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HOUSE BILL

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

INTRODUCED BY

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO TRAFFIC CITATIONS; PROVIDING FOR REMITTANCE OF
PENALTY ASSESSMENTS TO THE COURTS; ALLOWING PERSONS CHARGED
WITH TRAFFIC CITATIONS TO PAY THE PENALTY ASSESSMENT ANY TIME
BEFORE APPEARANCE IN COURT; PROVIDING FOR SUSPENSION OF VEHICLE
REGISTRATION AND NON-ISSUANCE OF CERTIFICATE OF TITLE FOR
PERSONS WHO FAIL TO PAY OR APPEAR WITH RESPECT TO A PENALTY
ASSESSMENT; ALLOWING THE ADMINISTRATIVE OFFICE OF THE COURTS TO
IMPOSE REQUIREMENTS ON THE UNIFORM TRAFFIC CITATION FORM;
CREATING THE TRAFFIC CITATION FUND; IMPOSING A TRAFFIC CITATION
FEE; PROVIDING MUNICIPALITIES WITH TWENTY DAYS TO FORWARD
PENALTY ASSESSMENTS TO THE MOTOR VEHICLE DIVISION OF THE
TAXATION AND REVENUE DEPARTMENT; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 34, Article 9 NMSA

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1 1978 is enacted to read:

2 "[NEW MATERIAL] TRAFFIC CITATION FUND--PURPOSE--
3 ADMINISTRATION.--

4 A. The "traffic citation fund" is created in the
5 state treasury to be administered by the administrative office
6 of the courts. The fund consists of traffic citation fees
7 collected pursuant to Sections 35-6-1 and 66-8-116.3 NMSA 1978
8 and any appropriations, gifts, grants and donations. Income
9 from the fund is credited to the fund, and money in the fund
10 shall not revert or be transferred to any other fund at the end
11 of a fiscal year.

12 B. All balances in the traffic citation fund are
13 appropriated to the administrative office of the courts to
14 defray the costs of traffic citation collection and
15 adjudication in the magistrate and metropolitan courts. Fees
16 collected for offenses committed within the jurisdictional
17 boundaries of a magistrate court shall be expended for
18 operating costs and contracts related to traffic citation
19 collection and adjudication in the magistrate courts. Fees
20 collected for offenses committed within the jurisdictional
21 boundaries of a metropolitan court shall be distributed to that
22 metropolitan court for operating costs and contracts relating
23 to traffic citation collection and adjudication in that
24 metropolitan court.

25 C. Payments from the traffic citation fund shall be
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1 made upon vouchers issued and signed by the director of the
2 administrative office of the courts upon warrants drawn by the
3 secretary of finance and administration."

4 SECTION 2. Section 35-6-1 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 92, as amended) is amended to read:

6 "35-6-1. MAGISTRATE COSTS--SCHEDULE--DEFINITION OF
7 "CONVICTED".--

8 A. Magistrate judges, including metropolitan court
9 judges, shall assess and collect and shall not waive, defer or
10 suspend the following costs:

- 11 docket fee, criminal actions under Section 29-5-1 NMSA
- 12 1978 \$ 1.00;
- 13 docket fee, to be collected prior to docketing any other
- 14 criminal action, except as provided in Subsection B
- 15 of Section 35-6-3 NMSA 1978 20.00.
- 16 Proceeds from this docket fee shall be transferred
- 17 to the administrative office of the courts for
- 18 deposit in the court facilities fund;
- 19 docket fee, twenty dollars (\$20.00) of which shall be
- 20 deposited in the court automation fund and fifteen
- 21 dollars (\$15.00) of which shall be deposited in the
- 22 civil legal services fund, to be collected prior to
- 23 docketing any civil action, except as provided in
- 24 Subsection A of Section 35-6-3 NMSA 1978 . . 72.00;
- 25 jury fee, to be collected from the party demanding

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1 trial by jury in any civil action at the time the
2 demand is filed or made 25.00;
3 copying fee, for making and certifying copies of any
4 records in the court, for each page copied by
5 photographic process [50] 0.50.
6 Proceeds from this copying fee shall be transferred
7 to the administrative office of the courts for
8 deposit in the court facilities fund; and
9 copying fee, for computer-generated or electronically
10 transferred copies, per page 1.00.
11 Proceeds from this copying fee shall be transferred
12 to the administrative office of the courts for
13 deposit in the court automation fund.

