

1 AN ACT

2 RELATING TO MOTOR VEHICLES; PROVIDING THAT A MOTORIST MUST  
3 PROVIDE AT LEAST A FIVE-FOOT DISTANCE WHEN PASSING A  
4 BICYCLIST; ESTABLISHING A PENALTY ASSESSMENT MISDEMEANOR.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. A new Section 66-7-376 NMSA 1978 is enacted  
8 to read:

9 "66-7-376. APPROACHING OR PASSING BICYCLIST.--

10 A. A driver of a motor vehicle shall proceed with  
11 caution when approaching or passing a person on a bicycle and  
12 shall pass the bicyclist at a reasonable speed and keep a  
13 safe distance from the bicyclist; provided that in no event  
14 shall a distance of less than five feet be considered a safe  
15 distance within the meaning of this section, and provided  
16 further that the motorist shall not pass the bicyclist if the  
17 requirements of this section cause the motorist to cross the  
18 center line of the road when there is a vehicle approaching  
19 in the opposite direction, but a motorist may cross the  
20 center line, notwithstanding the provisions of Section  
21 66-7-315 NMSA 1978, if allowing the requisite five feet  
22 requires the motorist to cross the center line and there is  
23 no oncoming traffic.

24 B. To the extent practicable, a person shall not  
25 operate a bicycle within a vehicle lane if a separate posted

1 or painted bicycle lane or pathway is provided within or  
2 adjacent to the roadway.

3 C. A violation of this section is a penalty  
4 assessment misdemeanor."

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

7 "66-8-116. PENALTY ASSESSMENT  
8 MISDEMEANORS--DEFINITION--SCHEDULE OF ASSESSMENTS.--

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

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

1	Expiration of dealer		
2	plates	66-3-403	25.00
3	Special registration		
4	plates	66-3-409, 66-3-412.1,	
5		66-3-413, 66-3-415,	
6		66-3-417, 66-3-419,	
7		66-3-421, 66-3-422,	
8		66-3-424.4, 66-3-424.5,	
9		66-3-424.7, 66-3-424.9,	
10		66-3-424.13,	
11		66-3-424.16	
12		and 66-3-424.28	75.00
13	Bicycle laws	66-3-701	
14		through	
15		66-3-707	50.00
16	No license display	66-5-16	25.00
17	Failure to change		
18	address or name on		
19	license	66-5-22	25.00
20	Permitting unauthorized		
21	minor to drive	66-5-40	50.00
22	Permitting unauthorized		
23	person to drive	66-5-41	25.00
24	Failure to obey sign	66-7-104	25.00
25	Failure to obey signal	66-7-105	25.00

1	Pedestrian signs and		
2	signals	66-7-106	
3		through	
4		66-7-108	25.00
5	Speeding	66-7-301	
6	(1) up to and including		
7	ten miles an hour		
8	over the speed limit		25.00
9	(2) from eleven up to		
10	and including fifteen		
11	miles an hour		
12	over the speed limit		30.00
13	(3) from sixteen up to		
14	and including twenty		
15	miles an hour over the		
16	speed limit		65.00
17	(4) from twenty-one up to		
18	and including twenty-five		
19	miles an hour		
20	over the speed limit		100.00
21	(5) from twenty-six up to		
22	and including thirty		
23	miles an hour over the		
24	speed limit		125.00
25	(6) from thirty-one up to		

1	and including thirty-five		
2	miles an hour over the		
3	speed limit		150.00
4	(7) more than thirty-five		
5	miles an hour over the		
6	speed limit		200.00
7	Unfastened safety belt	66-7-372	25.00
8	Child not in restraint device		
9	or seat belt	66-7-369	25.00
10	Minimum speed	66-7-305	25.00
11	Speeding	66-7-306	25.00
12	Improper starting	66-7-324	25.00
13	Improper backing	66-7-354	25.00
14	Improper lane	66-7-308	25.00
15	Improper lane	66-7-313	25.00
16	Improper lane	66-7-316	25.00
17	Improper lane	66-7-317	25.00
18	Improper lane	66-7-319	25.00
19	Improper passing	66-7-309 through 66-7-312	25.00
20	Improper passing	66-7-315	25.00
21	Controlled access		
22	violation	66-7-320	25.00
23	Controlled access		
24	violation	66-7-321	25.00
25	Improper turning	66-7-322	25.00

1	Improper turning	66-7-323	25.00
2	Improper turning	66-7-325	25.00
3	Following too closely	66-7-318	25.00
4	Failure to yield	66-7-328 through 66-7-331	25.00
5	Failure to yield	66-7-332	50.00
6	Failure to yield	66-7-332.1	25.00
7	Pedestrian violation	66-7-333	
8		through	
9		66-7-340	25.00
10	Failure to stop	66-7-342 and 66-7-344	
11		through 66-7-346	25.00
12	Railroad-highway grade		
13	crossing violation	66-7-341 and 66-7-343	150.00
14	Passing school bus	66-7-347	100.00
15	Approaching or passing	66-7-376	25.00
16	bicyclist		
17	Failure to signal	66-7-325 through 66-7-327	25.00
18	Riding on motorcycles	66-7-355	100.00
19	Video screens in		
20	automobiles	66-7-358	25.00
21	Driving on mountain		
22	highways	66-7-359	25.00
23	Coasting prohibited	66-7-360	25.00
24	Animals on highway at		
25	night	66-7-363	50.00

1	Failure to secure load	66-7-407	100.00
2	Operation without oversize-		
3	overweight permit	66-7-413	50.00
4	Transport of reducible		
5	load with special		
6	permit more than six miles		
7	from a border crossing	66-7-413	100.00
8	Improper equipment	66-3-801 through	
9		66-3-840 and 66-3-842	
10		through 66-3-851	50.00
11	Improper equipment	66-3-901	50.00
12	Improper emergency		
13	signal	66-3-853 through 66-3-857	25.00
14	Minor on motorcycle		
15	without helmet	66-7-356	300.00
16	Operation interference	66-7-357	50.00
17	Littering	66-7-364	300.00
18	Improper parking	66-7-349 through 66-7-352	
19		and 66-7-353	25.00
20	Improper parking	66-3-852	25.00
21	Riding in or towing		
22	occupied house trailer	66-7-366	25.00
23	Improper opening of doors	66-7-367	25.00
24	No slow-moving vehicle		
25	emblem or flashing		

1	amber light	66-3-887	25.00
2	Open container-first		
3	violation	66-8-138	25.00
4	Texting while driving-		
5	(1) first violation	66-7-374	25.00
6	(2) second and subsequent		
7	violation		50.00
8	Using a handheld mobile		
9	communication device		
10	while driving a		
11	commercial motor vehicle	66-7-375	
12	(1) first violation		25.00
13	(2) second and subsequent		
14	violation		50.00.

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

19           C. When an alleged violator of a penalty  
20 assessment misdemeanor elects to accept a notice to appear in  
21 lieu of a notice of penalty assessment, a fine imposed upon  
22 later conviction shall not exceed the penalty assessment  
23 established for the particular penalty assessment misdemeanor  
24 and probation imposed upon a suspended or deferred sentence  
25 shall not exceed ninety days.

