



## VILLAGE OF CORRALES

### ORDINANCE 09-015

**AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE ADOPTED BY REFERENCE BY THE VILLAGE OF CORRALES; ESTABLISHING A PENALTY ASSESSMENT PROGRAM; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF**

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CORRALES, NEW MEXICO:**

#### **SECTION 1. ADOPTION BY REFERENCE**

- A. The New Mexico Uniform Traffic Ordinance, 2004 Compilation, as amended through August 2009, is herewith adopted by reference, pursuant to Section 3-17-6 NMSA 1978, except as otherwise expressly provided herein or as specifically modified by ordinance of the Village of Corrales.
- B. The New Mexico Uniform Traffic Ordinance 2008 amendments adopted pursuant to Ordinance 09-015 are set forth in the New Mexico Municipal League memorandum dated August 28, 2009 and attached as an exhibit hereto.

#### **SECTION 2.**

This Ordinance may be cited as the Village of Corrales Penalty Assessment Program.

#### **SECTION 3.**

- A. As used in the New Mexico Uniform Traffic Ordinance adopted by the Village of Corrales, New Mexico, "penalty assessment misdemeanor" includes violation of any the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

<b>Village/UTO Ordinance</b>	<b>Designated Court Fine</b>	<b>ViolationState Description</b>	<b>Bond</b>	<b>Statute</b>
12-4-1	Mandatory Court (up to \$529)	Leaving the Scene (of an accident with injuries)	\$529	66-7-201
12-4-2	Mandatory Court (up to \$529)	Leaving the Scene (of accident w/prop. Damage)	\$529	66-7-202
12-4-3(a-c)	Mandatory Court (up to \$529)	Duty to Give Information & Render Aid at Scene	\$529	66-7-203
12-4-5	Mandatory Court (up to \$529)	Duty Upon Striking Fixtures or Other Property upon a street	\$529	66-7-205
12-4-6	\$61	Immediate Notice of Accidents	\$61	66-7-206
12-5-3	\$61	Obedience to Required Traffic Control Devices	\$61	66-7-104

12-5-4	\$61	When Official Traffic Control Devices required for Enforcement Purposes	\$61	66-7-104
12-5-6	\$61	Red Light Violation	\$61	66-7-105
12-5-8	\$61	Flashing Light Violation	\$61	66-7-107
12-5-14	\$74	Failure to Maintain Lane	\$74	*
12-6-1.5	\$61	Impeding the flow of Traffic	\$61	66-7-305
12-6-2.1	\$74	Driving Left of Center	\$74	P.A.M.
12-6-2.4	\$74	Limitations of Overtaking on Left	\$74	66-7-312
12-6-2.6B	\$301	Improper Passing on Right	\$301	66-7-311
12-6-2.7B	\$74	Improper Passing (no pass zone)	\$74	66-7-315
12-6-2.7C	\$74	Improper Passing (double yellow)	\$74	66-7-315
12-6-2.7D	\$74	Improper Passing (school zone)	\$74	66-7-315
12-6-2.12(1)	\$74	Unsafe Lane Change	\$74	66-7-317
12-6-2.13	\$104	Following to Closely	\$104	66-7-318
12-6-2.14	\$61	Driving on Divided Streets	\$61	66-7-319
12-6-4.1	\$61	Vehicles Approaching or Entering Intersections	\$61	66-7-328
12-6-4.2	\$61	Vehicles Turning Left at Intersection	\$61	66-7-329
12-6-4.3B	\$79	Stop Sign Violation – Failure to Yield	\$79	66-7-330
12-6-4.3D	\$104	Stop Sign Violation – Failure to Stop	\$104	66-7-330
12-6-5.1A	\$74	Improper Right Turn	\$74	66-7-322
12-6-5.1B	\$74	Improper Left Turn	\$74	66-7-32
12-6-5.1C	\$61	Improper Position for Turning	\$61	66-7-322
12-6-5.1D	\$61	Improper Method of Turning	\$61	66-7-322
12-6-5.1E	\$61	Improper Position	\$61	*
12-6-5.4	\$74	Obedience to No Turn Signs	\$74	P.A.M.
12-6-5.5	\$74	Limitations on Turning Around	\$74	P.A.M.
12-6-5.7	\$61	Starting Parked Vehicles	\$61	66-7-324
12-6-5.8	\$61	Turning & Stopping Movements Required Signals (no turn signals)	\$61	66-7-325

