

SENATE BILL 91

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING A MUNICIPALITY THAT HAS ESTABLISHED A MUNICIPAL PENALTY ASSESSMENT PROGRAM FROM USING A PRIVATE ENTITY TO COLLECT UNPAID PENALTIES OR TO IMPOUND VEHICLES FOR UNPAID PENALTIES FOR SPEEDING VIOLATIONS DETECTED BY AN AUTOMATED CAMERA OR DEVICE.

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

SECTION 1. Section 66-8-130 NMSA 1978 (being Laws 1978,

.229546.3AIC February 12, 2025 (2:53pm)

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Chapter 35, Section 538, as amended by Laws 2013, Chapter 192, Section 2 and by Laws 2013, Chapter 197, Section 4) is amended to read:

"66-8-130. ~~[ALL TRAFFIC CITATIONS TO CONFORM--MUNICIPALITIES MAY PASS ORDINANCE TO ESTABLISH SIMILAR PROGRAM] CITATIONS TO CONFORM--MUNICIPAL ORDINANCES--AUTOMATED VIOLATION DETECTION--PENALTY LIMITS--PROHIBITED COLLECTION ACTIONS.--~~

A. The uniform traffic citation, in paper or electronic form, shall be used by all state and local agencies enforcing laws and ordinances relating to motor vehicles. A municipality may, by passage of an ordinance, establish a municipal penalty assessment program similar to that established in Sections 66-8-116 through 66-8-117 NMSA 1978 for violations of provisions of the Motor Vehicle Code. Every municipality that has adopted an ordinance to establish a penalty assessment program shall assess on all penalty assessment misdemeanors after January 1, 1984, in addition to the penalty assessment, a penalty assessment fee of ten dollars (\$10.00) to be deposited in a special fund in the municipal treasury for use by the municipality only for municipal jailer training; for the construction planning, construction, operation and maintenance of the municipal jail; for paying the costs of housing that municipality's prisoners in other detention facilities in the state; or for complying with match or contribution requirements for the receipt of federal funds

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relating to jails. Such a municipal program shall be limited to violations of municipal traffic ordinances.

B. If a municipality with a population less than three thousand according to the most recent federal decennial census has a balance in its special fund pursuant to Subsection A of this section that is over the amount projected to be needed for the next fiscal year for the purposes set forth in that subsection, the municipality may transfer the unneeded balance to the municipality's general fund.

C. All penalty assessments under a municipal program authorized by this section shall be processed by the municipal court, and all fines and fees collected shall be deposited in the treasury of the municipality. A copy of each penalty assessment processed shall be forwarded to the division within ten days of completion of local processing for posting to the driver's record. With the prior approval of the director, the required information may be submitted to the division by electronic means in lieu of forwarding copies of the penalty assessments.

D. Each agency shall provide itself with copies conforming exactly in size and format with the uniform traffic citation and the electronic version of the uniform traffic citation if applicable, prescribed by the director, and any alterations to the format to conform with local conditions must be approved by the director.

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E. A municipality that establishes a municipal penalty assessment program pursuant to this section may use an automated camera or device to detect speeding infractions; provided that the municipality shall not:

(1) impose penalties that exceed those established in Sections 66-8-116 through 66-8-117 NMSA 1978;

(2) use a collections agency or other private entity to collect unpaid penalties for violations detected by an automated camera or device;

(3) report, or allow a third-party administrator of a penalty assessment program using an automated camera or device to report, unpaid fines to a credit reporting agency; STBTC→or←STBTC

(4) impound a vehicle based only on nonpayment of a penalty assessed for violations detected by an automated camera or device STBTC→; or

~~(5) pay a third-party administrator of a municipal penalty assessment program using automated cameras or devices a commission based on the number of penalty assessments issued~~←STBTC .

F. As used in this section, "credit reporting agency" means a person that, for monetary fees, for dues or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating credit information or other information on other persons for the

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purpose of furnishing credit reports to third parties."

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