

SENATE BILL 48

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MOTOR VEHICLES; ENACTING A NEW SECTION OF THE MOTOR VEHICLE CODE TO AUTHORIZE CLASS A COUNTIES OR MUNICIPALITIES WITHIN CLASS A COUNTIES TO ENACT ORDINANCES ESTABLISHING MANDATORY VEHICLE INSPECTIONS FOR VEHICLE NOISE OR SAFETY MAINTENANCE; AMENDING SECTION 66-3-7 NMSA 1978 (BEING LAWS 1978, CHAPTER 35, SECTION 27, AS AMENDED) TO INCLUDE THE FAILURE TO PROVIDE PROOF OF RECEIVING A MANDATORY VEHICLE INSPECTION FOR VEHICLE NOISE OR SAFETY MAINTENANCE AS GROUNDS

.223019.1AIC February 20, 2023 (9:51am)

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FOR REFUSING, SUSPENDING OR REVOKING VEHICLE REGISTRATION,
ISSUANCE OF CERTIFICATE OF TITLE OR A TRANSFER OF REGISTRATION;
PROVIDING A PENALTY.

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

SECTION 1. Section 66-3-7 NMSA 1978 (being Laws 1978,
Chapter 35, Section 27, as amended) is amended to read:

"66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING
REGISTRATION OR CERTIFICATE OF TITLE.--The division may refuse,
suspend or revoke registration or issuance of a certificate of
title or a transfer of registration upon the [~~ground~~] grounds
that:

A. the application contains a false or fraudulent
statement or that the applicant failed to furnish the required
information or reasonable additional information requested by
the division or that the applicant is not entitled to the
issuance of a certificate of title or registration of the
vehicle under the Motor Vehicle Code;

B. the vehicle is mechanically unfit or unsafe to
be operated or moved upon the highways;

C. a commercial motor vehicle is operated by a
commercial motor carrier that is prohibited from operating the
vehicle by order of a state or federal agency;

D. the division has [~~a~~] reasonable [~~ground~~] grounds
to believe that the vehicle is a stolen or embezzled vehicle or
that the granting of registration or the issuance of a

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certificate of title would constitute a fraud against the rightful owner or other person having valid lien upon the vehicle;

E. the registration of the vehicle stands suspended or revoked for any reason as provided in the motor vehicle laws of this state;

F. the required fee has not been paid;

G. the motor vehicle excise tax has not been paid;

H. the weight distance tax has not been paid;

I. international fuel tax agreement taxes have not been paid;

J. if the vehicle is a mobile home, the property tax has not been paid;

K. the owner's address, as shown in the records of the division, is within a class A county or within a municipality that has a vehicle emission inspection and maintenance program and the applicant has applied at an office outside the designated county or municipality; ~~[or]~~

L. the owner is required to but has failed to provide proof of compliance with a vehicle emission inspection and maintenance program, if required in the county or municipality in which the owner resides; or

M. the owner is required to but has failed to provide proof of compliance with a vehicle inspection program for vehicle noise or safety maintenance, if required in the

county or municipality in which the owner resides SJC→;
provided that a vehicle purchased from a dealer licensed
pursuant to Section 66-4-1 NMSA 1978 shall be exempt from a
vehicle noise or safety maintenance inspection program for two
years from the date of the purchase←SJC ."

SECTION 2. A new Section 66-3-7.2 NMSA 1978 is enacted to read:

"66-3-7.2. [NEW MATERIAL] ADOPTION OF A VEHICLE NOISE OR SAFETY MAINTENANCE INSPECTION ORDINANCE--PROOF OF INSPECTION REQUIRED FOR REGISTRATION--PENALTY.--

A. A class A county or a municipality within a class A county may establish a mandatory vehicle safety maintenance or vehicle noise inspection ordinance. The ordinance may exempt or exclude certain categories or classifications of vehicles and may exempt or exclude a vehicle because of age or type of vehicle.

B. The division shall not register a vehicle owned by a resident of a class A county or a municipality within a class A county with a mandatory vehicle safety maintenance or vehicle noise inspection ordinance unless proof of the required vehicle inspection or exemption from the requirement is presented, unless the ordinance of the municipality or county specifically excludes enforcement by the division.

C. A county or municipality that enacts an ordinance pursuant to Subsection A of this section shall inform

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the director of the division about the ordinance and its requirements and exemptions within thirty days of its passage.

