

1 AN ACT

2 RELATING TO LAW ENFORCEMENT; PROVIDING THAT A POST-SECONDARY
3 EDUCATIONAL INSTITUTION MAY ENTER INTO A WRITTEN AGREEMENT
4 WITH A MUNICIPALITY FOR ENFORCEMENT OF CAMPUS TRAFFIC
5 REGULATIONS; PROVIDING PROCEDURES FOR THE ISSUANCE AND
6 PAYMENT OF CITATIONS; PROVIDING FOR ADJUDICATION IN MUNICIPAL
7 COURT; ALLOWING PENALTY ASSESSMENTS TO BE CREDITED TO THE
8 MUNICIPALITY OR TO THE POST-SECONDARY EDUCATIONAL
9 INSTITUTION; PROVIDING FOR COMMISSIONING OF SECURITY
10 PERSONNEL.

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

13 SECTION 1. A new Section 29-5-4 NMSA 1978 is enacted to
14 read:

15 "29-5-4. POST-SECONDARY EDUCATIONAL INSTITUTIONS--
16 CAMPUS TRAFFIC REGULATIONS--AGREEMENT WITH MUNICIPALITY.--

17 A. As used in this section, "post-secondary
18 educational institution" means a community college operating
19 pursuant to the Community College Act or a technical and
20 vocational institute operating pursuant to the Technical and
21 Vocational Institute Act that does not have campus police
22 officers created pursuant to Section 29-5-3 NMSA 1978.

23 B. The governing board of a post-secondary
24 educational institution may adopt and promulgate traffic
25 regulations to apply to areas within the exterior boundaries

1 of the lands under the control of the board, including
2 streets and highways. Traffic regulations may include:

- 3 (1) limiting the rates of speed;
- 4 (2) assigning parking spaces and designating
5 parking and no parking areas and their uses;
- 6 (3) prohibiting parking;
- 7 (4) removing, disabling or booting vehicles
8 parked in violation of campus traffic regulations at the
9 expense of the violator, who shall pay the expense before the
10 vehicle is released; and

11 (5) instituting a system of vehicle
12 registration for the identification and regulation of
13 vehicles regularly using campus facilities, including a
14 reasonable charge to defray the costs of providing parking
15 and traffic enforcement services and campus parking.

16 C. All areas subject to traffic regulations shall
17 be marked with signs conforming with standards used by the
18 department of transportation.

19 D. Traffic regulations adopted by a post-secondary
20 educational institution pursuant to this section shall
21 include a specific penalty for each type of violation that
22 shall not exceed the penalty for the same violation under
23 state law or municipal ordinance for the municipality where
24 the post-secondary educational institution is located.

25 E. A post-secondary educational institution may

1 enter into a written agreement with the municipality where
2 the institution is located for municipal police enforcement
3 of traffic regulations and for enforcement of applicable laws
4 and ordinances within the exterior boundaries of the lands
5 under the control of the institution. The written agreement
6 shall outline the terms and conditions for municipal
7 enforcement of the institution's traffic regulations,
8 including the following:

9 (1) unless a warning notice or a parking
10 citation is given at the time of making an arrest for a
11 traffic violation, the arresting officer shall offer the
12 alleged violator the option of accepting a penalty assessment
13 or appearing in municipal court for adjudication within five
14 days after issuance of the citation;

15 (2) if an alleged violator elects to appear
16 in municipal court in lieu of accepting a penalty assessment,
17 the fine imposed upon later conviction shall not exceed the
18 penalty assessment established for the particular penalty
19 assessment;

20 (3) a violator's signature on the penalty
21 assessment notice constitutes an acknowledgment of guilt of
22 the offense stated in the notice;

23 (4) payment of a parking violation penalty
24 assessment shall be made by mailing the payment within five
25 days from the date the citation was issued to the

1 municipality for processing in accordance with the written
2 agreement. Payment of the penalty assessment is timely if
3 postmarked within five days from the date of issuance of the
4 citation;

5 (5) payment of any moving violation penalty
6 assessment shall be made by mailing the payment within thirty
7 days from the date the citation was issued to the
8 municipality for processing in accordance with the written
9 agreement. Payment of the penalty assessment is timely if
10 postmarked within thirty days from the date of issuance of
11 the citation;

