

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 813

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO COURTS; INCREASING THE JURISDICTIONAL AMOUNT FOR  
CIVIL ACTIONS IN METROPOLITAN COURT AND MAGISTRATE COURT.

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

Section 1. Section 34-8A-3 NMSA 1978 (being Laws 1979,  
Chapter 346, Section 3, as amended) is amended to read:

"34-8A-3. METROPOLITAN COURT-- JURISDICTION. --

A. In addition to the jurisdiction provided by law  
for magistrate courts, a metropolitan court shall have  
jurisdiction within the county boundaries over all:

(1) offenses and complaints pursuant to  
ordinances of the county and of a municipality located within  
the county in which the court is located except municipalities  
with a population of more than two thousand five hundred but  
less than five thousand persons in the 1980 federal decennial

underscored material = new  
[bracketed material] = delete

1 census; provided that the metropolitan court shall not have  
2 jurisdiction over uncontested municipal parking violations;

3 (2) civil actions in which the debt or sum  
4 claimed does not exceed [~~ten thousand dollars (\$10,000)~~]  
5 twenty-five thousand dollars (\$25,000), exclusive of interest  
6 and costs; and

7 (3) contested violations of parking or  
8 operation of vehicle rules promulgated by a board of regents of  
9 a state educational institution designated in Article 12,  
10 Section 11 of the constitution of New Mexico located within the  
11 county in which the court is located.

12 B. For the purposes of this section, "uncontested  
13 violation" is a violation for which a citation has been issued  
14 and the person has paid the citation by mail or in person to  
15 the appropriate issuing authority; and "contested violation" is  
16 a violation for which a citation has been issued and the person  
17 has indicated his intent to contest the citation or the person  
18 has not paid or answered the citation.

19 C. The issuing authority shall provide to the  
20 metropolitan court on a mutually agreed schedule the unpaid  
21 citations and a listing in a manner mutually agreed upon of  
22 unpaid citations.

23 D. The municipality shall retain as reimbursement  
24 for its expenses all revenues from uncontested municipal  
25 parking violations. "

. 155651. 1

underscored material = new  
[bracketed material] = delete

1           Section 2. Section 35-3-3 NMSA 1978 (being Laws 1968,  
2 Chapter 62, Section 48, as amended) is amended to read:

3           "35-3-3. JURISDICTION--CIVIL ACTIONS. --

4           A. Magistrates have jurisdiction in civil actions  
5 in which the debt or sum claimed does not exceed [~~ten thousand~~  
6 ~~dollars (\$10,000)~~] twenty-five thousand dollars (\$25,000),  
7 exclusive of interest and costs.

8           B. Except as provided in Subsection C of this  
9 section, civil jurisdiction extends to actions in contract,  
10 quasi-contract and tort and where expressly conferred by law.

11           C. A magistrate has no jurisdiction in a civil  
12 action:

13                       (1) for malicious prosecution, libel or  
14 slander;

15                       (2) against public officers for misconduct in  
16 office;

17                       (3) for specific performance of contracts for  
18 the sale of real property;

19                       (4) in which the title or boundaries of land  
20 may be in dispute or drawn into question;

21                       (5) affecting domestic relations, including  
22 divorce, annulment or separation or custody, support,  
23 guardianship, adoption or dependency of children;

24                       (6) to grant writs of injunction, habeas  
25 corpus or extraordinary writs; or

. 155651. 1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(7) where jurisdiction is vested exclusively  
in another court. "

Section 3. EFFECTIVE DATE. --The effective date of the  
provisions of this act is July 1, 2005.

underscoring material = new  
[bracketed material] = delete