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SENATE BILL 590

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO COURTS; INCREASING THE JURISDICTIONAL AMOUNT FOR
CIVIL ACTIONS IN METROPOLITAN COURT AND MAGISTRATE COURT.

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 pursuant to
ordinances of the county and of a municipality located within
the county in which the court is located except municipalities
with a population of more than two thousand five hundred but
less than five thousand persons in the 1980 federal decennial

underscored material = new
[bracketed material] = delete

1 census; provided that the metropolitan court shall not have
2 jurisdiction over uncontested municipal parking violations;

3 (2) civil actions in which the debt or sum
4 claimed does not exceed [~~ten thousand dollars (\$10,000)~~]
5 fifteen thousand dollars (\$15,000), exclusive of interest and
6 costs; and

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

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

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

23 D. The municipality shall retain as reimbursement
24 for its expenses all revenues from uncontested municipal
25 parking violations."

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

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

4 A. Magistrates have jurisdiction in civil actions
5 in which the debt or sum claimed does not exceed [~~ten thousand~~
6 ~~dollars (\$10,000)~~] fifteen thousand dollars (\$15,000),
7 exclusive of interest and costs.

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

11 C. A magistrate has no jurisdiction in a civil
12 action:

- 13 (1) for malicious prosecution, libel or
- 14 slander;
- 15 (2) against public officers for misconduct in
- 16 office;
- 17 (3) for specific performance of contracts for
- 18 the sale of real property;
- 19 (4) in which the title or boundaries of land
- 20 may be in dispute or drawn into question;
- 21 (5) affecting domestic relations, including
- 22 divorce, annulment or separation or custody, support,
- 23 guardianship, adoption or dependency of children;
- 24 (6) to grant writs of injunction, habeas
- 25 corpus or extraordinary writs; or

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~~[bracketed material]~~ = delete

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(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, 2009.