14 Except as otherwise specifically provided by law, docket
15 fees shall be paid into the court facilities fund.

16 B. Except as otherwise provided by law, no other
17 costs or fees shall be charged or collected in the magistrate
18 or metropolitan court.

19 C. The magistrate or metropolitan court may grant
20 free process to any party in any civil proceeding or special
21 statutory proceeding upon a proper showing of indigency. The
22 magistrate or metropolitan court may deny free process if it
23 finds that the complaint on its face does not state a cause of
24 action.

25 D. As used in this subsection, "convicted" means the

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1 defendant has been found guilty of a criminal charge by the
2 magistrate or metropolitan judge, either after trial, a plea of
3 guilty or a plea of nolo contendere. Magistrate judges,
4 including metropolitan court judges, shall assess and collect
5 and shall not waive, defer or suspend the following costs:

6 (1) corrections fee, to be collected upon
7 conviction from persons convicted of violating any provision of
8 the Motor Vehicle Code involving the operation of a motor
9 vehicle, convicted of a crime constituting a misdemeanor or a
10 petty misdemeanor or convicted of violating any ordinance that
11 may be enforced by the imposition of a term of imprisonment as
12 follows:

13 in a county with a metropolitan court \$10.00;
14 in a county without a metropolitan court 20.00;

15 (2) court automation fee, to be collected upon
16 conviction from persons convicted of violating any provision of
17 the Motor Vehicle Code involving the operation of a motor
18 vehicle, convicted of a crime constituting a misdemeanor or a
19 petty misdemeanor or convicted of violating any ordinance that
20 may be enforced by the imposition of a term of
21 imprisonment 10.00;

22 (3) traffic safety fee, to be collected upon
23 conviction from persons convicted of violating any provision of
24 the Motor Vehicle Code involving the operation of a motor
25 vehicle 3.00;

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1 (4) judicial education fee, to be collected upon
2 conviction from persons convicted of operating a motor vehicle
3 in violation of the Motor Vehicle Code, convicted of a crime
4 constituting a misdemeanor or a petty misdemeanor or convicted
5 of violating any ordinance punishable by a term of
6 imprisonment 3.00;

7 (5) jury and witness fee, to be collected upon
8 conviction from persons convicted of operating a motor vehicle
9 in violation of the Motor Vehicle Code, convicted of a crime
10 constituting a misdemeanor or a petty misdemeanor or convicted
11 of violating any ordinance punishable by a term of
12 imprisonment 5.00;

13 (6) brain injury services fee, to be collected
14 upon conviction from persons convicted of violating any
15 provision of the Motor Vehicle Code involving the operation of
16 a motor vehicle 5.00;

17 [~~and~~]

18 (7) court facilities fee, to be collected upon
19 conviction from persons convicted of violating any provision of
20 the Motor Vehicle Code involving the operation of a motor
21 vehicle, convicted of a crime constituting a misdemeanor or a
22 petty misdemeanor or convicted of violating any ordinance that
23 may be enforced by the imposition of a term of imprisonment as
24 follows:

25 in a county with a metropolitan court 24.00;

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1 in any other county 10.00;

2 and

3 (8) traffic citation fee, to be collected upon
4 conviction from persons convicted of operating a motor vehicle
5 in violation of the Motor Vehicle Code, convicted of a crime
6 constituting a misdemeanor or a petty misdemeanor or convicted
7 of violating any ordinance punishable by a term of
8 imprisonment 10.00.

9 E. Metropolitan court judges shall assess and collect
10 and shall not waive, defer or suspend as costs a mediation fee
11 not to exceed five dollars (\$5.00) for the docketing of small
12 claims and criminal actions specified by metropolitan court
13 rule. Proceeds of the mediation fee shall be deposited into
14 the metropolitan court mediation fund."

