

1 HOUSE BILL 428

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Antonio "Moe" Maestas

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9  
10 AN ACT

11 RELATING TO CRIME; REVISING PENALTIES FOR CERTAIN OFFENSES;  
12 REPEALING SECTIONS OF LAW; RECONCILING CONFLICTING SECTIONS OF  
13 LAW BY REPEALING LAWS 1989, CHAPTER 318, SECTION 31.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "30-8-4. LITTERING.--

19 A. Littering consists of discarding refuse:

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

24 (2) on private property not owned or lawfully  
25 occupied or controlled by the person, except with the consent

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1 of ~~[the]~~ its owner, lessee or occupant ~~[thereof]~~.

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

12 ~~[G. Any jail sentence imposed pursuant to~~  
13 ~~Subsection B of this section may be suspended, in the~~  
14 ~~discretion of the magistrate or judge, upon conditions that the~~  
15 ~~offender assist in litter clean-up in the jurisdiction for a~~  
16 ~~period not to exceed the length of the suspended sentence.]"~~

17 SECTION 2. Section 66-3-1 NMSA 1978 (being Laws 1978,  
18 Chapter 35, Section 21, as amended) is amended to read:

19 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

20 A. With the exception of vehicles identified in  
21 Subsection B of this section, every motor vehicle, manufactured  
22 home, trailer, semitrailer and pole trailer when driven or  
23 moved upon a highway and every off-highway motor vehicle is  
24 subject to the registration and certificate of title provisions  
25 of the Motor Vehicle Code except:

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1 (1) any such vehicle driven or moved upon a  
2 highway in conformance with the provisions of the Motor Vehicle  
3 Code relating to manufacturers, dealers, lien-holders or  
4 nonresidents;

5 (2) any such vehicle that is driven or moved  
6 upon a highway only for the purpose of crossing the highway  
7 from one property to another;

8 (3) an implement of husbandry that is only  
9 incidentally operated or moved upon a highway;

10 (4) special mobile equipment;

11 (5) a vehicle that is propelled exclusively by  
12 electric power obtained from overhead trolley wires though not  
13 operated upon rails;

14 (6) a freight trailer if it is:

15 (a) properly registered in another  
16 state;

17 (b) identified by a proper base  
18 registration plate that is properly displayed; and

19 (c) identified by other registration  
20 documents that are in the possession of the operator and  
21 exhibited at the request of a police officer;

22 (7) a freight trailer or utility trailer owned  
23 and used by:

24 (a) a nonresident solely for the  
25 transportation of farm products purchased by the nonresident

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1 from growers or producers of the farm products and transported  
2 in the trailer out of the state;

3 (b) a farmer or a rancher who transports  
4 to market only the produce, animals or fowl produced by that  
5 farmer or rancher or who transports back to the farm or ranch  
6 supplies for use thereon; or

7 (c) a person who transports animals to  
8 and from fairs, rodeos or other places, except racetracks,  
9 where the animals are exhibited or otherwise take part in  
10 performances, in trailers drawn by a motor vehicle or truck of  
11 less than ten thousand pounds gross vehicle weight rating  
12 bearing a proper registration plate, but in no case shall the  
13 owner of an unregistered trailer described in this paragraph  
14 perform such uses for hire;

15 (8) a moped;

16 (9) an electric personal assistive mobility  
17 device;

18 (10) a vehicle moved on a highway by a towing  
19 service as defined in Section 59A-50-2 NMSA 1978; and

20 (11) an off-highway motor vehicle exempted  
21 pursuant to Section 66-3-1005 NMSA 1978.

22 B. A certificate of title required pursuant to  
23 Subsection A of this section is not required for a vehicle of a  
24 type subject to registration owned by:

25 (1) the government of the United States; or

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1 (2) a carrier that is from a jurisdiction that  
2 is not a participant in the International Fuel Tax Agreement,  
3 that is authorized by the United States government or an agency  
4 of the United States government to conduct cross-border  
5 operations beyond the commercial border zone pursuant to the  
6 provisions of the North American Free Trade Agreement and that  
7 identifies New Mexico as the carrier's base jurisdiction.

8 C. A person who violates the provisions of this  
9 section is guilty of a penalty assessment misdemeanor [~~as~~  
10 ~~provided in Section 66-8-7 NMSA 1978~~]. A person charged with  
11 violating this section shall not be convicted if the person  
12 produces, in court, evidence of compliance valid at the time of  
13 issuance of the citation."

14 SECTION 3. Section 66-3-16.1 NMSA 1978 (being Laws 1995,  
15 Chapter 129, Section 2, as amended) is amended to read:

16 "66-3-16.1. PROHIBITED ACTS--PENALTIES.--

17 A. Any person who provides false information in  
18 order to acquire, or who assists an unqualified person to  
19 acquire, a special registration plate or parking placard as  
20 provided in Section 66-3-16 NMSA 1978 is guilty of a petty  
21 misdemeanor and shall be sentenced pursuant to the provisions  
22 of Section 31-19-1 NMSA 1978.

23 B. Any person, other than the person to whom a  
24 special registration plate or a parking placard was issued, who  
25 in the absence of the holder of the plate or placard, parks in

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1 a designated accessible parking space for persons with  
2 significant mobility limitation while displaying the plate or  
3 placard, is guilty of a misdemeanor [~~and upon conviction shall~~  
4 ~~be sentenced pursuant to the provisions of Section 31-19-1 NMSA~~  
5 ~~1978~~] pursuant to Section 66-8-7 NMSA 1978.

6 C. A special registration plate or parking placard  
7 displayed on a vehicle parked in a designated accessible  
8 parking space for persons with significant mobility limitation  
9 in the absence of the holder of that plate or placard is  
10 subject to immediate seizure by a law enforcement official and  
11 if seized shall be delivered to the [~~division~~] department  
12 within seventy-two hours. Failure to surrender the parking  
13 placard on demand of a law enforcement officer is a [~~petty~~]  
14 penalty assessment misdemeanor [~~and punishable by a fine not to~~  
15 ~~exceed one hundred dollars (\$100)] ."~~

16 SECTION 4. Section 66-3-18 NMSA 1978 (being Laws 1978,  
17 Chapter 35, Section 38, as amended) is amended to read:

18 "66-3-18. DISPLAY OF REGISTRATION PLATES AND TEMPORARY  
19 REGISTRATION PERMITS--DISPLAYS PROHIBITED AND ALLOWED.--

20 A. The registration plate shall be attached to the  
21 rear of the vehicle for which it is issued; however, the  
22 registration plate shall be attached to the front of a road  
23 tractor or truck tractor. The plate shall be securely fastened  
24 at all times in a fixed horizontal position at a height of not  
25 less than twelve inches from the ground, measuring from the

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1 bottom of the plate. It shall be in a place and position so as  
2 to be clearly visible, and it shall be maintained free from  
3 foreign material and in a condition to be clearly legible.

4 B. A demonstration or temporary registration permit  
5 shall be firmly affixed to the inside left rear window of the  
6 vehicle to which it is issued, unless such display presents a  
7 safety hazard or the demonstration or temporary registration  
8 permit is not visible or readable from that position, in which  
9 case, the demonstration or temporary registration permit shall  
10 be displayed in such a manner that it is clearly visible from  
11 the rear or left side of the vehicle.

12 C. No vehicle while being operated on the highways  
13 of this state shall have displayed either on the front or the  
14 rear of the vehicle any registration plate, including  
15 validating sticker, other than one issued or validated for the  
16 current registration period by the department or any other  
17 licensing authority having jurisdiction over the vehicle. No  
18 expired registration plate or validating sticker shall be  
19 displayed on the vehicle other than an expired special  
20 registration plate, which may be exhibited on the front of the  
21 vehicle.

22 D. Nothing contained in this section shall be  
23 construed as prohibiting the use of a promotional or  
24 advertising plate on the front of the vehicle.

25 E. A violation of a provision of this section is

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1 a penalty assessment misdemeanor."

2 SECTION 5. Section 66-3-27 NMSA 1978 (being Laws 1978,  
3 Chapter 35, Section 47) is amended to read:

4 "66-3-27. HORSELESS CARRIAGE REGISTRATION.--

5 A. A motor vehicle at least thirty-five years old  
6 owned as a collector's item and used solely for exhibition  
7 and educational purposes is a "horseless carriage". On  
8 application to the [~~director of motor vehicles~~] secretary,  
9 the owner of the horseless carriage may receive a certificate  
10 of title and permanent registration upon:

11 (1) payment of a [~~ten-dollar (\$10.00)~~] fee  
12 of ten dollars (\$10.00); and

13 (2) submission of a witnessed bill of sale  
14 on the horseless carriage or an affidavit that the vehicle  
15 was assembled by the owner from parts of automobiles at least  
16 thirty-five years old.

17 B. Upon approval of the application, the  
18 [~~director~~] secretary shall issue one five-year registration  
19 plate with registration numbers and the words "Horseless  
20 Carriage", "Land of Enchantment" and "New Mexico". The  
21 plate, bearing no date, shall be attached to the rear of the  
22 vehicle.

23 C. Upon transfer of ownership of a horseless  
24 carriage, the new owner shall apply to the [~~director~~]  
25 secretary for a transfer of title as provided in and subject

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1 to the penalties contained in Section [~~64-3-103 NMSA 1953~~]  
2 66-3-103 NMSA 1978. The registration plates shall remain  
3 with the transferred vehicle.

4 D. Beginning in 1968 and each five-year period  
5 thereafter, every plate shall be revalidated upon application  
6 approved by the [~~director~~] secretary, accompanied by a fee of  
7 five dollars (\$5.00). Upon loss of the original registration  
8 plate, a duplicate plate may be obtained by the owner upon  
9 payment of a fee of ten dollars (\$10.00).

10 E. [~~Any~~] A person [~~violating~~] who violates this  
11 section is guilty of a penalty assessment misdemeanor."

12 SECTION 6. Section 66-3-103 NMSA 1978 (being Laws 1978,  
13 Chapter 35, Section 50, as amended) is amended to read:

14 "66-3-103. NEW OWNER TO SECURE TRANSFER OF REGISTRATION  
15 AND NEW CERTIFICATE OF TITLE--TIME PERIOD--PENALTY.--

16 A. Except as otherwise provided by law, the  
17 transferee before operating or permitting the operation of  
18 the vehicle or boat on a highway or waterway shall present to  
19 the division the certificate of registration and the properly  
20 assigned certificate of title and shall apply for and obtain  
21 a new certificate of title and a new registration for the  
22 vehicle.

23 B. [~~Failure~~] A transferee who fails to apply for  
24 transfer of registration and issuance of a new certificate of  
25 title within thirty days from the date of transfer [~~subjects~~

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1 ~~the transferee to a penalty of twenty dollars (\$20.00). The~~  
2 ~~penalty shall be collected by the division and shall be in~~  
3 ~~addition to other fees and penalties provided by law] is~~  
4 guilty of a penalty assessment misdemeanor."

5 SECTION 7. Section 66-3-403 NMSA 1978 (being Laws 1978,  
6 Chapter 35, Section 82, as amended) is amended to read:

7 "66-3-403. EXPIRATION OF DEALER PLATES.--Every dealer  
8 plate issued pursuant to Section 66-3-402 NMSA 1978 expires  
9 at midnight on December 31 of each year. Upon payment of the  
10 proper fee, the person to whom the dealer plate was issued  
11 may apply to the department for a new plate or validating  
12 sticker for the ensuing year. Renewal of all dealer plates  
13 shall be on or before December 31. ~~[It is a]~~ A person who  
14 operates a vehicle with a dealer plate that has expired is  
15 guilty of a penalty assessment misdemeanor ~~[pursuant to the~~  
16 ~~Motor Vehicle Code to operate a vehicle with a dealer plate~~  
17 ~~that has expired]."~~

18 SECTION 8. Section 66-3-409 NMSA 1978 (being Laws 1978,  
19 Chapter 199, Section 1, as amended) is amended to read:

20 "66-3-409. SPECIAL REGISTRATION PLATES--MEDAL OF HONOR  
21 RECIPIENTS.--

22 A. The ~~[division]~~ department shall issue  
23 distinctive pale blue, white and gold registration plates to  
24 any person who has been awarded the medal of honor and who so  
25 requests and submits proof satisfactory to the ~~[division]~~

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1 department that [~~he~~] the person has been awarded that medal.  
2 The plates shall each bear the inscription "Medal of Honor  
3 Recipient". No fee, including the regular registration fee  
4 applicable to the passenger motor vehicle, if any, shall be  
5 collected for the issuance of a special registration plate  
6 pursuant to this section.

7 B. No person shall falsely [~~represent himself to~~  
8 ~~be~~] make any representation that the person is a medal of  
9 honor recipient in order to be eligible to be issued special  
10 registration plates pursuant to this section when [~~he~~] the  
11 person is in fact not such a recipient. [~~Any~~] A person who  
12 violates the provisions of this subsection is guilty of a  
13 [~~petty~~] penalty assessment misdemeanor."

14 SECTION 9. Section 66-3-411 NMSA 1978 (being Laws 1978,  
15 Chapter 99, Section 2, as amended) is amended to read:

16 "66-3-411. SPECIAL REGISTRATION PLATES--PRISONERS OF  
17 WAR AND SURVIVING SPOUSES--SUBMISSION OF PROOF--PENALTY.--

18 A. The [~~division~~] department shall issue  
19 distinctive registration plates to any person, or to the  
20 surviving spouse of any deceased person, who was held as a  
21 prisoner of war by an enemy of the United States during any  
22 armed conflict, upon the submission by the person or  
23 surviving spouse of proof satisfactory to the [~~division~~]  
24 department that [~~he~~] the person was held as a prisoner of war  
25 by an enemy of the United States during a period of armed

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1 conflict or that ~~[he]~~ the person is the surviving spouse of  
2 such a person. No fee, including the regular registration  
3 fee applicable to the passenger motor vehicle, if any, shall  
4 be collected for issuance of a special registration plate  
5 pursuant to this section.

