

1 SENATE BILL 225
2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**
3 INTRODUCED BY
4 George K. Muñoz
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10 AN ACT

11 RELATING TO PENALTIES; INCREASING FINES FOR LITTERING;
12 INCREASING HOURS OF COMMUNITY SERVICE REQUIRED FOR COMMITTING
13 GRAFFITI; INCREASING THE PENALTY FOR THE IMPROPER USE OF A
14 TRAVEL LANE; INCREASING AND PROVIDING PENALTIES FOR VIOLATIONS
15 OF THE RECYCLING AND ILLEGAL DUMPING ACT.
16

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

18 SECTION 1. Section 30-8-4 NMSA 1978 (being Laws 1963,
19 Chapter 303, Section 8-4, as amended) is amended to read:

20 "30-8-4. LITTERING.--

21 A. Littering consists of discarding refuse:

22 (1) on public property in any manner other
23 than by placing the refuse in a receptacle provided for the
24 purpose by the responsible governmental authorities or
25 otherwise in accordance with lawful direction; or

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

4 B. Whoever commits littering is guilty of a petty
5 misdemeanor and, notwithstanding the provisions of Section
6 31-19-1 NMSA 1978, shall be punished by a fine of [~~fifty~~
7 ~~dollars (\$50.00)~~] two hundred fifty dollars (\$250). The use
8 of uniform traffic citations is authorized for the
9 enforcement of this section. The court may to the extent
10 permitted by law, as a condition to suspension of any other
11 penalty provided by law, require a person who commits
12 littering to pick up and remove from any public place or any
13 private property, with prior permission of the legal owner,
14 any litter deposited thereon."

15 SECTION 2. Section 30-15-1.1 NMSA 1978 (being Laws
16 1990, Chapter 36, Section 1, as amended) is amended to read:

17 "30-15-1.1. UNAUTHORIZED GRAFFITI ON PERSONAL OR REAL
18 PROPERTY.--

19 A. Graffiti consists of intentionally and
20 maliciously defacing any real or personal property of another
21 with graffiti or other inscribed material inscribed with ink,
22 paint, spray paint, crayon, charcoal or the use of any object
23 without [~~the~~] consent or reasonable [~~ground~~] grounds to
24 believe [~~there is consent of~~] the owner of the property has
25 given consent.

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1 B. Whoever commits graffiti to real or personal
2 property when the damage to the property is one thousand
3 dollars (\$1,000) or less is guilty of a petty misdemeanor and
4 shall be required to perform a mandatory one hundred fifty
5 hours of community service within a continuous six-month
6 period immediately following [~~his~~] conviction and shall be
7 required to make restitution to the property owner for the
8 cost of damages and restoration.

9 C. Whoever commits graffiti to real or personal
10 property when the damage to the property is greater than one
11 thousand dollars (\$1,000) is guilty of a fourth degree felony
12 and shall be required to perform a mandatory [~~one hundred~~
13 ~~sixty~~] two hundred hours of community service within a
14 continuous eight-month period immediately following [~~his~~]
15 conviction and shall be required to provide restitution to
16 the property owner for the cost of damages and restoration as
17 a condition of probation or following any term of
18 incarceration as a condition of parole.

19 D. When a single occurrence of graffiti is
20 committed by more than one individual, the court may
21 apportion the amount of restitution owed by each offender in
22 accordance with each offender's degree of culpability."

23 SECTION 3. Section 66-8-116 NMSA 1978 (being Laws
24 1978, Chapter 35, Section 524, as amended) is amended to
25 read:

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1 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
2 DEFINITION--SCHEDULE OF ASSESSMENTS.--

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

8	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
9			ASSESSMENT
10	Vehicles subject to		
11	registration	66-3-1	\$ 50.00
12	Improper display of		
13	registration plate	66-3-18	25.00
14	Failure to notify of		
15	change of name or address	66-3-23	25.00
16	Lost or damaged registration,		
17	plate or title	66-3-24	25.00
18	Horseless carriage		
19	registration	66-3-27	25.00
20	Transfer of registration		
21	and title	66-3-103	25.00
22	Expiration of dealer		
23	plates	66-3-403	25.00
24	Special registration		
25	plates	66-3-409, 66-3-412.1, .229875.2	

