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SENATE BILL 864

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

SHANNON ROBINSON

AN ACT

RELATING TO TECHNICAL AND VOCATIONAL INSTITUTE DISTRICTS;
PROVIDING TECHNICAL AND VOCATIONAL INSTITUTES AUTHORITY TO
IMPLEMENT CAMPUS TRAFFIC REGULATION AND TO EMPLOY INSTITUTE
SECURITY OFFICERS.

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

Section 1. A new section of the Technical and Vocational
Institute Act is enacted to read:

"[NEW MATERIAL] CAMPUS TRAFFIC REGULATIONS. --

A. The board of each technical and vocational
institute may promulgate regulations governing the operation and
parking of vehicles on any area within the exterior boundaries
of lands under its control that is not a municipal street or
highway, including but not limited to:

- (1) limiting the rates of speed;

1 (2) assigning parking spaces, designating
2 parking areas and their uses and collecting rent for them;

3 (3) prohibiting parking;

4 (4) removing vehicles parked in violation of
5 campus traffic regulations at the expense of the violator, who
6 shall pay the expense before the vehicle is released; and

7 (5) instituting a system of vehicle
8 registration for the identification and regulation of vehicles
9 regularly using institutional premises, including a reasonable
10 charge to defray costs of providing parking and traffic
11 enforcement services and campus parking.

12 B. Areas subject to campus traffic regulations shall
13 be marked with signs conforming with standards used by the state
14 highway and transportation department.

15 C. Regulations of the board promulgated pursuant to
16 this section shall include a specific penalty for each type of
17 violation, which shall not exceed one hundred dollars (\$100).
18 In addition, the board may impose an administrative cost
19 assessment not exceeding five dollars (\$5.00) for each parking
20 citation issued as costs of administration of a campus traffic
21 program.

22 D. Except as provided by Subsection J of this
23 section, unless a warning notice or a parking citation is given,
24 at the time of making an arrest for any violation of this
25 section, the arresting officer shall offer the alleged violator

1 the option of accepting a penalty assessment or appearing in the
2 metropolitan, municipal or magistrate court within five days
3 after issuance of the citation. The violator's signature on the
4 penalty assessment notice constitutes an acknowledgment of guilt
5 of the offense stated in the notice.

6 E. Payment of any parking violation penalty
7 assessment shall be made by mailing the payment, within five
8 days from the date the citation was issued, to the technical and
9 vocational institute security office for processing in the
10 manner prescribed by the board.

11 F. Payment of any moving violation penalty
12 assessment shall be made by mailing the payment within thirty
13 days from the date of issuance of the citation to the motor
14 vehicle division of the taxation and revenue department in Santa
15 Fe. Payments of penalty assessments are timely if postmarked
16 within thirty days from the date of issuance of the citation.
17 When a penalty assessment is paid by currency, a receipt shall
18 be immediately mailed to the violator. When a penalty
19 assessment is paid by check, the canceled check shall be a
20 sufficient receipt.

21 G. No record of any penalty assessment payment is
22 admissible as evidence in any court in any civil action.

23 H. If a penalty assessment is not paid within thirty
24 days from the date of issuance of the citation, the violator
25 shall be prosecuted for the violation charged on the penalty

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1 assessment notice in a manner as if a penalty assessment notice
2 had not been issued.

3 I. Any penalty assessment collected by the motor
4 vehicle division of the taxation and revenue department pursuant
5 to Subsection F of this section shall be remitted to the state
6 treasurer for deposit into the current school fund. Any
7 administrative cost assessment collected by the division
8 pursuant to this section shall be remitted within thirty days to
9 the technical and vocational institute that issued the citation
10 for administering parking and traffic regulations on that
11 campus. Any penalty assessment or administrative cost
12 assessment collected by the technical and vocational institute
13 security office pursuant to Subsection E of this section shall
14 be retained by the technical and vocational institute as
15 reimbursement for its expenses.

16 J. No penalty assessment citation shall be issued
17 for:

18 (1) speeding in excess of twenty-five miles an
19 hour in excess of the speed limit;

20 (2) operating a vehicle while under the
21 influence of alcohol or drugs; or

22 (3) an offense that has caused or contributed
23 to the cause of an accident resulting in injury or death to any
24 person.

25 K. The uniform traffic citation form approved by the

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1 director of the motor vehicle division shall be used as the
2 complaint for violations of regulations promulgated pursuant to
3 the provisions of this section. Citations for moving violations
4 shall be issued in the manner set forth in Sections 66-8-123
5 through 66-8-127 NMSA 1978. "

6 Section 2. A new section of the Technical and Vocational
7 Institute Act is enacted to read:

8 "[NEW MATERIAL] TECHNICAL AND VOCATIONAL INSTITUTE
9 SECURITY OFFICERS. --

10 A. The board of each technical and vocational
11 institute may employ and assign duties to security officers for
12 the institution.

13 B. At all times while on duty, technical and
14 vocational institute security officers shall carry commissions
15 of office issued by the board. Technical and vocational
16 institute security officers have the powers of peace officers
17 within the exterior boundaries of lands under control of the
18 board employing them, including public streets and highways
19 within such boundaries. Within this territory, a technical and
20 vocational institute security officer may enforce all applicable
21 laws, ordinances and campus traffic regulations, but no arrest
22 for violation of any law, ordinance or campus traffic regulation
23 relating to motor vehicles is valid unless, at the time of
24 arrest, the technical and vocational institute security officer
25 is wearing:

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(1) a distinctive badge bearing the name of the
institute issued to him by the board; or

(2) a distinctive uniform prescribed and issued
to him by the board. "

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997

3
4
5 March 5, 1997

6
7 Mr. President:

8
9 Your EDUCATION COMMITTEE, to whom has been referred

10
11 SENATE BILL 864

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 JUDICIARY COMMITTEE.

16
17 Respectfully submitted,

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21 _____
22 Cynthia Nava, Chairman
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Rawson

Excused: Maloof, Pinto

Absent: None

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