15 **SECTION 3.** Section 35-7-4 NMSA 1978 (being Laws 1968,
16 Chapter 62, Section 99, as amended) is amended to read:

17 "35-7-4. MAGISTRATE ADMINISTRATION--MONTHLY
18 REMITTANCES.--Each magistrate court shall pay to the
19 administrative office of the courts, not later than the date
20 each month established by regulation of the director of the
21 administrative office, the amount of all fines, forfeitures and
22 costs collected by the court during the previous month, except
23 for amounts disbursed in accordance with law. The
24 administrative office shall return to each magistrate court a
25 written receipt itemizing all money received. The

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1 administrative office shall deposit the amount of all fines and
2 forfeitures with the state treasurer for credit to the current
3 school fund. The administrative office shall deposit the
4 amount of all costs, except all costs collected pursuant to
5 Subsections D and E of Section 35-6-1 NMSA 1978, for credit to
6 the general fund. The amount of all costs collected pursuant
7 to Subsections D and E of Section 35-6-1 NMSA 1978 shall be
8 credited as follows:

9 A. the amount of all costs collected pursuant to
10 Paragraph (1) of Subsection D of Section 35-6-1 NMSA 1978 for
11 credit to the local government corrections fund;

12 B. the amount of all costs collected pursuant to
13 Paragraph (2) of Subsection D of Section 35-6-1 NMSA 1978 for
14 credit to the court automation fund;

15 C. the amount of all costs collected pursuant to
16 Paragraph (3) of Subsection D of Section 35-6-1 NMSA 1978 for
17 credit to the traffic safety education and enforcement fund;

18 D. the amount of all costs collected pursuant to
19 Paragraph (4) of Subsection D of Section 35-6-1 NMSA 1978 for
20 credit to the judicial education fund;

21 E. the amount of all costs collected pursuant to
22 Paragraph (5) of Subsection D of Section 35-6-1 NMSA 1978 for
23 credit to the jury and witness fee fund;

24 F. the amount of all costs collected pursuant to
25 Paragraph (6) of Subsection D of Section 35-6-1 NMSA 1978 for

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1 credit to the brain injury services fund;

2 G. the amount of all costs collected pursuant to
3 Paragraph (7) of Subsection D of Section 35-6-1 NMSA 1978 for
4 credit to the court facilities fund; ~~and~~

5 H. the amount of all costs collected pursuant to
6 Paragraph (8) of Subsection D of Section 35-6-1 NMSA 1978 for
7 credit to the traffic citation fund; and

8 ~~[H.]~~ I. the amount of all costs collected pursuant to
9 Subsection E of Section 35-6-1 NMSA 1978 for credit to the
10 metropolitan court mediation fund."

11 **SECTION 4.** Section 66-3-7 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 27, as amended) is amended to read:

13 "66-3-7. GROUNDS FOR REFUSING, SUSPENDING OR REVOKING
14 REGISTRATION OR CERTIFICATE OF TITLE.--The division may refuse,
15 suspend or revoke registration or issuance of a certificate of
16 title or a transfer of registration upon the ~~[ground]~~ grounds
17 that:

18 A. the application contains a false or fraudulent
19 statement or that the applicant failed to furnish the required
20 information or reasonable additional information requested by
21 the division or that the applicant is not entitled to the
22 issuance of a certificate of title or registration of the
23 vehicle under the Motor Vehicle Code;

24 B. the vehicle is mechanically unfit or unsafe to be
25 operated or moved upon the highways;

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1 C. a commercial motor vehicle is operated by a
2 commercial motor carrier that is prohibited from operating the
3 vehicle by order of a state or federal agency;

4 D. the division has [~~a~~] reasonable [~~ground~~] grounds
5 to believe that the vehicle is a stolen or embezzled vehicle or
6 that the granting of registration or the issuance of a
7 certificate of title would constitute a fraud against the
8 rightful owner or other person having valid lien upon the
9 vehicle;

10 E. the registration of the vehicle stands suspended
11 or revoked for any reason as provided in the motor vehicle laws
12 of this state;

