remove the plate from the vehicle  
9 and return it to the secretary, at which time it shall be  
10 exchanged for a regular registration plate. A person who  
11 fails to remove and return a special plate as required by the  
12 provisions of this subsection is guilty of a penalty  
13 assessment misdemeanor."

14 SECTION 21. Section 66-3-424.7 NMSA 1978 (being Laws  
15 2003, Chapter 179, Section 2) is amended to read:

16 "66-3-424.7. REGISTRATION PLATES--MEMBERS OF THE CIVIL  
17 AIR PATROL, NEW MEXICO WING.--

18 A. The department shall issue a standardized  
19 special registration plate with a logo specified in Section  
20 66-3-424 NMSA 1978 indicating that the recipient is a member  
21 of the civil air patrol, New Mexico wing, upon the submission  
22 by the person of proof satisfactory to the department that  
23 the person is a member of the civil air patrol, New Mexico  
24 wing. Such proof shall include the submission of a signed  
25 consent form from the civil air patrol, New Mexico wing.

1           B. A person shall not falsely represent that the  
2 person is a member of the civil air patrol, New Mexico wing,  
3 if that person is, in fact, not a member of the civil air  
4 patrol, New Mexico wing. The secretary shall determine what  
5 constitutes satisfactory proof that a person is a member of  
6 the civil air patrol, New Mexico wing.

7           C. A person who violates the provisions of  
8 Subsection B of this section is guilty of a penalty  
9 assessment misdemeanor.

10           D. A fee of twenty-five dollars (\$25.00), which is  
11 in addition to the regular motor vehicle registration fee,  
12 shall be collected by the department for the original  
13 issuance of the special registration plate for a member of  
14 the civil air patrol, New Mexico wing.

15           E. Ten dollars (\$10.00) of the fee collected  
16 pursuant to Subsection D of this section shall be retained by  
17 the department and is appropriated to the department to  
18 defray the cost of making and issuing special registration  
19 plates for members of the civil air patrol, New Mexico wing.  
20 The remaining fifteen dollars (\$15.00) shall be deposited in  
21 the motor vehicle suspense fund for distribution in  
22 accordance with Section 66-6-23 NMSA 1978.

23           F. The secretary shall approve the final logo  
24 design for the special registration plates for members of the  
25 civil air patrol, New Mexico wing, in accordance with New

1 Mexico law. The secretary shall approve and issue a separate  
2 and distinctive logo clearly marked as "civil air patrol" for  
3 issuance to members of the civil air patrol, New Mexico  
4 wing."

5 SECTION 22. Section 66-3-424.9 NMSA 1978 (being Laws  
6 2003, Chapter 181, Section 2) is amended to read:

7 "66-3-424.9. STANDARDIZED SPECIAL REGISTRATION  
8 PLATES--RETIRED FIREFIGHTERS.--

9 A. The department shall issue a standardized  
10 special registration plate with a logo specified in Section  
11 66-3-424 NMSA 1978 indicating that the recipient is a person  
12 who is a retired New Mexico firefighter upon submission by  
13 the person of proof satisfactory to the department that the  
14 person has retired from active employment as a firefighter.

15 B. A person shall not falsely represent that the  
16 person is a retired New Mexico firefighter if the person is  
17 not, in fact, a retired New Mexico firefighter. The  
18 secretary shall determine what constitutes proof of previous  
19 active employment as a firefighter and proof of retirement.

20 C. A person who violates the provisions of  
21 Subsection B of this section is guilty of a penalty  
22 assessment misdemeanor.

23 D. A fee of twenty-five dollars (\$25.00), which is  
24 in addition to the regular motor vehicle registration fee,  
25 shall be collected by the department for the original

1 issuance of the special registration plate for retired New  
2 Mexico firefighters.

3 E. Ten dollars (\$10.00) of the fee collected  
4 pursuant to Subsection D of this section shall be retained by  
5 the department and is appropriated to the department to  
6 defray the cost of making and issuing special registration  
7 plates for retired New Mexico firefighters.

8 F. The amount of the fee collected pursuant to  
9 this section less any amount distributed pursuant to  
10 Subsection E of this section shall be deposited in the motor  
11 vehicle suspense fund for distribution in accordance with  
12 Section 66-6-23 NMSA 1978.

13 G. The secretary shall approve the final logo  
14 design for the special registration plates for retired New  
15 Mexico firefighters."

16 SECTION 23. Section 66-3-424.13 NMSA 1978 (being Laws  
17 2003, Chapter 211, Section 2) is amended to read:

18 "66-3-424.13. STANDARDIZED SPECIAL REGISTRATION  
19 PLATES--RETIRED NEW MEXICO STATE POLICE OFFICERS.--

20 A. The department shall issue a standardized  
21 special registration plate with a logo specified in Section  
22 66-3-424 NMSA 1978 indicating that the recipient is a person  
23 who is a retired New Mexico state police officer upon  
24 submission by the person of proof satisfactory to the  
25 department that the person is a retired New Mexico state



1 police officer. The proof shall include the submission of a  
2 retirement commission from the New Mexico state police.

3 B. A person shall not falsely represent that the  
4 person is a retired New Mexico state police officer if that  
5 person is, in fact, not a retired New Mexico state police  
6 officer. The secretary shall determine what constitutes  
7 satisfactory proof that a person is a retired New Mexico  
8 state police officer.

9 C. A person who violates the provisions of  
10 Subsection B of this section is guilty of a penalty  
11 assessment misdemeanor.

12 D. A fee of twenty-five dollars (\$25.00), which is  
13 in addition to the regular motor vehicle registration fee,  
14 shall be collected by the department for the original  
15 issuance of the special registration plate for retired New  
16 Mexico state police officers.

17 E. Ten dollars (\$10.00) of the fee collected  
18 pursuant to Subsection D of this section shall be retained by  
19 the department and is appropriated to the department to  
20 defray the cost of making and issuing special registration  
21 plates for retired New Mexico state police officers. The  
22 remaining fifteen dollars (\$15.00) shall be deposited in the  
23 motor vehicle suspense fund for distribution pursuant to  
24 Section 66-6-23 NMSA 1978.

25 F. The secretary shall approve the final logo

1 design for the special registration plate for retired New  
2 Mexico state police officers. The logo shall be clearly  
3 marked as "retired New Mexico state police" for issuance to  
4 retired New Mexico state police officers."

5 SECTION 24. Section 66-3-424.16 NMSA 1978 (being Laws  
6 2005, Chapter 344, Section 1) is amended to read:

7 "66-3-424.16. SPECIAL REGISTRATION PLATES--EMERGENCY  
8 MEDICAL TECHNICIANS.--

9 A. The department shall issue a standardized  
10 special registration plate with a logo specified in Section  
11 66-3-424 NMSA 1978 indicating that the recipient is an  
12 emergency medical technician.

