



## VILLAGE OF CORRALES

### ORDINANCE 14- 11

**AN ORDINANCE RELATING TO THE NEW MEXICO UNIFORM TRAFFIC  
ORDINANCE ADOPTED BY REFERENCE BY THE VILLAGE OF CORRALES;  
RE-ADOPTING THE UNIFORM TRAFFIC ORDINANCE WITH CHANGES  
TO CERTAIN PROVISIONS; PROVIDING FOR PENALTIES IN ACCORDANCE  
WITH NEW MEXICO STATUTES**

WHEREAS, the Village of Corrales (the “Village”) through its governing body has previously adopted and uses the New Mexico Uniform Traffic Ordinance as compiled on behalf of New Mexico municipalities by the New Mexico Municipal League; and

WHEREAS, the Village’s governing body finds that the most recent version of the Uniform Traffic Ordinance, dated 2014, should be adopted by the Village with certain changes as described in this Ordinance; and

WHEREAS, the governing body further finds that certain penalty provisions in Section 1-6 of the Village’s Code of Ordinances should be amended for consistency with the penalty provisions of the Uniform Traffic Ordinance and the requirements imposed on the Village by the statutes of New Mexico.

**NOW, 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 Compilation, as amended through July 2014, is hereby 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. This Ordinance as adopted shall be available for inspection in the office of the municipal clerk during normal and regular business hours of the municipal clerk. A copy of the Uniform Traffic Ordinance shall be available upon request and payment of a reasonable charge.

#### **Section 2. Changes to the UTO**

- A. Section 12-6-12.6 of the Uniform Traffic Ordinance is amended to read, in its entirety:

**12-6-12.6      UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE  
TO  
DO SO HAS BEEN SUSPENDED OR REVOKED.**

**No person shall:**

- (1) display or cause or permit to be displayed or have in his possession any canceled, revoked or suspended driver's license or permit;**
- (2) lend his driver's license or permit to any other person or knowingly permit the use thereof by another;**
- (3) display or represent as one's own any driver's license or permit not issued to him;**
- (4) fail or refuse to surrender to the court upon its lawful demand any driver's license or permit which has been suspended, revoked or canceled;**
- (5) permit any unlawful use of the driver's license or permit issued to him; (66-5-37 NMSA 1978)**
- (6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended and who knows or should have known that his license was suspended. Upon conviction, the person shall be punished, notwithstanding the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days nor more than one hundred seventy-nine days or participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than one thousand dollars (\$1,000.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court; (66-5-39 NMSA 1978)**
- (7) drive a motor vehicle on any public street or highway at a time when the person's privilege to do so is revoked and who knows or should have known that the person's license was revoked. Upon conviction, the person shall be punished, notwithstanding the provisions of Sec. 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than one hundred seventy-nine days or by participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than one thousand dollars (\$1,000.00). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court; and**
- (8) notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction the person shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars (\$300.00) and not more than one thousand dollars**

**(\$1,000.00) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act. (66-5-39.1 NMSA 1978)**

B. Subsection C of Section 12-6-13.13 (Mandatory Use of Seatbelts) of the Uniform Traffic Ordinance is amended to read:

**C. Each person violating Subsection A of Section 12-6-12.13 shall be fined fifty dollars (\$50.00), not including court costs.**

C. Subsection D of Section 12-6-18 (Texting While Driving) of the Uniform Traffic Ordinance (as amended, 2014) is amended to read:

**D. A violation of provisions of this section is punishable by a fine of one hundred dollars (\$100.00) for a first violation and two hundred dollars (\$200.00) for a second or subsequent violation, not including court costs.**

### **Section 3. General penalty for code violations**

Subsection 1-6(a)(2) of Section 1-6 of the Code of Ordinance of the Village of Corrales (Maximum Penalty – Exceptions) is amended to read:

**(2) For violation of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, or for violation of an ordinance prohibiting driving a motor vehicle while the driver's license is suspended or revoked, a fine of not more than \$1,000.00 or imprisonment for not more than 179 days, or both; and**

### **Section 4. Severability**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of 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 of this ordinance.

### **Section 5. Ordinance Repealed**

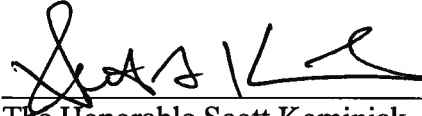
All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed only to the extent of such inconsistency.

### **Section 6. Effective Date**

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

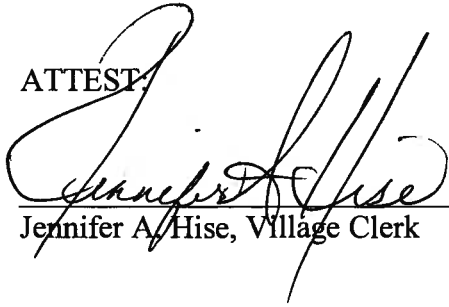
**ADOPTED THIS 28th DAY OF OCTOBER 2014.**

VILLAGE OF CORRALES



\_\_\_\_\_  
The Honorable Scott Kominiak  
Mayor, Village of Corrales

ATTEST



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Jennifer A. Hise, Village Clerk