13 F. the required fee has not been paid;

14 G. the motor vehicle excise tax has not been paid;

15 H. the weight distance tax has not been paid;

16 I. international fuel tax agreement taxes have not
17 been paid;

18 J. if the vehicle is a mobile home, the property tax
19 has not been paid;

20 K. the owner's address, as shown in the records of
21 the division, is within a class A county or within a
22 municipality that has a vehicle emission inspection and
23 maintenance program and the applicant has applied at an office
24 outside the designated county or municipality; [~~or~~]

25 L. the owner is required to but has failed to provide

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1 proof of compliance with a vehicle emission inspection and
2 maintenance program, if required in the county or municipality
3 in which the owner resides; or

4 M. the owner has failed to fulfill a signed promise
5 to pay or to appear in court as a consequence of a charge or
6 conviction pursuant to the Motor Vehicle Code or the laws of a
7 tribe, as evidenced by notice from a state or tribal court."

8 SECTION 5. Section 66-5-30 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 252, as amended) is amended to read:

10 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
11 LICENSE.--

12 A. The division is authorized to suspend the
13 instruction permit, driver's license or provisional license of
14 a driver without preliminary hearing upon a showing by its
15 records or other sufficient evidence, including information
16 provided to the state pursuant to an intergovernmental
17 agreement authorized by Section 66-5-27.1 NMSA 1978, that the
18 licensee:

19 (1) has been convicted of an offense for which
20 mandatory revocation of license is required upon conviction;

21 (2) has been convicted as a driver in an
22 accident resulting in the death or personal injury of another
23 or serious property damage;

24 (3) has been convicted with such frequency of
25 offenses against traffic laws or rules governing motor vehicles

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1 as to indicate a disrespect for traffic laws and a disregard
2 for the safety of other persons on the highways;

3 (4) is an habitually reckless or negligent
4 driver of a motor vehicle;

5 (5) is incompetent to drive a motor vehicle;

6 (6) has permitted an unlawful or fraudulent use
7 of the license;

8 (7) has been convicted of an offense in another
9 state or tribal jurisdiction that if committed within this
10 state's jurisdiction would be grounds for suspension or
11 revocation of the license;

12 (8) has violated provisions stipulated by a
13 district court in limitation of certain driving privileges;

14 (9) has failed to fulfill a signed promise to
15 appear or notice to appear in court as evidenced by notice from
16 a state court or tribal court, whenever appearance is required
17 by law or by the court as a consequence of a charge or
18 conviction under the Motor Vehicle Code or pursuant to the laws
19 of the tribe; or

20 ~~[(10) has failed to pay a penalty assessment~~
21 ~~within thirty days of the date of issuance by the state or a~~
22 ~~tribe; or~~

23 ~~(11)]~~ (10) has accumulated seven points, but
24 less than eleven points, and when the division has received a
25 recommendation from a municipal or magistrate judge that the

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1 license be suspended for a period not to exceed three months.

2 B. Upon suspending the license of a person as
3 authorized in this section, the division shall immediately
4 notify the licensee in writing and, upon [~~his~~] the licensee's
5 request, shall afford [~~him~~] the licensee an opportunity for a
6 hearing as early as practicable within not to exceed twenty
7 days, not counting Saturdays, Sundays and legal holidays, after
8 receipt of the request in the county wherein the licensee
9 resides unless the division and the licensee agree that the
10 hearing may be held in some other county; provided that the
11 hearing request is received within twenty days from the date
12 that the suspension was deposited in the United States mail.
13 The director may, in [~~his~~] the director's discretion, extend
14 the twenty-day period. Upon the hearing, the director or [~~his~~]
15 the director's duly authorized agent may administer oaths and
16 may issue subpoenas for the attendance of witnesses and the
17 production of relevant books and papers and may require a
18 reexamination of the licensee. Upon the hearing, the division
19 shall either rescind its order of suspension or, good cause
20 appearing therefor, may continue, modify or extend the
21 suspension of the license or revoke the license."

