

SENATE BILL 241

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Roberto "Bobby" J. Gonzales

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 THE HIGHWAY CONSTRUCTION ZONE AUTOMATED SPEED ENFORCEMENT ACT; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO USE AUTOMATED SPEED DETECTION DEVICES TO DETECT SPEEDING VIOLATIONS; AUTHORIZING AN AUTOMATED TRAFFIC ENFORCEMENT SYSTEM TO ISSUE AND ENFORCE CIVIL FINES FOR SPEEDING VIOLATIONS WITHIN DESIGNATED CONSTRUCTION ZONES; PROVIDING FOR HEARINGS; REQUIRING RULEMAKING; IMPOSING PENALTIES; MAKING AN APPROPRIATION.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Highway Construction Zone Automated Speed Enforcement Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Highway Construction Zone Automated Speed Enforcement Act:

A. "automated speed detection device" means a device that combines a camera and a speed detection instrument to automatically detect when a motor vehicle is violating a posted speed limit, record the speed, take a digital image of the violating vehicle's vehicle registration number and send a date- and time-stamped copy of the detected speed and vehicle registration number image to a collection point;

B. "automated traffic enforcement system" includes the appointment and management of hearing examiners, the collection of civil fines, the installation and maintenance of automated speed detection devices in highway construction zones throughout the state and the transmittal of information collected by the automated speed detection devices to the division;

C. "bureau" means the traffic safety bureau of the department;

D. "department" means the department of transportation;

E. "division" means the New Mexico state police

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division of the department of public safety; and

F. "owner" means the registered owner of a motor vehicle.

SECTION 3. [NEW MATERIAL] CONSTRUCTION ZONES--AUTOMATED DETECTION OF SPEED LIMIT VIOLATIONS--HEARING EXAMINERS--STRICT LIABILITY.--

A. The department may:

(1) use an automated traffic enforcement system to detect and collect evidence of violations of posted speed limits in posted construction zones on state highways; and

(2) appoint a hearing examiner to hold hearings to:

(a) determine the applicability of a speed limit violation determination made pursuant to Section 4 of the Highway Construction Zone Automated Speed Enforcement Act; and

(b) upon a finding of a valid speed limit violation, impose a fine in accordance with Section 6 of the Highway Construction Zone Automated Speed Enforcement Act.

B. An owner is strictly and vicariously liable for a speeding violation determined pursuant to the Highway Construction Zone Automated Speed Enforcement Act. When a vehicle has more than one owner, all of the owners are jointly and severally liable for the violation.

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SECTION 4. [NEW MATERIAL] COLLECTION OF EVIDENCE--STATE

POLICE REVIEW--NOTICE OF CIVIL FINE--REQUEST FOR HEARING--
DEFAULT.--

A. The department shall provide the evidence of speed limit violations collected by an automated traffic enforcement system to the division for review. When upon review of the evidence, the division determines that a speed violation has occurred, the division shall so inform the department and provide to the department the address and name of the owner and the vehicle registration number of the violating vehicle.

B. Upon receipt of a determination of a speed violation by the division, the department shall send a notice of a civil fine to the owner by certified mail that advises the owner that payment for the fine or a request for a hearing must be received by the department no later than thirty days after the date of the notice that was mailed by the department.

C. Upon receipt of a civil fine notice, an owner may either pay the fine or request a hearing to be held by a hearing examiner appointed by the department. The request for a hearing shall state that the determination of a speed violation is not applicable to the owner based on one or more of the following allowable defenses:

(1) the vehicle was stolen or was otherwise being driven by another person without the owner's knowledge or

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permission;

(2) the ownership of the vehicle had lawfully been transferred and conveyed from the person registered as the owner to another person before the time of the alleged violation and the person who conveyed ownership was not the driver of the vehicle at the time of the alleged violation;

(3) the evidence does not show that the subject vehicle was involved in the alleged violation; or

(4) the owner has received a traffic citation from a law enforcement officer for the subject speed violation pursuant to Sections 66-8-116 through 66-8-117 NMSA 1978 or a municipal penalty assessment ordinance adopted pursuant to Section 66-8-130 NMSA 1978.

D. When the department does not receive a payment or a request for a hearing within thirty days of notice of a civil fine, the owner shall be in default. If the default is not cured, the department may pursue all legal remedies for collection of the debt and is entitled to an award of reasonable attorney fees incurred.

SECTION 5. [NEW MATERIAL] HEARING ON VIOLATION--RULES--FINE DETERMINATION.--

A. When a hearing is timely requested pursuant to Section 4 of the Highway Construction Zone Automated Speed Enforcement Act, a hearing examiner shall schedule a hearing within sixty days of the receipt of the request.

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B. In a hearing held pursuant to this section:

(1) the rules of evidence and civil procedure shall not apply;

(2) the hearing examiner shall ensure that an orderly exchange of relevant information occurs and may exclude irrelevant evidence or limit repetitive or unduly cumulative evidence, with or without objection;

(3) a final decision shall be supported by competent evidence; and

(4) the department has the burden of proving the violation by a preponderance of the evidence. The owner has the burden of proving a defense allowable pursuant to Section 4 of the Highway Construction Zone Automated Speed Enforcement Act by a preponderance of the evidence.

C. Upon a finding by a hearing examiner that the determination of a speed limit violation is applicable to an owner, a civil fine shall be imposed in accordance with rules promulgated pursuant to Section 6 of the Highway Construction Zone Automated Speed Enforcement Act.

SECTION 6. [NEW MATERIAL] IMPLEMENTING RULES--FINE AMOUNTS--DISTRIBUTION OF FINES.--

A. The department may promulgate rules to implement an automated traffic enforcement system; provided that:

(1) the bureau shall be responsible for the administration of an automated traffic enforcement system

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implemented by rule;

(2) a contractor retained by the bureau to aid in the administration of an automated traffic enforcement system shall not be compensated based on the number of civil fine notices that are issued; and

(3) the bureau shall contract with an independent third-party laboratory to, at minimum, annually perform a calibration test on each automated speed detection device in an automated traffic enforcement system implemented by the state transportation commission.

B. The department shall impose the following civil fines for violations of posted speed limits within designated highway construction zones:

(1) fifty dollars (\$50.00) for speed violations of six to ten miles per hour over the posted limit;

(2) one hundred dollars (\$100) for speed violations of eleven to fifteen miles per hour over the posted limit; and

(3) two hundred dollars (\$200) for speed violations of sixteen or more miles per hour over the speed limit.

C. The fines collected pursuant to the Highway Construction Zone Automated Speed Enforcement Act shall be STBTC → ~~retained and are appropriated to the bureau to install, maintain and administer an automated traffic enforcement~~

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~~system~~ ← STBTC STBTC → deposited in the highway construction zone automated speed enforcement fund ← STBTC .

STBTC → SECTION 7. [NEW MATERIAL] HIGHWAY CONSTRUCTION ZONE AUTOMATED SPEED ENFORCEMENT FUND.--The "highway construction zone automated speed enforcement fund" is created as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants and donations. Money in the fund is appropriated to the department for the purpose of carrying out the provisions of the Highway Construction Zone Automated Speed Enforcement Act. The fund shall be administered by the bureau for the purpose of implementing the provisions of the Highway Construction Zone Automated Speed Enforcement Act. Disbursements from the fund shall be made by warrant of the secretary of finance and administration pursuant to vouchers signed by the secretary of transportation or the secretary's designee. ← STBTC

SECTION STBTC → 7. ← STBTC STBTC → 8. ← STBTC EFFECTIVE DATE.--
The effective date of the provisions of this act is July 1, 2025.