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

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1	speed limit		200.00
2	Unfastened safety belt	66-7-372	25.00
3	Child not in restraint device		
4	or seat belt	66-7-369	25.00
5	Minimum speed	66-7-305	25.00
6	Speeding	66-7-306	25.00
7	Improper starting	66-7-324	25.00
8	Improper backing	66-7-354	25.00
9	Improper lane	66-7-308	25.00
10	Improper lane	66-7-313	25.00
11	Improper lane	66-7-316	25.00
12	Improper lane	66-7-317	25.00
13	Improper lane	66-7-319	25.00
14	Improper passing	66-7-309	
15		through	
16		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	
2		through	
3		66-7-331	25.00
4	Failure to yield	66-7-332	50.00
5	Failure to yield	66-7-332.1	25.00
6	Pedestrian violation	66-7-333	
7		through	
8		66-7-340	25.00
9	Failure to stop	66-7-342	
10		and 66-7-344	
11		through	
12		66-7-346	25.00
13	Railroad-highway grade		
14	crossing violation	66-7-341	
15		and 66-7-343	150.00
16	Passing school bus	66-7-347	100.00
17	Failure to signal	66-7-325	
18		through	
19		66-7-327	25.00
20	Riding on motorcycles	66-7-355	100.00
21	Video screens in		
22	automobiles	66-7-358	25.00
23	Driving on mountain		
24	highways	66-7-359	25.00
25	Coasting prohibited	66-7-360	25.00

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1	Animals on highway at		
2	night	66-7-363	50.00
3	Failure to secure load	66-7-407	100.00
4	Operation without oversize-		
5	overweight permit	66-7-413	50.00
6	Transport of reducible		
7	load with special		
8	permit more than six miles		
9	from a border crossing	66-7-413	100.00
10	Driving while license		
11	administratively		
12	suspended	66-5-39.2	25.00
13	Improper equipment	66-3-801	
14		through	
15		66-3-840	
16		and 66-3-842	
17		through	
18		66-3-851	50.00
19	Improper equipment	66-3-901	50.00
20	Improper emergency		
21	signal	66-3-853	
22		through	
23		66-3-857	25.00
24	Minor on motorcycle		
25	without helmet	66-7-356	300.00

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1	Operation interference	66-7-357	50.00
2	Littering	66-7-364	300.00
3	Improper parking	66-7-349	
4		through	
5		66-7-352	
6		and 66-7-353	25.00
7	Improper parking	66-3-852	25.00
8	Riding in or towing		
9	occupied house trailer	66-7-366	25.00
10	Improper opening of doors	66-7-367	25.00
11	No slow-moving vehicle		
12	emblem or flashing		
13	amber light	66-3-887	25.00
14	Open container-first		
15	violation	66-8-138	25.00
16	Texting while driving-		
17	(1) first violation	66-7-374	25.00
18	(2) second and subsequent		
19	violation		50.00
20	Using a handheld mobile		
21	communication device		
22	while driving a		
23	commercial motor vehicle	66-7-375	
24	(1) first violation		25.00
25	(2) second and subsequent		

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1 violation 50.00
2 Improper use of travel lane 66-7-376 [~~250.00~~] 500.00.

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

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

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

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

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

7 SECTION 4. Section 74-13-16 NMSA 1978 (being Laws
8 2005, Chapter 171, Section 16) is amended to read:

9 "74-13-16. PENALTY--CRIMINAL.--

10 A. A person who knowingly violates Section [~~4 of~~
11 ~~the Recycling and Illegal Dumping Act~~] 74-13-4 NMSA 1978:

12 (1) is guilty of a misdemeanor if the
13 violation involves a quantity of scrap tires or tire-derived
14 products that is less than five thousand pounds and shall be
15 sentenced pursuant to the provisions of Section 31-19-1 NMSA
16 1978; [~~or~~]

17 (2) is guilty of a fourth degree felony if
18 the violation involves a quantity of scrap tires or
19 tire-derived products that is five thousand pounds or greater
20 and shall be sentenced pursuant to the provisions of Section
21 31-18-15 NMSA 1978; or

22 (3) is guilty of a fourth degree felony if
23 the violation involves illegal dumping prohibited by
24 Subsection J of Section 74-13-4 NMSA 1978 and shall be
25 punished by a fine not to exceed ten thousand dollars

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1 (\$10,000).

2 B. A person who knowingly omits any substantive
3 information or knowingly makes a false substantive statement
4 or representation required pursuant to the Recycling and
5 Illegal Dumping Act or rule adopted pursuant to the
6 provisions of that act is guilty of a fourth degree felony
7 and shall be sentenced in accordance with the provisions of
8 Section 31-18-15 NMSA 1978."