22 SECTION 6. Section 66-8-116.3 NMSA 1978 (being Laws 1989,
23 Chapter 318, Section 35, Laws 1989, Chapter 319, Section 14 and
24 also Laws 1989, Chapter 320, Section 5, as amended) is amended
25 to read:

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1 "66-8-116.3. PENALTY ASSESSMENT MISDEMEANORS--ADDITIONAL
2 FEES.--In addition to the penalty assessment established for
3 each penalty assessment misdemeanor, there shall be assessed:

4 A. in a county without a metropolitan court, twenty
5 dollars (\$20.00) to help defray the costs of local government
6 corrections;

7 B. a court automation fee of ten dollars (\$10.00);

8 C. a traffic safety fee of three dollars (\$3.00),
9 which shall be credited to the traffic safety education and
10 enforcement fund;

11 D. a judicial education fee of three dollars (\$3.00),
12 which shall be credited to the judicial education fund;

13 E. a jury and witness fee of five dollars (\$5.00),
14 which shall be credited to the jury and witness fee fund;

15 F. a juvenile adjudication fee of one dollar (\$1.00),
16 which shall be credited to the juvenile adjudication fund;

17 G. a brain injury services fee of five dollars
18 (\$5.00), which shall be credited to the brain injury services
19 fund;

20 H. a court facilities fee as follows:
21 in a county with a metropolitan court \$24.00;
22 in any other county 10.00;

23 [and]

24 I. until May 31, 2014, a magistrate courts operations
25 fee of four dollars (\$4.00), which shall be credited to the

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1 magistrate courts operations fund; and

2 J. a traffic citation fee of ten dollars (\$10.00),
3 which shall be credited to the traffic citation fund."

4 SECTION 7. Section 66-8-119 NMSA 1978 (being Laws 1968,
5 Chapter 62, Section 159, as amended) is amended to read:

6 "66-8-119. PENALTY ASSESSMENT REVENUE--DISPOSITION.--

7 A. The [~~division~~] administrative office of the courts
8 shall remit all penalty assessment receipts, except receipts
9 collected pursuant to Subsections A through [~~I~~] J of Section
10 66-8-116.3 NMSA 1978, to the state treasurer for credit to the
11 general fund.

12 B. The [~~division~~] administrative office of the courts
13 shall remit all penalty assessment fee receipts collected
14 pursuant to:

15 (1) Subsection A of Section 66-8-116.3 NMSA 1978
16 to the state treasurer for credit to the local government
17 corrections fund;

18 (2) Subsection B of Section 66-8-116.3 NMSA 1978
19 to the state treasurer for credit to the court automation fund;

20 (3) Subsection C of Section 66-8-116.3 NMSA 1978
21 to the state treasurer for credit to the traffic safety
22 education and enforcement fund;

23 (4) Subsection D of Section 66-8-116.3 NMSA 1978
24 to the state treasurer for credit to the judicial education
25 fund;

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1 (5) Subsection E of Section 66-8-116.3 NMSA 1978
2 to the state treasurer for credit to the jury and witness fee
3 fund;

4 (6) Subsection F of Section 66-8-116.3 NMSA 1978
5 to the state treasurer for credit to the juvenile adjudication
6 fund;

7 (7) Subsection G of Section 66-8-116.3 NMSA 1978
8 to the state treasurer for credit to the brain injury services
9 fund;

10 (8) Subsection H of Section 66-8-116.3 NMSA 1978
11 to the state treasurer for credit to the court facilities fund;
12 [~~and~~]

13 (9) Subsection I of Section 66-8-116.3 NMSA 1978
14 to the state treasurer for credit to the magistrate courts
15 operations fund; and

16 (10) Subsection J of Section 66-8-116.3 NMSA
17 1978 to the state treasurer for credit to the traffic citation
18 fund."

19 **SECTION 8.** Section 66-8-123 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 531, as amended) is amended to read:

21 "66-8-123. CONDUCT OF ARRESTING OFFICER--NOTICES BY
22 CITATION.--

23 A. Except as provided in Section 66-8-122 NMSA 1978,
24 unless a penalty assessment or warning notice is given,
25 whenever a person is arrested for any violation of the Motor

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1 Vehicle Code or other law relating to motor vehicles punishable
2 as a misdemeanor, the arresting officer, using the uniform
3 traffic citation, shall complete the information section and
4 prepare a notice to appear in court, specifying the time and
5 place to appear, have the arrested person sign the agreement to
6 appear as specified, give a copy of the citation to the
7 arrested person and release [him] the person from custody.

