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HOUSE BILL 71

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Miguel P. Garcia

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING THE ALTERATION OF
MUFFLERS ON VEHICLES; PROVIDING A PENALTY.

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

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

"[NEW MATERIAL] MUFFLER--ALTERATIONS PROHIBITED.--A
vehicle muffler shall not be altered or modified from the
manufacturer's specifications except for repairs that bring a
damaged muffler to the same level of noise reduction capacity
as provided by its initial manufactured condition or a
modification that increases a muffler's noise reduction
capacity. A violation of this section is a penalty assessment
misdemeanor."

SECTION 2. Section 66-8-116 NMSA 1978 (being Laws 1978,
.223104.1

1 Chapter 35, Section 524, as amended) is amended to read:

2 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--
3 SCHEDULE OF ASSESSMENTS.--

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

9 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		10 ASSESSMENT
11 Vehicles subject to		
12 registration	66-3-1	\$ 50.00
13 Improper display of		
14 registration plate	66-3-18	25.00
15 Failure to notify of		
16 change of name or address	66-3-23	25.00
17 Lost or damaged registration,		
18 plate or title	66-3-24	25.00
19 Horseless carriage		
20 registration	66-3-27	25.00
21 Transfer of registration		
22 and title	66-3-103	25.00
23 Expiration of dealer		
24 plates	66-3-403	25.00
25 Special registration		

.223104.1

1	plates	66-3-409, 66-3-412.1,	
2		66-3-413, 66-3-415,	
3		66-3-417, 66-3-419,	
4		66-3-421, 66-3-422,	
5		66-3-424.4, 66-3-424.5,	
6		66-3-424.7, 66-3-424.9,	
7		66-3-424.13, 66-3-424.16	
8		and 66-3-424.28	75.00
9	Bicycle laws	66-3-701	
10		through	
11		66-3-707	50.00
12	No license display	66-5-16	25.00
13	Failure to change		
14	address or name on		
15	license	66-5-22	25.00
16	Permitting unauthorized		
17	minor to drive	66-5-40	50.00
18	Permitting unauthorized		
19	person to drive	66-5-41	25.00
20	Failure to obey sign	66-7-104	25.00
21	Failure to obey signal	66-7-105	25.00
22	Pedestrian signs and		
23	signals	66-7-106	
24		through	
25		66-7-108	25.00

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1	Speeding	66-7-301	
2	(1) up to and including		
3	ten miles an hour		
4	over the speed limit		25.00
5	(2) from eleven up to		
6	and including fifteen		
7	miles an hour		
8	over the speed limit		30.00
9	(3) from sixteen up to		
10	and including twenty		
11	miles an hour over the		
12	speed limit		65.00
13	(4) from twenty-one up to		
14	and including twenty-five		
15	miles an hour		
16	over the speed limit		100.00
17	(5) from twenty-six up to		
18	and including thirty		
19	miles an hour over the		
20	speed limit		125.00
21	(6) from thirty-one up to		
22	and including thirty-five		
23	miles an hour over the		
24	speed limit		150.00
25	(7) more than thirty-five		

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1	miles an hour over the		
2	speed limit		200.00
3	Unfastened safety belt	66-7-372	25.00
4	Child not in restraint device		
5	or seat belt	66-7-369	25.00
6	Minimum speed	66-7-305	25.00
7	Speeding	66-7-306	25.00
8	Improper starting	66-7-324	25.00
9	Improper backing	66-7-354	25.00
10	Improper lane	66-7-308	25.00
11	Improper lane	66-7-313	25.00
12	Improper lane	66-7-316	25.00
13	Improper lane	66-7-317	25.00
14	Improper lane	66-7-319	25.00
15	Improper passing	66-7-309 through 66-7-312	25.00
16	Improper passing	66-7-315	25.00
17	Controlled access		
18	violation	66-7-320	25.00
19	Controlled access		
20	violation	66-7-321	25.00
21	Improper turning	66-7-322	25.00
22	Improper turning	66-7-323	25.00
23	Improper turning	66-7-325	25.00
24	Following too closely	66-7-318	25.00
25	Failure to yield	66-7-328 through 66-7-331	25.00

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1	Failure to yield	66-7-332	50.00
2	Failure to yield	66-7-332.1	25.00
3	Pedestrian violation	66-7-333	
4		through	
5		66-7-340	25.00
6	Failure to stop	66-7-342 and 66-7-344	
7		through 66-7-346	25.00
8	Railroad-highway grade		
9	crossing violation	66-7-341 and 66-7-343	150.00
10	Passing school bus	66-7-347	100.00
11	Failure to signal	66-7-325 through 66-7-327	25.00
12	Riding on motorcycles	66-7-355	100.00
13	Video screens in		
14	automobiles	66-7-358	25.00
15	Driving on mountain		
16	highways	66-7-359	25.00
17	Coasting prohibited	66-7-360	25.00
18	Animals on highway at		
19	night	66-7-363	50.00
20	Failure to secure load	66-7-407	100.00
21	Operation without oversize-		
22	overweight permit	66-7-413	50.00
23	Transport of reducible		
24	load with special		
25	permit more than six miles		

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1	from a border crossing	66-7-413	100.00
2	Driving while license		
3	administratively		
4	suspended	66-5-39.2	25.00
5	Improper equipment	66-3-801 through	
6		66-3-840 and 66-3-842	
7		through 66-3-851	50.00
8	Improper equipment	66-3-901	50.00
9	<u>Improper equipment</u>	<u>Section 1 of this 2023 act</u>	<u>50.00</u>
10	Improper emergency		
11	signal	66-3-853 through 66-3-857	25.00
12	Minor on motorcycle		
13	without helmet	66-7-356	300.00
14	Operation interference	66-7-357	50.00
15	Littering	66-7-364	300.00
16	Improper parking	66-7-349 through 66-7-352	
17		and 66-7-353	25.00
18	Improper parking	66-3-852	25.00
19	Riding in or towing		
20	occupied house trailer	66-7-366	25.00
21	Improper opening of doors	66-7-367	25.00
22	No slow-moving vehicle		
23	emblem or flashing		
24	amber light	66-3-887	25.00
25	Open container-first		
	.223104.1		

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1	violation	66-8-138	25.00
2	Texting while driving-		
3	(1) first violation	66-7-374	25.00
4	(2) second and subsequent		
5	violation		50.00
6	Using a handheld mobile		
7	communication device		
8	while driving a		
9	commercial motor vehicle	66-7-375	
10	(1) first violation		25.00
11	(2) second and subsequent		
12	violation		50.00.

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

16 C. When an alleged violator of a penalty assessment
17 misdemeanor elects to accept a notice to appear in lieu of a
18 notice of penalty assessment, a fine imposed upon later
19 conviction shall not exceed the penalty assessment established
20 for the particular penalty assessment misdemeanor and probation
21 imposed upon a suspended or deferred sentence shall not exceed
22 ninety days.

23 D. The penalty assessment for speeding in violation
24 of Paragraph (5) of Subsection A of Section 66-7-301 NMSA 1978
25 is twice the penalty assessment established in Subsection A of
.223104.1

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1 this section for the equivalent miles per hour over the speed
2 limit.

3 E. Upon a second conviction for operation without a
4 permit for excessive size or weight pursuant to Section
5 66-7-413 NMSA 1978, the penalty assessment shall be two hundred
6 fifty dollars (\$250). Upon a third or subsequent conviction,
7 the penalty assessment shall be five hundred dollars (\$500).

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

15 SECTION 3. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2023.