13 B. A person shall not falsely represent that the  
14 person is an emergency medical technician if the person is,  
15 in fact, not an emergency medical technician licensed in New  
16 Mexico. The secretary shall determine what constitutes  
17 satisfactory proof.

18 C. A person who violates the provisions of  
19 Subsection B of this section is guilty of a penalty  
20 assessment misdemeanor.

21 D. A fee of twenty-five dollars (\$25.00), which  
22 shall be in addition to the regular motor vehicle  
23 registration fee, shall be collected by the department for  
24 the original issuance of the special registration plate for  
25 an emergency medical technician.

1           E. Ten dollars (\$10.00) of the fee collected  
2 pursuant to Subsection D of this section shall be retained by  
3 the department and is appropriated to the department to  
4 defray the cost of making and issuing a special registration  
5 plate for emergency medical technicians.

6           F. The amount of the fee collected pursuant to  
7 this section less any amount distributed pursuant to  
8 Subsection E of this section shall be deposited in the motor  
9 vehicle suspense fund for distribution in accordance with  
10 Section 66-6-23 NMSA 1978.

11           G. The secretary shall approve the final logo  
12 design for the special registration plate for emergency  
13 medical technicians.

14           H. When a person holding a special registration  
15 plate ceases to be an emergency medical technician, the  
16 person shall immediately remove the plate from the vehicle  
17 and return it to the department, at which time it shall be  
18 exchanged for a regular registration plate. A person who  
19 fails to remove and return a plate as required in this  
20 subsection is guilty of a penalty assessment misdemeanor."

21           **SECTION 25.** Section 66-3-424.28 NMSA 1978 (being Laws  
22 2009, Chapter 86, Section 1) is amended to read:

23           "66-3-424.28. STANDARDIZED SPECIAL REGISTRATION  
24 PLATES--RETIRED NEW MEXICO LAW ENFORCEMENT OFFICERS.--

25           A. The department shall issue a standardized

1 special registration plate with a logo specified in Section  
2 66-3-424 NMSA 1978 indicating that the recipient is a person  
3 who is a retired New Mexico law enforcement officer upon  
4 submission by the person of proof satisfactory to the  
5 department that the person is a retired New Mexico law  
6 enforcement officer. The proof shall include the submission  
7 of a retirement commission from a New Mexico law enforcement  
8 agency.

9 B. A person shall not falsely represent that the  
10 person is a retired New Mexico law enforcement officer if  
11 that person is, in fact, not a retired New Mexico law  
12 enforcement officer. The secretary shall determine what  
13 constitutes satisfactory proof that a person is a retired New  
14 Mexico law enforcement officer.

15 C. A person who violates the provisions of  
16 Subsection B of this section is guilty of a penalty  
17 assessment misdemeanor.

18 D. A fee of twenty-five dollars (\$25.00), which is  
19 in addition to the regular motor vehicle registration fee,  
20 shall be collected by the department for the original  
21 issuance of the special registration plate for retired New  
22 Mexico law enforcement officers.

23 E. Ten dollars (\$10.00) of the fee collected  
24 pursuant to Subsection D of this section shall be retained by  
25 the department and is appropriated to the department to

1 defray the cost of making and issuing special registration  
2 plates for retired New Mexico law enforcement officers. The  
3 remaining fifteen dollars (\$15.00) shall be deposited in the  
4 motor vehicle suspense fund for distribution pursuant to  
5 Section 66-6-23 NMSA 1978.

6 F. The secretary shall approve the final logo  
7 design for the special registration plate for retired New  
8 Mexico law enforcement officers. The logo shall be clearly  
9 marked as "retired New Mexico law enforcement officer" for  
10 issuance to retired New Mexico law enforcement officers."

11 SECTION 26. Section 66-3-701 NMSA 1978 (being Laws  
12 1978, Chapter 35, Section 100) is amended to read:

13 "66-3-701. BICYCLES--EFFECT OF REGULATIONS.--

14 A. It is a penalty assessment misdemeanor for a  
15 person to do any act forbidden or fail to perform any act  
16 required by Sections 66-3-701 through 66-3-707 NMSA 1978.

17 B. The parent of any child and the guardian of any  
18 ward shall not authorize or permit any child or ward to  
19 violate any of the provisions of the Motor Vehicle Code.

20 C. These regulations applicable to bicycles apply  
21 whenever a bicycle is operated upon any highway or upon any  
22 path set aside for the exclusive use of bicycles subject to  
23 those exceptions stated in Sections 66-3-701 through 66-3-707  
24 NMSA 1978."

25 SECTION 27. Section 66-3-801 NMSA 1978 (being Laws

1 1978, Chapter 35, Section 107, as amended) is amended to  
2 read:

3 "66-3-801. EQUIPMENT--PROHIBITED ACTS.--

4 A. Except as otherwise provided in this section,  
5 it is a penalty assessment misdemeanor for a person to drive  
6 or move or for the owner to cause or permit to be driven or  
7 moved on any highway any vehicle or combination of vehicles  
8 that is in such unsafe condition as to endanger any person or  
9 that does not contain those parts or is not at all times  
10 equipped with such lamps and other equipment in proper  
11 condition and adjustment as is required by Sections 66-3-801  
12 through 66-3-887 NMSA 1978 or that is equipped in any manner  
13 that is in violation of those sections or for any person to  
14 do any act forbidden or fail to perform any act required  
15 under those sections.

16 B. Nothing contained in Sections 66-3-801 through  
17 66-3-887 NMSA 1978 shall be construed to prohibit the use of  
18 additional parts and accessories on any vehicle that are not  
19 inconsistent with the provisions of those sections.

20 C. The provisions of Sections 66-3-801 through  
21 66-3-887 NMSA 1978 with respect to equipment on vehicles  
22 shall not apply to implements of husbandry, road machinery,  
23 road rollers or farm tractors except as made applicable in  
24 those sections.

25 D. The provisions of Sections 66-3-801 through

1 66-3-887 NMSA 1978 apply to vehicles subject to the  
2 provisions of the Motor Carrier Safety Act only to the extent  
3 that the provisions of Sections 66-3-801 through 66-3-887  
4 NMSA 1978 do not conflict with the provisions of the Motor  
5 Carrier Safety Act and regulations promulgated under that  
6 act."

7 SECTION 28. Section 66-3-802 NMSA 1978 (being Laws  
8 1978, Chapter 35, Section 108) is amended to read:

9 "66-3-802. WHEN LIGHTED LAMPS ARE REQUIRED.--

10 A. Every vehicle upon a highway within this state  
11 at any time from a half-hour after sunset to a half-hour  
12 before sunrise and at any other time when there is not  
13 sufficient light to render clearly discernible persons and  
14 vehicles on the highway at a distance of five hundred feet  
15 ahead shall display lighted lamps and illuminating devices as  
16 respectively required in Sections 66-3-801 through 66-3-887  
17 NMSA 1978 for different classes of vehicles, subject to  
18 exceptions with respect to parked vehicles as stated in  
19 Section 66-3-825 NMSA 1978.