D. It is a penalty assessment misdemeanor pursuant to Section 66-8-116 NMSA 1978 for any person to register a vehicle in a county or municipality that does not conduct a vehicle noise or safety maintenance program if the registered owner of that vehicle resides in a county or municipality conducting a vehicle noise or safety maintenance inspection program and the person registering the vehicle does so for the purpose of evading a vehicle noise or safety maintenance inspection program.

E. As used in this section, "safety maintenance" means maintenance of windshields, mirrors, registration plates or other vehicle parts required to meet certain safety standards established by ordinance."

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

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

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

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
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		ASSESSMENT
Vehicles subject to		
registration	66-3-1	\$ 50.00
Improper display of		
registration plate	66-3-18	25.00
<u>Improper location of</u>		
<u>registration to</u>		
<u>avoid inspection</u>	<u>66-3-7.2</u>	<u>50.00</u>
Failure to notify of		
change of name or		
address	66-3-23	25.00
Lost or damaged registration,		
plate or title	66-3-24	25.00
Horseless carriage		
registration	66-3-27	25.00
Transfer of registration		
and title	66-3-103	25.00
Expiration of dealer		
plates	66-3-403	25.00
Special registration		
plates	66-3-409, 66-3-412.1,	
	66-3-413, 66-3-415,	
	66-3-417, 66-3-419,	
	66-3-421, 66-3-422,	
	66-3-424.4, 66-3-424.5,	

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	66-3-424.7, 66-3-424.9, 66-3-424.13, 66-3-424.16 and 66-3-424.28	75.00
Bicycle laws	66-3-701 through 66-3-707	50.00
No license display	66-5-16	25.00
Failure to change address or name on license	66-5-22	25.00
Permitting unauthorized minor to drive	66-5-40	50.00
Permitting unauthorized person to drive	66-5-41	25.00
Failure to obey sign	66-7-104	25.00
Failure to obey signal	66-7-105	25.00
Pedestrian signs and signals	66-7-106 through 66-7-108	25.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		25.00
(2) from eleven up to		

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and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00

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Minimum speed	66-7-305	25.00
Speeding	66-7-306	25.00
Improper starting	66-7-324	25.00
Improper backing	66-7-354	25.00
Improper lane	66-7-308	25.00
Improper lane	66-7-313	25.00
Improper lane	66-7-316	25.00
Improper lane	66-7-317	25.00
Improper lane	66-7-319	25.00
Improper passing	66-7-309 through 66-7-312	25.00
Improper passing	66-7-315	25.00
Controlled access violation	66-7-320	25.00
Controlled access violation	66-7-321	25.00
Improper turning	66-7-322	25.00
Improper turning	66-7-323	25.00
Improper turning	66-7-325	25.00
Following too closely	66-7-318	25.00
Failure to yield	66-7-328 through 66-7-331	25.00
Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333	
	through	
	66-7-340	25.00

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Failure to stop	66-7-342 and 66-7-344	
	through 66-7-346	25.00
Railroad-highway grade		
crossing violation	66-7-341 and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through 66-7-327	25.00
Riding on motorcycles	66-7-355	100.00
Video screens in		
automobiles	66-7-358	25.00
Driving on mountain		
highways	66-7-359	25.00
Coasting prohibited	66-7-360	25.00
Animals on highway at		
night	66-7-363	50.00
Failure to secure load	66-7-407	100.00
Operation without oversize-		
overweight permit	66-7-413	50.00
Transport of reducible		
load with special		
permit more than six miles		
from a border crossing	66-7-413	100.00
Driving while license		
administratively		
suspended	66-5-39.2	25.00
Improper equipment	66-3-801 through	

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	66-3-840 and 66-3-842	
	through 66-3-851	50.00
Improper equipment	66-3-901	50.00
Improper emergency		
signal	66-3-853 through 66-3-857	25.00
Minor on motorcycle		
without helmet	66-7-356	300.00
Operation interference	66-7-357	50.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352	
	and 66-7-353	25.00
Improper parking	66-3-852	25.00
Riding in or towing		
occupied house trailer	66-7-366	25.00
Improper opening of doors	66-7-367	25.00
No slow-moving vehicle		
emblem or flashing		
amber light	66-3-887	25.00
Open container-first		
violation	66-8-138	25.00
Texting while driving-		
(1) first violation	66-7-374	25.00
(2) second and subsequent		
violation		50.00
Using a handheld mobile		

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communication device

while driving a

commercial motor vehicle 66-7-375

(1) first violation 25.00

(2) second and subsequent

violation 50.00.

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

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

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

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

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the penalty assessment shall be five hundred dollars (\$500).

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

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.

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