



The Legislature
of the
State of New Mexico

51st Legislature, 1st Session

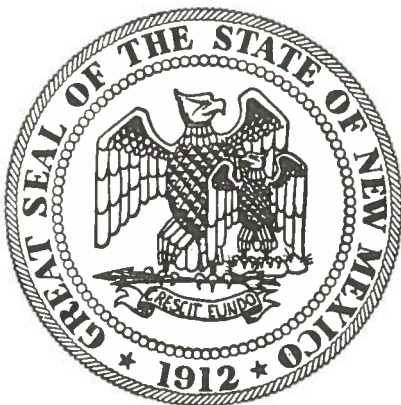
LAWS 2013

CHAPTER 205

SENATE BILL 36, as amended

Introduced by

SENATOR RICHARD C. MARTINEZ



ENDORSED BY THE COURTS, CORRECTIONS
AND JUSTICE COMMITTEE

Chapter 205

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING PENALTY ASSESSMENTS FOR CERTAIN MOTOR VEHICLE CODE VIOLATIONS; REQUIRING THE COURTS TO NOTIFY THE TAXATION AND REVENUE DEPARTMENT IF A DEFENDANT FAILS TO APPEAR ON A CHARGE OF VIOLATING THE MOTOR VEHICLE CODE.

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, except as provided in Subsections D and E of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Improper display of registration plate	66-3-18	\$ 25.00
Failure to notify of change of name or address	66-3-23	25.00
Lost or damaged registration, plate or title	66-3-24	20.00

1	Permitting unauthorized		
2	minor to drive	66-5-40	50.00
3	Permitting unauthorized		
4	person to drive	66-5-41	25.00
5	Failure to obey sign	66-7-104	10.00
6	Failure to obey signal	66-7-105	10.00
7	Speeding	66-7-301	
8	(1) up to and including		
9	ten miles an hour		
10	over the speed limit		15.00
11	(2) from eleven up to		
12	and including fifteen		
13	miles an hour		
14	over the speed limit		30.00
15	(3) from sixteen up to		
16	and including twenty		
17	miles an hour over the		
18	speed limit		65.00
19	(4) from twenty-one up to		
20	and including twenty-five		
21	miles an hour		
22	over the speed limit		100.00
23	(5) from twenty-six up to		
24	and including thirty		
25	miles an hour over the		

1	speed limit		125.00
2	(6) from thirty-one up to		
3	and including thirty-five		
4	miles an hour over the		
5	speed limit		150.00
6	(7) more than thirty-five		
7	miles an hour over the		
8	speed limit		200.00
9	Unfastened safety belt	66-7-372	25.00
10	Child not in restraint device		
11	or seat belt	66-7-369	25.00
12	Minimum speed	66-7-305	10.00
13	Speeding	66-7-306	15.00
14	Improper starting	66-7-324	10.00
15	Improper backing	66-7-354	10.00
16	Improper lane	66-7-308	10.00
17	Improper lane	66-7-313	10.00
18	Improper lane	66-7-316	10.00
19	Improper lane	66-7-317	10.00
20	Improper lane	66-7-319	10.00
21	Improper passing	66-7-309 through 66-7-312	10.00
22	Improper passing	66-7-315	10.00
23	Controlled access		
24	violation	66-7-320	10.00
25	Controlled access		

1	violation	66-7-321	10.00
2	Improper turning	66-7-322	10.00
3	Improper turning	66-7-323	10.00
4	Improper turning	66-7-325	10.00
5	Following too closely	66-7-318	10.00
6	Failure to yield	66-7-328 through 66-7-331	10.00
7	Failure to yield	66-7-332	50.00
8	Failure to yield	66-7-332.1	25.00
9	Pedestrian violation	66-7-333	10.00
10	Pedestrian violation	66-7-340	10.00
11	Failure to stop	66-7-342 and 66-7-344	
12		through 66-7-346	10.00
13	Railroad-highway grade		
14	crossing violation	66-7-341 and 66-7-343	150.00
15	Passing school bus	66-7-347	100.00
16	Failure to signal	66-7-325 through 66-7-327	10.00
17	Failure to secure load	66-7-407	100.00
18	Operation without oversize-		
19	overweight permit	66-7-413	50.00
20	Transport of reducible		
21	load with special		
22	permit more than six miles		
23	from a border crossing	66-7-413	100.00
24	Improper equipment	66-3-801	
25		through 66-3-851	25.00

1	Improper equipment	66-3-901	20.00
2	Improper emergency		
3	signal	66-3-853 through 66-3-857	10.00
4	Minor on motorcycle		
5	without helmet	66-7-356	300.00
6	Operation interference	66-7-357	50.00
7	Littering	66-7-364	300.00
8	Improper parking	66-7-349 through 66-7-352	
9		and 66-7-353	5.00
10	Improper parking	66-3-852	5.00
11	Failure to dim lights	66-3-831	10.00
12	Riding in or towing		
13	occupied house trailer	66-7-366	5.00
14	Improper opening of doors	66-7-367	5.00
15	No slow-moving vehicle		
16	emblem or flashing		
17	amber light	66-3-887	5.00
18	Open container - first		
19	violation	66-8-138	25.00.