20 B. A person who violates the provisions of this  
21 section is guilty of a penalty assessment misdemeanor."

22 SECTION 29. Section 66-3-804 NMSA 1978 (being Laws  
23 1978, Chapter 35, Section 110, as amended) is amended to  
24 read:

25 "66-3-804. HEADLAMPS ON MOTOR VEHICLES.--

1           A. Every motor vehicle other than a motorcycle  
2 shall be equipped with at least two headlamps with at least  
3 one on each side of the front of the motor vehicle, which  
4 headlamps comply with the requirements and limitations set  
5 forth in Sections 66-3-801 through 66-3-887 NMSA 1978.

6           B. Every motorcycle shall be equipped with at  
7 least one and not more than two headlamps that comply with  
8 the requirements and limitations of Sections 66-3-801 through  
9 66-3-887 NMSA 1978.

10           C. Every headlamp upon every motor vehicle,  
11 including every motorcycle, shall be located at a height  
12 measured from the center of the headlamp of not more than  
13 fifty-four inches or less than twenty inches to be measured  
14 as set forth in Subsection B of Section 66-3-803 NMSA 1978.  
15 The provisions of this subsection apply only to new motor  
16 vehicles sold after July 1, 1953.

17           D. A person who violates the provisions of this  
18 section is guilty of a penalty assessment misdemeanor."

19           **SECTION 30.** Section 66-3-805 NMSA 1978 (being Laws  
20 1978, Chapter 35, Section 111) is amended to read:

21           "66-3-805. TAIL LAMPS.--

22           A. Every motor vehicle, trailer, semitrailer, pole  
23 trailer and any other vehicle that is being drawn at the end  
24 of a train of vehicles shall be equipped with at least one  
25 tail lamp mounted on the rear that, when lighted as required



1 in Section 66-3-802 NMSA 1978, emits a red light plainly  
2 visible from a distance of five hundred feet to the rear;  
3 provided that, in the case of a train of vehicles, only the  
4 tail lamp on the rearmost vehicle need actually be seen from  
5 the distance specified. Every such vehicle, other than a  
6 truck tractor, registered in this state and manufactured or  
7 assembled after July 1, 1953 shall be equipped with at least  
8 two tail lamps mounted on the rear that when lighted as  
9 required in Section 66-3-802 NMSA 1978 comply with the  
10 provisions of this section.

11 B. Every tail lamp upon every vehicle shall be  
12 located at a height of not more than seventy-two inches or  
13 less than twenty inches.

14 C. Either a tail lamp or a separate lamp shall be  
15 so constructed and placed as to illuminate with a white light  
16 the rear registration plate and render it clearly legible  
17 from a distance of fifty feet to the rear. Any tail lamp,  
18 together with any separate lamp for illuminating the rear  
19 registration plate, shall be so wired as to be lighted  
20 whenever the headlamps or auxiliary driving lamps are  
21 lighted.

22 D. A person who violates the provisions of this  
23 section is guilty of a penalty assessment misdemeanor."

24 SECTION 31. Section 66-3-806 NMSA 1978 (being Laws  
25 1978, Chapter 35, Section 112, as amended) is amended to

1 read:

2 "66-3-806. NEW MOTOR VEHICLES TO BE EQUIPPED WITH  
3 REFLECTORS.--

4 A. Every new motor vehicle hereafter sold and  
5 operated upon a highway, other than a truck tractor, shall  
6 carry on the rear, either as a part of the tail lamps or  
7 separately, two red reflectors, except that every motorcycle  
8 shall carry at least one reflector, meeting the requirements  
9 of this section, and except that vehicles of the type  
10 mentioned in Section 66-3-809 NMSA 1978 shall be equipped  
11 with reflectors as required in those sections applicable to  
12 those vehicles.

13 B. Every reflector shall be mounted on the vehicle  
14 at a height not less than twenty inches or more than sixty  
15 inches measured as set forth in Subsection B of Section 66-3-  
16 803 NMSA 1978 and shall be of such size and characteristics  
17 and so mounted as to be visible at night from all distances  
18 within three hundred feet to fifty feet from the vehicle when  
19 directly in front of lawful upper beams of headlamps, except  
20 that visibility from a greater distance is hereinafter  
21 required of reflectors on certain types of vehicles.

22 C. A person who violates the provisions of this  
23 section is guilty of a penalty assessment misdemeanor."

24 SECTION 32. Section 66-3-846 NMSA 1978 (being Laws  
25 1978, Chapter 35, Section 152, as amended) is amended to

1 read:

2 "66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND  
3 EQUIPPED WITH WIPERS--WINDOWS MUST BE TRANSPARENT--  
4 EXCEPTION.--

5 A. No person shall drive any motor vehicle with  
6 any sign, poster or other nontransparent material upon or in  
7 the front windshield, the windows to the immediate right and  
8 left of the driver or the rearmost window if the latter is  
9 used for driving visibility, except as provided in Section  
10 66-3-846.1 NMSA 1978. The rearmost window is not necessary  
11 for driving visibility where outside rearview mirrors are  
12 attached to the vehicle.

13 B. The windshield on every motor vehicle except a  
14 motorcycle shall be equipped with a device for cleaning rain,  
15 snow or other moisture from the windshield, which device  
16 shall be so constructed as to be controlled or operated by  
17 the driver of the vehicle.

18 C. Every windshield wiper upon a motor vehicle  
19 shall be maintained in good working order.

20 D. A person who violates the provisions of this  
21 section is guilty of a penalty assessment misdemeanor."

22 SECTION 33. Section 66-3-846.1 NMSA 1978 (being Laws  
23 1997, Chapter 151, Section 2) is amended to read:

24 "66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND  
25 WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--

1           A. A person shall not operate on any street or  
2 highway a motor vehicle that is registered or required to be  
3 registered in this state if that motor vehicle has a sun  
4 screening material on the windshield or any window that does  
5 not comply with the requirements of this section.

6           B. Except as otherwise provided in this section, a  
7 sun screening material:

8                   (1) when used in conjunction with the  
9 windshield, shall be nonreflective, shall not be red, yellow  
10 or amber in color and shall be used only along the top of the  
11 windshield, not extending downward beyond the ASI line or  
12 more than five inches from the top of the windshield,  
13 whichever is closer to the top of the windshield; and

14                   (2) when used in conjunction with the safety  
15 glazing materials of the side wings or side windows located  
16 at the immediate right and left of the driver, the side  
17 windows behind the driver and the rearmost window shall be  
18 nonreflective, shall have a light transmission of not less  
19 than twenty percent and shall be used only on the windows of  
20 a motor vehicle equipped with one right and one left outside  
21 rearview mirror.

