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SENATE BILL 91

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

INTRODUCED BY

Katy M. Duhigg and Janelle Anyanonu

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, 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.--~~

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1 A. The uniform traffic citation, in paper or
2 electronic form, shall be used by all state and local agencies
3 enforcing laws and ordinances relating to motor vehicles. A
4 municipality may, by passage of an ordinance, establish a
5 municipal penalty assessment program similar to that
6 established in Sections 66-8-116 through 66-8-117 NMSA 1978 for
7 violations of provisions of the Motor Vehicle Code. Every
8 municipality that has adopted an ordinance to establish a
9 penalty assessment program shall assess on all penalty
10 assessment misdemeanors after January 1, 1984, in addition to
11 the penalty assessment, a penalty assessment fee of ten dollars
12 (\$10.00) to be deposited in a special fund in the municipal
13 treasury for use by the municipality only for municipal jailer
14 training; for the construction planning, construction,
15 operation and maintenance of the municipal jail; for paying the
16 costs of housing that municipality's prisoners in other
17 detention facilities in the state; or for complying with match
18 or contribution requirements for the receipt of federal funds
19 relating to jails. Such a municipal program shall be limited
20 to violations of municipal traffic ordinances.

21 B. If a municipality with a population less than
22 three thousand according to the most recent federal decennial
23 census has a balance in its special fund pursuant to Subsection
24 A of this section that is over the amount projected to be
25 needed for the next fiscal year for the purposes set forth in

.229546.3

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1 that subsection, the municipality may transfer the unneeded
2 balance to the municipality's general fund.

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

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

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

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

25 (2) use a collections agency or other private

.229546.3

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1 entity to collect unpaid penalties for violations detected by
2 an automated camera or device;

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

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

10 (5) pay a third-party administrator of a
11 municipal penalty assessment program using automated cameras or
12 devices a commission based on the number of penalty assessments
13 issued.

14 F. As used in this section, "credit reporting
15 agency" means a person that, for monetary fees, for dues or on
16 a cooperative nonprofit basis, regularly engages in whole or in
17 part in the practice of assembling or evaluating credit
18 information or other information on other persons for the
19 purpose of furnishing credit reports to third parties."