12 (6) when a penalty assessment is paid by
13 currency, a receipt shall be immediately mailed to the
14 violator;

15 (7) if a penalty assessment is not paid
16 within thirty days from the date of issuance of the citation,
17 the violator shall be prosecuted for the violation charged on
18 the penalty assessment notice in a manner as if a penalty
19 assessment notice had not been issued;

20 (8) all penalties and fines assessed shall
21 be paid to the municipality to defray the costs of
22 enforcement and adjudication of citations issued at the
23 post-secondary educational institution; and

24 (9) the uniform traffic citation form
25 approved by the motor vehicle division of the taxation and

1 revenue department shall be used as the complaint for
2 violations of campus traffic regulations. Citations for
3 moving violations shall be issued in the manner set forth in
4 Sections 66-8-123 through 66-8-127 NMSA 1978.

5 F. A municipality enforcing campus traffic
6 regulations pursuant to this section may, by commission,
7 authorize campus security personnel at the post-secondary
8 educational institution to issue citations for violations of
9 non-moving traffic regulations on such terms and conditions
10 as provided in the written agreement but in no event shall
11 campus security personnel be given arrest powers.

12 G. In the absence of a written agreement with a
13 municipality for the enforcement of traffic regulations,
14 campus security personnel may enforce traffic regulations.
15 The punishment for a violation of a campus traffic regulation
16 shall be not more than five dollars (\$5.00) per violation.
17 All fines collected pursuant to this subsection shall be
18 remitted to the post-secondary educational institution and
19 shall be used solely for the purposes of enforcing campus
20 traffic regulations and for planning and improving movement
21 and control of vehicles and related parking problems and for
22 use in the operation, management and administration of the
23 institution's security office.

24 H. When a traffic citation is issued by a campus
25 security officer, the officer shall be wearing a distinctive

1 badge and uniform issued to the officer by the post-secondary
2 educational institution.

3 I. A record of a penalty assessment payment is not
4 admissible as evidence in court in a civil action.

5 J. A post-secondary educational institution may
6 withhold the issuance of grades and degrees in order to
7 secure payment of unpaid traffic or parking assessments."

8 SECTION 2. Section 35-14-2 NMSA 1978 (being Laws 1961,
9 Chapter 208, Section 2, as amended) is amended to read:

10 "35-14-2. JURISDICTION.--

11 A. Each municipal court has jurisdiction over all
12 offenses and complaints under ordinances of the municipality
13 and may issue subpoenas and warrants and punish for contempt.

14 B. Upon written agreement between the board of
15 regents of a state educational institution designated in
16 Article 12, Section 11 of the constitution of New Mexico and
17 the governing body of a municipality contiguous to land under
18 control of the board of regents or within which any portion
19 of such land is located, the municipal court has jurisdiction
20 over violations of campus traffic regulations adopted under
21 Section 29-5-1 NMSA 1978 as to areas under control of the
22 board of regents. Fines and forfeitures collected by the
23 municipal court under campus traffic regulations may be
24 credited to the state educational institution on whose campus
25 the violation occurred.

1 C. Upon written agreement between a post-secondary
2 educational institution and the governing body of a
3 municipality contiguous to land under control of the
4 institution or within which any portion of such land is
5 located, the municipal court has jurisdiction over violations
6 of campus traffic regulations adopted pursuant to Section
7 29-5-4 NMSA 1978 as to areas under control of the
8 institution. Fines and forfeitures collected by the
9 municipal court for violations of campus traffic regulations
10 may be credited to the municipality or to the post-secondary
11 educational institution on whose campus the violation
12 occurred.

13 D. Each municipal court's personal jurisdiction
14 extends to any defendant who has been properly served with
15 criminal process of the court anywhere in the state if that
16 criminal process arises out of a charge of violation of a
17 municipal ordinance prohibiting driving while under the
18 influence of intoxicating liquor or drugs."

19 SECTION 3. EFFECTIVE DATE.--The effective date of the
20 provisions of this act is July 1, 2011. _____

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