22           C. Each manufacturer shall:

23                   (1) certify to the division that a sun  
24 screening material used by that manufacturer is in compliance  
25 with the nonreflectivity and light transmission requirements

1 of this section;

2 (2) provide a label not to exceed one and  
3 one-half square inches in size that:

4 (a) is installed permanently and  
5 legibly between the sun screening material and each glazing  
6 surface to which it is applied;

7 (b) contains the manufacturer's name,  
8 the date that the sun screening material was manufactured and  
9 the percentage of light transmission; and

10 (c) is placed in the left lower corner  
11 of each glazing surface when facing the motor vehicle from  
12 the outside; and

13 (3) include instructions with the sun  
14 screening material for proper installation, including the  
15 affixing of the label specified in this subsection.

16 D. A person shall not:

17 (1) offer for sale or for use any sun  
18 screening material for motor vehicle use not in compliance  
19 with this section; or

20 (2) install any sun screening material on  
21 motor vehicles intended for operation on any street or  
22 highway without permanently affixing the label specified in  
23 Subsection C of this section.

24 E. The provisions of this section do not apply to  
25 a motor vehicle registered in this state in the name of a

1 person, or the person's legal guardian, who has an affidavit  
2 signed by a physician or an optometrist licensed to practice  
3 in this state that states that the person has a physical  
4 condition that makes it necessary to equip the motor vehicle  
5 with sun screening material that is in violation of this  
6 section. The affidavit shall be in the possession of the  
7 person with such a physical condition, or the person's legal  
8 guardian, at all times while being transported in the motor  
9 vehicle.

10 F. The light transmission requirement of this  
11 section does not apply to windows behind the driver on truck  
12 tractors, buses, recreational vehicles, multipurpose  
13 passenger vehicles or motor homes. The provisions of this  
14 section shall not apply to motor vehicle glazing that  
15 complies with federal motor vehicle standards.

16 G. The provisions of this section do not apply to  
17 motor vehicles that have sun screening material on the  
18 windshield or any window prior to July 1, 1997.

19 H. As used in this section:

20 (1) "light transmission" means the ratio of  
21 the amount of total light that passes through a product or  
22 material, expressed in percentages, to the amount of the  
23 total light falling on the product or material;

24 (2) "manufacturer" means any person engaged  
25 in the manufacturing or assembling of sun screening products

1 or materials designed to be used in conjunction with motor  
2 vehicle glazing materials for the purpose of reducing the  
3 effects of the sun;

4 (3) "nonreflective" means designed to absorb  
5 light rather than to reflect it; and

6 (4) "sun screening material" means any film  
7 material, substance, device or product that is designed to be  
8 used in conjunction with motor vehicle safety glazing  
9 materials for reducing the effects of the sun.

10 I. A person who violates a provision of this  
11 section is guilty of a penalty assessment misdemeanor."

12 SECTION 34. Section 66-3-901 NMSA 1978 (being Laws  
13 1978, Chapter 35, Section 194, as amended) is amended to  
14 read:

15 "66-3-901. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN  
16 UNSAFE CONDITION.--

17 A. A person shall not drive or move on any highway  
18 any motor vehicle, trailer, semitrailer or pole trailer or  
19 any combination thereof unless the equipment upon every  
20 vehicle is in good working order and adjustment as required  
21 in the Motor Vehicle Code and the vehicle is in such safe  
22 mechanical condition as not to endanger the driver or other  
23 occupant or any person upon the highway.

24 B. A person who violates the provisions of this  
25 section is guilty of a penalty assessment misdemeanor."

1           SECTION 35. Section 66-5-16 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 238, as amended) is amended to read:

3           "66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON  
4 DEMAND.--Every licensee shall have the licensee's driver's  
5 license in the licensee's immediate possession at all times  
6 when operating a motor vehicle and shall display the license  
7 upon demand of a magistrate, a peace officer or a field  
8 deputy or inspector of the division. A person who violates  
9 the provisions of this section is guilty of a penalty  
10 assessment misdemeanor; however, a person charged with  
11 violating this section shall not be convicted if the person  
12 produces in court a driver's license issued to the person and  
13 valid at the time of the person's citation."

14           SECTION 36. Section 66-5-22 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 244, as amended) is amended to read:

16           "66-5-22. NOTICE OF CHANGE OF ADDRESS OR NAME.--

17           A. Whenever a person, after applying for or  
18 receiving a driver's license, moves from the address named in  
19 the application or in the issued license or when the name of  
20 a licensee is changed by marriage or otherwise, the person  
21 shall, within ten days, notify the division of the new  
22 address in writing or by electronic media pursuant to  
23 department regulations. In the event of a change of name,  
24 the license shall be delivered by the licensee to the  
25 division and the change of name be accomplished on the



1 license itself. The division may require such evidence as it  
2 deems satisfactory regarding the change of name.

3 B. A person who violates the provisions of this  
4 section is guilty of a penalty assessment misdemeanor."

5 ~~SECTION 37. Section 66-5-30 NMSA 1978 (being Laws 1978,~~  
6 ~~Chapter 35, Section 252, as amended) is amended to read:~~

7 ~~"66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE~~  
8 ~~LICENSE.--~~

9 A. ~~The division may suspend the instruction~~  
10 ~~permit, driver's license or provisional license of a driver~~  
11 ~~without preliminary hearing upon a showing by its records or~~  
12 ~~other sufficient evidence, including information provided to~~  
13 ~~the state pursuant to an intergovernmental agreement~~  
14 ~~authorized by Section 66-5-27.1 NMSA 1978, that the licensee:~~

15 ~~(1) has been convicted of an offense for~~  
16 ~~which mandatory revocation of license is required upon~~  
17 ~~conviction;~~

18 ~~(2) has been convicted as a driver in an~~  
19 ~~accident resulting in the death or personal injury of another~~  
20 ~~or serious property damage;~~

21 ~~(3) has been convicted with such frequency~~  
22 ~~of offenses against traffic laws or rules governing motor~~  
23 ~~vehicles as to indicate a disrespect for traffic laws and a~~  
24 ~~disregard for the safety of other persons on the highways;~~

25 ~~(4) is an habitually reckless or negligent~~

1 ~~driver of a motor vehicle;~~

2 ~~(5) is incompetent to drive a motor vehicle;~~

3 ~~(6) has permitted an unlawful or fraudulent~~  
4 ~~use of the license;~~

5 ~~(7) has been convicted of an offense in~~  
6 ~~another state or tribal jurisdiction that if committed within~~  
7 ~~this state's jurisdiction would be grounds for suspension or~~  
8 ~~revocation of the license;~~

