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AN ACT

RELATING TO MOTOR VEHICLES; LIMITING THE AMOUNT OF CERTAIN  
FINES AND FEES IMPOSED BY LOCAL AUTHORITIES FOR CERTAIN  
OFFENSES.

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

Section 1. Section 3-18-17 NMSA 1978 (being Laws 1965,  
Chapter 300, Section 14-17-14) is amended to read:

"3-18-17. NUISANCES AND OFFENSES--REGULATION OR  
PROHIBITION.--A municipality, including a home-rule  
municipality that has adopted a charter pursuant to Article  
10, Section 6 of the constitution of New Mexico, may by  
ordinance:

A. define a nuisance, abate a nuisance and impose  
penalties upon a person who creates or allows a nuisance to  
exist, provided that penalties or fines and costs or fees  
imposed by an ordinance for failure to obey a traffic sign or  
signal, including a red light violation, or for a speeding  
offense or violation shall be subject to the following  
criteria:

(1) the total amount assessed in fines, fees  
and costs shall not exceed one hundred dollars (\$100);

(2) except as provided in Paragraph (3) of  
this subsection, of the amount assessed, two-thirds shall be  
retained by the municipality to defray the costs of carrying

1 out the program and the remainder shall be distributed to the  
2 administrative office of the courts, of which five percent of  
3 the total amount assessed shall be credited to the brain  
4 injury services fund, three percent shall be credited to the  
5 traffic safety education and enforcement fund and the  
6 remainder shall be credited to the court facilities fund; and

7 (3) in fiscal year 2008 and not less than  
8 once every five fiscal years thereafter, the municipality  
9 shall cause an audit of the program to be conducted by the  
10 state auditor or an independent auditor selected by the state  
11 auditor. If an audit shows that the costs of maintaining the  
12 program plus ten percent is less than the amount of the  
13 assessment retained by the municipality, the excess shall be  
14 distributed to the administrative office of the courts to be  
15 credited to the court facilities fund;

16 B. regulate or prohibit any amusement or practice  
17 that tends to annoy persons on a street or public ground; and

18 C. prohibit and suppress:

19 (1) gambling and the use of fraudulent  
20 devices or practices for the purpose of obtaining money or  
21 property;

22 (2) the sale, possession or exhibition of  
23 obscene or immoral publications, prints, pictures or  
24 illustrations;

25 (3) public intoxication;

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(4) disorderly conduct; and

(5) riots, noises, disturbances or  
disorderly assemblies in any public or private place."

Section 2. TEMPORARY PROVISION--APPLICABILITY.--The  
provisions of this act shall apply prospectively to all  
municipal ordinances enacted before or after the effective  
date of the provisions of this act.

Section 3. EFFECTIVE DATE.--The effective date of the  
provisions of this act is July 1, 2007. \_\_\_\_\_