6 B. ~~[No]~~ A person shall not falsely ~~[represent~~  
7 ~~himself to have]~~ make a representation that the person has  
8 been held as a prisoner of war or to be the surviving spouse  
9 of a prisoner of war so as to be eligible to be issued  
10 special registration plates pursuant to this section when  
11 ~~[he]~~ the person in fact was not held as a prisoner of war or  
12 when ~~[he]~~ the person in fact is not the surviving spouse of a  
13 prisoner of war.

14 C. ~~[Any]~~ A person who violates the provisions of  
15 Subsection B of this section is guilty of a penalty  
16 assessment misdemeanor."

17 SECTION 10. Section 66-3-412 NMSA 1978 (being Laws  
18 1979, Chapter 299, Section 2, as amended) is amended to read:

19 "66-3-412. SPECIAL REGISTRATION PLATES--FIFTY PERCENT  
20 OR MORE DISABLED VETERANS--SUBMISSION OF PROOF--PENALTY.--

21 A. The department shall issue distinctive  
22 registration plates for up to two vehicles, including  
23 motorcycles, to a person who is a veteran of the armed forces  
24 of the United States and was fifty percent or more disabled  
25 while serving in the armed forces of the United States, upon

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1 the submission by the person of proof satisfactory to the  
2 department that the person was fifty percent or more disabled  
3 while serving in the armed forces of the United States. No  
4 fee, including the regular registration fee applicable to the  
5 passenger motor vehicle or regular motorcycle registration  
6 fees, if any, shall be collected for issuance of a special  
7 registration plate pursuant to this section. A person  
8 eligible for a special registration plate pursuant to this  
9 section and also eligible for one or more special  
10 registration plates pursuant to Sections 66-3-406, 66-3-409,  
11 66-3-411 and 66-3-412.1 NMSA 1978 shall be issued only one  
12 special registration plate of the person's choice.

13 B. ~~[No]~~ A person shall not falsely make ~~[any]~~ a  
14 representation as having been fifty percent or more disabled  
15 while serving in the armed forces of the United States so as  
16 to be eligible to be issued special registration plates  
17 pursuant to this section when the person in fact was not  
18 fifty percent or more disabled while serving in the armed  
19 forces of the United States.

20 C. A person who violates the provisions of  
21 Subsection B of this section is guilty of a penalty  
22 assessment misdemeanor.

23 D. As used in this section, "veteran" means an  
24 individual who was regularly enlisted, drafted, inducted or  
25 commissioned, who was accepted for and assigned to active

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1 duty in the armed forces of the United States and who was not  
2 separated from such service under circumstances amounting to  
3 dishonorable discharge."

4 SECTION 11. Section 66-3-412.1 NMSA 1978 (being Laws  
5 2001, Chapter 243, Section 1) is amended to read:

6 "66-3-412.1. SPECIAL MOTORCYCLE REGISTRATION PLATES FOR  
7 ARMED FORCES VETERANS.--

8 A. The department shall issue distinctive  
9 motorcycle registration plates indicating that the recipient  
10 is a veteran of the armed forces of the United States [~~as~~  
11 ~~defined in Section 28-13-7 NMSA 1978~~] or is retired from the  
12 national guard or military reserves, if that person submits  
13 proof satisfactory to the department of honorable discharge  
14 from the armed forces or of retirement from the national  
15 guard or military reserves.

16 B. For a fee of seven dollars (\$7.00), which  
17 [~~shall be~~] is in addition to the regular motorcycle  
18 registration fees, [~~any~~] a motorcycle owner who is a veteran  
19 of the armed forces of the United States or is retired from  
20 the national guard or military reserves may apply for the  
21 issuance of a special motorcycle registration plate as  
22 defined in Subsection A of this section. No two owners shall  
23 be issued identically lettered or numbered plates.

24 C. An owner shall make a new application and pay  
25 a new fee each year [~~he~~] the owner desires to obtain a

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1 special motorcycle registration plate. [~~He~~] The owner will  
2 have first priority on that plate for each subsequent year  
3 that [~~he~~] the owner makes a timely and appropriate  
4 application.

5 D. Each armed forces veteran may elect to receive  
6 a veteran-designation decal to be placed across the top of  
7 the special motorcycle registration plate, centered above the  
8 registration number. Replacement or different veteran-  
9 designation decals shall be available for purchase from the  
10 department at a reasonable charge to be set by the secretary.  
11 The department shall furnish the following veteran-  
12 designation decals with the armed forces veteran motorcycle  
13 registration plate to a:

- 14 (1) medal of honor recipient;
- 15 (2) silver star recipient;
- 16 (3) bronze star recipient;
- 17 (4) navy cross recipient;
- 18 (5) distinguished service cross recipient;
- 19 (6) air force cross recipient;
- 20 (7) ex-prisoner of war;
- 21 (8) disabled veteran;
- 22 (9) purple heart veteran;
- 23 (10) atomic veteran;
- 24 (11) Pearl Harbor survivor;
- 25 (12) Navajo code talker;

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- 1 (13) Vietnam veteran;
- 2 (14) Korean veteran;
- 3 (15) disabled Korean veteran;
- 4 (16) World War II veteran;
- 5 (17) World War I veteran;
- 6 (18) Grenada veteran;
- 7 (19) Panama veteran; [ø#]
- 8 (20) Desert Storm veteran; or
- 9 (21) Iraqi Freedom veteran.

10 E. The revenue from the fee imposed pursuant to  
11 Subsection B of this section shall be retained by the  
12 department and is appropriated to the department for the  
13 manufacture and issuance of the special motorcycle  
14 registration plates for armed forces veterans.

15 F. A person shall not falsely represent that the  
16 person was honorably discharged from the armed forces or  
17 retired from the national guard or military reserves so as to  
18 be eligible to be issued a special registration plate  
19 pursuant to this section. A person who violates the  
20 provisions of this subsection is guilty of a penalty  
21 assessment misdemeanor."

22 SECTION 12. Section 66-3-413 NMSA 1978 (being Laws  
23 1980, Chapter 45, Section 1, as amended) is amended to read:

24 "66-3-413. SPECIAL REGISTRATION PLATES--NATIONAL GUARD  
25 MEMBERS.--



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1           A. The [~~division~~] department shall issue  
2 distinctive registration plates to any person who is a member  
3 of the New Mexico national guard, upon the submission by the  
4 person of proof satisfactory to the [~~division~~] department  
5 that the person is currently a member of the guard. No fee,  
6 including the regular registration fee applicable to  
7 passenger motor vehicles, shall be collected for issuance of  
8 a special registration plate pursuant to this section.

9           B. [~~No~~] A person shall not falsely represent that  
10 the person is an active member of the New Mexico national  
11 guard so as to be eligible to be issued special registration  
12 plates pursuant to this section when the person in fact is not  
13 a current member of the New Mexico national guard.

14           C. [~~Any~~] A person who violates the provisions of  
15 Subsection B of this section is guilty of a penalty assessment  
16 misdemeanor."

17           **SECTION 13.** Section 66-3-414 NMSA 1978 (being Laws 1987,  
18 Chapter 23, Section 1, as amended) is amended to read:

19           "66-3-414. SPECIAL REGISTRATION PLATES [~~FOR~~]-PURPLE  
20 HEART VETERANS.--

21           A. The [~~division~~] department shall issue special  
22 registration plates for up to two vehicles to any person who  
23 is a veteran and a bona fide purple heart medal recipient and  
24 who submits proof satisfactory to the [~~division~~] department  
25 that the person has been awarded that medal, except that if a

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1 veteran is the recipient of more than two purple heart medals,  
2 the veteran shall be entitled to an additional special  
3 registration plate for each additional award of the purple  
4 heart medal. The plates shall have a distinctive design,  
5 different from the plates issued pursuant to Section 66-3-419  
6 NMSA 1978, that emphasizes that the veteran is a purple heart  
7 recipient. No fee, including the regular registration fee  
8 applicable to the passenger motor vehicle, if any, shall be  
9 collected for the issuance of the special registration plates  
10 pursuant to this section. A person who is eligible for  
11 special registration plates pursuant to this section and also  
12 eligible for one or more special registration plates pursuant  
13 to Sections 66-3-406, 66-3-409, 66-3-411 and 66-3-412 NMSA  
14 1978 shall be issued special registration plates pursuant to  
15 only one of those sections, the choice of which shall be made  
16 by the veteran.

17 B. ~~[No]~~ A person shall not falsely make ~~[any]~~ a  
18 representation ~~[as being]~~ that the person is a purple heart  
19 veteran so as to be eligible to be issued special plates  
20 pursuant to this section when the person in fact is not a  
21 purple heart veteran.

22 C. ~~[Any]~~ A person who violates the provisions of  
23 Subsection B of this section is guilty of a penalty assessment  
24 misdemeanor."

25 SECTION 14. Section 66-3-415 NMSA 1978 (being Laws 1989,

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1 Chapter 162, Section 1, as amended) is amended to read:

2 "66-3-415. SPECIAL REGISTRATION PLATES [~~FOR~~]-PEARL  
3 HARBOR SURVIVORS.--

4 A. The [~~division~~] department shall issue  
5 distinctive registration plates indicating that the recipient  
6 is a survivor of the attack on Pearl Harbor if that person  
7 submits satisfactory proof to the [~~division~~] department  
8 indicating that the person:

9 (1) was a member of the United States armed  
10 forces on December 7, 1941;

11 (2) received an honorable discharge from the  
12 United States armed forces; and

13 (3) was on station on December 7, 1941 during  
14 the hours of 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl  
15 Harbor, the island of Oahu, or offshore at a distance not  
16 exceeding three miles.

17 B. The [~~division~~] department shall confirm  
18 satisfactory proof with the New Mexico chapter of the Pearl  
19 Harbor survivors association.

20 C. No fee other than the registration fee  
21 applicable to the passenger motor vehicle, if any, shall be  
22 collected for the issuance of the distinctive registration  
23 plate pursuant to this section.

24 D. The recipient of a distinctive plate issued  
25 pursuant to this section shall be issued replacement plates

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1 upon request and without charge if the plate is lost, stolen  
2 or mutilated.

3 E. ~~[Any]~~ A person eligible for a distinctive  
4 registration plate pursuant to this section and also eligible  
5 for one or more special or distinctive registration plates  
6 pursuant to Sections 66-3-406, 66-3-409, 66-3-411, 66-3-412  
7 and 66-3-414 NMSA 1978 shall be issued only one special or  
8 distinctive registration plate of the person's choice.

9 F. ~~[No]~~ A person shall not falsely represent  
10 ~~[himself to be]~~ that the person is a survivor of the attack on  
11 Pearl Harbor so as to be eligible to be issued distinctive  
12 plates pursuant to this section when that person in fact is  
13 not a survivor of the attack on Pearl Harbor.

14 G. ~~[Any]~~ A person who violates the provisions of  
15 Subsection F of this section is guilty of a penalty assessment  
16 misdemeanor ~~[and shall be punished by a fine of not less than~~  
17 ~~one hundred dollars (\$100) or more than one thousand dollars~~  
18 ~~(\$1,000) or by imprisonment for a definite term less than one~~  
19 ~~year or both]."~~

20 SECTION 15. Section 66-3-417 NMSA 1978 (being Laws 1986,  
21 Chapter 45, Section 2, as amended) is amended to read:

22 "66-3-417. RADIO STATION LICENSEES--SPECIAL REGISTRATION  
23 PLATES--FEE.--

24 A. Any applicant who is a resident of this state  
25 who holds an official commercial or amateur radio station

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1 license in good standing issued by the federal communications  
2 commission or who is a bona fide employee of such license  
3 holder shall, upon compliance with all laws of this state  
4 relating to registration and the licensing of motor vehicles  
5 and drivers, be furnished with a registration plate for the  
6 motor vehicle as prescribed by law, upon which:

7 (1) in lieu of the numbers required for  
8 identification, shall be inscribed the official call letters  
9 of the applicant as assigned by the federal communications  
10 commission;

11 (2) the official call letters shall be  
12 inscribed as internationally recognized call letters,  
13 including the number zero with a diagonal line drawn across  
14 the number from the upper right of the number down to the  
15 lower left of the number; and

16 (3) the words "amateur radio operator" shall  
17 be inscribed on the registration plate upon request of the  
18 applicant.

19 B. The licensee of the commercial or amateur radio  
20 station shall certify to the [~~director~~] secretary the names of  
21 bona fide personnel eligible to receive such special  
22 registration plates. The applicant shall pay, in addition to  
23 the registration tax required by law, the sum of three dollars  
24 (\$3.00) for the special registration plate, which additional  
25 sum shall be deposited by the [~~director~~] secretary with the

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1 state treasurer to be credited to the state road fund. At the  
2 time of delivery of the special registration plate, the  
3 applicant shall surrender the current registration plate  
4 issued for the motor vehicle. This provision for the issuance  
5 of a special registration plate shall apply only if the  
6 applicant's motor vehicle is already registered in New Mexico  
7 so that the applicant has a valid regular New Mexico  
8 registration plate issued for that motor vehicle under which  
9 to operate during the time it will take to have the necessary  
10 special registration plate made. The ~~[director]~~ secretary may  
11 make such reasonable regulations governing the use of the  
12 special registration plate as will assure the full compliance  
13 by the owner and holder of the special plate with all existing  
14 laws governing the registration, transfer and use of motor  
15 vehicles. When the ownership of the motor vehicle for which  
16 the special registration plate has been furnished by the  
17 ~~[director]~~ secretary changes from one person to another, the  
18 special registration plate authorized in this section shall be  
19 promptly removed from the motor vehicle by the seller and  
20 returned to the ~~[director]~~ secretary, at which time the seller  
21 or the buyer of the motor vehicle is entitled to receive a  
22 registration plate for the motor vehicle. A seller who fails  
23 to remove and return the special registration plate as  
24 required in this subsection is guilty of a penalty assessment  
25 misdemeanor. The purpose for the issuance of the special

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1 registration plate is to readily identify personnel in aid of  
2 the performance of necessary duties for civil defense in the  
3 communications field."

