

Chapter 115

VEHICLES AND TRAFFIC

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
Uniform Traffic Ordinance

[Adopted 8-10-2011 by Ord. No. 173 (Ch. 12, Art. 1, of the 1996 Village Code)]

[The Village has adopted by reference the New Mexico Uniform Traffic Ordinance. The current version adopted by the Village is available in the Village offices.]

ARTICLE II
Penalty Assessment Program

[Adopted by Ord. No. 63; amended in its entirety 9-13-2006 by Ord. No. 160 (Ch. 12, Art. 2, of the 1996 Village Code)]

§ 115-1. **Title.**

This article may be cited as the "Village of Jemez Springs Penalty Assessment Program."

§ 115-2. **Penalty assessment listing.**

- A. As used in the New Mexico Uniform Ordinance adopted by reference by the Village of Jemez Springs New Mexico, "penalty assessment misdemeanor" means violation of any of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established. **[Amended 7-9-2008 by Ord. No. 165]**

Common Name of Offense	Penalty Assessment	Section Violated
Destroy/deface property	\$29 (court)	12-3-1
Duty upon striking fixtures	\$29 (court)	12-4-5
Leaving scene of accident	\$29 (court)	12-4-6

Common Name of Offense	Penalty Assessment	Section Violated
Flashing signals	\$83	12-5-8
Speed regulations		12-6-1
(1) Up to and including 10 miles an hour over speed limit	\$82	
(2) From 11 up to and including 15 miles an hour over speed limit	\$112	
(3) From 16 up to and including 20 miles an hour over the speed limit	\$182	
(4) From 21 up to and including 25 miles an hour over the speed limit	\$252	
(5) From 26 up to and including 30 miles an hour over the speed limit	\$302	
(6) From 31 up to and including 35 miles an hour over the speed limit	\$352	
(7) More than 36 miles an hour over the speed limit	\$452	
Minimum speed regulations	\$77	12-6-1.5
Overtaking a vehicle on the left	\$77	12-6-2.3
Limitations on overtaking on the left	\$77	12-6-2.4
Limitations on driving on left of center of street	\$77	12-6-2.5
No passing zones and restrictions on passing	\$77	12-6-2.7
Following too closely	\$77	12-6-2.13
Driving on divided streets	\$67	12-6-2.14
Vehicle approaching or entering intersection	\$77	12-6-4.1
Vehicles turning left at intersection	\$77	12-6-4.2
Vehicle entering stop or yield intersection	\$77	12-6-4.3
Limitations on turning around	\$77	12-6-5.5
Starting parked vehicle	\$77	12-6-5.7
Turning and stopping movements and required signals	\$77	12-6-5.8
Stopping, standing and parking	\$77	12-6-6
Special stops required	\$77	12-6-7
Stopping for school bus	\$252	12-6-7.3
Failing to yield for emergency vehicle	\$67	12-6-7.4
Operating a motor vehicle under the influence of intoxicating liquor or drugs	\$169	12-6-12.1
(1) DUI/alcohol		12-6-12.1A
(2) DUI (.08 or more)		12-6-12.1B

Common Name of Offense	Penalty Assessment	Section Violated
(3) DUI/drugs		12-6-12.1C
(4) Aggravated DWI/alcohol or drugs		12-6-12.1D
(5) Aggravated DWI (.16 or more)		12-6-12.1D(1)
(6) Aggravated DWI (bodily injury)		12-6-12.1D(2)
(7) Aggravated DWI (refuse chemical testing)		12-6-12.1D(3)
Reckless driving	\$29 (court)	12-6-12.3
Careless driving	\$102	12-6-12.4
Operators and chauffeurs must be licensed	\$77	12-6-12.5
Unlawful use of license; driving when privilege to do so has been suspended or revoked	\$29 (court)	12-6-12.6
Fleeing or attempting to elude a police officer	\$29 (court)	12-6-12.7
Limitations on backing	\$77	12-6-12.9
Obstruction to driver's view or driving mechanism	\$67	12-6-12.10
Prohibited activities while driving	\$67	12-6-12.18
Racing on streets	\$29 (court)	12-6-12.19
Permitting unauthorized persons to drive	\$67	12-6-12.23
Parties to unlawful acts	\$29 (court)	12-6-12.24
Moving or molesting unattended vehicles	\$29 (court)	12-6-13.4
Destructive or injurious material on roadway	\$252	12-6-13.5
Child not in restraint device or safety belt	\$127	12-6-13.12
Mandatory use of seat belt	\$102	12-6-13.13
Open container/first offense	\$102	12-6-13.14
Drivers to exercise due care	\$87	12-6-14.8
Off-highway motor vehicles--registration; plate requirement	\$29 (court)	12-7-9.1
Operation of off-highway motor vehicle on highway	\$67	12-7-9.2
Parking in designated disabled parking spaces	\$29 (court)	12-9-9
Vehicles to be in safe condition	\$77	12-10-1.2
When lighted lamps are required	\$77	12-10-1.3
Headlamps on vehicles	\$77	12-10-1.5
Dimming of lights	\$77	12-10-1.6

Common Name of Offense	Penalty Assessment	Section Violated
Tail lights	\$77	12-10-1.7
Mufflers, prevention of noise	\$77	12-10-1.10
Lamp or flag on projecting load	\$77	12-10-1.11
Display of current valid registration plate	\$77	12-10-4
Illegal use of plate	\$29 (court)	12-10-4C
Evidence of registration to be signed and exhibited on demand	\$77	12-10-5
No insurance	\$29 (court)	12-10-6

NOTE: Anything marked \$29 is court only; no penalty assessment.

- B. The term "penalty assessment misdemeanor" does not include any violation which has caused or contributed to the cause of an accident resulting in injury or death to any person.
- C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor and no probation imposed upon a suspended or deferred sentence shall exceed 90 days.
- D. The penalty assessment for speeding in violation Section 12-6-1.2(4) of the Uniform Traffic Ordinance is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.
- E. In addition to the penalty assessment established for each penalty assessment misdemeanor pursuant to this section, there shall be assessed the following fees for each penalty assessment misdemeanor.
 - (1) Correction fee: \$20.
 - (2) Court automation fee: \$6.
 - (3) Judicial education fee: \$3.¹.

§ 115-3. Penalty assessment misdemeanors; option; effect.

- A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor, the arresting officer shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

notice constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the prescribed penalty assessment is a complete satisfaction of the violation.

- B. Payment of any penalty assessment must be made by mail to the Municipal Court, Village of Jemez Springs, New Mexico, within 30 days from the date of arrest. Payments of penalty assessments are timely if postmarked within the same time limits set from the date of the arrest. The Traffic Violations Bureau shall issue a receipt when a penalty assessment is paid by currency, but checks tendered by the violator upon which payment is received is sufficient receipt.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

§ 115-4. Failure to pay penalty assessment.

- A. If a penalty assessment is not paid within 30 days from date of arrest, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if a penalty assessment had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided by the New Mexico Uniform Traffic ordinance (Section 12-12-1.1) or other law relating to motor vehicles for the particular offense charged, and the schedule of penalty assessments shall not apply.
- B. In addition to the prosecution provided for in Subsection A, it is a misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within 30 days from date of arrest.
- C. The Office of Municipal Court shall notify the Division of Motor Vehicles of the State of New Mexico when a person fails to pay a penalty assessment within the required period of time. The Department of Motor Vehicles shall report the notice upon the driver's record and shall not renew the person's license to drive until the Office of the Municipal Court notifies the Department of Motor Vehicles that the penalty assessment, or its equivalent, as well as any additional penalties imposed, are properly disposed of.