12-6-5.9A	\$74	Failure to Stop for Turn	\$74	66-7-326
12-6-6.3	\$61	Stopping Vehicle not to interfere with other traffic	\$61	66-3-825
12-6-7.1	\$74	Emerging from Alleys/Driveways	\$74	66-7-346
12-6-7.3A	\$129	Failure to Stop for a School Bus	\$129	66-7-347
12-6-7.4A	\$104	Failure to Yield to emergency Vehicles	\$104	66-7-332
12-6-7.4B	\$74	Failure to Yield to Oncoming Traffic	\$74	66-7-332.1
12-6-11.1A-D	Mandatory Court (up to \$529)	No Permit for moving Excessive Size and Weight Vehicles	\$529	66-7-401:416
12-6-11.2	\$61	Slow Moving Vehicle Identification	\$61	66-3-887
12-6-12.1	Mandatory Court (up to \$669)	Driving While Intoxicated	\$669	66-8-102:112
12-6-12.1(A)	Mandatory Court (up to \$669)	Driving While Intoxicated 1 <sup>st</sup> Offense - \$669	\$669	66-8-102:112
12-6-12.1(B)	Mandatory Court (up to \$1,169)	Driving While Intoxicated 2 <sup>nd</sup> Offense - \$1,169	\$1,169	66-8-102:112
12-6-12.1(C)	Mandatory Court (up to \$1,169)	Driving While Intoxicated 3 <sup>rd</sup> Offense - \$1,169	\$1,169	66-8-102:112
12-6-12.1D	Mandatory Court (up to \$669)	Aggravated Driving While Intoxicated 1 <sup>st</sup> Offense - \$669	\$669	6-8-102:112
12-6-12.1D(2)	Mandatory Court (up to \$1,169)	Aggravated Driving While Intoxicated 2 <sup>nd</sup> Offense - \$1,169	\$1,169	66-8-102:112
12-6-12.1D(3)	Mandatory Court (up to \$1,169)	Aggravated Driving While Intoxicated 3 <sup>rd</sup> Offense - \$1,169	\$1,169	66-8-02:112
12-6-12.3	Mandatory Court (up to \$529)	Reckless Driving	\$529	66-8-113
12-6-12.4	\$129	Careless Driving	\$129	66-8-114
12-6-12.5	\$79	No Motorcycle Endorsement	\$79	66-5-2
12-6-12.5A	\$79	Driving without a Valid License	\$79	66-5-2
12-6-12.5D	\$61	No Drivers License in Possession	\$61	66-5-16
12-6-12.6(1-5)	Mandatory Court (up to \$529)	Unlawful Use of a License	\$529	66-5-37

