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SENATE BILL 584

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO COURTS; INCREASING THE JURISDICTIONAL AMOUNT FOR CIVIL ACTIONS IN METROPOLITAN COURT AND MAGISTRATE COURT; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 34-8A-3 NMSA 1978 (being Laws 1979, Chapter 346, Section 3, as amended) is amended to read:

"34-8A-3. METROPOLITAN COURT-- JURISDICTION. --

A. In addition to the jurisdiction provided by law for magistrate courts, a metropolitan court shall have jurisdiction within the county boundaries over all:

(1) offenses and complaints ~~under~~ pursuant to ordinances of the county and of ~~any~~ a municipality located within the county in which the court is located except municipalities with a population of more than two thousand

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1 five hundred but less than five thousand persons in the 1980
2 federal decennial census; provided that the metropolitan court
3 shall not have jurisdiction over uncontested municipal parking
4 violations;

5 (2) civil actions in which the debt or sum
6 claimed does not exceed [~~seven thousand five hundred dollars~~
7 ~~(\$7,500)~~] ten thousand dollars (\$10,000), exclusive of
8 interest and costs; and

9 (3) contested violations of parking or
10 operation of vehicle [~~regulations~~] rules promulgated by a
11 board of regents of a state educational institution designated
12 in Article 12, Section 11 of the constitution of New Mexico
13 located within the county in which the court is located.

14 B. For the purposes of this section, "uncontested
15 violation" is a violation for which a citation has been issued
16 and the person has paid the citation by mail or in person to
17 the appropriate issuing authority; and "contested violation"
18 is a violation for which a citation has been issued and the
19 person [~~had~~] has indicated his intent to contest the citation
20 or the person has not paid or answered the citation.

21 C. The issuing authority shall provide to the
22 metropolitan court on a mutually agreed schedule the unpaid
23 citations and a listing in a manner mutually agreed upon of
24 unpaid citations.

25 D. The municipality shall retain as reimbursement

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1 for its expenses all revenues from uncontested municipal
2 parking violations. "

3 Section 2. Section 35-3-3 NMSA 1978 (being Laws 1968,
4 Chapter 62, Section 48, as amended) is amended to read:

5 "35-3-3. JURISDICTION--CIVIL ACTIONS. --

6 A. Magistrates have jurisdiction in civil actions
7 in which the debt or sum claimed does not exceed [~~seven~~
8 ~~thousand five hundred dollars (\$7,500)] ten thousand dollars
9 (\$10,000), exclusive of interest and costs.~~

10 B. Except as provided in Subsection C of this
11 section, civil jurisdiction extends to actions in contract,
12 quasi-contract and tort and where expressly conferred by law.

13 C. A magistrate has no jurisdiction in [~~any~~] a
14 civil action:

15 (1) for malicious prosecution, libel or
16 slander;

17 (2) against public officers for misconduct in
18 office;

19 (3) for specific performance of contracts for
20 the sale of real property;

21 (4) in which the title or boundaries of land
22 may be in dispute or drawn into question;

23 (5) affecting domestic relations, including
24 divorce, annulment or separation or custody, support,
25 guardianship, adoption or dependency of children;

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(6) to grant writs of injunction, habeas corpus or extraordinary writs; or
(7) where jurisdiction is vested exclusively in another court. "

Section 3. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 2001.

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