9 ~~(8) has violated provisions stipulated by a~~  
10 ~~district court in limitation of certain driving privileges;~~

11 ~~(9) has accumulated seven points, but less~~  
12 ~~than eleven points, and when the division has received a~~  
13 ~~recommendation from a municipal or magistrate judge that the~~  
14 ~~license be suspended for a period not to exceed three months;~~  
15 ~~or~~

16 ~~(10) has failed to comply with the terms of~~  
17 ~~a citation issued in a foreign jurisdiction that is a party~~  
18 ~~to the Nonresident Violator Compact and that has notified the~~  
19 ~~division of the failure in accordance with the Nonresident~~  
20 ~~Violator Compact.~~

21 ~~B. If a person whose license was issued by a~~  
22 ~~jurisdiction outside New Mexico that is a party to the~~  
23 ~~Nonresident Violator Compact fails to comply with the terms~~  
24 ~~of a citation issued in New Mexico, the division shall notify~~  
25 ~~that other jurisdiction of the failure and that jurisdiction~~

1 shall initiate a license suspension action in accordance with  
2 the provisions of Article IV of the Nonresident Violator  
3 Compact.

4 C. Upon suspending the license of a person as  
5 authorized in this section, the division shall immediately  
6 notify the licensee in writing of the licensee's right to a  
7 hearing before the administrative hearings office and, upon  
8 the licensee's request, shall notify the administrative  
9 hearings office. The administrative hearings office shall  
10 schedule the hearing to take place as early as practicable,  
11 but within no more than twenty days, not counting Saturdays,  
12 Sundays and legal holidays after receipt of the request. The  
13 hearing shall be held in the county in which the licensee  
14 resides unless the hearing officer and the licensee agree  
15 that the hearing may be held in some other county; provided  
16 that the hearing request is received within twenty days from  
17 the date that the suspension was deposited in the United  
18 States mail. The hearing officer may, in the hearing  
19 officer's discretion, extend the twenty-day period. The  
20 hearing shall be held as provided in the Administrative  
21 Hearings Office Act. After the hearing, the hearing officer  
22 shall either rescind the order of suspension or continue,  
23 modify or extend the suspension of the license or revoke the  
24 license."

25 SECTION 38. Section 66-5-33.1 NMSA 1978 (being Laws

1 1985, Chapter 47, Section 1, as amended) is amended to read:

2 "66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR  
3 REGISTRATION--IGNITION INTERLOCK--FEE.--

4 A. Whenever a driver's license or registration is  
5 suspended or revoked and an application has been made for its  
6 reinstatement, compliance with all appropriate provisions of  
7 the Motor Vehicle Code and the payment of a fee of twenty-  
8 five dollars (\$25.00) is a prerequisite to the reinstatement  
9 of any license or registration.

10 B. If a driver's license was revoked for driving  
11 while under the influence of intoxicating liquor or drugs,  
12 for aggravated driving while under the influence of  
13 intoxicating liquor or drugs or pursuant to the Implied  
14 Consent Act, the following are required to reinstate the  
15 driver's license:

16 (1) an additional fee of seventy-five  
17 dollars (\$75.00);

18 (2) completion of the license revocation  
19 period;

20 (3) satisfaction of any court-ordered  
21 ignition interlock requirements;

22 (4) a minimum of six months of driving with  
23 an ignition interlock license with no attempts to circumvent,  
24 remove or tamper with the ignition interlock device;

25 (5) evidence that the ignition interlock

1 device has not recorded two vehicle lockouts; and

2 (6) evidence of verified active usage as  
3 that phrase is defined by the bureau.

4 C. A person whose driver's license reinstatement  
5 is denied may file an appeal pursuant to the provisions of  
6 Section 39-3-1.1 NMSA 1978.

7 D. The department may reinstate the driving  
8 privileges of an out-of-state resident without the  
9 requirement that the person obtain an ignition interlock  
10 license for a minimum of six months, if the following  
11 conditions are met:

12 (1) the license revocation period is  
13 completed;

14 (2) satisfactory proof is presented to the  
15 department that the person is no longer a resident of New  
16 Mexico; and

17 (3) the license reinstatement fee is paid.

18 E. Fees collected pursuant to Subsection B of this  
19 section are appropriated to the local governments road fund.  
20 The department shall maintain an accounting of the fees  
21 collected and shall report that amount upon request to the  
22 legislature.

23 F. For the purposes of this section, "vehicle  
24 lockout" means a driver has failed:

25 (1) a breath test six times within a period

1 of three hours; or

2 (2) initial breath tests or random breath  
3 re-tests ten times within a period of thirty days."

4 SECTION 39. Section 66-5-38 NMSA 1978 (being Laws 1978,  
5 Chapter 35, Section 260) is amended to read:

6 "66-5-38. MAKING FALSE AFFIDAVIT PERJURY.--Except as  
7 otherwise provided in the Motor Vehicle Code, a person who  
8 makes a false affidavit or knowingly swears or affirms  
9 falsely to a matter or thing required by the terms of the  
10 Motor Vehicle Code to be sworn to or affirmed is guilty of  
11 perjury as provided in Section 30-25-1 NMSA 1978."

12 ~~SECTION 40. Section 66-5-39 NMSA 1978 (being Laws 1978,  
13 Chapter 35, Section 261, as amended) is amended to read:~~

14 ~~"66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--~~

15 ~~A. A person who drives a motor vehicle on any  
16 public highway of this state at a time when the person's  
17 privilege to do so is suspended and who knows or should have  
18 known that the person's license was suspended is guilty of a  
19 misdemeanor and may be punished, notwithstanding the  
20 provisions of Section 31-19-1 NMSA 1978, by imprisonment for  
21 not more than ninety days or participation for an equivalent  
22 period of time in a certified alternative sentencing program,  
23 or by payment of a fine of not more than three hundred  
24 dollars (\$300), or both. When a person pays any or all of  
25 the cost of participating in a certified alternative~~

1 ~~sentencing program, the court may apply that payment as a~~  
2 ~~deduction to any fine imposed by the court. Any municipal~~  
3 ~~ordinance prohibiting driving with a suspended license shall~~  
4 ~~provide penalties no less stringent than provided in this~~  
5 ~~section.~~

6 ~~B. In addition to any other penalties imposed~~  
7 ~~pursuant to the provisions of this section, when a person is~~  
8 ~~convicted pursuant to the provisions of this section or a~~  
9 ~~municipal ordinance that prohibits driving on a suspended~~  
10 ~~license, the motor vehicle the person was driving may be~~  
11 ~~immobilized by an immobilization device for thirty days,~~  
12 ~~unless immobilization of the motor vehicle poses an imminent~~  
13 ~~danger to the health, safety or employment of the convicted~~  
14 ~~person's immediate family or the family of the owner of the~~  
15 ~~motor vehicle. The convicted person shall bear the cost of~~  
16 ~~immobilizing the motor vehicle."~~

17 SECTION 41. Section 66-7-106 NMSA 1978 (being Laws  
18 1953, Chapter 139, Section 35, as amended) is amended to  
19 read:

20 "66-7-106. PEDESTRIAN CONTROL SIGNALS.--

21 A. Whenever special pedestrian control signals  
22 exhibiting the words "walk" or "don't walk" are in place:

23 (1) "walk" indicates that pedestrians facing  
24 the signal may proceed across the roadway in the direction of  
25 the signal and shall be given the right of way by drivers of

1 all vehicles; and

2 (2) "don't walk" indicates that no  
3 pedestrian shall start to cross the roadway in the directions  
4 of the signal, but any pedestrian who has partially completed  
5 the pedestrian's crossing on the walk signal shall proceed to  
6 a sidewalk or safety island while the don't walk signal is  
7 showing.

