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SENATE BILL 264

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Fernando R. Macias

AN ACT

RELATING TO TRAFFIC CITATIONS; PROVIDING THAT COUNTIES MAY ESTABLISH COUNTY TRAFFIC ORDINANCES AND PENALTY ASSESSMENT PROGRAMS.

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

Section 1. Section 66-8-117 NMSA 1978 (being Laws 1978, Chapter 35, Section 525, as amended) is amended to read:

"66-8-117. PENALTY ASSESSMENT MISDEMEANORS- - OPTION- - EFFECT. - -

A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

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1 B. Except for penalty assessments made under a
2 municipal or county program authorized by Section 66-8-130
3 NMSA 1978, payment of any penalty assessment must be made by
4 mail to the division within thirty days from the date of
5 arrest. Payments of penalty assessments are timely if
6 postmarked within thirty days from the date of arrest. The
7 division may issue a receipt when a penalty assessment is paid
8 by currency, but checks tendered by the violator upon which
9 payment is received are sufficient receipt.

10 C. No record of any penalty assessment payment is
11 admissible as evidence in any court in any civil action."

12 Section 2. Section 66-8-130 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 538, as amended) is amended to read:

14 "66-8-130. ALL TRAFFIC CITATIONS TO CONFORM -
15 MUNICIPALITIES AND COUNTIES MAY PASS [~~ORDINANCE~~] ORDINANCES TO
16 ESTABLISH SIMILAR [~~PROGRAM~~] PROGRAMS. --

17 A. The uniform traffic citation shall be used by
18 all state and local agencies enforcing laws and ordinances
19 relating to motor vehicles. [~~Any~~] A county or a municipality
20 may, by passage of an ordinance, establish a [~~municipal~~] local
21 government penalty assessment program similar to that
22 established in Sections 66-8-116 through 66-8-117 NMSA 1978
23 for violations of provisions of the Motor Vehicle Code. Every
24 [~~municipality~~] local government that has adopted an ordinance
25 to establish a penalty assessment program shall assess on all

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1 penalty assessment misdemeanors [~~after January 1, 1984~~], in
2 addition to the penalty assessment, a penalty assessment fee
3 of ten dollars (\$10.00) to be deposited in a special fund in
4 the [~~municipal~~] local government treasury for use by the
5 [~~municipality~~] local government only for [~~municipal~~] jailer
6 training; for the construction planning, construction,
7 operation and maintenance of the municipal or county jail; for
8 paying the costs of housing that [~~municipality's~~] local
9 government's prisoners in other detention facilities in the
10 state; or for complying with match or contribution
11 requirements for the receipt of federal funds relating to
12 jails. [~~Such a municipal~~] The local government program shall
13 be limited to violations of municipal or county traffic
14 ordinances.

15 B. All penalty assessments under a [~~municipal~~]
16 local government program authorized by this section shall be
17 processed by the municipal court for violations of municipal
18 traffic ordinances, and in the magistrate or metropolitan
19 court for violations of county traffic ordinances, and all
20 fines and fees collected shall be deposited in the treasury of
21 the [~~municipality~~] local government. A copy of each penalty
22 assessment processed shall be forwarded to the division within
23 ten days of completion of local processing for posting to the
24 driver's record. With the prior approval of the director, the
25 required information may be submitted to the division by

1 electronic means in lieu of forwarding copies of the penalty
2 assessments.

3 C. Each agency shall provide itself with copies
4 conforming exactly in size and format with the uniform traffic
5 citation prescribed by the director, and any alterations to
6 conform with local conditions must be approved by the
7 director. "

1 FORTY-FOURTH LEGISLATURE

SB 264/a

2 FIRST SESSION, 1999

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6 March 1, 1999

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8 Mr. President:

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10 Your FINANCE COMMITTEE, to whom has been referred

11
12 SENATE BILL 264

13
14 has had it under consideration and reports same with
15 recommendation that it DO PASS, amended as follows:

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18 1. On page 3, line 17, after "court" insert "or
19 metropolitan court".

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21 2. On page 3, line 20, strike "fines and" and insert in
22 lieu thereof "penalty assessment".

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24 and further recommends that it now be referred to the
25 JUDICIARY COMMITTEE.

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SFC/SB 264

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Respectfully submitted,

Ben D. Altami rano, Chair man

Adopted _____ Not

Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Carraro, Ingle, Lyons, McKi bben, Rodrigue z, Tsosi e

Absent: None

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SFC/SB 264

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