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HOUSE BILL 104

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO CHILDREN IN MOTOR VEHICLES; PENALIZING A PERSON WHO  
LEAVES A CHILD UNATTENDED IN A MOTOR VEHICLE.

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

SECTION 1. A new Section 66-7-375 NMSA 1978 is enacted to  
read:

"66-7-375. [NEW MATERIAL] LEAVING A CHILD UNATTENDED IN A  
MOTOR VEHICLE.--No person shall leave a child unattended in a  
motor vehicle. For the purposes of this section, leaving a  
child unattended in a motor vehicle consists of intentionally  
or knowingly leaving a child unattended in a motor vehicle for  
longer than five minutes, knowing that the child is:

A. younger than ten years of age; and

B. not attended by an individual in the vehicle who  
is fourteen years of age or older."

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underscoring material = new  
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1 SECTION 2. Section 66-8-116 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 524, as amended) is amended to read:

3 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--  
4 DEFINITION--SCHEDULE OF ASSESSMENTS.--

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

10	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
11			ASSESSMENT
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	20.00
18	Permitting unauthorized		
19	minor to drive	66-5-40	50.00
20	Permitting unauthorized		
21	person to drive	66-5-41	25.00
22	Failure to obey sign	66-7-104	10.00
23	Failure to obey signal	66-7-105	10.00
24	Speeding	66-7-301	

25 (1) up to and including

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1	ten miles an hour	
2	over the speed limit	15.00
3	(2) from eleven up to	
4	and including fifteen	
5	miles an hour	
6	over the speed limit	30.00
7	(3) from sixteen up to	
8	and including twenty	
9	miles an hour over the	
10	speed limit	65.00
11	(4) from twenty-one up to	
12	and including twenty-five	
13	miles an hour	
14	over the speed limit	100.00
15	(5) from twenty-six up to	
16	and including thirty	
17	miles an hour over the	
18	speed limit	125.00
19	(6) from thirty-one up to	
20	and including thirty-five	
21	miles an hour over the	
22	speed limit	150.00
23	(7) more than thirty-five	
24	miles an hour over the	
25	speed limit	200.00

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1	Unfastened safety belt	66-7-372	25.00
2	Child not in restraint device		
3	or seat belt	66-7-369	25.00
4	Minimum speed	66-7-305	10.00
5	Speeding	66-7-306	15.00
6	Improper starting	66-7-324	10.00
7	Improper backing	66-7-354	10.00
8	Improper lane	66-7-308	10.00
9	Improper lane	66-7-313	10.00
10	Improper lane	66-7-316	10.00
11	Improper lane	66-7-317	10.00
12	Improper lane	66-7-319	10.00
13	Improper passing	66-7-309 through 66-7-312	10.00
14	Improper passing	66-7-315	10.00
15	Controlled access		
16	violation	66-7-320	10.00
17	Controlled access		
18	violation	66-7-321	10.00
19	Improper turning	66-7-322	10.00
20	Improper turning	66-7-323	10.00
21	Improper turning	66-7-325	10.00
22	Following too closely	66-7-318	10.00
23	Failure to yield	66-7-328 through 66-7-331	10.00
24	Failure to yield	66-7-332	50.00
25	Failure to yield	66-7-332.1	25.00

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1	Pedestrian violation	66-7-333	10.00
2	Pedestrian violation	66-7-340	10.00
3	Failure to stop	66-7-342 and 66-7-344	
4		through 66-7-346	10.00
5	Railroad-highway grade		
6	crossing violation	66-7-341 and 66-7-343	150.00
7	Passing school bus	66-7-347	100.00
8	Failure to signal	66-7-325 through 66-7-327	10.00
9	Failure to secure load	66-7-407	100.00
10	Operation without oversize-		
11	overweight permit	66-7-413	50.00
12	Transport of reducible		
13	load with special		
14	permit more than six miles		
15	from a border crossing	66-7-413	100.00
16	Improper equipment	66-3-801	
17		through 66-3-851	25.00
18	Improper equipment	66-3-901	20.00
19	Improper emergency		
20	signal	66-3-853 through 66-3-857	10.00
21	Minor on motorcycle		
22	without helmet	66-7-356	300.00
23	Operation interference	66-7-357	50.00
24	Littering	66-7-364	300.00
25	Improper parking	66-7-349 through 66-7-352	

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1		and 66-7-353	5.00
2	Improper parking	66-3-852	5.00
3	Failure to dim lights	66-3-831	10.00
4	Riding in or towing		
5	occupied house trailer	66-7-366	5.00
6	Improper opening of doors	66-7-367	5.00
7	No slow-moving vehicle		
8	emblem or flashing		
9	amber light	66-3-887	5.00
10	Open container - first		
11	violation	66-8-138	25.00
12	Texting while driving -	<del>[Section 1 of this</del>	
13	first violation	<del>2014 act]</del> <u>66-7-374</u>	25.00
14	Texting while driving -	<del>[Section 1 of this</del>	
15	subsequent violation	<del>2014 act]</del> <u>66-7-374</u>	50.00
16	<u>Leaving a child unattended</u>		
17	<u>in a motor vehicle</u>	<u>66-7-375</u>	<u>100.00.</u>

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

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

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1 imposed upon a suspended or deferred sentence shall not exceed  
2 ninety days.

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

8 E. Upon a second conviction for operation without a  
9 permit for excessive size or weight pursuant to Section  
10 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
11 fifty dollars (\$250). Upon a third or subsequent conviction,  
12 the penalty assessment shall be five hundred dollars (\$500).

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

20 SECTION 3. EFFECTIVE DATE.--The effective date of the  
21 provisions of this act is July 1, 2015.