4 SECTION 16. Section 66-3-419 NMSA 1978 (being Laws 1990,  
5 Chapter 46, Section 2, as amended) is amended to read:

6 "66-3-419. SPECIAL REGISTRATION PLATES [~~FOR~~]-ARMED  
7 FORCES VETERANS.--

8 A. The department shall issue distinctive  
9 registration plates indicating that the recipient is a veteran  
10 of the armed forces of the United States [~~as defined in~~  
11 ~~Section 28-13-7 NMSA 1978~~] or is retired from the national  
12 guard or military reserves if that person submits proof  
13 satisfactory to the department of honorable discharge from the  
14 armed forces or of retirement from the national guard or  
15 military reserves.

16 B. For a fee of fifteen dollars (\$15.00), which  
17 [~~shall be~~] is in addition to the regular motor vehicle  
18 registration fees, any motor vehicle owner who is a veteran of  
19 the armed forces of the United States or is retired from the  
20 national guard or military reserves may apply for the issuance  
21 of a special registration plate, as defined in Subsection A of  
22 this section. No two owners shall be issued identically  
23 lettered or numbered plates.

24 C. The fifteen-dollar (\$15.00) fee provided in  
25 Subsection B of this section shall be waived for each

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1 registration period in which a validating sticker is issued  
2 under the provisions of Section 66-3-17 NMSA 1978, in lieu of  
3 the issuance of a special armed forces veteran plate.

4 D. Each armed forces veteran may elect to receive  
5 a veteran-designation decal to be placed across the top of the  
6 plate, centered above the registration number. Replacement or  
7 different veteran-designation decals shall be available for  
8 purchase from the department at a reasonable charge to be set  
9 by the secretary. The department shall furnish the following  
10 veteran-designation decals with the armed forces veteran plate  
11 to a:

- 12 (1) medal of honor recipient;
- 13 (2) silver star recipient;
- 14 (3) bronze star recipient;
- 15 (4) navy cross recipient;
- 16 (5) distinguished service cross recipient;
- 17 (6) air force cross recipient;
- 18 (7) ex-prisoner of war;
- 19 (8) disabled veteran;
- 20 (9) purple heart veteran;
- 21 (10) atomic veteran;
- 22 (11) Pearl Harbor survivor;
- 23 (12) Navajo code talker;
- 24 (13) Vietnam veteran;
- 25 (14) Korean veteran;



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- 1 (15) disabled Korean veteran;
- 2 (16) World War II veteran;
- 3 (17) World War I veteran;
- 4 (18) Grenada veteran;
- 5 (19) Panama veteran;
- 6 (20) Desert Storm veteran; or
- 7 (21) Iraqi Freedom veteran.

8 E. The revenue from the special registration  
9 plates for the armed forces veterans fee imposed by Subsection  
10 B of this section shall be distributed as follows:

11 (1) seven dollars (\$7.00) of the fee  
12 collected for each registration plate shall be retained by the  
13 department and is appropriated to the department for the  
14 manufacture and issuance of the registration plates; and

15 (2) eight dollars (\$8.00) of the fee  
16 collected for each registration plate shall be transferred  
17 pursuant to the provisions of Subsection F of this section.

18 F. There is created in the state treasury the  
19 "armed forces veterans license fund". A portion of the fee  
20 collected for each special registration plate for armed forces  
21 veterans, as provided in Subsection E of this section, shall  
22 be transferred to the state treasurer for the credit of the  
23 fund. Expenditures from the fund shall be made on vouchers  
24 issued and signed by the secretary of veterans' services or  
25 ~~[his]~~ the secretary's authorized representative upon warrants

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1 drawn by the department of finance and administration for the  
2 purpose of expanding services to rural areas of the state,  
3 including Native American communities and senior citizen  
4 centers. Any unexpended or unencumbered balance remaining at  
5 the end of any fiscal year in the armed forces veterans  
6 license fund shall not revert to the general fund.

7 G. A person shall not falsely represent that the  
8 person was honorably discharged from the armed forces or  
9 retired from the national guard or military reserves so as to  
10 be eligible to be issued a special registration plate pursuant  
11 to this section. A person who violates the provisions of this  
12 subsection is guilty of a penalty assessment misdemeanor."

13 SECTION 17. Section 66-3-421 NMSA 1978 (being Laws 1993,  
14 Chapter 180, Section 8) is amended to read:

15 "66-3-421. SPECIAL REGISTRATION PLATES--NEW MEXICO  
16 RANGERS AND NEW MEXICO MOUNTED PATROL--SUBMISSION OF PROOF--  
17 PENALTY.--

18 A. The [~~division~~] department shall issue special  
19 registration plates to any person who is a New Mexico ranger  
20 or a member of the New Mexico mounted patrol upon the  
21 submission by the person of proof satisfactory to the  
22 [~~division~~] department that [~~he~~] the person is currently a New  
23 Mexico ranger or a member of the New Mexico mounted patrol.  
24 No fee, including the regular registration fee applicable to  
25 the passenger motor vehicle, if any, shall be collected for

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1 the issuance of the special registration plates pursuant to  
2 this section.

3 B. ~~[No]~~ A person shall not falsely represent  
4 ~~[himself to be]~~ that the person is a New Mexico ranger or a  
5 member of the New Mexico mounted patrol so as to be eligible  
6 to be issued special registration plates pursuant to this  
7 section when ~~[he]~~ the person in fact is not a New Mexico  
8 ranger or a member of the New Mexico mounted patrol.

9 C. ~~[Any]~~ A person eligible for a special  
10 registration plate ~~[under]~~ provided for in this section shall  
11 only be eligible for one such plate.

12 D. ~~[Any]~~ A person who violates the provisions of  
13 Subsection B of this section is guilty of a penalty assessment  
14 misdemeanor."

15 SECTION 18. Section 66-3-422 NMSA 1978 (being Laws 1998,  
16 Chapter 21, Section 1, as amended) is amended to read:

17 "66-3-422. SPECIAL REGISTRATION PLATES ~~[FOR]~~--  
18 FIREFIGHTERS AND VOLUNTEER FIREFIGHTERS.--

19 A. The department shall issue special registration  
20 plates to a person employed as a New Mexico firefighter, upon  
21 the submission by the person of proof satisfactory to the  
22 department that the person is currently employed as a New  
23 Mexico firefighter, including submission of a signed consent  
24 form from the fire chief.

25 B. The department shall issue special registration

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1 plates to a person who is an active volunteer firefighter with  
2 a volunteer fire department recognized by the state fire  
3 marshal upon the submission by the person of proof  
4 satisfactory to the department that the person is currently an  
5 active member of a recognized volunteer fire department. Such  
6 proof shall include the submission of a signed consent form  
7 from the fire chief.

8 C. A person shall not [~~make any representation as~~  
9 ~~being~~] falsely represent that the person is a New Mexico  
10 firefighter or volunteer firefighter if the person is not, in  
11 fact, a New Mexico firefighter or volunteer firefighter. The  
12 secretary shall determine what constitutes satisfactory proof  
13 of employment as a New Mexico firefighter or status as a  
14 volunteer firefighter.

15 D. A person who violates the provisions of  
16 Subsection C of this section is guilty of a [~~petty~~] penalty  
17 assessment misdemeanor [~~and shall be sentenced pursuant to~~  
18 ~~Section 31-19-1 NMSA 1978~~].

19 E. A fee of twenty-five dollars (\$25.00), which is  
20 in addition to the regular motor vehicle registration fee,  
21 shall be collected by the department for the original issuance  
22 of the special registration plate for New Mexico firefighters  
23 and volunteer firefighters.

24 F. Ten dollars (\$10.00) of the fee collected  
25 pursuant to Subsection E of this section shall be retained by

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1 the department and is appropriated to the department to defray  
2 the cost of making and issuing special registration plates for  
3 New Mexico firefighters and volunteer firefighters.

4 G. The amount of the fee collected pursuant to  
5 this section less any amount distributed pursuant to  
6 Subsection F of this section shall be deposited in the  
7 firefighters' survivors fund.

8 H. The secretary shall approve the final plate  
9 design for the special registration plates for New Mexico  
10 firefighters in accordance with New Mexico law. The secretary  
11 shall approve and issue a separate and distinctive plate  
12 clearly marked as "volunteer" for issuance to volunteer  
13 firefighters.

14 I. When a person holding a special plate pursuant  
15 to this section ceases to be employed as a firefighter or  
16 serve as an active volunteer firefighter, the person shall  
17 immediately remove the plate from the vehicle and return it to  
18 the secretary, at which time it shall be exchanged for a  
19 regular registration plate. A person who fails to remove and  
20 return a special plate as required by the provisions of this  
21 subsection is guilty of a penalty assessment misdemeanor. A  
22 firefighter who holds a special plate and retires may retain  
23 the special plate."

24 SECTION 19. Section 66-3-424.4 NMSA 1978 (being Laws  
25 2003, Chapter 176, Section 2) is amended to read:

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1 "66-3-424.4. STANDARDIZED SPECIAL REGISTRATION [~~PLATE~~  
2 FOR] PLATES--RETIRED MEMBERS OF THE NEW MEXICO NATIONAL  
3 GUARD.--

4 A. The [~~division~~] department shall issue a  
5 standardized special registration plate with a logo specified  
6 in Section 66-3-424 NMSA 1978 indicating that the recipient is  
7 a person who is a retired member of the New Mexico national  
8 guard upon submission by the person of proof satisfactory to  
9 the [~~division~~] department that the person is a retired member  
10 of the guard.

11 B. A person shall not falsely represent [~~himself~~  
12 ~~to be~~] that the person is a retired member of the New Mexico  
13 national guard if that person is not in fact a retired member  
14 of the guard.

15 C. A person who violates the provisions of  
16 Subsection B of this section is guilty of a penalty assessment  
17 misdemeanor [~~and shall be sentenced pursuant to Section~~  
18 ~~31-19-1 NMSA 1978~~].

19 D. A fee of twenty-five dollars (\$25.00), which  
20 [~~shall be~~] is in addition to the regular motor vehicle  
21 registration fee, shall be collected by the [~~division~~]  
22 department for the original issuance of the special  
23 registration plate for retired members of the New Mexico  
24 national guard.

25 E. Ten dollars (\$10.00) of the fee collected

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1 pursuant to Subsection D of this section shall be retained by  
2 the ~~[division]~~ department and is appropriated to the  
3 ~~[division]~~ department to defray the cost of making and issuing  
4 special registration plates for retired members of the New  
5 Mexico national guard.

6 F. The amount of the fee collected pursuant to  
7 Subsection D of this section less any amount distributed  
8 pursuant to Subsection E of this section shall be deposited in  
9 the motor vehicle suspense fund for distribution pursuant to  
10 Section 66-6-23 NMSA 1978.

11 G. The secretary shall approve the final logo  
12 design for the special registration plate for retired members  
13 of the New Mexico national guard."

14 **SECTION 20.** Section 66-3-424.5 NMSA 1978 (being Laws  
15 2003, Chapter 177, Section 2) is amended to read:

16 "66-3-424.5. SPECIAL REGISTRATION PLATES ~~[FOR]~~--NEW  
17 MEXICO MEMBERS OF THE FRATERNAL ORDER OF POLICE.--

18 A. The department shall issue a standardized  
19 special registration plate with a logo specified in Section  
20 66-3-424 NMSA 1978 indicating that the recipient is a New  
21 Mexico member of the fraternal order of police.

22 B. ~~[No]~~ A person shall not falsely represent  
23 ~~[himself to be]~~ that the person is a New Mexico member of the  
24 fraternal order of police if ~~[he]~~ the person is, in fact, not  
25 a New Mexico member of the fraternal order of police. The

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1 secretary shall determine what constitutes satisfactory proof.

2 C. A person who violates the provisions of  
3 Subsection B of this section is guilty of a [~~petty~~] penalty  
4 assessment misdemeanor [~~and shall be sentenced pursuant to~~  
5 ~~Section 31-19-1 NMSA 1978~~].

6 D. A fee of twenty-five dollars (\$25.00), which  
7 [~~shall be~~] is in addition to the regular motor vehicle  
8 registration fee, shall be collected by the department for the  
9 original issuance of the special registration plate for a New  
10 Mexico member of the fraternal order of police.

11 E. Ten dollars (\$10.00) of the fee collected  
12 pursuant to Subsection D of this section shall be retained by  
13 the department and is appropriated to the department to defray  
14 the cost of making and issuing a special registration plate  
15 for a New Mexico member of the fraternal order of police.

16 F. The amount of the fee collected pursuant to  
17 this section less any amount distributed pursuant to  
18 Subsection E of this section shall be deposited in the motor  
19 vehicle suspense fund for distribution in accordance with  
20 Section 66-6-23 NMSA 1978.

21 G. The secretary shall approve the final logo  
22 design for the special registration plates for New Mexico  
23 members of the fraternal order of police.

24 H. When a person holding a special plate ceases to  
25 be a New Mexico member of the fraternal order of police, [~~he~~]

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1 the person shall immediately remove the plate from the vehicle  
2 and return it to the secretary, at which time it shall be  
3 exchanged for a regular registration plate. A person who  
4 fails to remove and return a special plate as required by the  
5 provisions of this subsection is guilty of a penalty  
6 assessment misdemeanor."

