

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 113

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTIONS OF THE MOTOR
VEHICLE CODE TO REQUIRE DRIVERS TO MOVE OVER AND SLOW DOWN FOR
STATIONARY VEHICLES DISPLAYING FLASHING EMERGENCY LIGHTS WHEN
IT IS REASONABLY SAFE TO DO SO; PROVIDING PENALTIES.

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

SECTION 1. Section 66-7-332 NMSA 1978 (being Laws 1978,
Chapter 35, Section 436, as amended) is amended to read:

"66-7-332. OPERATION OF VEHICLES ON APPROACH OF MOVING
AUTHORIZED EMERGENCY VEHICLES--OPERATION OF VEHICLES [~~ON~~
~~APPROACH OF~~] UPON APPROACHING CERTAIN STATIONARY VEHICLES.--

A. Upon the immediate approach of an authorized
emergency vehicle displaying flashing emergency lights or when
the driver is giving audible signal by siren, the driver of
every other vehicle shall yield the right of way and shall

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1 immediately drive to a position parallel to, and as close as
2 possible to, the right-hand edge or curb of the roadway clear
3 of any intersection and shall stop and remain in that position
4 until the authorized emergency vehicle has passed, except when
5 otherwise directed by a police officer.

6 B. Upon approaching a stationary [~~authorized~~
7 ~~emergency vehicle or a recovery or repair~~] vehicle displaying
8 flashing emergency or hazard lights, unless otherwise directed,
9 the driver of a vehicle shall:

10 (1) if reasonably safe to do so, drive in
11 a lane not adjacent to the stationary vehicle, decrease the
12 speed of the vehicle to a speed that is ten miles per hour
13 lower than the posted speed limit or to a speed that is
14 reasonable and prudent under the circumstances and proceed with
15 caution; or

16 (2) if it is not reasonably safe to drive
17 in a lane not adjacent to the stationary vehicle, decrease the
18 speed of the vehicle to a speed that is ten miles per hour
19 lower than the posted speed limit or to a speed that is
20 reasonable and prudent under the circumstances, proceed with
21 caution and be prepared to stop.

22 C. This section shall not operate to relieve the
23 driver of an authorized emergency vehicle or the driver of any
24 other vehicle from the duty to drive and park with due regard
25 for the safety of all persons using the highway.

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

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

5 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
 6 SCHEDULE OF ASSESSMENTS.--

7 A. As used in the Motor Vehicle Code and the Boat
 8 Act, "penalty assessment misdemeanor" means violation of any of
 9 the following listed sections of the NMSA 1978 for which,
 10 except as provided in Subsections D through [F] G of this
 11 section, the listed penalty assessment is established:

12	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
13			ASSESSMENT
14	Improper display of		
15	registration plate	66-3-18	\$ 25.00
16	Failure to notify of		
17	change of name or address	66-3-23	25.00
18	Lost or damaged registration,		
19	plate or title	66-3-24	25.00
20	Horseless carriage		
21	registration	66-3-27	25.00
22	Transfer of registration		
23	and title	66-3-103	25.00
24	Expiration of dealer		
25	plates	66-3-403	25.00

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1	Special registration		
2	plates	66-3-409, 66-3-412.1,	
3		66-3-413, 66-3-415,	
4		66-3-417, 66-3-419,	
5		66-3-421, 66-3-422,	
6		66-3-424.4, 66-3-424.5,	
7		66-3-424.7, 66-3-424.9,	
8		66-3-424.13,	
9		66-3-424.16	
10		and 66-3-424.28	75.00
11	Bicycle laws	66-3-701	
12		through	
13		66-3-707	50.00
14	No license display	66-5-16	25.00
15	Failure to change		
16	address or name on		
17	license	66-5-22	25.00
18	Permitting unauthorized		
19	minor to drive	66-5-40	50.00
20	Permitting unauthorized		
21	person to drive	66-5-41	25.00
22	Failure to obey sign	66-7-104	25.00
23	Failure to obey signal	66-7-105	25.00
24	Pedestrian signs and		
25	signals	66-7-106 through	
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1		66-7-108	25.00
2	Speeding	66-7-301	
3	(1) up to and including		
4	ten miles an hour		
5	over the speed limit		25.00
6	(2) from eleven up to		
7	and including fifteen		
8	miles an hour		
9	over the speed limit		30.00
10	(3) from sixteen up to		
11	and including twenty		
12	miles an hour over the		
13	speed limit		65.00
14	(4) from twenty-one up to		
15	and including twenty-five		
16	miles an hour		
17	over the speed limit		100.00
18	(5) from twenty-six up to		
19	and including thirty		
20	miles an hour over the		
21	speed limit		125.00
22	(6) from thirty-one up to		
23	and including thirty-five		
24	miles an hour over the		
25	speed limit		150.00

