

1 SENATE BILL 241

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

3 INTRODUCED BY

4 Roberto "Bobby" J. Gonzales

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; ENACTING THE HIGHWAY CONSTRUCTION
12 ZONE AUTOMATED SPEED ENFORCEMENT ACT; AUTHORIZING THE
13 DEPARTMENT OF TRANSPORTATION TO USE AUTOMATED SPEED DETECTION
14 DEVICES TO DETECT SPEEDING VIOLATIONS; AUTHORIZING AN AUTOMATED
15 TRAFFIC ENFORCEMENT SYSTEM TO ISSUE AND ENFORCE CIVIL FINES FOR
16 SPEEDING VIOLATIONS WITHIN DESIGNATED CONSTRUCTION ZONES;
17 PROVIDING FOR HEARINGS; REQUIRING RULEMAKING; IMPOSING
18 PENALTIES; MAKING AN APPROPRIATION.

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

21 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
22 cited as the "Highway Construction Zone Automated Speed
23 Enforcement Act".

24 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
25 Highway Construction Zone Automated Speed Enforcement Act:

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1 A. "automated speed detection device" means a
2 device that combines a camera and a speed detection instrument
3 to automatically detect when a motor vehicle is violating a
4 posted speed limit, record the speed, take a digital image of
5 the violating vehicle's vehicle registration number and send a
6 date- and time-stamped copy of the detected speed and vehicle
7 registration number image to a collection point;

8 B. "automated traffic enforcement system" includes
9 the appointment and management of hearing examiners, the
10 collection of civil fines, the installation and maintenance of
11 automated speed detection devices in highway construction zones
12 throughout the state and the transmittal of information
13 collected by the automated speed detection devices to the
14 division;

15 C. "bureau" means the traffic safety bureau of the
16 department;

17 D. "department" means the department of
18 transportation;

19 E. "division" means the New Mexico state police
20 division of the department of public safety; and

21 F. "owner" means the registered owner of a motor
22 vehicle.

23 SECTION 3. [NEW MATERIAL] CONSTRUCTION ZONES--AUTOMATED
24 DETECTION OF SPEED LIMIT VIOLATIONS--HEARING EXAMINERS--STRICT
25 LIABILITY.--

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A. The department may:

(1) use an automated traffic enforcement system to detect and collect evidence of violations of posted speed limits in posted construction zones on state highways; and

(2) appoint a hearing examiner to hold hearings to:

(a) determine the applicability of a speed limit violation determination made pursuant to Section 4 of the Highway Construction Zone Automated Speed Enforcement Act; and

(b) upon a finding of a valid speed limit violation, impose a fine in accordance with Section 6 of the Highway Construction Zone Automated Speed Enforcement Act.

B. An owner is strictly and vicariously liable for a speeding violation determined pursuant to the Highway Construction Zone Automated Speed Enforcement Act. When a vehicle has more than one owner, all of the owners are jointly and severally liable for the violation.

SECTION 4. [NEW MATERIAL] COLLECTION OF EVIDENCE--STATE POLICE REVIEW--NOTICE OF CIVIL FINE--REQUEST FOR HEARING--DEFAULT.--

A. The department shall provide the evidence of speed limit violations collected by an automated traffic enforcement system to the division for review. When upon

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1 review of the evidence, the division determines that a speed
2 violation has occurred, the division shall so inform the
3 department and provide to the department the address and name
4 of the owner and the vehicle registration number of the
5 violating vehicle.

6 B. Upon receipt of a determination of a speed
7 violation by the division, the department shall send a notice
8 of a civil fine to the owner by certified mail that advises the
9 owner that payment for the fine or a request for a hearing must
10 be received by the department no later than thirty days after
11 the date of the notice that was mailed by the department.