7 SECTION 21. Section 66-3-424.7 NMSA 1978 (being Laws  
8 2003, Chapter 179, Section 2) is amended to read:

9 "66-3-424.7. REGISTRATION PLATES ~~[FOR]~~--MEMBERS OF THE  
10 CIVIL AIR PATROL, NEW MEXICO WING.--

11 A. The department shall issue a standardized  
12 special registration plate with a logo specified in Section  
13 66-3-424 NMSA 1978 indicating that the recipient is a member  
14 of the civil air patrol, New Mexico wing, upon the submission  
15 by the person of proof satisfactory to the department that  
16 ~~[he]~~ the person is a member of the civil air patrol, New  
17 Mexico wing. Such proof shall include the submission of a  
18 signed consent form from the civil air patrol, New Mexico  
19 wing.

20 B. A person shall not falsely represent ~~[himself~~  
21 ~~to be]~~ that the person is a member of the civil air patrol,  
22 New Mexico wing, if that person is, in fact, not a member of  
23 the civil air patrol, New Mexico wing. The secretary shall  
24 determine what constitutes satisfactory proof that a person is  
25 a member of the civil air patrol, New Mexico wing.

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1           C. A person who violates the provisions of  
2 Subsection B of this section is guilty of a [~~petty~~] penalty  
3 assessment misdemeanor [~~and shall be sentenced pursuant to~~  
4 ~~Section 31-19-1 NMSA 1978~~].

5           D. A fee of twenty-five dollars (\$25.00), which  
6 [~~shall be~~] is in addition to the regular motor vehicle  
7 registration fee, shall be collected by the department for the  
8 original issuance of the special registration plate for a  
9 member of the civil air patrol, New Mexico wing.

10           E. Ten dollars (\$10.00) of the fee collected  
11 pursuant to Subsection D of this section shall be retained by  
12 the department and is appropriated to the department to defray  
13 the cost of making and issuing special registration plates for  
14 members of the civil air patrol, New Mexico wing. The  
15 remaining fifteen dollars (\$15.00) shall be deposited in the  
16 motor vehicle suspense fund for distribution in accordance  
17 with Section 66-6-23 NMSA 1978.

18           F. The secretary shall approve the final logo  
19 design for the special registration plates for members of the  
20 civil air patrol, New Mexico wing, in accordance with New  
21 Mexico law. The secretary shall approve and issue a separate  
22 and distinctive logo clearly marked as "civil air patrol" for  
23 issuance to members of the civil air patrol, New Mexico wing."

24           **SECTION 22.** Section 66-3-424.9 NMSA 1978 (being Laws  
25 2003, Chapter 181, Section 2) is amended to read:

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1 "66-3-424.9. STANDARDIZED SPECIAL REGISTRATION [PLATE  
2 FOR] PLATES--RETIRED FIREFIGHTERS.--

3 A. The [~~division~~] department shall issue a  
4 standardized special registration plate with a logo specified  
5 in Section 66-3-424 NMSA 1978 indicating that the recipient is  
6 a person who is a retired New Mexico firefighter upon  
7 submission by the person of proof satisfactory to the  
8 [~~division~~] department that the person has retired from active  
9 employment as a firefighter.

10 B. A person shall not falsely represent [~~himself~~  
11 ~~to be~~] that the person is a retired New Mexico firefighter if  
12 [~~he~~] the person is not, in fact, a retired New Mexico  
13 firefighter. The secretary shall determine what constitutes  
14 proof of previous active employment as a firefighter and proof  
15 of retirement.

16 C. A person who violates the provisions of  
17 Subsection B of this section is guilty of a [~~petty~~] penalty  
18 assessment misdemeanor [~~and shall be sentenced pursuant to~~  
19 ~~Section 31-19-1 NMSA 1978~~].

20 D. A fee of twenty-five dollars (\$25.00), which is  
21 in addition to the regular motor vehicle registration fee,  
22 shall be collected by the department for the original issuance  
23 of the special registration plate for retired New Mexico  
24 firefighters.

25 E. Ten dollars (\$10.00) of the fee collected

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1 pursuant to Subsection D of this section shall be retained by  
2 the department and [~~shall be~~] is appropriated to the  
3 department to defray the cost of making and issuing special  
4 registration plates for retired New Mexico firefighters.

5 F. The amount of the fee collected pursuant to  
6 this section less any amount distributed pursuant to  
7 Subsection E of this section shall be deposited in the motor  
8 vehicle suspense fund for distribution in accordance with  
9 Section 66-6-23 NMSA 1978.

10 G. The secretary shall approve the final logo  
11 design for the special registration plates for retired New  
12 Mexico firefighters."

13 SECTION 23. Section 66-3-424.13 NMSA 1978 (being Laws  
14 2003, Chapter 211, Section 2) is amended to read:

15 "66-3-424.13. STANDARDIZED SPECIAL REGISTRATION [~~PLATE~~  
16 ~~FOR~~] PLATES--RETIRED NEW MEXICO STATE POLICE OFFICERS.--

17 A. The [~~division~~] department shall issue a  
18 standardized special registration plate with a logo specified  
19 in Section 66-3-424 NMSA 1978 indicating that the recipient is  
20 a person who is a retired New Mexico state police officer upon  
21 submission by the person of proof satisfactory to the  
22 [~~division~~] department that the person is a retired New Mexico  
23 state police officer. The proof shall include the submission  
24 of a retirement commission from the New Mexico state police.

25 B. [~~No~~] A person shall not falsely represent

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1 ~~[himself to be]~~ that the person is a retired New Mexico state  
2 police officer if that person is, in fact, not a retired New  
3 Mexico state police officer. The secretary shall determine  
4 what constitutes satisfactory proof that a person is a retired  
5 New Mexico state police officer.

6 C. A person who violates the provisions of  
7 Subsection B of this section is guilty of a ~~[petty]~~ penalty  
8 assessment misdemeanor ~~[and shall be sentenced pursuant to~~  
9 ~~Section 31-19-1 NMSA 1978]~~.

10 D. A fee of twenty-five dollars (\$25.00), which is  
11 in addition to the regular motor vehicle registration fee,  
12 shall be collected by the ~~[division]~~ department for the  
13 original issuance of the special registration plate for  
14 retired New Mexico state police officers.

15 E. Ten dollars (\$10.00) of the fee collected  
16 pursuant to Subsection D of this section shall be retained by  
17 the ~~[division]~~ department and is appropriated to the  
18 ~~[division]~~ department to defray the cost of making and issuing  
19 special registration plates for retired New Mexico state  
20 police officers. The remaining fifteen dollars (\$15.00) shall  
21 be deposited in the motor vehicle suspense fund for  
22 distribution pursuant to Section 66-6-23 NMSA 1978.

23 F. The secretary shall approve the final logo  
24 design for the special registration plate for retired New  
25 Mexico state police officers. The logo shall be clearly

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1 marked as "retired New Mexico state police" for issuance to  
2 retired New Mexico state police officers."

3 SECTION 24. Section 66-3-424.16 NMSA 1978 (being Laws  
4 2005, Chapter 344, Section 1) is amended to read:

5 "66-3-424.16. SPECIAL REGISTRATION PLATES [FOR]--  
6 EMERGENCY MEDICAL TECHNICIANS.--

7 A. The department shall issue a standardized  
8 special registration plate with a logo specified in Section  
9 66-3-424 NMSA 1978 indicating that the recipient is an  
10 emergency medical technician.

11 B. ~~[No]~~ A person shall not falsely represent  
12 ~~[himself to be]~~ that the person is an emergency medical  
13 technician if ~~[he]~~ the person is, in fact, not an emergency  
14 medical technician licensed in New Mexico. The secretary  
15 shall determine what constitutes satisfactory proof.

16 C. A person who violates the provisions of  
17 Subsection B of this section is guilty of a ~~[petty]~~ penalty  
18 assessment misdemeanor ~~[and shall be sentenced pursuant to~~  
19 ~~Section 31-19-1 NMSA 1978]~~.

20 D. A fee of twenty-five dollars (\$25.00), which  
21 shall be in addition to the regular motor vehicle registration  
22 fee, shall be collected by the department for the original  
23 issuance of the special registration plate for an emergency  
24 medical technician.

25 E. Ten dollars (\$10.00) of the fee collected

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1 pursuant to Subsection D of this section shall be retained by  
2 the department and is appropriated to the department to defray  
3 the cost of making and issuing a special registration plate  
4 for emergency medical technicians.

5 F. The amount of the fee collected pursuant to  
6 this section less any amount distributed pursuant to  
7 Subsection E of this section shall be deposited in the motor  
8 vehicle suspense fund for distribution in accordance with  
9 Section 66-6-23 NMSA 1978.

10 G. The secretary shall approve the final logo  
11 design for the special registration plate for emergency  
12 medical technicians.

13 H. When a person holding a special registration  
14 plate ceases to be an emergency medical technician, [~~he~~] the  
15 person shall immediately remove the plate from the vehicle and  
16 return it to the department, at which time it shall be  
17 exchanged for a regular registration plate."

18 SECTION 25. Section 66-3-424.24 NMSA 1978 (being Laws  
19 2009, Chapter 88, Section 1) is amended to read:

20 "66-3-424.24. SPECIAL REGISTRATION PLATES--GOLD STAR  
21 FAMILIES--SUBMISSION OF PROOF--PENALTY.--

22 A. Except as provided in Subsection B of this  
23 section, the [~~division~~] department shall issue distinctive  
24 registration plates to the surviving mother, father,  
25 stepparent or spouse of a service member killed in an armed

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1 conflict with an enemy of the United States upon the  
2 submission by the person of proof satisfactory to the  
3 [~~division~~] department that the person's son, daughter,  
4 stepchild or spouse was a service member killed in an armed  
5 conflict with an enemy of the United States.

6 B. For each family of a service member described  
7 in Subsection A of this section, the [~~division~~] department  
8 shall issue special registration plates for no more than four  
9 vehicles.

10 C. No fee, including the regular registration fee  
11 applicable to the passenger motor vehicle, if any, shall be  
12 collected for issuance of the first special registration plate  
13 issued to the mother or spouse of a service member described  
14 in Subsection A of this section. No fee other than the  
15 regular registration fee applicable to the passenger motor  
16 vehicle, if any, shall be collected for issuance of the three  
17 additional special registration plates issued to the family of  
18 a service member described in Subsection A of this section.

19 D. The special registration plate issued pursuant  
20 to this section shall be known as the "gold star families"  
21 special registration plate.

22 E. The [~~division~~] department, with the advice and  
23 consultation of the gold star mothers, shall determine the  
24 color and design of the gold star families registration plate  
25 and provide for its issuance.

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1           F. ~~[No]~~ A person shall not falsely ~~[claim to be]~~  
2 represent that the person is a surviving mother, father,  
3 stepparent or spouse of a service member killed in an armed  
4 conflict with an enemy of the United States so as to be  
5 eligible to be issued special registration plates pursuant to  
6 this section.

7           G. Any person who violates the provisions of  
8 Subsection F of this section is guilty of a penalty assessment  
9 misdemeanor."

10           **SECTION 26.** Section 66-3-424.28 NMSA 1978 (being Laws  
11 2009, Chapter 86, Section 1) is amended to read:

12           "66-3-424.28. STANDARDIZED SPECIAL REGISTRATION ~~[PLATE~~  
13 ~~FOR]~~ PLATES--RETIRED NEW MEXICO LAW ENFORCEMENT OFFICERS.--

14           A. The ~~[division]~~ department shall issue a  
15 standardized special registration plate with a logo specified  
16 in Section 66-3-424 NMSA 1978 indicating that the recipient is  
17 a person who is a retired New Mexico law enforcement officer  
18 upon submission by the person of proof satisfactory to the  
19 ~~[division]~~ department that the person is a retired New Mexico  
20 law enforcement officer. The proof shall include the  
21 submission of a retirement commission from a New Mexico law  
22 enforcement agency.

23           B. A person shall not ~~[make any representation as~~  
24 ~~being]~~ falsely represent that the person is a retired New  
25 Mexico law enforcement officer if that person is, in fact, not

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1 a retired New Mexico law enforcement officer. The secretary  
2 shall determine what constitutes satisfactory proof that a  
3 person is a retired New Mexico law enforcement officer.

4 C. A person who violates the provisions of  
5 Subsection B of this section is guilty of a [~~petty~~] penalty  
6 assessment misdemeanor [~~and shall be sentenced pursuant to~~  
7 ~~Section 31-19-1 NMSA 1978~~].

8 D. A fee of twenty-five dollars (\$25.00), which is  
9 in addition to the regular motor vehicle registration fee,  
10 shall be collected by the [~~division~~] department for the  
11 original issuance of the special registration plate for  
12 retired New Mexico law enforcement officers.

13 E. Ten dollars (\$10.00) of the fee collected  
14 pursuant to Subsection D of this section shall be retained by  
15 the [~~division~~] department and is appropriated to the  
16 [~~division~~] department to defray the cost of making and issuing  
17 special registration plates for retired New Mexico law  
18 enforcement officers. The remaining fifteen dollars (\$15.00)  
19 shall be deposited in the motor vehicle suspense fund for  
20 distribution pursuant to Section 66-6-23 NMSA 1978.

21 F. The secretary shall approve the final logo  
22 design for the special registration plate for retired New  
23 Mexico law enforcement officers. The logo shall be clearly  
24 marked as "retired New Mexico law enforcement officer" for  
25 issuance to retired New Mexico law enforcement officers."

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1           SECTION 27. Section 66-3-701 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 100) is amended to read:

3           "66-3-701. BICYCLES--EFFECT OF REGULATIONS.--

4           A. It is a penalty assessment misdemeanor for  
5 [~~any~~] a person to do any act forbidden or fail to perform any  
6 act required by Sections [~~64-3-701 through 64-3-707 NMSA 1953~~]  
7 66-3-701 through 66-3-707 NMSA 1978.

8           B. The parent of any child and the guardian of any  
9 ward shall not authorize or permit any [~~such~~] child or ward to  
10 violate any of the provisions of the Motor Vehicle Code.

