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HOUSE BILL 192

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

Angelica Rubio

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING THAT A MOTORIST MUST PROVIDE AT LEAST A FIVE-FOOT DISTANCE WHEN PASSING A BICYCLIST; ESTABLISHING A PENALTY ASSESSMENT MISDEMEANOR.

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

SECTION 1. A new Section 66-7-376 NMSA 1978 is enacted to read:

"66-7-376. [NEW MATERIAL] APPROACHING OR PASSING BICYCLIST.--

A. A driver of a motor vehicle shall proceed with caution when approaching or passing a person on a bicycle and shall pass the bicyclist at a reasonable speed and keep a safe distance from the bicyclist; provided that in no event shall a distance of less than five feet be considered a safe distance within the meaning of this section, and provided further that

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1 the motorist shall not pass the bicyclist if the requirements  
2 of this section cause the motorist to cross the center line of  
3 the road when there is a vehicle approaching in the opposite  
4 direction, but a motorist may cross the center line,  
5 notwithstanding the provisions of Section 66-7-315 NMSA 1978,  
6 if allowing the requisite five feet requires the motorist to  
7 cross the center line and there is no oncoming traffic.

8 B. A violation of this section is a penalty  
9 assessment misdemeanor."

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

12 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--DEFINITION--  
13 SCHEDULE OF ASSESSMENTS.--

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

19 COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
		ASSESSMENT
21 Improper display of		
22 registration plate	66-3-18	\$ 25.00
23 Failure to notify of		
24 change of name or address	66-3-23	25.00
25 Lost or damaged registration,		

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1	plate or title	66-3-24	25.00
2	Horseless carriage		
3	registration	66-3-27	25.00
4	Transfer of registration		
5	and title	66-3-103	25.00
6	Expiration of dealer		
7	plates	66-3-403	25.00
8	Special registration		
9	plates	66-3-409, 66-3-412.1,	
10		66-3-413, 66-3-415,	
11		66-3-417, 66-3-419,	
12		66-3-421, 66-3-422,	
13		66-3-424.4, 66-3-424.5,	
14		66-3-424.7, 66-3-424.9,	
15		66-3-424.13,	
16		66-3-424.16	
17		and 66-3-424.28	75.00
18	Bicycle laws	66-3-701	
19		through	
20		66-3-707	50.00
21	No license display	66-5-16	25.00
22	Failure to change		
23	address or name on		
24	license	66-5-22	25.00
25	Permitting unauthorized		
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1	minor to drive	66-5-40	50.00
2	Permitting unauthorized		
3	person to drive	66-5-41	25.00
4	Failure to obey sign	66-7-104	25.00
5	Failure to obey signal	66-7-105	25.00
6	Pedestrian signs and		
7	signals	66-7-106	
8		through	
9		66-7-108	25.00
10	Speeding	66-7-301	
11	(1) up to and including		
12	ten miles an hour		
13	over the speed limit		25.00
14	(2) from eleven up to		
15	and including fifteen		
16	miles an hour		
17	over the speed limit		30.00
18	(3) from sixteen up to		
19	and including twenty		
20	miles an hour over the		
21	speed limit		65.00
22	(4) from twenty-one up to		
23	and including twenty-five		
24	miles an hour		
25	over the speed limit		100.00

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1	(5) from twenty-six up to		
2	and including thirty		
3	miles an hour over the		
4	speed limit		125.00
5	(6) from thirty-one up to		
6	and including thirty-five		
7	miles an hour over the		
8	speed limit		150.00
9	(7) more than thirty-five		
10	miles an hour over the		
11	speed limit		200.00
12	Unfastened safety belt	66-7-372	25.00
13	Child not in restraint device		
14	or seat belt	66-7-369	25.00
15	Minimum speed	66-7-305	25.00
16	Speeding	66-7-306	25.00
17	Improper starting	66-7-324	25.00
18	Improper backing	66-7-354	25.00
19	Improper lane	66-7-308	25.00
20	Improper lane	66-7-313	25.00
21	Improper lane	66-7-316	25.00
22	Improper lane	66-7-317	25.00
23	Improper lane	66-7-319	25.00
24	Improper passing	66-7-309 through 66-7-312	25.00
25	Improper passing	66-7-315	25.00

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1	Controlled access		
2	violation	66-7-320	25.00
3	Controlled access		
4	violation	66-7-321	25.00
5	Improper turning	66-7-322	25.00
6	Improper turning	66-7-323	25.00
7	Improper turning	66-7-325	25.00
8	Following too closely	66-7-318	25.00
9	Failure to yield	66-7-328 through 66-7-331	25.00
10	Failure to yield	66-7-332	50.00
11	Failure to yield	66-7-332.1	25.00
12	Pedestrian violation	66-7-333	
13		through	
14		66-7-340	25.00
15	Failure to stop	66-7-342 and 66-7-344	
16		through 66-7-346	25.00
17	Railroad-highway grade		
18	crossing violation	66-7-341 and 66-7-343	150.00
19	Passing school bus	66-7-347	100.00
20	<u>Approaching or passing</u>	<u>66-7-376</u>	<u>25.00</u>
21	<u>bicyclist</u>		
22	Failure to signal	66-7-325 through 66-7-327	25.00
23	Riding on motorcycles	66-7-355	100.00
24	Video screens in		
25	automobiles	66-7-358	25.00

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1	Driving on mountain		
2	highways	66-7-359	25.00
3	Coasting prohibited	66-7-360	25.00
4	Animals on highway at		
5	night	66-7-363	50.00
6	Failure to secure load	66-7-407	100.00
7	Operation without oversize-		
8	overweight permit	66-7-413	50.00
9	Transport of reducible		
10	load with special		
11	permit more than six miles		
12	from a border crossing	66-7-413	100.00
13	Improper equipment	66-3-801 through	
14		66-3-840 and 66-3-842	
15		through 66-3-851	50.00
16	Improper equipment	66-3-901	50.00
17	Improper emergency		
18	signal	66-3-853 through 66-3-857	25.00
19	Minor on motorcycle		
20	without helmet	66-7-356	300.00
21	Operation interference	66-7-357	50.00
22	Littering	66-7-364	300.00
23	Improper parking	66-7-349 through 66-7-352	
24		and 66-7-353	25.00
25	Improper parking	66-3-852	25.00

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1	Riding in or towing		
2	occupied house trailer	66-7-366	25.00
3	Improper opening of doors	66-7-367	25.00
4	No slow-moving vehicle		
5	emblem or flashing		
6	amber light	66-3-887	25.00
7	Open container-first		
8	violation	66-8-138	25.00
9	Texting while driving-		
10	(1) first violation	66-7-374	25.00
11	(2) second and subsequent		
12	violation		50.00
13	Using a handheld mobile		
14	communication device		
15	while driving a		
16	commercial motor vehicle	66-7-375	
17	(1) first violation		25.00
18	(2) second and subsequent		
19	violation		50.00.

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

23 C. When an alleged violator of a penalty assessment  
24 misdemeanor elects to accept a notice to appear in lieu of a  
25 notice of penalty assessment, a fine imposed upon later

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1 conviction shall not exceed the penalty assessment established  
2 for the particular penalty assessment misdemeanor and probation  
3 imposed upon a suspended or deferred sentence shall not exceed  
4 ninety days.

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

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

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

22 SECTION 3. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2019.