8 B. Whenever a person is arrested for violation of a
9 penalty assessment misdemeanor, [~~and elects to pay the penalty~~
10 ~~assessment, the arresting officer, using the uniform traffic~~
11 ~~citation, shall complete the information section and prepare~~
12 ~~the penalty assessment notice indicating the amount of the~~
13 ~~penalty assessment, have the arrested person sign the agreement~~
14 ~~to pay the amount prescribed, give a copy of the citation along~~
15 ~~with a business reply envelope addressed to the motor vehicle~~
16 ~~division Santa Fe to the arrested person and release him from~~
17 ~~custody. No officer shall accept custody or payment of any~~
18 ~~penalty assessment. If the arrested person declines to accept~~
19 ~~a penalty assessment notice, the officer shall issue a notice~~
20 ~~to appear] the arresting officer shall advise the person of the
21 option either to accept the penalty assessment and pay it to
22 the court or to appear in court. The arresting officer, using
23 the uniform traffic citation, shall complete the information
24 section and prepare the penalty assessment notice indicating
25 the amount of the penalty assessment and shall prepare a notice~~

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1 to appear in court, specifying the time and place to appear.
2 The arresting officer shall have the person sign the citation
3 as a promise either to pay the penalty assessment as prescribed
4 or to appear in court as specified, give a copy of the citation
5 to the person and release the person from custody. An officer
6 shall not accept custody or payment of any penalty assessment.

7 C. The arresting officer may issue a warning notice,
8 but shall fill in the information section of the uniform
9 traffic citation and give a copy to the arrested person after
10 requiring ~~[his]~~ the person's signature on the warning notice as
11 an acknowledgment of receipt. No warning notice issued under
12 this section shall be used as evidence of conviction for
13 purposes of suspension or revocation of license under Section
14 66-5-30 NMSA 1978.

15 D. In order to secure ~~[his]~~ release, the arrested
16 person must give ~~[his]~~ the person's written promise to appear
17 in court or to pay the penalty assessment prescribed or
18 acknowledge receipt of a warning notice.

19 E. Any officer violating this section is guilty of a
20 misconduct in office and is subject to removal.

21 F. A law enforcement officer who arrests a person
22 without a warrant for a misdemeanor violation of the Motor
23 Carrier Act, the Criminal Code, the Liquor Control Act or other
24 New Mexico law may use the uniform traffic citation, issued
25 pursuant to procedures outlined in Subsections B through E of

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1 Section 31-1-6 NMSA 1978 [~~Subsections B through E~~] in lieu of
2 taking [~~him~~] the person to jail."

3 SECTION 9. Section 66-8-126 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 534) is amended to read:

5 "66-8-126. FAILURE TO OBEY NOTICE TO APPEAR--SUMMONS--
6 WARRANT.--

7 A. It is a misdemeanor for any person to violate
8 [~~his~~] a written promise to appear in court given to an officer
9 upon issuance of a uniform traffic citation regardless of the
10 disposition of the charge for which the citation was issued.

11 B. A written promise to appear in court may be
12 complied with by appearance of counsel.

13 C. A uniform traffic citation with a written promise
14 to appear in court or to pay the penalty assessment is a
15 summons. If a person fails to appear or to pay the penalty
16 assessment by the appearance date, a warrant for failure to
17 appear shall be issued."