11           C. These regulations applicable to bicycles  
12 [~~shall~~] apply whenever a bicycle is operated upon any highway  
13 or upon any path set aside for the exclusive use of bicycles  
14 subject to those exceptions stated [~~herein~~] in Sections  
15 66-3-701 through 66-3-707 NMSA 1978."

16           SECTION 28. Section 66-3-801 NMSA 1978 (being Laws 1978,  
17 Chapter 35, Section 107, as amended) is amended to read:

18           "66-3-801. EQUIPMENT--PROHIBITED ACTS.--

19           A. Except as otherwise provided in this section,  
20 it is a penalty assessment misdemeanor for [~~any~~] a person to  
21 drive or move or for the owner to cause or permit to be driven  
22 or moved on any highway any vehicle or combination of vehicles  
23 [~~which~~] that is in such unsafe condition as to endanger any  
24 person or [~~which~~] that does not contain those parts or is not  
25 at all times equipped with such lamps and other equipment in

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1 proper condition and adjustment as is required by Sections  
2 66-3-801 through 66-3-887 NMSA 1978 or ~~which~~ that is  
3 equipped in any manner that is in violation of those sections  
4 or for any person to do any act forbidden or fail to perform  
5 any act required under those sections.

6 B. Nothing contained in Sections 66-3-801 through  
7 66-3-887 NMSA 1978 shall be construed to prohibit the use of  
8 additional parts and accessories on any vehicle ~~which~~ that  
9 are not inconsistent with the provisions of those sections.

10 C. The provisions of Sections 66-3-801 through  
11 66-3-887 NMSA 1978 with respect to equipment on vehicles shall  
12 not apply to implements of husbandry, road machinery, road  
13 rollers or farm tractors except as made applicable in those  
14 sections.

15 D. The provisions of Sections 66-3-801 through  
16 66-3-887 NMSA 1978 apply to vehicles subject to the provisions  
17 of the Motor Carrier Safety Act only to the extent that the  
18 provisions of Sections 66-3-801 through 66-3-887 NMSA 1978 do  
19 not conflict with the provisions of the Motor Carrier Safety  
20 Act and regulations promulgated under that act."

21 SECTION 29. Section 66-3-802 NMSA 1978 (being Laws 1978,  
22 Chapter 35, Section 108) is amended to read:

23 "66-3-802. WHEN LIGHTED LAMPS ARE REQUIRED.--

24 A. Every vehicle upon a highway within this state  
25 at any time from a half-hour after sunset to a half-hour

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1 before sunrise and at any other time when there is not  
2 sufficient light to render clearly discernible persons and  
3 vehicles on the highway at a distance of five hundred feet  
4 ahead shall display lighted lamps and illuminating devices as  
5 [~~hereinafter~~] respectively required in Sections 66-3-801  
6 through 66-3-887 NMSA 1978 for different classes of vehicles,  
7 subject to exceptions with respect to parked vehicles as  
8 [~~hereinafter~~] stated in Section 66-3-825 NMSA 1978.

9 B. A person who violates the provisions of this  
10 section is guilty of a penalty assessment misdemeanor."

11 SECTION 30. Section 66-3-804 NMSA 1978 (being Laws 1978,  
12 Chapter 35, Section 110, as amended) is amended to read:

13 "66-3-804. HEADLAMPS ON MOTOR VEHICLES.--

14 A. Every motor vehicle other than a motorcycle  
15 shall be equipped with at least two headlamps with at least  
16 one on each side of the front of the motor vehicle, which  
17 headlamps [~~shall~~] comply with the requirements and limitations  
18 set forth in Sections 66-3-801 through 66-3-887 NMSA 1978.

19 B. Every motorcycle shall be equipped with at  
20 least one and not more than two headlamps [~~which shall~~] that  
21 comply with the requirements and limitations of Sections  
22 66-3-801 through 66-3-887 NMSA 1978.

23 C. Every headlamp upon every motor vehicle,  
24 including every motorcycle, shall be located at a height  
25 measured from the center of the headlamp of not more than

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1 fifty-four inches [~~not~~] or less than twenty inches to be  
2 measured as set forth in Subsection B of Section 66-3-803 NMSA  
3 1978. The provisions of this subsection [~~shall~~] apply only to  
4 new motor vehicles sold after July 1, 1953.

5 D. A person who violates the provisions of this  
6 section is guilty of a penalty assessment misdemeanor."

7 SECTION 31. Section 66-3-805 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 111) is amended to read:

9 "66-3-805. TAIL LAMPS.--

10 A. Every motor vehicle, trailer, semitrailer,  
11 [~~and~~] pole trailer and any other vehicle [~~which~~] that is being  
12 drawn at the end of a train of vehicles shall be equipped with  
13 at least one tail lamp mounted on the rear [~~which~~] that, when  
14 lighted as [~~hereinbefore~~] required [~~shall emit~~] in Section  
15 66-3-802 NMSA 1978, emits a red light plainly visible from a  
16 distance of five hundred feet to the rear; provided that, in  
17 the case of a train of vehicles, only the tail lamp on the  
18 rearmost vehicle need actually be seen from the distance  
19 specified. [~~And further~~] Every such [~~above-mentioned~~]  
20 vehicle, other than a truck tractor, registered in this state  
21 and manufactured or assembled after July 1, 1953 shall be  
22 equipped with at least two tail lamps mounted on the rear  
23 [~~which~~] that when lighted as [~~herein~~] required [~~shall~~] in  
24 Section 66-3-802 NMSA 1978 comply with the provisions of this  
25 section.

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1           B. Every tail lamp upon every vehicle shall be  
2 located at [~~at~~] a height of not more than seventy-two inches  
3 [~~nor~~] or less than twenty inches.

4           C. Either a tail lamp or a separate lamp shall be  
5 so constructed and placed as to illuminate with a white light  
6 the rear registration plate and render it clearly legible from  
7 a distance of fifty feet to the rear. Any tail lamp [~~or tail~~  
8 ~~lamps~~], together with any separate lamp for illuminating the  
9 rear registration plate, shall be so wired as to be lighted  
10 whenever the headlamps or auxiliary driving lamps are lighted.

11           D. A person who violates the provisions of this  
12 section is guilty of a penalty assessment misdemeanor."

13           **SECTION 32.** Section 66-3-806 NMSA 1978 (being Laws 1978,  
14 Chapter 35, Section 112, as amended) is amended to read:

15           "66-3-806. NEW MOTOR VEHICLES TO BE EQUIPPED WITH  
16 REFLECTORS.--

17           A. Every new motor vehicle hereafter sold and  
18 operated upon a highway, other than a truck tractor, shall  
19 carry on the rear, either as a part of the tail lamps or  
20 separately, two red reflectors, except that every motorcycle  
21 shall carry at least one reflector, meeting the requirements  
22 of this section, and except that vehicles of the type  
23 mentioned in Section 66-3-809 NMSA 1978 shall be equipped with  
24 reflectors as required in those sections applicable [~~thereto~~]  
25 to those vehicles.

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1           B. Every [~~such~~] reflector shall be mounted on the  
2 vehicle at a height not less than twenty inches [~~not~~] or more  
3 than sixty inches measured as set forth in Subsection B of  
4 Section 66-3-803 NMSA 1978 and shall be of such size and  
5 characteristics and so mounted as to be visible at night from  
6 all distances within three hundred feet to fifty feet from  
7 [~~such~~] the vehicle when directly in front of lawful upper  
8 beams of headlamps, except that visibility from a greater  
9 distance is hereinafter required of reflectors on certain  
10 types of vehicles.

11           C. A person who violates the provisions of this  
12 section is guilty of a penalty assessment misdemeanor."

13           **SECTION 33.** Section 66-3-846 NMSA 1978 (being Laws 1978,  
14 Chapter 35, Section 152, as amended) is amended to read:

15           "66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED  
16 WITH WIPERS--WINDOWS MUST BE TRANSPARENT--EXCEPTION.--

17           A. No person shall drive any motor vehicle with  
18 any sign, poster or other nontransparent material upon or in  
19 the front windshield, the windows to the immediate right and  
20 left of the driver or [~~in~~] the rearmost window if the latter  
21 is used for driving visibility, except as provided in Section  
22 66-3-846.1 NMSA 1978. The rearmost window is not necessary  
23 for driving visibility where outside rearview mirrors are  
24 attached to the vehicle.

25           B. The windshield on every motor vehicle except a

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1 motorcycle shall be equipped with a device for cleaning rain,  
2 snow or other moisture from the windshield, which device shall  
3 be so constructed as to be controlled or operated by the  
4 driver of the vehicle.

5 C. Every windshield wiper upon a motor vehicle  
6 shall be maintained in good working order.

7 D. A person who violates the provisions of this  
8 section is guilty of a penalty assessment misdemeanor."

9 SECTION 34. Section 66-3-846.1 NMSA 1978 (being Laws  
10 1997, Chapter 151, Section 2) is amended to read:

11 "66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND  
12 WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--

13 A. A person shall not operate on any street or  
14 highway a motor vehicle that is registered or required to be  
15 registered in this state if that motor vehicle has a sun  
16 screening material on the windshield or any window that does  
17 not comply with the requirements of this section.

18 B. Except as otherwise provided in this section, a  
19 sun screening material:

20 (1) when used in conjunction with the  
21 windshield, shall be nonreflective, shall not be red, yellow  
22 or amber in color and shall be used only along the top of the  
23 windshield, not extending downward beyond the ASI line or more  
24 than five inches from the top of the windshield, whichever is  
25 closer to the top of the windshield; and

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1                   (2) when used in conjunction with the safety  
2 glazing materials of the side wings or side windows located at  
3 the immediate right and left of the driver, the side windows  
4 behind the driver and the rearmost window shall be  
5 nonreflective, shall have a light transmission of not less  
6 than twenty percent and shall be used only on the windows of a  
7 motor vehicle equipped with one right and one left outside  
8 rearview mirror.

9                   C. Each manufacturer shall:

10                   (1) certify to the division that a sun  
11 screening material used by that manufacturer is in compliance  
12 with the nonreflectivity and light transmission requirements  
13 of this section;

14                   (2) provide a label not to exceed one and  
15 one-half square inches in size that:

16                   (a) is installed permanently and  
17 legibly between the sun screening material and each glazing  
18 surface to which it is applied;

19                   (b) contains the manufacturer's name,  
20 the date that the sun screening material was manufactured and  
21 the percentage of light transmission; and

22                   (c) is placed in the left lower corner  
23 of each glazing surface when facing the motor vehicle from the  
24 outside; and

25                   (3) include instructions with the sun

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1 screening material for proper installation, including the  
2 affixing of the label specified in this subsection.

3 D. ~~No~~ A person shall not:

4 (1) offer for sale or for use any sun  
5 screening material for motor vehicle use not in compliance  
6 with this section; or

7 (2) install any sun screening material on  
8 motor vehicles intended for operation on any street or highway  
9 without permanently affixing the label specified in Subsection  
10 C of this section.

11 E. The provisions of this section do not apply to  
12 a motor vehicle registered in this state in the name of a  
13 person, or the person's legal guardian, who has an affidavit  
14 signed by a physician or an optometrist licensed to practice  
15 in this state that states that the person has a physical  
16 condition that makes it necessary to equip the motor vehicle  
17 with sun screening material that is in violation of this  
18 section. The affidavit shall be in the possession of the  
19 person with such a physical condition, or the person's legal  
20 guardian, at all times while being transported in the motor  
21 vehicle.

22 F. The light transmission requirement of this  
23 section does not apply to windows behind the driver on truck  
24 tractors, buses, recreational vehicles, multipurpose passenger  
25 vehicles ~~and~~ or motor homes. The provisions of this section

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1 shall not apply to motor vehicle glazing [~~which~~] that complies  
2 with federal motor vehicle standards.

3 G. The provisions of this section do not apply to  
4 motor vehicles that have sun screening material on the  
5 windshield or any window prior to [~~the effective date of this~~  
6 ~~section~~] July 1, 1997.

7 H. As used in this section:

8 (1) "light transmission" means the ratio of  
9 the amount of total light that passes through a product or  
10 material, expressed in percentages, to the amount of the total  
11 light falling on the product or material;

12 (2) "manufacturer" means any person engaged  
13 in the manufacturing or assembling of sun screening products  
14 or materials designed to be used in conjunction with motor  
15 vehicle glazing materials for the purpose of reducing the  
16 effects of the sun;

17 (3) "nonreflective" means designed to absorb  
18 light rather [~~that~~] than to reflect it; and

19 (4) "sun screening material" means any film  
20 material, substance, device or product that is designed to be  
21 used in conjunction with motor vehicle safety glazing  
22 materials for reducing the effects of the sun.

23 I. [~~Any~~] A person who violates [~~any~~] a provision  
24 of this section is guilty of a [~~petty~~] penalty assessment  
25 misdemeanor [~~and upon conviction shall be punished by a fine~~

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1 of not more than seventy-five dollars (\$75.00)]."

2 SECTION 35. Section 66-3-901 NMSA 1978 (being Laws 1978,  
3 Chapter 35, Section 194, as amended) is amended to read:

4 "66-3-901. VEHICLES WITHOUT REQUIRED EQUIPMENT OR IN  
5 UNSAFE CONDITION.--[No]

6 A. A person shall not drive or move on any highway  
7 any motor vehicle, trailer, semitrailer or pole trailer or any  
8 combination thereof unless the equipment upon every vehicle is  
9 in good working order and adjustment as required in the Motor  
10 Vehicle Code and the vehicle is in such safe mechanical  
11 condition as not to endanger the driver or other occupant or  
12 any person upon the highway.