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

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

1 notice of penalty assessment, a fine imposed upon later
2 conviction shall not exceed the penalty assessment
3 established for the particular penalty assessment misdemeanor
4 and probation imposed upon a suspended or deferred sentence
5 shall not exceed ninety days.

6 D. The penalty assessment for speeding in violation
7 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA
8 1978 is twice the penalty assessment established in
9 Subsection A of this section for the equivalent miles per
10 hour over the speed limit.

11 E. Upon a second conviction for operation without a
12 permit for excessive size or weight pursuant to Section
13 66-7-413 NMSA 1978, the penalty assessment shall be two
14 hundred fifty dollars (\$250). Upon a third or subsequent
15 conviction, the penalty assessment shall be five hundred
16 dollars (\$500).

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

24 SECTION 2. Section 66-8-135 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 543, as amended) is amended to read:

1 "66-8-135. RECORD OF TRAFFIC CASES.--

2 A. Every trial court judge shall keep a record of
3 every traffic complaint, uniform traffic citation and other
4 form of traffic charge filed in the judge's court or its
5 traffic violations bureau and every official action and
6 disposition of the charge by that court.

7 B. The court shall notify the department if a
8 defendant fails to appear on a charge of violating the Motor
9 Vehicle Code or other law or ordinance relating to motor
10 vehicles.

11 C. Within ten days of the later of entry of a final
12 disposition on a conviction for violation of the Motor
13 Vehicle Code or other law or ordinance relating to motor
14 vehicles or the final decision of any higher court that
15 reviews the matter and from which no appeal or review is
16 successfully taken, every trial court judge, including
17 children's court judges, or the clerk of the court in which
18 the entry of the final disposition occurred shall prepare and
19 forward to the department an abstract of the record
20 containing:

- 21 (1) the name and address of the defendant;
- 22 (2) the specific section number and common name
23 of the provision of the NMSA 1978 or local law, ordinance or
24 regulation under which the defendant was tried;
- 25 (3) the plea, finding of the court and

1 disposition of the charge, including a fine or jail sentence
2 or both;

3 (4) total costs assessed to the defendant;

4 (5) the date of the hearing;

5 (6) the court's name and address;

6 (7) whether the defendant was a first or
7 subsequent offender; and

8 (8) whether the defendant was represented by
9 counsel or waived the right to counsel and, if represented,
10 the name and address of counsel.

11 D. The abstract of record prepared and forwarded
12 under Subsection C of this section shall be certified as
13 correct by the person required to prepare it. With the prior
14 approval of the department, the information required by
15 Subsection C of this section may be transmitted
16 electronically to the department. A report need not be made
17 of any disposition of a charge of illegal parking or standing
18 of a vehicle except when the uniform traffic citation is
19 used.

20 E. When the uniform traffic citation is used, the
21 court shall provide the information required by Subsection C
22 of this section in the manner prescribed by the department.

23 F. Every court of record shall also forward a like
24 report to the department upon conviction of any person of any
25 felony if a motor vehicle was used in the commission. With

1 the prior approval of the department, the information
2 required by this subsection may be submitted electronically
3 to the department. The report shall be forwarded to the
4 department within ten days of the final decision of the court
5 or of any higher court that reviews the matter and from which
6 the decision of no appeal or review is successfully taken.

7 G. The willful failure or refusal of any judicial
8 officer to comply with this section is misconduct in office
9 and grounds for removal.

10 H. Except as set forth in Subsection I of this
11 section for records of a person holding a commercial driver's
12 license, the department shall keep records received on
13 motorists licensed in this state at its main office. Records
14 showing a record of conviction by a court of law shall be
15 open to public inspection during business hours for three
16 years from the date of their receipt, after which they shall
17 be destroyed by the department except for records of
18 convictions under Sections 66-8-101 through 66-8-112 NMSA
19 1978, which may not be destroyed until fifty-five years from
20 the date of their receipt. Any record received on a motorist
21 licensed in another state or country shall be forwarded to
22 the licensing authority of that state or country.

23 I. The department shall keep records received on a
24 person holding a commercial driver's license or an individual
25 driving a commercial motor vehicle who was required to have a

1 commercial driver's license but was driving a commercial
2 motor vehicle without the appropriate license in its main
3 office. Records showing a record of conviction by a court of
4 law shall be open to public inspection during business hours
5 for fifty-five years from the date of their receipt. Any
6 record received on a person holding a commercial driver's
7 license licensed in another state or country shall be
8 forwarded to the licensing authority of that state or
9 country."

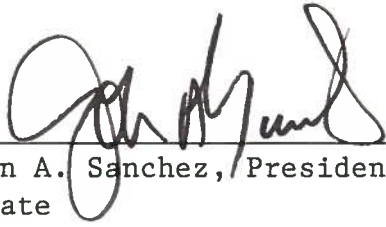
10 SECTION 3. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2013. _____

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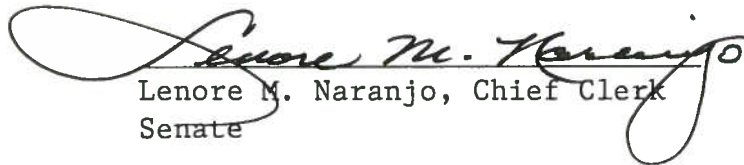
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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



W. Ken Martinez, Speaker
House of Representatives



Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this 5th day of April, 2013



Governor Susana Martinez
State of New Mexico

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