



## VILLAGE OF CORRALES

### ORDINANCE 14- 12

**AN ORDINANCE ESTABLISHING A PENALTY ASSESSMENT PROGRAM UNDER THE NEW MEXICO UNIFORM TRAFFIC ORDINANCE; DEFINING PENALTY ASSESSMENT MISDEMEANORS; ESTABLISHING LISTED SCHEDULE OF PENALTY ASSESSMENTS; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREOF**

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

#### **SECTION 1.**

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

#### **SECTION 2.**

- 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 and other Village traffic ordinances, for which the listed penalty assessment is established, as follows, but does not include offenses described in Subsection 2.B of this Ordinance:

<b>Village/UTO Ordinance</b>	<b>Designated Court Fine (Including Fees)</b>	<b>Violation Description</b>	<b>Bond</b>	<b>State 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	Mandatory Court (up to \$529)	Duty to Give Information & Render Aid at Scene	\$529	66-7-203
12-4-4	\$61	Duty upon Striking Unattended Vehicle	\$61	66-7-204
12-4-5	\$61	Duty upon Striking Fixtures or Other Property upon a street	\$61	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
12-6-2.7E	\$74	Improper Passing (stopped vehicle at crosswalk)	\$74	*
12-6-2.12(1)	\$74	Unsafe Lane Change	\$74	66-7-317
12-6-2.13	\$104	Following too 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
12-6.43E	\$79	Yield Sign Violation – Failure to Stop When Required	\$79	66-7-330
12-6-5.1A	\$74	Improper Right Turn	\$74	66-7-322
12-6-5.1B	\$74	Improper Left Turn	\$74	66-7-322
12-6-5.1C	\$61	Improper Position for Turning	\$61	66-7-322
12-6-5.1D	\$61	Improper Method of Turning (1-way street)	\$61	66-7-322
12-6-5.1E	\$61	Improper Position (avoidance of traffic control device)	\$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.
12-6-5.6	\$74	Limitations on Turning Around (Curve or Crest of Grade)	\$74	66-7-323
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 Signal for Turn	\$74	66-7-326
12-6-5.9B	\$61	No Signal Lamp or Device When Required	\$61	66-7-326
12-6-6.3	\$61	Stopping Vehicle not to interfere with other traffic	\$61	66-3-852
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 \$329)	No Permit for moving Excessive Size and Weight Vehicles	\$329	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 \$689)	Driving While Intoxicated	\$689	66-8-102:112
12-6-12.1B	Mandatory Court (up to \$689)	Driving While Intoxicated 1 <sup>st</sup> Offense - \$689	\$689	66-8-102:112
12-6-12.1B	Mandatory Court (up to \$1,189)	Driving While Intoxicated 2 <sup>nd</sup> Offense - \$1,189	\$1,189	66-8-102:112
12-6-12.1B	Mandatory Court (up to \$1,189)	Driving While Intoxicated 3 <sup>rd</sup> Offense - \$1,189	\$1,189	66-8-102:112
12-6-12.1C	Mandatory Court (up to \$689)	Driving under Influence of Drugs 1 <sup>st</sup> Offense - \$689	\$689	66-8-102:112
12-6-12.1C	Mandatory Court (up to \$1,189)	Driving under Influence of Drugs 2 <sup>nd</sup> Offense - \$1,189	\$1,189	66-8-102:112
12-6-12.1C	Mandatory Court (up to \$1,189)	Driving under Influence of Drugs 3 <sup>rd</sup> Offense - \$1,189	\$1,189	66-8-102:112

12-6-12.1D	Mandatory Court (up to \$689)	Aggravated Driving While Intoxicated 1 <sup>st</sup> Offense - \$689	\$689	66-8-102:112
12-6-12.1D(2)	Mandatory Court (up to \$1,189)	Aggravated Driving While Intoxicated 2 <sup>nd</sup> Offense - \$1,189	\$1,189	66-8-102:112
12-6-12.1D(3)	Mandatory Court (up to \$1,189)	Aggravated Driving While Intoxicated 3 <sup>rd</sup> Offense - \$1,189	\$1,189	66-8-102:112
12-6-12.3	Mandatory Court (up to \$279)	Reckless Driving 1 <sup>st</sup> Offense - \$279	\$279	66-8-113
12-6-12.3	Mandatory Court (up to \$529)	Reckless Driving 2 <sup>nd</sup> or subsequent Offense - \$529	\$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
12-6-12.6A(1-5)	Mandatory Court (up to \$529)	Unlawful Use of a License	\$529	66-5-37
Code §34-29 & 12-6-12.6A(5)	\$79	Provisional License (minor)	\$79	66-5-8
12-6-12.6A (6-7)	Mandatory Court (up to \$1,029)	Driving on a Suspended or Revoked License (file request from MVD)	\$1,029	66-5-39
12-6-12.6A(8)	Mandatory Court (up to \$1,029)	Driving Revoked (if revoked for DWI)	\$1,029	66-5-39.1
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 Driver's View	\$61	66-7-357
12-6-12.11	\$54	Television Screen in Driver's View	\$54	66-7-358
12-6-12.12	\$54	Coasting	\$54	66-7-360
12-6-12.13	Mandatory Court (up to \$529)	Following Fire Apparatus Prohibited	\$529	66-7-361
12-6-12.16	\$74	Vehicles shall be driven only on streets private roads, and driveways	\$74	*