13 B. A person who violates the provisions of this  
14 section is guilty of a penalty assessment misdemeanor."

15 SECTION 36. Section 66-5-16 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 238, as amended) is amended to read:

17 "66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON  
18 DEMAND.--Every licensee shall have [~~his~~] the licensee's  
19 driver's license in [~~his~~] the licensee's immediate possession  
20 at all times when operating a motor vehicle and shall display  
21 the license upon demand of a magistrate, a peace officer or a  
22 field deputy or inspector of the division. A person who  
23 violates the provisions of this section is guilty of a penalty  
24 assessment misdemeanor; however, [~~no~~] a person charged with  
25 violating this section shall not be convicted if [~~he~~] the

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1 person produces in court a driver's license [~~theretofore~~]  
2 issued to [~~him~~] the person and valid at the time of [~~his~~] the  
3 person's arrest."

4 SECTION 37. Section 66-5-30 NMSA 1978 (being Laws 1978,  
5 Chapter 35, Section 252, as amended) is amended to read:

6 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE  
7 LICENSE.--

8 A. The division may suspend the instruction  
9 permit, driver's license or provisional license of a driver  
10 without preliminary hearing upon a showing by its records or  
11 other sufficient evidence, including information provided to  
12 the state pursuant to an intergovernmental agreement  
13 authorized by Section 66-5-27.1 NMSA 1978, that the licensee:

14 (1) has been convicted of an offense for  
15 which mandatory revocation of license is required upon  
16 conviction;

17 (2) has been convicted as a driver in an  
18 accident resulting in the death or personal injury of another  
19 or serious property damage;

20 (3) has been convicted with such frequency of  
21 offenses against traffic laws or rules governing motor  
22 vehicles as to indicate a disrespect for traffic laws and a  
23 disregard for the safety of other persons on the highways;

24 (4) is an habitually reckless or negligent  
25 driver of a motor vehicle;

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1 (5) is incompetent to drive a motor vehicle;

2 (6) has permitted an unlawful or fraudulent  
3 use of the license;

4 (7) has been convicted of an offense in  
5 another state or tribal jurisdiction that if committed within  
6 this state's jurisdiction would be grounds for suspension or  
7 revocation of the license;

8 (8) has violated provisions stipulated by a  
9 district court in limitation of certain driving privileges; or

10 ~~[(9) has failed to fulfill a signed promise~~  
11 ~~to appear or notice to appear in court as evidenced by notice~~  
12 ~~from a state court or tribal court, whenever appearance is~~  
13 ~~required by law or by the court as a consequence of a charge~~  
14 ~~or conviction under the Motor Vehicle Code or pursuant to the~~  
15 ~~laws of the tribe;~~

16 ~~(10) has failed to pay a penalty assessment~~  
17 ~~within thirty days of the date of issuance by the state or a~~  
18 ~~tribe; or~~

19 ~~(11)]~~ (9) has accumulated seven points, but  
20 less than eleven points, and when the division has received a  
21 recommendation from a municipal or magistrate judge that the  
22 license be suspended for a period not to exceed three months.

23 B. Upon suspending the license of a person as  
24 authorized in this section, the division shall immediately  
25 notify the licensee in writing of the licensee's right to a

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1 hearing before the administrative hearings office and, upon  
2 the licensee's request, shall notify the administrative  
3 hearings office. The administrative hearings office shall  
4 schedule the hearing to take place as early as practicable,  
5 but within no more than twenty days, not counting Saturdays,  
6 Sundays and legal holidays after receipt of the request. The  
7 hearing shall be held in the county in which the licensee  
8 resides unless the hearing officer and the licensee agree that  
9 the hearing may be held in some other county; provided that  
10 the hearing request is received within twenty days from the  
11 date that the suspension was deposited in the United States  
12 mail. The hearing officer may, in the hearing officer's  
13 discretion, extend the twenty-day period. The hearing shall  
14 be held as provided in the Administrative Hearings Office Act.  
15 After the hearing, the hearing officer shall either rescind  
16 the order of suspension or continue, modify or extend the  
17 suspension of the license or revoke the license."

18 SECTION 38. Section 66-5-39 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 261, as amended) is amended to read:

20 "66-5-39. DRIVING WHILE LICENSE SUSPENDED [~~PENALTIES~~].--  
21 [~~A. Any~~] A person who drives a motor vehicle on any public  
22 highway of this state at a time when the person's privilege  
23 to do so is suspended and who knows or should have known that  
24 the person's license was suspended is guilty of a penalty  
25 assessment misdemeanor [~~and shall be charged with a violation~~

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1 ~~of this section. Upon conviction, the person shall be~~  
2 ~~punished, notwithstanding the provisions of Section 31-18-13~~  
3 ~~NMSA 1978, by imprisonment for not less than four days or more~~  
4 ~~than three hundred sixty-four days or participation for an~~  
5 ~~equivalent period of time in a certified alternative~~  
6 ~~sentencing program, and there may be imposed in addition a~~  
7 ~~fine of not more than one thousand dollars (\$1,000). When a~~  
8 ~~person pays any or all of the cost of participating in a~~  
9 ~~certified alternative sentencing program, the court may apply~~  
10 ~~that payment as a deduction to any fine imposed by the court.~~  
11 ~~Any municipal ordinance prohibiting driving with a suspended~~  
12 ~~license shall provide penalties no less stringent than~~  
13 ~~provided in this section.~~

14 ~~B. In addition to any other penalties imposed~~  
15 ~~pursuant to the provisions of this section, when a person is~~  
16 ~~convicted pursuant to the provisions of this section or a~~  
17 ~~municipal ordinance that prohibits driving on a suspended~~  
18 ~~license, the motor vehicle the person was driving may be~~  
19 ~~immobilized by an immobilization device for thirty days,~~  
20 ~~unless immobilization of the motor vehicle poses an imminent~~  
21 ~~danger to the health, safety or employment of the convicted~~  
22 ~~person's immediate family or the family of the owner of the~~  
23 ~~motor vehicle. The convicted person shall bear the cost of~~  
24 ~~immobilizing the motor vehicle.~~

25 ~~C. The division, upon receiving a record of the~~

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1 ~~conviction of any person under this section, shall extend the~~  
2 ~~period of suspension for an additional like period]."~~

3 SECTION 39. Section 66-5-205 NMSA 1978 (being Laws 1983,  
4 Chapter 318, Section 6, as amended) is amended to read:

5 "66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE  
6 EVIDENCE OF FINANCIAL RESPONSIBILITY [~~PENALTIES~~].--

7 A. [~~No~~] An owner shall not permit the operation of  
8 an uninsured motor vehicle, or a motor vehicle for which  
9 evidence of financial responsibility as was affirmed to the  
10 department is not currently valid, upon the streets or  
11 highways of New Mexico unless the vehicle is specifically  
12 exempted from the provisions of the Mandatory Financial  
13 Responsibility Act.

14 B. [~~No~~] A person shall not drive an uninsured  
15 motor vehicle, or a motor vehicle for which evidence of  
16 financial responsibility as was affirmed to the department is  
17 not currently valid, upon the streets or highways of New  
18 Mexico unless the person is specifically exempted from the  
19 provisions of the Mandatory Financial Responsibility Act.

20 C. For the purposes of the Mandatory Financial  
21 Responsibility Act, "uninsured motor vehicle" means a motor  
22 vehicle for which a motor vehicle insurance policy meeting the  
23 requirements of the laws of New Mexico and of the secretary,  
24 or a surety bond or evidence of a sufficient cash deposit with  
25 the state treasurer, is not in effect.

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1           D. The provisions of the Mandatory Financial  
2 Responsibility Act requiring the deposit of evidence of  
3 financial responsibility as provided in Section 66-5-218  
4 NMSA 1978, subject to certain exemptions, may apply with  
5 respect to persons who have been convicted of or forfeited  
6 bail for certain offenses under motor vehicle laws or who have  
7 failed to pay judgments or written settlement agreements upon  
8 causes of action arising out of ownership, maintenance or use  
9 of vehicles of a type subject to registration under the laws  
10 of New Mexico.

11           E. ~~[Any]~~ A person who violates the provisions of  
12 this section is guilty of a penalty assessment misdemeanor ~~[as~~  
13 ~~provided in Section 66-8-7 NMSA 1978]~~.

14           F. A person charged with violating the provisions  
15 of this section shall not be convicted if the person produces,  
16 in court, evidence of financial responsibility valid at the  
17 time of issuance of the citation."

18           **SECTION 40.** Section 66-5-229 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 318, as amended) is amended to read:

20           "66-5-229. DURATION OF EVIDENCE--WHEN FILING OF EVIDENCE  
21 MAY BE WAIVED.--

22           A. The department shall, upon request, consent to  
23 the immediate cancellation of any bond or the department shall  
24 direct and the state treasurer shall return to the person  
25 entitled thereto any money deposited pursuant to the Mandatory

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1 Financial Responsibility Act as evidence of financial  
2 responsibility or the department shall waive the requirement  
3 of filing evidence of financial responsibility in any of the  
4 following events:

5 (1) after one year of providing satisfactory  
6 evidence as specified in Section 66-5-218 NMSA 1978;

7 (2) the death of the person on whose behalf  
8 evidence was filed or the permanent incapacity of the person  
9 to operate a motor vehicle; or

10 (3) the person who has filed evidence  
11 surrenders [~~his~~] the person's license and registration to the  
12 department.

13 B. [~~Provided, however, that~~] The department shall  
14 not consent to the cancellation of any bond or the return of  
15 any money or waive the requirement of filing evidence of  
16 financial responsibility in the event any action for damages  
17 upon a liability covered by the evidence is then pending or  
18 any judgment upon any such liability is then unsatisfied or in  
19 the event the person who has filed the bond or deposited the  
20 money has, within one year immediately preceding the request,  
21 been involved as a driver or owner in any motor vehicle  
22 accident resulting in injury or damage to the person or  
23 property of others. An affidavit of the applicant as to the  
24 nonexistence of such facts or that [~~he~~] the applicant has been  
25 released from all of [~~his~~] the applicant's liability or has

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1 been finally adjudicated not to be liable for such injury or  
2 damage shall be sufficient evidence thereof in the absence of  
3 evidence to the contrary in the records of the department.

4 C. Every owner or operator of a vehicle subject to  
5 the requirements of the Mandatory Financial Responsibility Act  
6 shall carry evidence of financial responsibility as defined by  
7 that act in the vehicle at all times while the vehicle is in  
8 operation on the highways of this state. [~~The failure to~~  
9 ~~comply with this subsection shall be a misdemeanor and shall~~  
10 ~~be punishable by the penalty set forth in Section 66-8-7 NMSA~~  
11 ~~1978; provided that no]~~

12 D. A person who violates the provisions of  
13 Subsection C of this section is guilty of a penalty assessment  
14 misdemeanor. A person charged with violating Subsection C of  
15 this section shall not be convicted if [he] the person  
16 produces in court evidence of financial responsibility valid  
17 at the time of issuance of the citation."

18 SECTION 41. Section 66-5-230 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 320, as amended) is amended to read:

20 "66-5-230. SURRENDER OF LICENSE AND REGISTRATION.--

21 A. [~~Any~~] A person whose license or registration is  
22 suspended under any provision of the Mandatory Financial  
23 Responsibility Act or whose policy of insurance or bond, when  
24 required under the Mandatory Financial Responsibility Act, is  
25 canceled or terminated shall immediately return [~~his~~] that

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1 license or registration to the [~~division~~] department. If  
2 [~~any~~] a person fails to return to the [~~division~~] department  
3 the license or registration as provided in this section, the  
4 [~~division~~] department shall [~~forthwith~~] immediately notify the  
5 person by certified mail that, within ten days after receipt  
6 of such notice, [~~he~~] the person shall return to the [~~division~~]  
7 department by mail [~~his~~] the person's license or registration  
8 or shall be subject to the full penalty prescribed by law.

9 B. [~~Any~~] A person [~~willfully failing~~] who fails to  
10 return [~~the~~] a license or registration as required in  
11 Subsection A of this section [~~shall be fined not more than one~~  
12 ~~thousand dollars (\$1,000) or imprisoned not to exceed six~~  
13 ~~months or both~~] is guilty of a penalty assessment  
14 misdemeanor."

15 SECTION 42. Section 66-7-106 NMSA 1978 (being Laws 1953,  
16 Chapter 139, Section 35, as amended) is amended to read:

17 "66-7-106. PEDESTRIAN CONTROL SIGNALS.--

18 A. Whenever special pedestrian control signals  
19 exhibiting the words "walk" or "don't walk" are in place:

20 [A.] (1) "walk" indicates that pedestrians  
21 facing the signal may proceed across the roadway in the  
22 direction of the signal and shall be given the right of way by  
23 drivers of all vehicles; and

24 [B.] (2) "don't walk" indicates that no  
25 pedestrian shall start to cross the roadway in the directions

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1 of the signal, but any pedestrian who has partially completed  
2 [~~his~~] the pedestrian's crossing on the walk signal shall  
3 proceed to a sidewalk or safety island while the don't walk  
4 signal is showing.

5 B. A person who violates the provisions of this  
6 section is guilty of a penalty assessment misdemeanor."

7 **SECTION 43.** Section 66-7-107 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 387) is amended to read:

9 "66-7-107. FLASHING SIGNALS.--

10 A. Whenever an illuminated flashing red or yellow  
11 signal is used in a traffic sign or signal, it shall require  
12 obedience by vehicular traffic as follows:

13 (1) flashing red (stop signal): when a red  
14 lens is illuminated with rapid intermittent flashes, drivers  
15 of vehicles shall stop before entering the nearest crosswalk  
16 at an intersection or at a limit line when marked or, if none,  
17 [~~then~~] before entering the intersection, and the right to  
18 proceed shall be subject to the rules applicable after making  
19 a stop at a stop sign; or

20 (2) flashing yellow (caution signal): when a  
21 yellow lens is illuminated with rapid intermittent flashes,  
22 drivers of vehicles may proceed through the intersection or  
23 pass such signal only with caution.

24 B. This section [~~shall~~] does not apply at railroad  
25 grade crossings. Conduct of drivers of vehicles approaching

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1 railroad grade [~~crossings~~] crossings shall be governed by the  
2 rules as set forth in Section [~~64-7-341 NMSA 1953~~] 66-7-341  
3 NMSA 1978.

