

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 332

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Ramsay Gorham

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING THAT LICENSEES LESS THAN EIGHTEEN YEARS OF AGE MAY OPERATE A MOTOR VEHICLE ONLY DURING CERTAIN HOURS; ENACTING A NEW SECTION OF THE MOTOR VEHICLE CODE.

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

Section 1. A new section of the Motor Vehicle Code is enacted to read:

" NEW MATERIAL LICENSEES LESS THAN EIGHTEEN YEARS OF AGE--RESTRICTED HOURS FOR OPERATING A MOTOR VEHICLE-- EXCEPTIONS.--A licensee who is less than eighteen years of age may operate a motor vehicle upon the public highways between the hours of 5:00 a. m. and midnight. A licensee may drive at any hour if:

- A. required by family necessity as evidenced by a

underscored material = new
[bracketed material] = delete

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

3
4
5 February 17, 1999

6
7
8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 332

14
15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 CORPORATIONS & TRANSPORTATION COMMITTEE.

18
19 Respectfully submitted,

Shannon Robinson, Chairman

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Feldman, Garcia, Stockard, Smith

Absent: None

S0332PA1

underscored material = new
[bracketed material] = delete

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

SB 332/a

3
4
5
6
7 February 25, 1999

8
9
10
11 Mr. President:

12
13 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
14 whom has been referred

15
16 SENATE BILL 332

17
18 has had it under consideration and reports same with
19 recommendation that it DO PASS, amended as follows:
20

21
22 1. On page 1, line 13, strike "ENACTING A NEW SECTION" and
23 insert "PRESCRIBING PENALTIES; AMENDING AND ENACTING SECTIONS".

24
25 2. On page 1, line 17, after "Code" insert ", Section
. 126205. 1

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

SCORC/SB 332

Page 6

66-5-40.1 NMSA 1978, "

3. On page 1, line 19, after the quotation mark insert
"66-5-40.1. "

4. On page 2, line 6, strike "or".

5. On page 2, line 10, strike the period and the closing
quotation mark and insert in lieu thereof "; or" and between
lines 10 and 11, insert the following new subsection:

"F. a parent is in the vehicle. "

6. On page 2, between lines 10 and 11, insert the
following section:

"Section 2. 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. --

. 126205. 1

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

SCORC/SB 332

Page 7

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
Permitting unlicensed minor to drive	66- 5- 40	\$ 10. 00
<u>Minor operating a motor vehicle during restricted hours</u>	<u>66- 5- 40. 1</u>	<u>25. 00</u>
Failure to obey sign	66- 7- 104	10. 00
Failure to obey signal	66- 7- 105	10. 00
Speeding	66- 7- 301	
(1) up to and including ten miles an hour over speed limit		15. 00
(2) from eleven up to and including fifteen		

. 126205. 1

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

SCORC/SB 332

Page 8

miles an hour

over speed limit

30.00

(3) from sixteen up to

and including twenty

miles an hour over

speed limit

65.00

(4) from twenty-one up to

and including twenty-five

miles an hour

over speed limit

100.00

(5) from twenty-six up to

and including thirty

miles an hour over the

speed limit

125.00

(6) from thirty-one up to

and including thirty-five

miles an hour over the

speed limit

150.00

(7) more than thirty-five

miles an hour over the

speed limit

200.00

. 126205. 1

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

SCORC/SB 332

1			
2			
3	SCORC/SB 332		
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	10. 00
8	Speeding	66- 7- 306	15. 00
9	Improper starting	66- 7- 324	10. 00
10	Improper backing	66- 7- 354	10. 00
11	Improper lane	66- 7- 308	10. 00
12	Improper lane	66- 7- 313	10. 00
13	Improper lane	66- 7- 316	10. 00
14	Improper lane	66- 7- 317	10. 00
15	Improper lane	66- 7- 319	10. 00
16	Improper passing	66- 7- 309 through 66- 7- 312	10. 00
17	Improper passing	66- 7- 315	10. 00
18	Controlled access		
19	violation	66- 7- 320	10. 00
20	Controlled access		
21	violation	66- 7- 321	10. 00
22	Improper turning	66- 7- 322	10. 00
23	Improper turning	66- 7- 323	10. 00
24	Improper turning	66- 7- 325	10. 00

. 126205. 1

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

SCORC/SB 332

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	
12	10. 00		
13	Failure to secure load	66- 7- 407	100. 00
14	Operation without oversize-		
15	overweight permit	66- 7- 413	50. 00
16	Improper equipment	66- 3- 801	10. 00
17	Improper equipment	66- 3- 901	20. 00
18			
19	Improper emergency		
20	signal	66- 3- 853 through 66- 3- 857	
21	10. 00		
22	Operation interference	66- 7- 357	5. 00
23	Litterbugging	30- 8- 4	50. 00
24	Litterbugging	30- 8- 10	100. 00

. 126205. 1

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SCORC/SB 332

Litterbugging	66- 7- 364	100. 00
Improper parking	66- 7- 349 through	
	66- 7- 352 and 66- 7- 353	5. 00
Improper parking	66- 7- 352. 5	50. 00
Improper parking	66- 3- 852	5. 00
Failure to dim lights	66- 3- 831	10. 00
Riding in or towing		
occupied house trailer	66- 7- 366	5. 00
Improper opening of doors	66- 7- 367	5. 00
No slow-moving vehicle		
emblem or flashing		
amber light	66- 3- 887	5. 00
Open container - first		
violation	66- 8- 138	25. 00.

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

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a

underscored material = new
[bracketed material] = delete

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SCORC/SB 332

Page 12

notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed ninety days. "".

7. Renumber the succeeding section accordingly.

Respectfully submitted,

Roman M. Maes, Chairman

FORTY- FOURTH LEGI SLATURE
FIRST SESSI ON, 1999

SCORC/SB 332

Page 13

Adopted _____ Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 5 For 1 Against

Yes: 5

No: Maci as

Excused: Aragon, Kysar, McKi bben, Robi nson

Absent: None

S0332CT1

. 127667. 1

. 128333. 1

. 126205. 1

underscored material = new
[bracketed material] = delete