34-29	\$79	Provisional License (minor)	\$79	
12-6-12.6(6)	Mandatory Court (up to \$529)	Driving on a Suspended or Revoked License (file request from MVD)	\$529	66-5-39
12-6-12.6a	Mandatory Court	Driving Revoked up to \$1,029	\$1,029	
12-6-12.6b	Mandatory Court	Driving Suspended up to \$1,029	\$1,029	
12-6-12.7	Mandatory Court (up to \$529)	Fleeing or Attempting to Elude Officer	\$529	*
12-6-12.8	\$54	Unattended Motor Vehicle	\$54	66-7-353
12-6-12.9	\$61	Limitations on Backing	\$61	66-7-354
12-6-12.10	\$61	Obstruction to Drivers View	\$61	66-7-357
12-6-12.13	Mandatory Court (up to \$529)	Following Fire Apparatus Prohibited	\$529	66-7-361
12-6-12.18	\$179	Prohibited Activities While Driving	\$179	66-3-506
12-6-12.19	\$74	Racing on Streets	\$74	66-8-115
12-6-12.23A	\$129	Permitting Unlicensed Minor to Drive	\$129	66-5-40
12-6-12.23B	\$74	Permitting Unauthorized Person to Drive	\$74	66-5-41
12-6-12.24	Mandatory Court (up to \$529)	Parties to Unlawful Acts	\$529	66-8-120
12-6-13.1A	Mandatory Court (up to \$529)	Owner Allowing Person to Drive DWI	\$529	*
12-6-13.2	\$74	Unlawful Riding	\$74	*
12-6-12.16	\$74	Vehicles shall be driving only on streets private roads, and driveways	\$74	*
12-6-13.4A	Mandatory Court (up to \$529)	Moving/Molesting Unattended Vehicle	\$529	66-3-506
12-6-13.5A-E	\$329	Destructive or Injurious Material on Roadway	\$329	66-7-364
12-6-13.12	\$129	Child Passenger Restraints	\$129	66-7-369
12-6-13.13	\$51	Mandatory Use Of Seatbelts	\$51	P.A.M.
12-6-13.14A	\$104	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (First offense)	\$104	66-8-139

12-6-13.14B	Mandatory Court (up to \$529)	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (Second offense)	\$529	66-8-139
12-6-13.14C	Mandatory Court (up to \$529)	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (Third offense)	\$529	66-8-139
12-6-14.2	\$301	Pedestrian/Equestrian Right of Way Crosswalks	\$301	66-7-334
12-6-14.8	\$61	Drivers to Exercise Due Care	\$61	66-7-337
12-7-5	\$74	Driving Motorcycle w/no Eye Protection	\$74	66-7-355
12-7-6A	\$74	Driving Motorcycle w/no Helmet	\$74	66-7-356
12-7-9.1A	\$74	No Registration: Off-Road Vehicle	\$74	66-3-1003
12-7-9.2	\$74	Driving Off-Road Vehicle on Streets	\$74	66-3-1011
12-10-1.2A	\$74	Defective Equipment	\$74	P.A.M.
12-10-1.3	\$79	When Lighted Lamps Required	\$79	66-3-802
12-10-1.5	\$79	Headlamps on Motor Vehicles	\$79	66-3-804/828
12-10-1.6A	\$79	Failure to Dim Headlights	\$79	*
12-10-1.7	\$79	No Tail Lamps	\$79	66-3-805
12-10-1.10A	\$79	No Muffler or Load Muffler	\$79	66-3-844
12-10-1.10B	\$79	Excessive Fumes or Smoke	\$79	66-3-844
12-10-1.11	\$61	Lamp or Red Flag on Loads	\$61	66-3-824
12-10-1.12A	\$79	Windshields Must be Unobstructed	\$79	66-3-846
12-10-1.16A	\$179	Defective Brakes	\$179	66-3-840
12-10-4	\$74	Display of Current Valid Registration	\$74	66-3-18
12-10-5	\$74	Evidence of Registration to be signed and Exhibited on Demand	\$74	66-3-13
12-10-6	\$129	Proof of Financial Responsibility	\$129	66-5-235
11-4(11)	Mandatory Court Up to \$329	Motorized Vehicles Prohibited in Corrales Bosque Preserve	\$329	
34-26	\$79	Mufflers Required: Prevention of Noise	\$79	
34-27	\$51	Use of Safety Belts by Passenger/Trucks	\$51	
34-28	\$179	Motorcycle Safety Helmets required for persons under 18 years of age	\$179	

