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SENATE BILL 365

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Michael S. Sanchez

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR CONSISTENT TRAFFIC
FINES TO BE IMPOSED BY LOCAL AUTHORITIES; DECLARING AN
EMERGENCY.

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

Section 1. Section 3-18-17 NMSA 1978 (being Laws 1965,
Chapter 300, Section 14-17-14) is amended to read:

"3-18-17. NUISANCES AND OFFENSES--REGULATION OR
PROHIBITION.--A municipality may by ordinance:

A. define a nuisance, abate a nuisance and impose
penalties upon a person who creates or allows a nuisance to
exist, provided that penalties imposed by a civil or criminal
nuisance ordinance for failure to obey a traffic sign or
signal or for a speeding offense or violation shall not be
different than the penalties imposed for failure to obey a

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1 traffic sign or signal or for a speeding offense contained in
2 Section

3 66-8-116 NMSA 1978;

4 B. regulate or prohibit any amusement or practice
5 [~~which~~] that tends to annoy persons on a street or public
6 ground; and

7 C. prohibit and suppress:

8 (1) gambling and the use of fraudulent
9 devices or practices for the purpose of obtaining money or
10 property;

11 (2) the sale, possession or exhibition of
12 obscene or immoral publications, prints, pictures or
13 illustrations;

14 (3) public intoxication;

15 (4) disorderly conduct; and

16 (5) riots, noises, disturbances or disorderly
17 assemblies in any public or private place. "

18 Section 2. Section 66-7-9 NMSA 1978 (being Laws 1978,
19 Chapter 35, Section 379, as amended) is amended to read:

20 "66-7-9. POWERS OF LOCAL AUTHORITIES. --

21 A. The provisions of the Motor Vehicle Code shall
22 not be deemed to prevent local authorities, with respect to
23 streets and highways under their jurisdiction and within the
24 reasonable exercise of the police power, from:

25 (1) regulating the standing or parking of

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1 vehicles;

2 (2) regulating traffic by means of police
3 officers or traffic-control signals;

4 (3) regulating or prohibiting processions or
5 assemblages on the highways;

6 (4) designating particular highways as one-
7 way highways and requiring that all vehicles thereon be moved
8 in one specific direction;

9 (5) regulating the speed of vehicles in
10 public parks;

11 (6) designating any highway as a through
12 highway and requiring that all vehicles stop before entering
13 or crossing it or designating any intersection as a stop
14 intersection or a yield intersection and requiring all
15 vehicles to stop or yield at one or more entrances to the
16 intersection;

17 (7) restricting the use of highways as
18 authorized in the Motor Vehicle Code;

19 (8) regulating the operation of bicycles and
20 requiring their registration and licensing, including the
21 requirement of a registration fee;

22 (9) regulating or prohibiting the turning of
23 vehicles, or specified types of vehicles, at intersections;

24 (10) altering the maximum speed limits as
25 authorized in the Motor Vehicle Code;

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1 (11) adopting other traffic regulations as
2 specifically authorized by the Motor Vehicle Code;

3 (12) regulating the operation of snowmobiles
4 on public lands, waters and property under their jurisdiction
5 and on streets and highways within their boundaries by
6 resolution or ordinance of their governing bodies and by
7 giving appropriate notice, if such regulation is not
8 inconsistent with the provisions of Sections 66-9-1 through
9 66-9-13 NMSA 1978; or

10 (13) regulating the operation of golf carts
11 on public lands and property under their jurisdiction and on
12 streets and roads within their boundaries by resolution or
13 ordinance of their governing bodies and requiring their
14 registration and licensing, including the payment of a
15 registration fee; provided, the resolution or ordinance shall:

16 (a) not permit operation of a golf cart
17 on any state highway;

18 (b) require that the golf cart be in
19 compliance with Section 66-3-887 NMSA 1978; and

20 (c) not be inconsistent with the
21 provisions of Sections 66-3-1001 through 66-3-1016 NMSA 1978.

22 B. No local authority shall erect or maintain any
23 stop sign or traffic-control signal at any location so as to
24 require the traffic on any state highway to stop or yield
25 before entering or crossing any intersecting highway unless

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1 approval in writing has first been obtained from the state
2 transportation commission.

3 C. No ordinance or regulation enacted under
4 Paragraph (4), (5), (6), (7) or (10) of Subsection A of this
5 section shall be effective until signs giving notice of the
6 local traffic regulations are posted upon or at the entrances
7 to the highway or part thereof affected as may be most
8 appropriate.

9 D. No local authority shall adopt a civil or
10 criminal ordinance in which the penalties for failure to obey
11 a traffic sign or signal or for a speeding offense or
12 violation are different than the penalties for failure to obey
13 a traffic sign or signal or for a speeding offense contained
14 in Section 66-8-116 NMSA 1978."

15 Section 3. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect
17 immediately.