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SENATE BILL 267

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

INTRODUCED BY

Steven P. Neville

AN ACT

RELATING TO LAW ENFORCEMENT; PROVIDING THAT A POST-SECONDARY EDUCATIONAL INSTITUTION MAY ENTER INTO A WRITTEN AGREEMENT WITH A MUNICIPALITY FOR ENFORCEMENT OF CAMPUS TRAFFIC REGULATIONS; PROVIDING PROCEDURES FOR THE ISSUANCE AND PAYMENT OF CITATIONS; PROVIDING FOR ADJUDICATION IN MUNICIPAL COURT; ALLOWING PENALTY ASSESSMENTS TO BE CREDITED TO THE MUNICIPALITY OR TO THE POST-SECONDARY EDUCATIONAL INSTITUTION; PROVIDING FOR COMMISSIONING OF SECURITY PERSONNEL.

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

SECTION 1. A new Section 29-5-4 NMSA 1978 is enacted to read:

"29-5-4. [NEW MATERIAL] POST-SECONDARY EDUCATIONAL INSTITUTIONS--CAMPUS TRAFFIC REGULATIONS--AGREEMENT WITH MUNICIPALITY.--

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1 A. As used in this section, "post-secondary
2 educational institution" means a community college operating
3 pursuant to the Community College Act or a technical and
4 vocational institute operating pursuant to the Technical and
5 Vocational Institute Act that does not have campus police
6 officers created pursuant to Section 29-5-3 NMSA 1978.

7 B. The governing board of a post-secondary
8 educational institution may adopt and promulgate traffic
9 regulations to apply to areas within the exterior boundaries of
10 the lands under the control of the board, including streets and
11 highways. Traffic regulations may include:

- 12 (1) limiting the rates of speed;
13 (2) assigning parking spaces and designating
14 parking and no parking areas and their uses;
15 (3) prohibiting parking;
16 (4) removing, disabling or booting vehicles
17 parked in violation of campus traffic regulations at the
18 expense of the violator, who shall pay the expense before the
19 vehicle is released; and
20 (5) instituting a system of vehicle
21 registration for the identification and regulation of vehicles
22 regularly using campus facilities, including a reasonable
23 charge to defray the costs of providing parking and traffic
24 enforcement services and campus parking.

25 C. All areas subject to traffic regulations shall

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1 be marked with signs conforming with standards used by the
2 department of transportation.

3 D. Traffic regulations adopted by a post-secondary
4 educational institution pursuant to this section shall include
5 a specific penalty for each type of violation that shall not
6 exceed the penalty for the same violation under state law or
7 municipal ordinance for the municipality where the
8 post-secondary educational institution is located.

9 E. A post-secondary educational institution may
10 enter into a written agreement with the municipality where the
11 institution is located for municipal police enforcement of
12 traffic regulations and for enforcement of applicable laws and
13 ordinances within the exterior boundaries of the lands under
14 the control of the institution. The written agreement shall
15 outline the terms and conditions for municipal enforcement of
16 the institution's traffic regulations, including the following:

17 (1) unless a warning notice or a parking
18 citation is given at the time of making an arrest for a traffic
19 violation, the arresting officer shall offer the alleged
20 violator the option of accepting a penalty assessment or
21 appearing in municipal court for adjudication within five days
22 after issuance of the citation;

23 (2) if an alleged violator elects to appear in
24 municipal court in lieu of accepting a penalty assessment, the
25 fine imposed upon later conviction shall not exceed the penalty

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1 assessment established for the particular penalty assessment;

2 (3) a violator's signature on the penalty
3 assessment notice constitutes an acknowledgment of guilt of the
4 offense stated in the notice;

5 (4) payment of a parking violation penalty
6 assessment shall be made by mailing the payment within five
7 days from the date the citation was issued to the municipality
8 for processing in accordance with the written agreement.

9 Payment of the penalty assessment is timely if postmarked
10 within five days from the date of issuance of the citation;

11 (5) payment of any moving violation penalty
12 assessment shall be made by mailing the payment within thirty
13 days from the date the citation was issued to the municipality
14 for processing in accordance with the written agreement.