4 C. A person who violates the provisions of this  
5 section is guilty of a penalty assessment misdemeanor."

6 SECTION 44. Section 66-7-108 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 388) is amended to read:

8 "66-7-108. DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR  
9 MARKINGS.--

10 A. [~~No~~] A person shall not place, maintain or  
11 display upon or in view of any highway any unauthorized sign,  
12 signal, marking or device [~~which~~] that purports to be or is an  
13 imitation of or resembles an official traffic-control device  
14 or railroad sign or signal or [~~which~~] that attempts to direct  
15 the [~~movements~~] movement of traffic or [~~which~~] that hides from  
16 view or interferes with the effectiveness of any official  
17 traffic-control device or any railroad sign or signal. [~~and~~  
18 ~~no~~] A person shall not place or maintain nor shall [~~any~~] a  
19 public authority permit upon [~~any~~] a highway any traffic sign  
20 or signal bearing [~~thereon~~] any commercial advertising.

21 B. Every such prohibited sign, signal, [~~or~~]  
22 marking or device is [~~hereby~~] declared to be a public  
23 nuisance, and the authority having jurisdiction over the  
24 highway is [~~hereby~~] empowered to remove the [~~same~~] sign,  
25 signal, marking or device or cause it to be removed without



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1 notice.

2 C. A person who violates the provisions of this  
3 section is guilty of a penalty assessment misdemeanor."

4 SECTION 45. Section 66-7-109 NMSA 1978 (being Laws 1953,  
5 Chapter 139, Section 38) is amended to read:

6 "66-7-109. INTERFERENCE WITH OFFICIAL TRAFFIC-CONTROL  
7 DEVICES OR RAILROAD SIGNS OR SIGNALS.--[No]

8 A. A person shall not, without lawful authority,  
9 attempt to or in fact alter, deface, injure, knock down or  
10 remove any official traffic-control device or any railroad  
11 sign or signal or any inscription, shield or insignia thereon  
12 or any other part thereof.

13 B. A person who violates the provisions of this  
14 section is guilty of a penalty assessment misdemeanor."

15 SECTION 46. Section 66-7-334 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 438, as amended) is amended to read:

17 "66-7-334. PEDESTRIANS' RIGHT OF WAY IN CROSSWALKS.--

18 A. When traffic-control signals are not in place  
19 or not in operation, the driver of a vehicle shall yield the  
20 right of way, slowing down or stopping if need be to so yield,  
21 to a pedestrian crossing the roadway within a crosswalk when  
22 the pedestrian is in the crosswalk.

23 B. [No] A pedestrian shall not suddenly leave a  
24 curb or other place of safety and walk or run into the path of  
25 a vehicle that is so close that it is impossible for the

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1 driver to yield.

2 C. Subsection A of this section shall not apply  
3 under the conditions stated in Subsection B of Section  
4 66-7-335 NMSA 1978.

5 D. Whenever a vehicle is stopped at a marked  
6 crosswalk or at an unmarked crosswalk at an intersection to  
7 permit a pedestrian to cross the roadway, the driver of  
8 another vehicle approaching from the rear shall not overtake  
9 and pass the stopped vehicle.

10 E. A person who violates the provisions of this  
11 section is guilty of a penalty assessment misdemeanor."

12 SECTION 47. Section 66-7-335 NMSA 1978 (being Laws 1978,  
13 Chapter 35, Section 439) is amended to read:

14 "66-7-335. CROSSING AT OTHER THAN CROSSWALKS.--

15 A. ~~Every~~ A pedestrian crossing a roadway at any  
16 point other than within a marked crosswalk or within an  
17 unmarked crosswalk at an intersection shall yield the right of  
18 way to all vehicles upon the roadway.

19 B. Any pedestrian crossing a roadway at a point  
20 where a pedestrian tunnel or overhead pedestrian crossing has  
21 been provided shall yield the right of way to all vehicles  
22 upon the roadway.

23 C. Between adjacent intersections at which  
24 traffic-control signals are in operation, pedestrians shall  
25 not cross at any place except in a marked crosswalk.

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1           D. A person who violates the provisions of this  
2 section is guilty of a penalty assessment misdemeanor."

3           SECTION 48. Section 66-7-338 NMSA 1978 (being Laws 1953,  
4 Chapter 139, Section 91) is amended to read:

5           "66-7-338. PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.--

6           A. Pedestrians shall move, whenever practicable,  
7 upon the right half of crosswalks.

8           B. A person who violates the provisions of this  
9 section is guilty of a penalty assessment misdemeanor."

10          SECTION 49. Section 66-7-339 NMSA 1978 (being Laws 1978,  
11 Chapter 35, Section 443) is amended to read:

12          "66-7-339. PEDESTRIANS ON ROADWAYS.--

13          A. Where sidewalks are provided, it [~~shall be~~] is  
14 unlawful for [~~any~~] a pedestrian to walk along and upon an  
15 adjacent roadway.

16          B. Where sidewalks are not provided, [~~any~~] a  
17 pedestrian walking along and upon a highway shall, when  
18 practicable, walk only on the left side of the roadway or its  
19 shoulder facing traffic [~~which~~] that may approach from the  
20 opposite direction.

21          C. A person who violates the provisions of this  
22 section is guilty of a penalty assessment misdemeanor."

23          SECTION 50. Section 66-7-355 NMSA 1978 (being Laws 1978,  
24 Chapter 35, Section 459, as amended) is amended to read:

25          "66-7-355. RIDING ON MOTORCYCLES.--

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1           A. A person operating a motorcycle, other than an  
2           autocycle, shall ride only upon the permanent and regular seat  
3           attached thereto, shall have the person's feet upon the  
4           footrests provided on the machine and shall not carry any  
5           other person nor shall any other person ride on the motorcycle  
6           unless it is designed to carry more than one person. If a  
7           motorcycle, other than an autocycle, is designed to carry more  
8           than one person, the passenger may ride upon the permanent and  
9           regular seat if designed for two persons or upon another seat  
10          firmly attached to the rear or side of the motorcycle. The  
11          passenger shall have the passenger's feet upon the footrests  
12          attached for passenger use.

13           B. ~~Any~~ A person operating a motorcycle not  
14          having a fixed windshield of a type approved by regulation of  
15          the secretary shall wear an eye protective device, which may  
16          be a faceshield attached to a safety helmet, goggles or safety  
17          eyeglasses. All eye protective devices shall be of a type  
18          approved by regulations promulgated by the secretary.

19           C. A person who violates the provisions of this  
20          section is guilty of a penalty assessment misdemeanor."

21           SECTION 51. Section 66-7-358 NMSA 1978 (being Laws 1978,  
22          Chapter 35, Section 462, as amended by Laws 1989, Chapter 318,  
23          Section 31 and also by Laws 1989, Chapter 321, Section 1) is  
24          amended to read:

25           "66-7-358. RESTRICTION ON USE OF TELEVISION IN MOTOR

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1 VEHICLES.--

2           A. It is unlawful to operate in this state any  
3 motor vehicle equipped with a television screen upon which  
4 images may be projected or shown if the screen is within the  
5 normal view of the driver of the motor vehicle unless the  
6 television is used solely as an aid to the driver in the  
7 operation of the vehicle.

8           B. A person who violates the provisions of this  
9 section is guilty of a penalty assessment misdemeanor.

10           C. As used in this section, "television screen"  
11 does not include closed circuit monitors or computer terminal  
12 monitors used by law enforcement agencies in law enforcement  
13 motor vehicles."

14           **SECTION 52.** Section 66-7-359 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 463, as amended) is amended to read:

16           "66-7-359. DRIVING ON MOUNTAIN HIGHWAYS.--

17           A. The driver of a motor vehicle traveling through  
18 defiles or canyons or on mountain highways shall hold the  
19 motor vehicle under control and as near the right-hand edge of  
20 the highway as reasonably possible.

21           B. A person who violates the provisions of this  
22 section is guilty of a penalty assessment misdemeanor."

23           **SECTION 53.** Section 66-7-360 NMSA 1978 (being Laws 1953,  
24 Chapter 139, Section 117) is amended to read:

25           "66-7-360. COASTING PROHIBITED.--

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1           A. The driver of any motor vehicle, when traveling  
2 upon a [~~down grade~~] downgrade, shall not coast with the clutch  
3 disengaged.

4           B. A person who violates the provisions of this  
5 section is guilty of a penalty assessment misdemeanor."

6           SECTION 54. Section 66-7-363 NMSA 1978 (being Laws 1953,  
7 Chapter 139, Section 119.1, as amended) is amended to read:

8           "66-7-363. ANIMALS ON HIGHWAY.--

9           A. It is unlawful for any person, during the hours  
10 of darkness, to ride a horse or other animal upon the traveled  
11 portion of any highway [~~which~~] that is normally used by motor  
12 vehicles.

13           B. It is unlawful for any person negligently to  
14 permit livestock to wander or graze upon any fenced highway at  
15 any time or, during the hours of darkness, to drive livestock  
16 along or upon any highway [~~which~~] that is normally used by  
17 motor vehicles.

18           C. Owners of livestock ranging in pastures through  
19 which unfenced roads or highways pass shall not be liable for  
20 damages by reason of injury or damage to persons or property  
21 occasioned by collisions of vehicles using [~~said~~] the roads  
22 and highways and livestock [~~or animals~~] ranging in [~~said~~] the  
23 pastures unless [~~such~~] the owner of the livestock is guilty of  
24 specific negligence other than allowing [~~his animals~~]  
25 livestock to range in [~~said~~] the pasture.

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1                   D. A person who violates the provisions of this  
2 section is guilty of a penalty assessment misdemeanor."

3                   SECTION 55. Section 66-8-116 NMSA 1978 (being Laws 1978,  
4 Chapter 35, Section 524, as amended) is amended to read:

5                   "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--  
6 SCHEDULE OF ASSESSMENTS.--

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

12	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
13			ASSESSMENT
14	<u>Failure to register</u>	<u>66-3-1</u>	<u>\$50.00</u>
15	<u>Failure to surrender</u>		
16	<u>parking placard</u>	<u>66-3-16.1</u>	<u>100.00</u>
17	Improper display of		
18	registration plate	66-3-18	[\$] 25.00
19	Failure to notify of		
20	change of name or address	66-3-23	25.00
21	Lost or damaged registration,		
22	plate or title	66-3-24	20.00
23	<u>Horseless carriage</u>		
24	<u>registration</u>	<u>66-3-27</u>	<u>20.00</u>
25	<u>Transfer of registration</u>		

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1	<u>and title</u>	<u>66-3-403</u>	<u>20.00</u>
2	<u>Expiration of dealer</u>		
3	<u>plates</u>	<u>66-3-403</u>	<u>25.00</u>
4	<u>Special registration</u>		
5	<u>plates</u>	<u>66-3-409, 66-3-411</u>	
6		<u>through 66-3-417 and</u>	
7		<u>66-3-419 through</u>	
8		<u>66-3-424.28</u>	<u>75.00</u>
9	<u>Bicycle laws</u>	<u>66-3-701</u>	
10		<u>through</u>	
11		<u>66-3-707</u>	<u>25.00</u>
12	<u>No license display</u>	<u>66-5-16</u>	<u>25.00</u>
13	<u>License suspended</u>	<u>66-5-39</u>	<u>100.00</u>
14	Permitting unauthorized		
15	minor to drive	66-5-40	50.00
16	Permitting unauthorized		
17	person to drive	66-5-41	25.00
18	<u>No insurance</u>	<u>66-5-205</u>	<u>100.00</u>
19	<u>No evidence of insurance</u>	<u>66-5-229</u>	<u>25.00</u>
20	<u>Surrender of license and</u>		
21	<u>registration</u>	<u>66-5-230</u>	<u>100.00</u>
22	Failure to obey sign	66-7-104	10.00
23	Failure to obey signal	66-7-105	10.00
24	<u>Pedestrian signs and</u>		
25	<u>signals</u>	<u>66-7-106</u>	

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1	<u>through</u>	
2	<u>66-7-108</u>	<u>20.00</u>
3	<u>Interference with traffic</u>	
4	<u>control devices</u>	<u>66-7-109</u> <u>50.00</u>
5	Speeding	66-7-301
6	(1) up to and including	
7	ten miles an hour	
8	over the speed limit	15.00
9	(2) from eleven up to	
10	and including fifteen	
11	miles an hour	
12	over the speed limit	30.00
13	(3) from sixteen up to	
14	and including twenty	
15	miles an hour over the	
16	speed limit	65.00
17	(4) from twenty-one up to	
18	and including twenty-five	
19	miles an hour	
20	over the speed limit	100.00
21	(5) from twenty-six up to	
22	and including thirty	
23	miles an hour over the	
24	speed limit	125.00
25	(6) from thirty-one up to	

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1	and including thirty-five		
2	miles an hour over the		
3	speed limit		150.00
4	(7) more than thirty-five		
5	miles an hour over the		
6	speed limit		200.00
7	Unfastened safety belt	66-7-372	25.00
8	Child not in restraint device		
9	or seat belt	66-7-369	25.00
10	Minimum speed	66-7-305	10.00
11	Speeding	66-7-306	15.00
12	Improper starting	66-7-324	10.00
13	Improper backing	66-7-354	10.00
14	Improper lane	66-7-308	10.00
15	Improper lane	66-7-313	10.00
16	Improper lane	66-7-316	10.00
17	Improper lane	66-7-317	10.00
18	Improper lane	66-7-319	10.00
19	Improper passing	66-7-309 through 66-7-312	10.00
20	Improper passing	66-7-315	10.00
21	Controlled access		
22	violation	66-7-320	10.00
23	Controlled access		
24	violation	66-7-321	10.00
25	Improper turning	66-7-322	10.00

