

HOUSE BILL 343

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

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AN ACT

RELATING TO TRAFFIC OFFENSES; LIMITING THE AMOUNT OF FINES AND FEES IMPOSED BY ANY MUNICIPALITY FOR CERTAIN OFFENSES.

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, as amended) is amended to read:

"3-18-17. NUISANCES AND OFFENSES--REGULATION OR PROHIBITION.--A municipality, including a home rule municipality that has adopted a charter pursuant to Article 10, Section 6 of the constitution of New Mexico, 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 for a municipality with a population of [200,000] two hundred thousand or greater as of the last decennial census, the penalties or fines and costs or fees

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1 imposed by an ordinance for failure to obey a traffic sign or
2 signal, including a red light violation or for a speeding
3 offense or violation, [~~shall be~~] are subject to the following
4 criteria:

5 (1) the total amount of assessed penalties,
6 fines, fees and costs for each offense or violation shall not
7 exceed seventy-five dollars (\$75.00), except that the total for
8 unlawful parking in a space or blocking an access intended for
9 persons with significant mobility impairment shall not be less
10 than or exceed the fines provided in Section 66-7-352.5 NMSA
11 1978;

12 (2) each month, or other period set by
13 contract, the municipality shall retain from the gross total
14 amount of penalties, fines, fees and costs assessed and
15 collected that month or period an amount subject to audit that
16 is equal to the setup, maintenance, support and processing
17 services fees charged for that month or period pursuant to
18 contractual terms, by a vendor providing systems and services
19 that assist the municipality in imposing penalties or fines and
20 costs or fees as provided in this subsection;

21 (3) less the retention authorized in Paragraph
22 (2) of this subsection, the net total amount assessed in fines,
23 fees and costs by the municipality shall be distributed to the
24 administrative office of the courts, of which ten percent of
25 the net total amount assessed shall be credited to DWI drug

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1 court programs and ninety percent of the net total amount
2 assessed shall be transferred to the New Mexico finance
3 authority for deposit into the metropolitan court bond
4 guarantee fund; and

5 (4) in fiscal year 2009, and annually
6 thereafter, the municipality shall cause an audit of the
7 program to be conducted by the state auditor or an independent
8 auditor selected by the state auditor;

9 B. regulate or prohibit any amusement or practice
10 that tends to annoy persons on a street or public ground; and

11 C. prohibit and suppress:

12 (1) gambling and the use of fraudulent devices
13 or practices for the purpose of obtaining money or property;

14 (2) the sale, possession or exhibition of
15 obscene or immoral publications, prints, pictures or
16 illustrations;

17 (3) public intoxication;

18 (4) disorderly conduct; and

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

21 Section 2. APPLICABILITY.--The provisions of this act
22 apply prospectively to all municipal ordinances enacted before
23 or after the effective date of this act.

24 Section 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2009.

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