12 C. Upon receipt of a civil fine notice, an owner
13 may either pay the fine or request a hearing to be held by a
14 hearing examiner appointed by the department. The request for
15 a hearing shall state that the determination of a speed
16 violation is not applicable to the owner based on one or more
17 of the following allowable defenses:

18 (1) the vehicle was stolen or was otherwise
19 being driven by another person without the owner's knowledge or
20 permission;

21 (2) the ownership of the vehicle had lawfully
22 been transferred and conveyed from the person registered as the
23 owner to another person before the time of the alleged
24 violation and the person who conveyed ownership was not the
25 driver of the vehicle at the time of the alleged violation;

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1 (3) the evidence does not show that the
2 subject vehicle was involved in the alleged violation; or

3 (4) the owner has received a traffic citation
4 from a law enforcement officer for the subject speed violation
5 pursuant to Sections 66-8-116 through 66-8-117 NMSA 1978 or a
6 municipal penalty assessment ordinance adopted pursuant to
7 Section 66-8-130 NMSA 1978.

8 D. When the department does not receive a payment
9 or a request for a hearing within thirty days of notice of a
10 civil fine, the owner shall be in default. If the default is
11 not cured, the department may pursue all legal remedies for
12 collection of the debt and is entitled to an award of
13 reasonable attorney fees incurred.

14 SECTION 5. [NEW MATERIAL] HEARING ON VIOLATION--RULES--
15 FINE DETERMINATION.--

16 A. When a hearing is timely requested pursuant to
17 Section 4 of the Highway Construction Zone Automated Speed
18 Enforcement Act, a hearing examiner shall schedule a hearing
19 within sixty days of the receipt of the request.

20 B. In a hearing held pursuant to this section:

21 (1) the rules of evidence and civil procedure
22 shall not apply;

23 (2) the hearing examiner shall ensure that an
24 orderly exchange of relevant information occurs and may exclude
25 irrelevant evidence or limit repetitive or unduly cumulative

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1 evidence, with or without objection;

2 (3) a final decision shall be supported by
3 competent evidence; and

4 (4) the department has the burden of proving
5 the violation by a preponderance of the evidence. The owner
6 has the burden of proving a defense allowable pursuant to
7 Section 4 of the Highway Construction Zone Automated Speed
8 Enforcement Act by a preponderance of the evidence.

9 C. Upon a finding by a hearing examiner that the
10 determination of a speed limit violation is applicable to an
11 owner, a civil fine shall be imposed in accordance with rules
12 promulgated pursuant to Section 6 of the Highway Construction
13 Zone Automated Speed Enforcement Act.

14 SECTION 6. [NEW MATERIAL] IMPLEMENTING RULES--FINE
15 AMOUNTS--DISTRIBUTION OF FINES.--

16 A. The department may promulgate rules to implement
17 an automated traffic enforcement system; provided that:

18 (1) the bureau shall be responsible for the
19 administration of an automated traffic enforcement system
20 implemented by rule;

21 (2) a contractor retained by the bureau to aid
22 in the administration of an automated traffic enforcement
23 system shall not be compensated based on the number of civil
24 fine notices that are issued; and

25 (3) the bureau shall contract with an

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1 independent third-party laboratory to, at minimum, annually
2 perform a calibration test on each automated speed detection
3 device in an automated traffic enforcement system implemented
4 by the state transportation commission.

5 B. The department shall impose the following civil
6 fines for violations of posted speed limits within designated
7 highway construction zones:

8 (1) fifty dollars (\$50.00) for speed
9 violations of six to ten miles per hour over the posted limit;

10 (2) one hundred dollars (\$100) for speed
11 violations of eleven to fifteen miles per hour over the posted
12 limit; and

13 (3) two hundred dollars (\$200) for speed
14 violations of sixteen or more miles per hour over the speed
15 limit.

16 C. The fines collected pursuant to the Highway
17 Construction Zone Automated Speed Enforcement Act shall be
18 retained and are appropriated to the bureau to install,
19 maintain and administer an automated traffic enforcement
20 system.

21 SECTION 7. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2025.