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1	Improper turning	66-7-323	10.00
2	Improper turning	66-7-325	10.00
3	Following too closely	66-7-318	10.00
4	Failure to yield	66-7-328 through 66-7-331	10.00
5	Failure to yield	66-7-332	50.00
6	Failure to yield	66-7-332.1	25.00
7	Pedestrian violation	66-7-333	[10.00]
8		<u>through</u>	
9	<del>[Pedestrian violation]</del>	66-7-340	10.00
10	Failure to stop	66-7-342 and 66-7-344	
11		through 66-7-346	10.00
12	Railroad-highway grade		
13	crossing violation	66-7-341 and 66-7-343	150.00
14	Passing school bus	66-7-347	100.00
15	Failure to signal	66-7-325 through 66-7-327	10.00
16	<u>Riding on motorcycles</u>	<u>66-7-355</u>	<u>25.00</u>
17	<u>Televisions in automobiles</u>	<u>66-7-358</u>	<u>25.00</u>
18	<u>Driving on mountain</u>		
19	<u>highways</u>	<u>66-7-359</u>	<u>10.00</u>
20	<u>Coasting prohibited</u>	<u>66-7-360</u>	<u>10.00</u>
21	<u>Animals on highway at</u>		
22	<u>night</u>	<u>66-7-363</u>	<u>50.00</u>
23	Failure to secure load	66-7-407	100.00
24	Operation without oversize-		
25	overweight permit	66-7-413	50.00

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1	Transport of reducible		
2	load with special		
3	permit more than six miles		
4	from a border crossing	66-7-413	100.00
5	Improper equipment	66-3-801 <u>through</u>	
6		<u>66-3-840 and 66-3-842</u>	
7		through 66-3-851	25.00
8	Improper equipment	66-3-901	20.00
9	Improper emergency		
10	signal	66-3-853 through 66-3-857	10.00
11	Minor on motorcycle		
12	without helmet	66-7-356	300.00
13	Operation interference	66-7-357	50.00
14	Littering	66-7-364	300.00
15	Improper parking	66-7-349 through 66-7-352	
16		and 66-7-353	5.00
17	Improper parking	66-3-852	5.00
18	Failure to dim lights	66-3-831	10.00
19	Riding in or towing		
20	occupied house trailer	66-7-366	5.00
21	Improper opening of doors	66-7-367	5.00
22	No slow-moving vehicle		
23	emblem or flashing		
24	amber light	66-3-887	5.00
25	<u>Failure to appear</u>	<u>66-8-126</u>	<u>50.00</u>

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1	Open container-first		
2	violation	66-8-138	25.00
3	Texting while driving-		
4	<u>(1) first violation</u>	66-7-374	25.00
5	<del>[Texting while driving-</del>		
6	<del>subsequent violation</del>	<del>66-7-374]</del>	
7	<u>(2) second and subsequent</u>		
8	<u>violation</u>		50.00
9	Using a handheld mobile		
10	communication device		
11	while driving a		
12	commercial motor	<del>[Section 1 of this</del>	
13	vehicle	<del>2016 act]</del> <u>66-7-375</u>	<del>[25.00</del>
14	<del>Using a handheld mobile</del>		
15	<del>communication device</del>		
16	<del>while driving a</del>		
17	<del>commercial motor</del>		
18	<del>vehicle-subsequent</del>	<del>Section 1 of this</del>	
19	<del>violation</del>	<del>2016 act]</del>	
20	<u>(1) first violation</u>		<u>25.00</u>
21	<u>(2) second and subsequent</u>		
22	<u>violation</u>		50.00
23	<u>Boat numbering violation</u>	<u>66-12-4</u>	
24		<u>66-12-5</u>	
25		<u>66-12-6.5</u>	<u>20.00</u>

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1 Boat equipment violation 66-12-7

2 66-12-10

20.00.

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 person.

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

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

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

24 F. Upon a second conviction for transport of a  
25 reducible load with a permit for excessive size or weight

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

6 SECTION 56. Section 66-8-126 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 534) is amended to read:

8 "66-8-126. FAILURE TO OBEY NOTICE TO APPEAR.--

9 A. It is a penalty assessment misdemeanor for  
10 ~~[any]~~ a person to violate ~~[his]~~ that person's written promise  
11 to appear in court given to an officer upon issuance of a  
12 uniform traffic citation regardless of the disposition of the  
13 charge for which the citation was issued.

14 B. A written promise to appear in court may be  
15 complied with by appearance of counsel."

16 SECTION 57. Section 66-12-4 NMSA 1978 (being Laws 1959,  
17 Chapter 338, Section 4, as amended) is amended to read:

18 "66-12-4. OPERATION OF UNNUMBERED MOTORBOATS  
19 PROHIBITED.--

20 A. ~~[Every]~~ A motorboat ~~[which]~~ that is propelled  
21 by sail or machinery operating on the waters of this state  
22 shall be numbered. ~~[No]~~ A person shall not operate or give  
23 permission for the operation of any motorboat on the waters of  
24 this state unless the motorboat is numbered in accordance with  
25 the Boat Act or in accordance with applicable federal law or

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1 in accordance with a federally approved numbering system of  
2 another state and unless the certificate of number awarded to  
3 the motorboat is in force and the identifying number set forth  
4 in the certificate of number is displayed on each side of the  
5 bow of the motorboat.

6 B. ~~Every~~ A boat operating on the waters of this  
7 state and owned by a person who is domiciled in this state  
8 shall be titled. ~~No~~ A person shall not operate or give  
9 permission for the operation of any boat on the waters of this  
10 state unless the boat is titled as provided in the Boat Act.

11 C. A person who is not domiciled in this state but  
12 ~~who~~ operates a boat on the waters of this state may,  
13 pursuant to the provisions of the Boat Act, elect to register  
14 the boat in this state.

15 D. A person who violates the provisions of this  
16 section is guilty of a penalty assessment misdemeanor as  
17 provided in Section 66-8-116 NMSA 1978."

18 SECTION 58. Section 66-12-5 NMSA 1978 (being Laws 1959,  
19 Chapter 338, Section 5, as amended) is amended to read:

20 "66-12-5. IDENTIFICATION NUMBER.--

21 A. The owner of ~~each~~ a motorboat requiring  
22 numbering and inspection by this state shall file an  
23 application for number with the division on forms approved by  
24 ~~it~~ the division. The application shall be signed by the  
25 owner of the motorboat and shall be accompanied by a ~~three~~

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1 ~~year]~~ three-year registration fee as required in Section  
2 66-12-5.1 NMSA 1978. Upon receipt of the application in  
3 approved form, the division shall file it and issue to the  
4 applicant a certificate of number stating the number awarded  
5 to the motorboat and the name and address of the owner. The  
6 owner shall paint on or attach to each side of the bow of the  
7 motorboat the identification number in the manner prescribed  
8 by regulations of the division in order that it is clearly  
9 visible but in no case less than three inches in height and of  
10 a contrasting color to the boat color. The number shall be  
11 maintained in legible condition. The certificate of number  
12 shall be pocket size and shall be available at all times for  
13 inspection on the motorboat for which it is issued whenever  
14 the motorboat is in operation.

15 B. Should the ownership of a motorboat change  
16 prior to operating it on the waters of this state, the new  
17 owner shall file with the division an application for a new  
18 certificate of number in the same manner required for the  
19 award of a number under Subsection A of this section.

20 C. If an agency of the United States has in force  
21 an overall system of identification numbering for motorboats  
22 within the United States, the numbering system employed by the  
23 division pursuant to the Boat Act shall be in conformity with  
24 that system.

25 D. The division may award any certificate of

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1 number directly or may authorize [~~any~~] a person to act as  
2 agent for the awarding. If a person accepts such  
3 authorization, [~~he~~] the person may be assigned a block of  
4 numbers and certificates [~~which~~] that, upon award in  
5 conformity with the Boat Act and with any regulations of the  
6 division, are valid as if awarded directly by the division.

7 E. [~~Every~~] A certificate of number awarded  
8 pursuant to the Boat Act shall continue in force through  
9 December 31 of the third calendar year of registration unless  
10 sooner terminated in accordance with the provisions of the  
11 Boat Act. A certificate of number may be renewed in the same  
12 manner provided for in the initial securing of the certificate  
13 and upon payment of the [~~three-year~~] three-year registration  
14 fee. Each application for renewal of a certificate of number  
15 shall be made by the owner on an application form, which must  
16 be received by the division within sixty days after the  
17 expiration date of the certificate.

18 F. [~~The~~] An owner shall notify the division of  
19 transfer, destruction or abandonment of [~~the~~] a motorboat  
20 within fifteen days thereof. The transfer, destruction or  
21 abandonment terminates the certificate of number for the  
22 motorboat except in the case of a transfer of a part interest  
23 [~~which~~] that does not affect the owner's right to operate the  
24 motorboat. Whenever the certificate of number is terminated,  
25 the owner shall return it to the division within fifteen days

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1 and state the reason for termination.

2 G. If there is a change of address, the holder of a  
3 certificate of number shall provide to the division the new  
4 address, existing certificate of number and a reasonable  
5 administrative fee. Upon receipt, the division will issue a  
6 new certificate of number.

7 H. Only the assigned registration number shall be  
8 painted, attached or otherwise displayed on either side of the  
9 bow of a motorboat.

10 I. The registration number assigned to the motorboat  
11 shall remain the assigned number for the life of the boat,  
12 except when a boat is transferred out of state, destroyed or  
13 abandoned.

14 J. A person who violates the provisions of this  
15 section is guilty of a penalty assessment misdemeanor as  
16 provided in Section 66-8-116 NMSA 1978."

17 SECTION 59. Section 66-12-6.5 NMSA 1978 (being Laws 2003,  
18 Chapter 410, Section 4) is amended to read:

19 "66-12-6.5. PROHIBITED DISPLAY OF DEALER OR MANUFACTURER  
20 NUMBERS.--

21 A. A dealer or manufacturer shall not display a  
22 dealer or manufacturer number on a motorboat that is not being  
23 operated for test or demonstration purposes.

24 B. A person who violates the provisions of this  
25 section is guilty of a penalty assessment misdemeanor as

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1 provided in Section 66-8-116 NMSA 1978."

2 SECTION 60. Section 66-12-7 NMSA 1978 (being Laws 1959,  
3 Chapter 338, Section 6, as amended) is amended to read:

4 "66-12-7. EQUIPMENT.--

5 A. Every vessel shall have aboard:

6 (1) one life preserver, buoyant vest, ring buoy  
7 or buoyant cushion bearing the mark of approval of the United  
8 States coast guard and in serviceable condition for each  
9 person on board;

10 (2) one oar or paddle;

11 (3) one bailing bucket with a capacity of at  
12 least one gallon or a hand-operated bilge pump; and

13 (4) a length of stout rope at least equal to the  
14 length of the vessel.

15 B. Every motorboat, during the hours of darkness,  
16 shall carry:

17 (1) a bright white light aft to show around the  
18 horizon; and

19 (2) a combined light on the [~~fore part~~] forepart  
20 of the vessel and lower than the white light and showing green  
21 to the starboard and red to the port and so fixed as to throw  
22 the light from right ahead to two points abaft the beam on  
23 their respective sides. No other light shall be shown except  
24 as specifically prescribed by the United States coast guard  
25 for the particular class of boats.

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1 C. If carrying or using any inflammable or toxic  
2 fluid in any enclosure for any purpose and if that enclosure  
3 is not entirely open, ~~every~~ the vessel shall have an  
4 efficient natural or mechanical ventilation system capable of  
5 removing resulting gases prior to and during the time the  
6 vessel is occupied by any person.

7 D. ~~No~~ A privately owned vessel shall not carry a  
8 siren unless specifically authorized in writing by the  
9 director of the division.

10 E. ~~No~~ A person shall not operate or give  
11 permission for the operation of a vessel ~~which~~ that is not  
12 equipped as required by this section.

13 F. A person who violates the provisions of this  
14 section is guilty of a penalty assessment misdemeanor as  
15 provided in Section 66-8-116 NMSA 1978."

16 SECTION 61. Section 66-12-10 NMSA 1978 (being Laws 1959,  
17 Chapter 338, Section 9, as amended) is amended to read:

18 "66-12-10. MUFFLING DEVICES.--

19 A. The exhaust of ~~every~~ an internal combustion  
20 engine used on ~~any~~ a motorboat shall be effectively muffled  
21 by equipment ~~so~~ constructed and used ~~as~~ to muffle the  
22 noise of the exhaust in a reasonable manner. ~~This~~ Muffling  
23 equipment may include ~~but is not limited to~~ such devices as  
24 mufflers, exhaust restricters and water-injected exhaust  
25 headers. ~~The use of~~ A person shall not use cut-outs or non-

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1 muffled headers [~~is prohibited~~] except for motorboats  
2 competing in a regatta or boat race approved as provided in  
3 Section [~~66-2-15~~] 66-12-15 NMSA 1978 and for [~~such~~] those  
4 motorboats while on trial runs during a period not to exceed  
5 forty-eight hours immediately preceding the regatta or race  
6 and [~~for such motorboats~~] while competing in official trials  
7 for speed records during a period not to exceed forty-eight  
8 hours immediately following the regatta or race.

9 B. A person who violates the provisions of this  
10 section is guilty of a penalty assessment misdemeanor as  
11 provided in Section 66-8-116 NMSA 1978."

12 SECTION 62. REPEAL.--

13 A. Sections 30-8-12, 30-8-13, 30-9-14.1, 30-9-14.2  
14 and 66-3-424.2 NMSA 1978 (being Laws 1963, Chapter 303,  
15 Sections 8-9 and 8-10, Laws 1979, Chapter 403, Sections 1 and  
16 2 and Laws 2003, Chapter 174, Section 2, as amended) are  
17 repealed.

18 B. Laws 1989, Chapter 318, Section 31 is repealed.

19 SECTION 63. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2017.