12-6-12.18(A) Ord. 11-003	\$129	Prohibited Activities While Driving (including cell phone, text messaging devices) 1 <sup>st</sup> offense - \$129	\$129	66-7-374
12-6-12.18(B) Ord. 11-003	\$229	Prohibited Activities While Driving (including cell phone, text messaging devices) 2 <sup>nd</sup> or subsequent offense - \$229	\$229	66-7-374
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	*
12-6-13.4A	Mandatory Court (up to \$529)	Moving/Molesting Unattended Vehicle	\$529	30-16D-5
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	\$79	Mandatory Use Of Seatbelts	\$79	66-7-372
12-6-13.14	\$104	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (First offense)	\$104	66-8-139
12-6-13.14E	Mandatory Court (up to \$529)	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (Second or subsequent 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
12-6-18	\$129	Texting While Driving (First offense)	\$129	66-7-374
12-6-18	\$229	Texting While Driving (Second or Subsequent offense)	\$229	66-7-374
12-7-5	\$74	Driving Motorcycle w/no Eye Protection	\$74	66-7-355
12-7-6A	\$179	Driving Motorcycle w/no Helmet (under 18)	\$179	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	66-3-901
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
12-10-1.6A	\$79	Failure to Dim Headlights	\$79	*
12-10-1.7	\$79	No Tail Lamps	\$79	66-3-805
12-10-1.9	\$79	No Brake Lights	\$79	66-3-807
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
12-10-1.12	\$79	Windshields Must be Unobstructed	\$79	66-3-846
12-10-1.12A	\$79	Sunscreening; Tinted Windows	\$79	66-3-846.1
12-10-1.16	\$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	66-5-205
Code §11-4(11) Mandatory Court (up to \$529)		Motorized Vehicles Prohibited in Corrales Bosque Preserve	\$529	
Ord. 11-001	\$529	Prohibiting ATV on Village right-of-way	\$529	
Code §34-26	\$79	Mufflers Required: Prevention of Noise	\$79	
Code §34-27	\$51	Use of Safety Belts by Passenger/Trucks	\$51	
Code §34-28	\$179	Motorcycle Safety Helmets required for persons under 18 years of age	\$179	
12-6-1.1	\$61	Speeding - Basic Rule	\$61	*
12-6-1.2A(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)

**SPEEDING IN A SCHOOL ZONE**

66-7-301

(a)	\$104	10 Miles or Less over Limit	\$104
(b)	\$104 + \$10 per additional mile	11 Miles or More over Limit	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	66-7-352.5
Code §34-30	Mandatory Court up to \$529	Excess gross weight of 10,000 lbs prohibited	\$529	

### **BICYCLE VIOLATIONS**

12-8-1	\$54	Effect of Regulations – Parental Responsibility	\$54	66-3-701
12-8-2	\$54	Traffic Ordinance Applies to Person	\$54	
12-8-3	\$54	Riding on Bicycles	\$54	
12-8-4	\$54	Clinging to Vehicles	\$54	
12-8-5	\$54	Riding on Streets & Bicycle Paths	\$54	



12-8-6	\$54	Carrying Articles	\$54
12-8-7	\$54	Lamps & Other Equipment on Bicycle	\$54
12-8-8	\$54	Obedience to Traffic-Control Device	\$54
12-8-9	\$54	Parking	\$54
12-8-10	\$54	Speed	\$54
12-8-11	\$54	Emerging from Alley, Driveway, Private Rd	\$54
12-8-12	\$54	Riding on Sidewalks	\$54
Ord. 11-012; Code §34-51	\$129	Duty to bicyclist or trail user	\$129

- 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 or any violation for which a court appearance is required as set forth in Subsection 2.A of this Ordinance.
- 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. The penalty assessment established for each penalty assessment misdemeanor pursuant to this section, as set forth in Subsection 2.A, includes the following mandatory 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 3. 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, in person or online through CitePay USA (www.citepayusa.com) 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 or transmitted through CitePay USA 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 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 Section 4A, 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.

**Section 5. 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 6. 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 7. EFFECTIVE DATE**

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

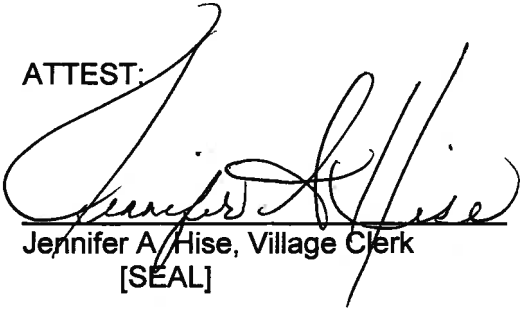
**ADOPTED THIS 28th DAY OF October 2014.**

VILLAGE OF CORRALES



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

ATTEST:



Jennifer A. Hise

Jennifer A. Hise, Village Clerk  
[SEAL]