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1	(7) more than thirty-five		
2	miles an hour over the		
3	speed limit		200.00
4	Unfastened safety belt	66-7-372	25.00
5	Child not in restraint device		
6	or seat belt	66-7-369	25.00
7	Minimum speed	66-7-305	25.00
8	Speeding	66-7-306	25.00
9	Improper starting	66-7-324	25.00
10	Improper backing	66-7-354	25.00
11	Improper lane	66-7-308	25.00
12	Improper lane	66-7-313	25.00
13	Improper lane	66-7-316	25.00
14	Improper lane	66-7-317	25.00
15	Improper lane	66-7-319	25.00
16	Improper passing	66-7-309 through 66-7-312	25.00
17	Improper passing	66-7-315	25.00
18	Controlled access		
19	violation	66-7-320	25.00
20	Controlled access		
21	violation	66-7-321	25.00
22	Improper turning	66-7-322	25.00
23	Improper turning	66-7-323	25.00
24	Improper turning	66-7-325	25.00
25	Following too closely	66-7-318	25.00

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1	Failure to yield	66-7-328 through 66-7-331	25.00
2	Failure to yield	66-7-332	50.00 500.00
3	Failure to yield	66-7-332.1	25.00
4	Pedestrian violation	66-7-333 through	
5		66-7-340	25.00
6	Failure to stop	66-7-342 and 66-7-344	
7		through 66-7-346	25.00
8	Railroad-highway grade		
9	crossing violation	66-7-341 and 66-7-343	150.00
10	Passing school bus	66-7-347	100.00
11	Failure to signal	66-7-325 through 66-7-327	25.00
12	Riding on motorcycles	66-7-355	100.00
13	Video screens in		
14	automobiles	66-7-358	25.00
15	Driving on mountain		
16	highways	66-7-359	25.00
17	Coasting prohibited	66-7-360	25.00
18	Animals on highway at		
19	night	66-7-363	50.00
20	Failure to secure load	66-7-407	100.00
21	Operation without oversize-		
22	overweight permit	66-7-413	50.00
23	Transport of reducible		
24	load with special		
25	permit more than six miles		

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1	from a border crossing	66-7-413	100.00
2	Improper equipment	66-3-801 through	
3		66-3-840 and 66-3-842	
4		through 66-3-851	50.00
5	Improper equipment	66-3-901	50.00
6	Improper emergency		
7	signal	66-3-853 through 66-3-857	25.00
8	Minor on motorcycle		
9	without helmet	66-7-356	300.00
10	Operation interference	66-7-357	50.00
11	Littering	66-7-364	300.00
12	Improper parking	66-7-349 through 66-7-352	
13		and 66-7-353	25.00
14	Improper parking	66-3-852	25.00
15	Riding in or towing		
16	occupied house trailer	66-7-366	25.00
17	Improper opening of doors	66-7-367	25.00
18	No slow-moving vehicle		
19	emblem or flashing		
20	amber light	66-3-887	25.00
21	Open container-first		
22	violation	66-8-138	25.00
23	Texting while driving-		
24	(1) first violation	66-7-374	25.00
25	(2) second and subsequent		

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1 violation 50.00

2 Using a handheld mobile

3 communication device

4 while driving a

5 commercial motor vehicle 66-7-375

6 (1) first violation 25.00

7 (2) second and subsequent

8 violation 50.00.

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

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

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

24 E. Upon a third or subsequent conviction for
 25 failure to yield pursuant to Section 66-7-332 NMSA 1978, the

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