8 B. A person who violates the provisions of this  
9 section is guilty of a penalty assessment misdemeanor."

10 SECTION 42. Section 66-7-107 NMSA 1978 (being Laws  
11 1978, Chapter 35, Section 387) is amended to read:

12 "66-7-107. FLASHING SIGNALS.--

13 A. Whenever an illuminated flashing red or yellow  
14 signal is used in a traffic sign or signal, it shall require  
15 obedience by vehicular traffic as follows:

16 (1) flashing red (stop signal): when a red  
17 lens is illuminated with rapid intermittent flashes, drivers  
18 of vehicles shall stop before entering the nearest crosswalk  
19 at an intersection or at a limit line when marked or, if  
20 none, before entering the intersection, and the right to  
21 proceed shall be subject to the rules applicable after making  
22 a stop at a stop sign; or

23 (2) flashing yellow (caution signal): when  
24 a yellow lens is illuminated with rapid intermittent flashes,  
25 drivers of vehicles may proceed through the intersection or



1 pass such signal only with caution.

2 B. This section does not apply at railroad grade  
3 crossings. Conduct of drivers of vehicles approaching  
4 railroad grade crossings shall be governed by the rules as  
5 set forth in Section 66-7-341 NMSA 1978.

6 C. A person who violates the provisions of this  
7 section is guilty of a penalty assessment misdemeanor."

8 SECTION 43. Section 66-7-108 NMSA 1978 (being Laws  
9 1978, Chapter 35, Section 388) is amended to read:

10 "66-7-108. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR  
11 MARKINGS.--

12 A. A person shall not place, maintain or display  
13 upon or in view of any highway any unauthorized sign, signal,  
14 marking or device that purports to be or is an imitation of  
15 or resembles an official traffic-control device or railroad  
16 sign or signal or that attempts to direct the movement of  
17 traffic or that hides from view or interferes with the  
18 effectiveness of any official traffic-control device or any  
19 railroad sign or signal. A person shall not place or  
20 maintain nor shall a public authority permit upon a highway  
21 any traffic sign or signal bearing any commercial  
22 advertising.

23 B. Every such prohibited sign, signal, marking or  
24 device is declared to be a public nuisance, and the authority  
25 having jurisdiction over the highway is empowered to remove

1 the sign, signal, marking or device or cause it to be removed  
2 without notice.

3 C. A person who violates the provisions of this  
4 section is guilty of a penalty assessment misdemeanor."

5 SECTION 44. Section 66-7-334 NMSA 1978 (being Laws  
6 1978, Chapter 35, Section 438, as amended) is amended to  
7 read:

8 "66-7-334. PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS.--

9 A. When traffic-control signals are not in place  
10 or not in operation, the driver of a vehicle shall yield the  
11 right of way, slowing down or stopping if need be to so  
12 yield, to a pedestrian crossing the roadway within a  
13 crosswalk when the pedestrian is in the crosswalk.

14 B. A pedestrian shall not suddenly leave a curb or  
15 other place of safety and walk or run into the path of a  
16 vehicle that is so close that it is impossible for the driver  
17 to yield.

18 C. Subsection A of this section shall not apply  
19 under the conditions stated in Subsection B of Section  
20 66-7-335 NMSA 1978.

21 D. Whenever a vehicle is stopped at a marked  
22 crosswalk or at an unmarked crosswalk at an intersection to  
23 permit a pedestrian to cross the roadway, the driver of  
24 another vehicle approaching from the rear shall not overtake  
25 and pass the stopped vehicle.

1 E. A person who violates the provisions of this  
2 section is guilty of a penalty assessment misdemeanor."

3 SECTION 45. Section 66-7-335 NMSA 1978 (being Laws  
4 1978, Chapter 35, Section 439) is amended to read:

5 "66-7-335. CROSSING AT OTHER THAN CROSSWALKS.--

6 A. A pedestrian crossing a roadway at any point  
7 other than within a marked crosswalk or within an unmarked  
8 crosswalk at an intersection shall yield the right of way to  
9 all vehicles upon the roadway.

10 B. Any pedestrian crossing a roadway at a point  
11 where a pedestrian tunnel or overhead pedestrian crossing has  
12 been provided shall yield the right of way to all vehicles  
13 upon the roadway.

14 C. Between adjacent intersections at which  
15 traffic-control signals are in operation, pedestrians shall  
16 not cross at any place except in a marked crosswalk.

17 D. A person who violates the provisions of this  
18 section is guilty of a penalty assessment misdemeanor."

19 SECTION 46. Section 66-7-338 NMSA 1978 (being Laws  
20 1953, Chapter 139, Section 91) is amended to read:

21 "66-7-338. PEDESTRIANS TO USE RIGHT HALF OF  
22 CROSSWALK.--

23 A. Pedestrians shall move, whenever practicable,  
24 upon the right half of crosswalks.

25 B. A person who violates the provisions of this

1 section is guilty of a penalty assessment misdemeanor."

2 SECTION 47. Section 66-7-339 NMSA 1978 (being Laws  
3 1978, Chapter 35, Section 443) is amended to read:

4 "66-7-339. PEDESTRIANS ON ROADWAYS.--

5 A. Where sidewalks are provided, it is unlawful  
6 for a pedestrian to walk along and upon an adjacent roadway.

7 B. Where sidewalks are not provided, a pedestrian  
8 walking along and upon a highway shall, when practicable,  
9 walk only on the left side of the roadway or its shoulder  
10 facing traffic that may approach from the opposite direction.