12-6-1.1	\$61	Basic Rule	\$61	*
12-6-1.2(3)		<b>SPEEDING VIOLATIONS</b>		66-7-301
(a)	\$61	1-5 Miles Over	\$61	
(b)	\$64	6-9 Miles Over	\$64	
(c)	\$69	10 Miles Over	\$69	
(d)	\$72	11 Miles Over	\$72	
(e)	\$75	12 Miles Over	\$75	
(f)	\$78	13 Miles Over	\$78	
(g)	\$81	14 Miles Over	\$81	
(h)	\$129	15 Miles Over	\$129	
(i)	\$154	16 Miles Over	\$154	
(j)	\$159	17 Miles Over	\$159	
(k)	\$179	18 Miles Over	\$179	
(l)	\$189	19 Miles Over	\$189	
(m)	\$204	20 Miles Over	\$204	
(n)	\$209	21 Miles Over	\$209	
(o)	\$214	22 Miles Over	\$214	
(p)	\$219	23 Miles Over	\$219	
(q)	\$224	24 Miles Over	\$224	
(r)	\$229	25 Miles Over	\$229	
(s)	\$239	26 Miles Over	\$239	
(t)	\$249	27 Miles Over	\$249	
(u)	\$259	28 Miles Over	\$259	
(v)	\$269	29 Miles Over	\$269	
(w)	\$279	30 Miles Over	\$279	
(x)	Mandatory Court	Over 30 Miles	\$289	

12-6-1.2A(1)		<b>SPEEDING IN A SCHOOL ZONE</b>		66-7-301
(a)	\$104	10 Miles or Less Over	\$104	
(b)	\$104 + \$10 per additional mile	11-20 Miles Over	same as fine	
(c)	\$104 + \$10 per additional mile	21-30 Miles Over	same as fine	
12-6-6.1A		<b>PARKING VIOLATIONS</b>		66-7-351
(1)	\$61	On a Sidewalk	\$61	
(2)	\$61	In Front of a Public or Private Driveway	\$61	
(3)	\$61	Within an Intersection	\$61	
(4)	\$61	Within 15 Ft. of Fire Hydrant	\$61	
(5)	\$61	On a Crosswalk	\$61	
(6)	\$61	Within 20 Ft. of Crosswalk at an intersection	\$61	
(7)	\$61	Within 30 Ft. of Traffic Control Device	\$61	
(8)	\$61	Safety Zone	\$61	
(9)	\$61	Within 50 Ft. of Railroad Crossing	\$61	
(10)	\$61	With in 20 Ft. of Fire Station Entrance	\$61	
(11)	\$61	Obstructing Traffic	\$61	
(12)	\$61	Stopped or Parked at the edge or curb of a street	\$61	
(13)	\$61	Upon any Bridge or Elevated Structure	\$61	
(14)	\$61	Prohibited by Official Signs	\$61	
(15)	\$61	On any Railroad Track	\$61	
(16)	\$61	Between Curb and Sidewalk	\$61	
12-6-6.6(1)	\$61	Illegal Parking – Displaying vehicle for sale	\$61	*
12-9-9	Mandatory Court up to \$529	Parking in Designated Disabled Parking Spaces	\$529	66-3-16
Ordinance # 360	Mandatory Court up to \$529	Excess gross weight of 10,000 lbs prohibited	\$529	

- 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 ninety days.
- D. The penalty assessment for speeding in violation of Section 12-6-1.2 (4) of the Uniform Traffic Ordinance is twice the penalty assessment otherwise established by ordinance 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: a twenty dollar (\$20) Corrections Fee; a six dollar (\$6) Court Automation Fee; and a three dollar (\$3) Judicial Education Fee.

#### **Section 4. PENALTY ASSESSMENT MISDEMEANORS: EFFECT**

- A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment misdemeanor, the arresting office shall offer the alleged violator the option of accepting a penalty assessment. The violator's signature on the penalty assessment 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 Corrales, 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.
- C. No record of any penalty assessment payment is admissible as evidence in any court in any civil action.

#### **Section 5. 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 Section 5A, 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.
- B. 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.



**Section 6. SEVERABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 7. ORDINANCES REPEALED**


All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed only to the extent of such inconsistency

**Section 8. EFFECTIVE DATE**


This ordinance shall be effective upon its adoption and publication as provided by law.

ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER 2009

VILLAGE OF CORRALES

  
\_\_\_\_\_  
Philip Gasteyer, Mayor

ATTEST:

  
\_\_\_\_\_  
Juan Reyes, Village Clerk  
[SEAL]