

A MEMORIAL

REQUESTING A STUDY TO EVALUATE WAYS TO PROVIDE A SYSTEM FOR CITING DRIVERS FOR TRAFFIC VIOLATIONS AND COMPARE THESE WAYS WITH NEW MEXICO'S CURRENT SYSTEM.

WHEREAS, under current New Mexico law, certified law enforcement officers must offer a driver at a traffic stop a choice between agreeing to pay a fine or contesting the citation in court; and

WHEREAS, the law enforcement officers almost immediately must submit different paperwork depending on the driver's decision; and

WHEREAS, research indicates that only seven other states maintain a system where a decision is made at the time of a traffic stop as to whether the stop will be contested in court; and

WHEREAS, many drivers, confused at the time of a traffic stop, later change their minds, causing confusion and delays in the system; and

WHEREAS, the uniform traffic citation form does not address all contingencies necessary for an efficient citation system; and

WHEREAS, the current system causes some payments to be made at the wrong office, thereby causing incorrect tracking and inappropriate issuance of orders to show cause and

inappropriate issuance of bench warrants; and

WHEREAS, the legislature's carefully planned distribution of fines and fees thus becomes confusing and does not reflect the legislature's intent;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the administrative office of the courts, the motor vehicle division of the taxation and revenue department and the department of public safety form a work group to study and evaluate other states' systems of citing drivers for traffic violations and compare the other states' systems with New Mexico's current system; and

BE IT FURTHER RESOLVED that the work group study propose legislation to remedy the problems that arise from the current system and present proposed legislation to the legislative finance committee and any other appropriate interim legislative committee prior to November 1, 2009.