

1 SENATE BILL 124

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Peter Wirth

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROVIDING THAT A MOTORIST MUST PASS
12 A BICYCLIST WITH AT LEAST A FIVE-FOOT DISTANCE; ESTABLISHING A
13 PENALTY ASSESSMENT MISDEMEANOR.

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

16 SECTION 1. A new Section 66-7-374 NMSA 1978 is enacted to
17 read:

18 "66-7-374. [NEW MATERIAL] APPROACHING OR PASSING
19 BICYCLIST.--A driver of a motor vehicle shall proceed with
20 caution when approaching or passing a person on a bicycle and
21 shall pass the bicyclist at a reasonable speed and keep a safe
22 distance from the bicyclist; provided that in no event shall a
23 distance of less than five feet be considered a safe distance
24 within the meaning of this section, and provided further that
25 the motorist shall not pass the bicyclist if the requirements

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1 of this section cause the motorist to cross the center line of
2 the road when there is a vehicle approaching in the opposite
3 direction, but a motorist may cross the center line,
4 notwithstanding the provisions of Section 66-7-315 NMSA 1978,
5 if allowing the requisite five feet requires the motorist to
6 cross the center line and there is no oncoming traffic."

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

9 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
10 DEFINITION--SCHEDULE OF ASSESSMENTS.--

11 A. As used in the Motor Vehicle Code, "penalty
12 assessment misdemeanor" means violation of any of the following
13 listed sections of the NMSA 1978 for which, except as provided
14 in Subsections D and E of this section, the listed penalty
15 assessment is established:

16	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
17			ASSESSMENT
18	Permitting unlicensed		
19	minor to drive	66-5-40	\$ 10.00
20	Failure to obey sign	66-7-104	10.00
21	Failure to obey signal	66-7-105	10.00
22	Speeding	66-7-301	
23	(1) up to and including		
24	ten miles an hour		
25	over the speed limit		15.00

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1	(2) from eleven up to		
2	and including fifteen		
3	miles an hour		
4	over the speed limit		30.00
5	(3) from sixteen up to		
6	and including twenty		
7	miles an hour over the		
8	speed limit		65.00
9	(4) from twenty-one up to		
10	and including twenty-five		
11	miles an hour		
12	over the speed limit		100.00
13	(5) from twenty-six up to		
14	and including thirty		
15	miles an hour over the		
16	speed limit		125.00
17	(6) from thirty-one up to		
18	and including thirty-five		
19	miles an hour over the		
20	speed limit		150.00
21	(7) more than thirty-five		
22	miles an hour over the		
23	speed limit		200.00
24	Unfastened safety belt	66-7-372	25.00
25	Child not in restraint device		

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1	or seat belt	66-7-369	25.00
2	Minimum speed	66-7-305	10.00
3	Speeding	66-7-306	15.00
4	Improper starting	66-7-324	10.00
5	Improper backing	66-7-354	10.00
6	Improper lane	66-7-308	10.00
7	Improper lane	66-7-313	10.00
8	Improper lane	66-7-316	10.00
9	Improper lane	66-7-317	10.00
10	Improper lane	66-7-319	10.00
11	Improper passing	66-7-309 through 66-7-312	10.00
12	Improper passing	66-7-315	10.00
13	Controlled access		
14	violation	66-7-320	10.00
15	Controlled access		
16	violation	66-7-321	10.00
17	Improper turning	66-7-322	10.00
18	Improper turning	66-7-323	10.00
19	Improper turning	66-7-325	10.00
20	Following too closely	66-7-318	10.00
21	Failure to yield	66-7-328 through 66-7-331	10.00
22	Failure to yield	66-7-332	50.00
23	Failure to yield	66-7-332.1	25.00
24	Pedestrian violation	66-7-333	10.00
25	Pedestrian violation	66-7-340	10.00

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1	Failure to stop	66-7-342 and 66-7-344	
2		through 66-7-346	10.00
3	Railroad-highway grade		
4	crossing violation	66-7-341 and 66-7-343	150.00
5	Passing school bus	66-7-347	100.00
6	<u>Approaching or passing</u>	<u>66-7-374</u>	<u>25.00</u>
7	<u>bicyclist</u>		
8	Failure to signal	66-7-325 through 66-7-327	10.00
9	Failure to secure load	66-7-407	100.00
10	Operation without oversize-		
11	overweight permit	66-7-413	50.00
12	Improper equipment	66-3-801	10.00
13	Improper equipment	66-3-901	20.00
14	Improper emergency		
15	signal	66-3-853 through 66-3-857	10.00
16	Operation interference	66-7-357	5.00
17	Littering	66-7-364	300.00
18	Improper parking	66-7-349 through 66-7-352	
19		and 66-7-353	5.00
20	Improper parking	66-3-852	5.00
21	Failure to dim lights	66-3-831	10.00
22	Riding in or towing		
23	occupied house trailer	66-7-366	5.00
24	Improper opening of doors	66-7-367	5.00
25	No slow-moving vehicle		

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1 emblem or flashing

2 amber light 66-3-887 5.00

3 Open container - first

4 violation 66-8-138 25.00.

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

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

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

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

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SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2011.

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