11 C. A person who violates the provisions of this  
12 section is guilty of a penalty assessment misdemeanor."

13 SECTION 48. Section 66-7-355 NMSA 1978 (being Laws  
14 1978, Chapter 35, Section 459, as amended) is amended to  
15 read:

16 "66-7-355. RIDING ON MOTORCYCLES.--

17 A. A person operating a motorcycle, other than an  
18 auticycle, shall ride only upon the permanent and regular  
19 seat attached thereto, shall have the person's feet upon the  
20 footrests provided on the machine and shall not carry any  
21 other person nor shall any other person ride on the  
22 motorcycle unless it is designed to carry more than one  
23 person. If a motorcycle, other than an auticycle, is  
24 designed to carry more than one person, the passenger may  
25 ride upon the permanent and regular seat if designed for two

1 persons or upon another seat firmly attached to the rear or  
2 side of the motorcycle. The passenger shall have the  
3 passenger's feet upon the footrests attached for passenger  
4 use.

5 B. A person operating a motorcycle not having a  
6 fixed windshield of a type approved by regulation of the  
7 secretary shall wear an eye protective device, which may be a  
8 faceshield attached to a safety helmet, goggles or safety  
9 eyeglasses. All eye protective devices shall be of a type  
10 approved by regulations promulgated by the secretary.

11 C. A person who violates the provisions of this  
12 section is guilty of a penalty assessment misdemeanor."

13 SECTION 49. Section 66-7-358 NMSA 1978 (being Laws  
14 1978, Chapter 35, Section 462, as amended by Laws 1989,  
15 Chapter 318, Section 31 and also by Laws 1989, Chapter 321,  
16 Section 1) is amended to read:

17 "66-7-358. RESTRICTION ON USE OF VIDEO SCREENS IN MOTOR  
18 VEHICLES.--

19 A. It is unlawful to operate in this state any  
20 motor vehicle equipped with a video screen upon which images  
21 may be projected or shown if the screen is within the normal  
22 view of the driver of the motor vehicle unless the video  
23 screen is used solely as an aid to the driver in the  
24 operation of the vehicle.

25 B. A person who violates the provisions of this

1 section is guilty of a penalty assessment misdemeanor.

2 C. As used in this section, " video screen" does  
3 not include closed circuit monitors or computer terminal  
4 monitors used by law enforcement agencies in law enforcement  
5 motor vehicles."

6 SECTION 50. Section 66-7-359 NMSA 1978 (being Laws  
7 1978, Chapter 35, Section 463, as amended) is amended to  
8 read:

9 "66-7-359. DRIVING ON MOUNTAIN HIGHWAYS.--

10 A. The driver of a motor vehicle traveling through  
11 defiles or canyons or on mountain highways shall hold the  
12 motor vehicle under control and as near the right-hand edge  
13 of the highway as reasonably possible.

14 B. A person who violates the provisions of this  
15 section is guilty of a penalty assessment misdemeanor."

16 SECTION 51. Section 66-7-360 NMSA 1978 (being Laws  
17 1953, Chapter 139, Section 117) is amended to read:

18 "66-7-360. COASTING PROHIBITED.--

19 A. The driver of any motor vehicle, when traveling  
20 upon a downgrade, shall not coast with the clutch disengaged.

21 B. A person who violates the provisions of this  
22 section is guilty of a penalty assessment misdemeanor."

23 SECTION 52. Section 66-7-363 NMSA 1978 (being Laws  
24 1953, Chapter 139, Section 119.1, as amended) is amended to  
25 read:

1 "66-7-363. ANIMALS ON HIGHWAY.--

2 A. It is unlawful for any person, during the hours  
3 of darkness, to ride a horse or other animal upon the  
4 traveled portion of any highway that is normally used by  
5 motor vehicles.

6 B. It is unlawful for any person negligently to  
7 permit livestock to wander or graze upon any fenced highway  
8 at any time or, during the hours of darkness, to drive  
9 livestock along or upon any highway that is normally used by  
10 motor vehicles.

11 C. Owners of livestock ranging in pastures through  
12 which unfenced roads or highways pass shall not be liable for  
13 damages by reason of injury or damage to persons or property  
14 occasioned by collisions of vehicles using the roads and  
15 highways and livestock ranging in the pastures unless the  
16 owner of the livestock is guilty of specific negligence other  
17 than allowing livestock to range in the pasture.

18 D. A person who violates the provisions of this  
19 section is guilty of a penalty assessment misdemeanor."

20 SECTION 53. Section 66-8-116 NMSA 1978 (being Laws  
21 1978, Chapter 35, Section 524, as amended) is amended to  
22 read:

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

25 A. As used in the Motor Vehicle Code and the Boat

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

5	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
6	ASSESSMENT		
7	Improper display of		
8	registration plate	66-3-18	\$ 25.00
9	Failure to notify of		
10	change of name or address	66-3-23	25.00
11	Lost or damaged registration,		
12	plate or title	66-3-24	25.00
13	Horseless carriage		
14	registration	66-3-27	25.00
15	Transfer of registration		
16	and title	66-3-103	25.00
17	Expiration of dealer		
18	plates	66-3-403	25.00
19	Special registration		
20	plates	66-3-409, 66-3-412.1,	
21		66-3-413, 66-3-415,	
22		66-3-417, 66-3-419,	
23		66-3-421, 66-3-422,	
24		66-3-424.4, 66-3-424.5	
25		66-3-424.7, 66-3-424.9	



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

1	miles an hour		
2	over the speed limit		30.00
3	(3) from sixteen up to		
4	and including twenty		
5	miles an hour over the		
6	speed limit		65.00
7	(4) from twenty-one up to		
8	and including twenty-five		
9	miles an hour		
10	over the speed limit		100.00
11	(5) from twenty-six up to		
12	and including thirty		
13	miles an hour over the		
14	speed limit		125.00
15	(6) from thirty-one up to		
16	and including thirty-five		
17	miles an hour over the		
18	speed limit		150.00
19	(7) more than thirty-five		
20	miles an hour over the		
21	speed limit		200.00
22	Unfastened safety belt	66-7-372	25.00
23	Child not in restraint device		
24	or seat belt	66-7-369	25.00
25	Minimum speed	66-7-305	25.00

1	Speeding	66-7-306	25.00
2	Improper starting	66-7-324	25.00
3	Improper backing	66-7-354	25.00
4	Improper lane	66-7-308	25.00
5	Improper lane	66-7-313	25.00
6	Improper lane	66-7-316	25.00
7	Improper lane	66-7-317	25.00
8	Improper lane	66-7-319	25.00
9	Improper passing	66-7-309 through 66-7-312	25.00
10	Improper passing	66-7-315	25.00
11	Controlled access		
12	violation	66-7-320	25.00
13	Controlled access		
14	violation	66-7-321	25.00
15	Improper turning	66-7-322	25.00
16	Improper turning	66-7-323	25.00
17	Improper turning	66-7-325	25.00
18	Following too closely	66-7-318	25.00
19	Failure to yield	66-7-328 through 66-7-331	25.00
20	Failure to yield	66-7-332	50.00
21	Failure to yield	66-7-332.1	25.00
22	Pedestrian violation	66-7-333	
23		through	
24		66-7-340	25.00
25	Failure to stop	66-7-342 and 66-7-344	