18 SECTION 10. Section 66-8-128 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 536, as amended) is amended to read:

20 "66-8-128. UNIFORM TRAFFIC CITATION.--

21 A. The department shall prepare a uniform traffic
22 citation containing at least the following information:

23 (1) an information section, serially numbered
24 and containing spaces for the name, physical address and
25 mailing address, city and state of the individual charged; the

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1 individual's physical description, age and sex; the
2 registration number, year and state of the vehicle involved and
3 its make and type; the state and number of the individual's
4 driver's license; the specific section number and common name
5 of the offense charged under the NMSA 1978 or [of] local law;
6 the date and time of arrest; the arresting officer's signature
7 and identification number; and the conditions existing at the
8 time of the violation;

9 (2) a notice to appear [~~and~~
10 ~~(3)] in court or to pay a penalty assessment
11 [~~notice~~] with a place for the signature of the violator
12 agreeing to appear or to pay the penalty assessment prescribed;
13 and~~

14 (3) any additional requirements provided in
15 writing by the administrative office of the courts.

16 B. The department shall prescribe how the uniform
17 traffic citation form may be used as a warning notice.

18 C. The department shall prescribe the size and number
19 of copies of the paper version of the uniform traffic citation
20 and the disposition of each copy. The department may also
21 prescribe one or more electronic versions of the uniform
22 traffic citation, and these electronic versions may be used in
23 the issuance of citations.

24 D. Any entity that wishes to submit uniform traffic
25 citations required to be submitted to the department by

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1 electronic means [~~must~~] shall secure the prior permission of
2 the department."

3 SECTION 11. Section 66-8-130 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 538, as amended) is amended to read:

5 "66-8-130. ALL TRAFFIC CITATIONS TO CONFORM--
6 MUNICIPALITIES MAY PASS ORDINANCE TO ESTABLISH SIMILAR
7 PROGRAM.--

8 A. The uniform traffic citation shall be used by all
9 state and local agencies enforcing laws and ordinances relating
10 to motor vehicles. Any municipality may, by passage of an
11 ordinance, establish a municipal penalty assessment program
12 similar to that established in Sections 66-8-116 through
13 [~~66-8-117~~] 66-8-116.3 NMSA 1978 for violations of provisions of
14 the Motor Vehicle Code. Every municipality that has adopted an
15 ordinance to establish a penalty assessment program shall
16 assess on all penalty assessment misdemeanors after January 1,
17 1984, in addition to the penalty assessment, a penalty
18 assessment fee of ten dollars (\$10.00) to be deposited in a
19 special fund in the municipal treasury for use by the
20 municipality only for municipal jailer training; for the
21 construction planning, construction, operation and maintenance
22 of the municipal jail; for paying the costs of housing that
23 municipality's prisoners in other detention facilities in the
24 state; or for complying with match or contribution requirements
25 for the receipt of federal funds relating to jails. Such a

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1 municipal program shall be limited to violations of municipal
2 traffic ordinances.

3 B. All penalty assessments under a municipal program
4 authorized by this section shall be processed by the municipal
5 court, and all fines and fees collected shall be deposited in
6 the treasury of the municipality. A copy of each penalty
7 assessment processed shall be forwarded to the division within
8 [~~ten~~] twenty days of completion of local processing for posting
9 to the driver's record. With the prior approval of the
10 director, the required information may be submitted to the
11 division by electronic means in lieu of forwarding copies of
12 the penalty assessments.

13 C. Each agency shall provide itself with copies
14 conforming exactly in size and format with the uniform traffic
15 citation prescribed by the director, and any alterations to
16 conform with local conditions must be approved by the
17 director."

18 SECTION 12. Section 66-8-131 NMSA 1978 (being Laws 1961,
19 Chapter 213, Section 10, as amended) is amended to read:

20 "66-8-131. UNIFORM TRAFFIC CITATION IS COMPLAINT.--The
21 uniform traffic citation used as a notice to appear is a
22 summons and a valid complaint, though not verified."

23 SECTION 13. REPEAL.--Section 66-8-117 NMSA 1978 (being
24 Laws 1978, Chapter 35, Section 525, as amended) is repealed.

25 SECTION 14. EFFECTIVE DATES.--

.183119.2SA

underscoring material = new
~~[bracketed material] = delete~~

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A. The effective date of the provisions of Sections 1 through 3, 6 and 10 of this act is July 1, 2011.

B. The effective date of the provisions of Sections 4, 5, 7 through 9 and 11 through 13 of this act is July 1, 2012.