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HOUSE BILL 459

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

TIMOTHY E. MACKO

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING PENALTY ASSESSMENTS
WITHIN INTERSTATE HIGHWAY CONSTRUCTION ZONES; INCREASING
POINTS.

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

Section 1. Section 66-8-116 NMSA 1978 (being Laws 1978,
Chapter 35, Section 524, as amended) is amended to read:

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

A. As used in the Motor Vehicle Code, "penalty
assessment misdemeanor" means violation of any of the
following listed sections of the NMSA 1978 for which the
listed penalty assessment is established:

| COMMON NAME OF OFFENSE | SECTION VIOLATED | PENALTY |
|------------------------|------------------|---------|
| ASSESSMENT | | |

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|----|---------------------------|----------|----------|
| 1 | Permi tting unli censed | | |
| 2 | mi nor to drive | 66-5-40 | \$ 10.00 |
| 3 | Failure to obey sign | 66-7-104 | 10.00 |
| 4 | Failure to obey signal | 66-7-105 | 10.00 |
| 5 | Speeding | 66-7-301 | |
| 6 | (1) up to | | |
| 7 | and including ten | | |
| 8 | mi les an hour | | |
| 9 | over speed limit | | 15.00 |
| 10 | (2) from eleven up to | | |
| 11 | and including fifteen | | |
| 12 | mi les an hour | | |
| 13 | over speed limit | | 30.00 |
| 14 | (3) from sixteen up to | | |
| 15 | and including twenty | | |
| 16 | mi les an hour over | | |
| 17 | speed limit | | 65.00 |
| 18 | (4) from twenty-one up to | | |
| 19 | and including twenty-five | | |
| 20 | mi les an hour | | |
| 21 | over speed limit | | 100.00 |
| 22 | (5) from twenty-six up to | | |
| 23 | and including thirty | | |
| 24 | mi les an hour over the | | |
| 25 | speed limit | | 125.00 |

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| 1 | (6) from thirty-one up to | | |
| 2 | and including thirty-five | | |
| 3 | miles an hour over the | | |
| 4 | speed limit | | 150.00 |
| 5 | (7) more than thirty-five | | |
| 6 | miles an hour over the | | |
| 7 | speed limit | | 200.00 |
| 8 | Unfastened safety belt | 66-7-372 | 25.00 |
| 9 | Child not in restraint device | | |
| 10 | or seat belt | 66-7-369 | 25.00 |
| 11 | Minimum speed | 66-7-305 | 10.00 |
| 12 | Speeding | 66-7-306 | 15.00 |
| 13 | Improper starting | 66-7-324 | 10.00 |
| 14 | Improper backing | 66-7-354 | 10.00 |
| 15 | Improper lane | 66-7-308 | 10.00 |
| 16 | Improper lane | 66-7-313 | 10.00 |
| 17 | Improper lane | 66-7-316 | 10.00 |
| 18 | Improper lane | 66-7-317 | 10.00 |
| 19 | Improper lane | 66-7-319 | 10.00 |
| 20 | Improper passing | 66-7-309 through 66-7-312 | 10.00 |
| 21 | Improper passing | 66-7-315 | 10.00 |
| 22 | Controlled access | | |
| 23 | violation | 66-7-320 | 10.00 |
| 24 | Controlled access | | |
| 25 | violation | 66-7-321 | 10.00 |