1		through 66-7-346	25.00
2	Railroad-highway grade		
3	crossing violation	66-7-341 and 66-7-343	150.00
4	Passing school bus	66-7-347	100.00
5	Failure to signal	66-7-325 through 66-7-327	25.00
6	Riding on motorcycles	66-7-355	100.00
7	Video screens in		
8	automobiles	66-7-358	25.00
9	Driving on mountain		
10	highways	66-7-359	25.00
11	Coasting prohibited	66-7-360	25.00
12	Animals on highway at		
13	night	66-7-363	50.00
14	Failure to secure load	66-7-407	100.00
15	Operation without oversize-		
16	overweight permit	66-7-413	50.00
17	Transport of reducible		
18	load with special		
19	permit more than six miles		
20	from a border crossing	66-7-413	100.00
21	Improper equipment	66-3-801 through	
22		66-3-840 and 66-3-842	
23		through 66-3-851	50.00
24	Improper equipment	66-3-901	50.00
25	Improper emergency		

1	signal	66-3-853 through 66-3-857	25.00
2	Minor on motorcycle		
3	without helmet	66-7-356	300.00
4	Operation interference	66-7-357	50.00
5	Littering	66-7-364	300.00
6	Improper parking	66-7-349 through 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	<del>Failure to appear</del>	<del>66-8-126</del>	<del>50.00</del>
16	Open container-first		
17	violation	66-8-138	25.00
18	Texting while driving-		
19	(1) first violation	66-7-374	25.00
20	(2) second and subsequent		
21	violation		50.00
22	Using a handheld mobile		
23	communication device		
24	while driving a		
25	commercial motor vehicle	66-7-375	

1	(1) first violation	25.00
2	(2) second and subsequent	
3	violation	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  
7 person.

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

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

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

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

8 ~~SECTION 54. Section 66-8-126 NMSA 1978 (being Laws~~  
9 ~~1978, Chapter 35, Section 534) is amended to read:~~

10 ~~"66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--~~

11 ~~A. It is a penalty assessment misdemeanor for a~~  
12 ~~person to violate that person's written promise to appear in~~  
13 ~~court given to an officer upon issuance of a uniform traffic~~  
14 ~~citation regardless of the disposition of the charge for~~  
15 ~~which the citation was issued.~~

16 ~~B. A written promise to appear in court may be~~  
17 ~~complied with by appearance of counsel."~~

18 SECTION 55. Section 66-12-23 NMSA 1978 (being Laws  
19 1963, Chapter 45, Section 9, as amended) is amended to read:

20 "66-12-23. PENALTIES.--

21 A. Except for penalty provisions provided in  
22 Subsections B through M of this section, a person who  
23 violates a provision of the Boat Act or a rule of the  
24 division promulgated pursuant to that act is guilty of a  
25 petty misdemeanor and shall be sentenced pursuant to the

1 provisions of Section 31-19-1 NMSA 1978.

2 B. As used in Chapter 66, Article 12 NMSA 1978,  
3 "penalty assessment misdemeanor" means a violation of Section  
4 66-12-6.5, 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978  
5 or a rule of the division promulgated pursuant to those  
6 sections.

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

11 D. Whenever a person is arrested for violation of  
12 a penalty assessment misdemeanor, the arresting officer shall  
13 advise the person of the option either to accept the penalty  
14 assessment and pay it to the court or to appear in court.  
15 The arresting officer, using a uniform non-traffic citation,  
16 shall complete the information section, prepare the penalty  
17 assessment and prepare a notice to appear in court specifying  
18 the time and place to appear. The arresting officer shall  
19 have the person sign the citation as a promise either to pay  
20 the penalty assessment as prescribed or to appear in court as  
21 specified, give a copy of the citation to the person and  
22 release the person from custody. An officer shall not accept  
23 custody of payment of any penalty assessment.

24 E. The arresting officer may issue a warning  
25 notice, but shall fill in the information section of the



1 citation and give a copy to the arrested person after  
2 requiring a signature on the warning notice as an  
3 acknowledgment of receipt. No warning notice issued under  
4 this section shall be used as evidence of conviction for  
5 purposes of Subsection M of this section.

6 F. In order to secure release, the arrested person  
7 must give a written promise to appear in court or to pay the  
8 penalty assessment prescribed or to acknowledge receipt of a  
9 warning notice.

10 G. The magistrate court or metropolitan court in  
11 the county where the alleged violation occurred has  
12 jurisdiction for any case arising from a penalty assessment  
13 misdemeanor.

14 H. A penalty assessment citation issued by a law  
15 enforcement officer shall be submitted to the appropriate  
16 magistrate or metropolitan court within three business days  
17 of issuance. If the citation is not submitted within three  
18 business days, it may be dismissed with prejudice.

19 I. It is a misdemeanor for any person to violate a  
20 written promise to pay the penalty assessment or to appear in  
21 court given to an officer upon issuance of a citation  
22 regardless of the disposition of the charge for which the  
23 citation was issued.

24 J. A citation with a written promise to appear in  
25 court or to pay the penalty assessment is a summons. If a

1 person fails to appear or to pay the penalty assessment by  
2 the appearance date, a warrant for failure to appear may be  
3 issued.

4 K. A written promise to appear in court may be  
5 complied with by appearance of counsel.

6 L. When an alleged violator of a penalty  
7 assessment misdemeanor elects to appear in court rather than  
8 to pay the penalty assessment to the court, no fine imposed  
9 upon later conviction shall exceed the penalty assessment  
10 established for the particular penalty assessment  
11 misdemeanor.

12 M. The penalty assessment for a first penalty  
13 assessment misdemeanor is thirty dollars (\$30.00). This  
14 penalty assessment is in addition to any magistrate or  
15 metropolitan court costs as provided in Subsection B of  
16 Section 35-6-4 NMSA 1978. Upon a second conviction or  
17 acceptance of a notice of penalty assessment for a penalty  
18 assessment misdemeanor, the penalty assessment shall be fifty  
19 dollars (\$50.00). Upon a third or subsequent conviction or  
20 acceptance of a notice of penalty assessment, the penalty  
21 assessment shall be one hundred fifty dollars (\$150)."

22 **SECTION 56. REPEAL.--**

23 A. Sections 30-8-12, 30-8-13 and 66-3-424.2 NMSA  
24 1978 (being Laws 1963, Chapter 303, Sections 8-9 and 8-10 and  
25 Laws 2003, Chapter 174, Section 2, as amended) are repealed.

1 B. Laws 1989, Chapter 318, Section 31 is repealed.

2 SECTION 57. EFFECTIVE DATE.--The effective date of the  
3 provisions of this act is July 1, 2018. \_\_\_\_\_

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