15 Payment of the penalty assessment is timely if postmarked
16 within thirty days from the date of issuance of the citation;

17 (6) when a penalty assessment is paid by
18 currency, a receipt shall be immediately mailed to the
19 violator;

20 (7) if a penalty assessment is not paid within
21 thirty days from the date of issuance of the citation, the
22 violator shall be prosecuted for the violation charged on the
23 penalty assessment notice in a manner as if a penalty
24 assessment notice had not been issued;

25 (8) all penalties and fines assessed shall be

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1 paid to the municipality to defray the costs of enforcement and
2 adjudication of citations issued at the post-secondary
3 educational institution; and

4 (9) the uniform traffic citation form approved
5 by the motor vehicle division of the taxation and revenue
6 department shall be used as the complaint for violations of
7 campus traffic regulations. Citations for moving violations
8 shall be issued in the manner set forth in Sections 66-8-123
9 through 66-8-127 NMSA 1978.

10 F. A municipality enforcing campus traffic
11 regulations pursuant to this section may, by commission,
12 authorize campus security personnel at the post-secondary
13 educational institution to issue citations for violations of
14 campus traffic regulations on such terms and conditions as
15 provided in the written agreement.

16 G. In the absence of a written agreement with a
17 municipality for the enforcement of traffic regulations, campus
18 security personnel may enforce traffic regulations. The
19 punishment for a violation of a campus traffic regulation shall
20 be not more than five dollars (\$5.00) per violation. All fines
21 collected pursuant to this subsection shall be remitted to the
22 post-secondary educational institution and shall be used solely
23 for the purposes of enforcing campus traffic regulations and
24 for planning and improving movement and control of vehicles and
25 related parking problems and for use in the operation,

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1 management and administration of the institution's security
2 office.

3 H. An arrest by a campus security officer for a
4 violation of a campus traffic regulation shall not be valid
5 unless, at the time of arrest, the campus security officer is
6 wearing a distinctive badge and uniform issued to the officer
7 by the post-secondary educational institution.

8 I. A record of a penalty assessment payment is not
9 admissible as evidence in court in a civil action.

10 J. A post-secondary educational institution may
11 withhold the issuance of grades and degrees in order to secure
12 payment of unpaid traffic or parking assessments."

13 SECTION 2. Section 35-14-2 NMSA 1978 (being Laws 1961,
14 Chapter 208, Section 2, as amended) is amended to read:

15 "35-14-2. JURISDICTION.--

16 A. Each municipal court has jurisdiction over all
17 offenses and complaints under ordinances of the municipality
18 and may issue subpoenas and warrants and punish for contempt.

19 B. Upon written agreement between the board of
20 regents of a state educational institution designated in
21 Article 12, Section 11 of the constitution of New Mexico and
22 the governing body of a municipality contiguous to land under
23 control of the board of regents or within which any portion of
24 such land is located, the municipal court has jurisdiction over
25 violations of campus traffic regulations adopted under Section

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1 29-5-1 NMSA 1978 as to areas under control of the board of
2 regents. Fines and forfeitures collected by the municipal
3 court under campus traffic regulations may be credited to the
4 state educational institution on whose campus the violation
5 occurred.

6 C. Upon written agreement between a post-secondary
7 educational institution and the governing body of a
8 municipality contiguous to land under control of the
9 institution or within which any portion of such land is
10 located, the municipal court has jurisdiction over violations
11 of campus traffic regulations adopted pursuant to Section
12 29-5-4 NMSA 1978 as to areas under control of the institution.
13 Fines and forfeitures collected by the municipal court for
14 violations of campus traffic regulations may be credited to the
15 municipality or to the post-secondary educational institution
16 on whose campus the violation occurred.

17 [~~G.~~] D. Each municipal court's personal
18 jurisdiction extends to any defendant who has been properly
19 served with criminal process of the court anywhere in the state
20 if that criminal process arises out of a charge of violation of
21 a municipal ordinance prohibiting driving while under the
22 influence of intoxicating liquor or drugs."

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