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|----|-----------------------------|---------------------------|--------|
| 1 | Improper turning | 66-7-322 | 10.00 |
| 2 | Improper turning | 66-7-323 | 10.00 |
| 3 | Improper turning | 66-7-325 | 10.00 |
| 4 | Following too closely | 66-7-318 | 10.00 |
| 5 | Failure to yield | 66-7-328 through 66-7-332 | 10.00 |
| 6 | Failure to yield | 66-7-332.1 | 25.00 |
| 7 | Pedestrian violation | 66-7-333 | 10.00 |
| 8 | Pedestrian violation | 66-7-340 | 10.00 |
| 9 | Failure to stop | 66-7-341 through 66-7-346 | 10.00 |
| 10 | Passing school bus | 66-7-347 | 100.00 |
| 11 | Failure to signal | 66-7-325 through 66-7-327 | 10.00 |
| 12 | Failure to secure load | 66-7-407 | 100.00 |
| 13 | Operation without oversize- | | |
| 14 | overweight permit | 66-7-413 | 50.00 |
| 15 | Improper equipment | 66-3-801 | 10.00 |
| 16 | Improper equipment | 66-3-901 | 20.00 |
| 17 | Improper emergency | | |
| 18 | signal | 66-3-853 through 66-3-857 | 10.00 |
| 19 | Operation interference | 66-7-357 | 5.00 |
| 20 | Litterbugging | 30-8-4 | 50.00 |
| 21 | Litterbugging | 30-8-10 | 100.00 |
| 22 | Litterbugging | 66-7-364 | 100.00 |
| 23 | Improper parking | 66-7-349 through | |
| 24 | | 66-7-352 and 66-7-353 | 5.00 |
| 25 | Improper parking | 66-7-352.5 | 50.00 |

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|----|---------------------------|----------|--------|
| 1 | Improper parking | 66-3-852 | 5.00 |
| 2 | Failure to dim lights | 66-3-831 | 10.00 |
| 3 | Riding in or towing | | |
| 4 | occupied house trailer | 66-7-366 | 5.00 |
| 5 | Improper opening of doors | 66-7-367 | 5.00 |
| 6 | No slow-moving vehicle | | |
| 7 | emblem or flashing | | |
| 8 | amber light | 66-3-887 | 5.00 |
| 9 | Open container - first | | |
| 10 | violation | 66-8-138 | 25.00. |

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

15 C. When an alleged violator of a penalty
16 assessment misdemeanor elects to accept a notice to appear in
17 lieu of a notice of penalty assessment, no fine imposed upon
18 later conviction shall exceed the penalty assessment
19 established for the particular penalty assessment misdemeanor
20 and no probation imposed upon a suspended or deferred sentence
21 shall exceed ninety days.

22 D. The penalty assessments for penalty assessment
23 misdemeanors listed in Subsection A of this section shall be
24 doubled when the penalty assessment misdemeanor occurs in an
25 interstate highway construction zone. Any points issued

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against the violator's driver's license shall be doubled. "

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1998.

1 FORTY-THIRD LEGISLATURE

2 SECOND SESSION, 1998

3
4
5
6 February 16, 1998

7
8 Mr. Speaker:

9
10 Your JUDICIARY COMMITTEE, to whom has been referred

11
12 HOUSE BILL 459

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

16 1. On page 1, line 12, delete "INTERSTATE".

17
18 2. On page 5, line 24, delete "an" and insert in lieu
19 thereof "a".

20
21 3. On page 5, line 25, delete "interstate" and after the
22 period, delete "Any points issued".

23
24 4. On page 6, line 1, delete "against the violator's
25 driver's license shall be doubled.".,

1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 HJC/HB 459

Page 8

4 and thence referred to the APPROPRIATIONS AND FINANCE
5 COMMITTEE.
6

7 Respectfully submitted,
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10
11 _____
12 Thomas P. Foy, Chairman
13

14 Adopted _____
15 (Chief Clerk)

Not Adopted _____
(Chief Clerk)

16
17 Date _____

18 The roll call vote was 10 For 0 Against

19 Yes: 10

20 Excused: Carpenter, Larranaga, Sanchez

21 Absent: None
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 17, 1998

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7 Mr. Speaker:

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9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 459, as amended

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
22
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 10

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 9 For 6 Against

11 Yes: 9

12 No: Abeyta, Buffett, Heaton, Taylor, JP, Varela, Vigil

13 Excused: Garcia, MH, Marquardt, Saavedra

14 Absent: None

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