



## VILLAGE OF CORRALES

### ORDINANCE 19-002

**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:

Village/UTO Ordinance	Designated Court Fine	Violation Description	State Statute
12-4-1	Mandatory Court (up to \$500)	Leaving the Scene (of an accident with injuries)	66-7-201
12-4-2	Mandatory Court (up to \$500)	Leaving the Scene (of an accident w/ prop. damage)	66-7-202
12-4-3	Mandatory Court (up to \$500)	Duty to Give Information & Render Aid at Scene	66-7-203
12-4-4	\$32	Duty upon Striking Unattended Vehicle	66-7-204
12-4-5	\$32	Duty upon Striking Fixtures or Other Property upon a Street	66-7-205
12-4-6	\$32	Immediate Notice of Accidents	66-206
12-5-3	\$32	Obedience to Required Traffic Control Devices	66-7-104

12-5-4	\$32	When Official Traffic Control Devices Required for Enforcement Purposes	66-7-104
12-5-6	\$32	Red Light Violation	66-7-105
15-5-8	\$32	Flashing Light Violation	66-7-107
12-5-14	\$45	Failure to Maintain Lane	*
12-6-1.5	\$32	Impeding the Flow of Traffic	66-7-305
12-6-2.1	\$45	Driving Left of Center	P.A.M.
12-6-2.4	\$45	Limitation of Overtaking on Left	66-7-312
12-6-2.6B	\$272	Improper Passing on Right	66-7-311
12-6-2.7B	\$45	Improper Passing (no pass zone)	66-7-315
12-6-2.7C	\$45	Improper Passing (double yellow)	66-7-315
12-6-2.7D	\$45	Improper Passing (school zone)	66-7-315
12-6-2.7E	\$45	Improper Passing (stopped vehicle at crosswalk)	*
12-6-2.12(1)	\$45	Unsafe Lane Change	66-7-317
12-6-2.13	\$75	Flowing too Closely	66-7-318
12-6-2.14	\$32	Driving on Divided Streets	66-7-319
12-6-4.1	\$32	Vehicles Approaching or Entering Intersections	66-7-328
12-6-4.2	\$32	Vehicles Turning Left at Intersection	66-7-329
12-6-4.3B	\$50	Stop Sign Violation – Failure to Yield	66-7-330
12-6-4.3D	\$75	Stop Sign Violation – Failure to Stop	66-7-330
12-6-4.3E	\$50	Yield Sign Violation – Failure to Stop When Required	66-7-330
12-6-5.1A	\$45	Improper Right Turn	66-7-322
12-6-5.1B	\$45	Improper Left Turn	66-7-322
12-6-5.1C	\$32	Improper Position for Turning	66-7-322
12-6-5.1D	\$32	Improper Method of Turning (1-Way Street)	66-7-322
12-6-5.1E	\$32	Improper Position (avoidance of traffic control device)	*
12-6-5.4	\$45	Obedience to No Turn Signs	P.A.M.
12-6-5.5	\$45	Limitations on Turning Around	P.A.M.
12-6-5.6	\$45	Limitations on Turning Around (Curve or Crest of Grade)	66-7-323
12-6-5.7	\$32	Starting Parked Vehicles	66-7-324
12-6-5.8	\$32	Turning & Stopping Movements Required Signals (no turn signals)	66-7-325
12-6-5.9A	\$45	Failure to Signal for Turn	66-7-326
12-6-5.9B	\$32	No Signal Lamp or Device When Required	66-7-326
12-6-6.3	\$32	Stopping Vehicle Not to Interfere with Other Traffic	66-3-852
12-6-7.1	\$45	Emerging from Alleys/Driveways	66-7-346
12-6-7.3A	\$100	Failure to Stop for a School Bus	66-7-347

12-6-7.4A	\$75	Failure to Yield to Emergency Vehicles	66-7-332
12-6-7.4B	\$45	Failure to Yield to Oncoming Traffic	66-7-332.1
12-6-1A-D	Mandatory Court (up to \$300)	No Permit for Moving Excessive Size and Weight Vehicles	66-7-401:416
12-6-11.2	\$32	Slow Moving Vehicle Identification	66-3-887
12-6-12.1	Mandatory Court (up to \$660)	Driving While Intoxicated	66-8-102:112
12-6-12.1B	Mandatory Court (up to \$660)	Driving While Intoxicated 1 <sup>st</sup> Offense - \$660	66-8-102:112
12-6-12.1B	Mandatory Court (up to \$1160)	Driving While Intoxicated 2 <sup>nd</sup> Offense - \$1160	66-8-102:112
12-6-12.1B	Mandatory Court (up to \$1160)	Driving While Intoxicated 3 <sup>rd</sup> Offense - \$1160	66-8-102:112
12-6-12.1C	Mandatory Court (up to \$660)	Driving Under the Influence of Drugs 1 <sup>st</sup> Offense - \$660	66-8-102:112
12-6-12.1C	Mandatory Court (up to \$1160)	Driving Under the Influence of Drugs 2 <sup>nd</sup> Offense - \$1160	66-8-102:112
12-6-12.1C	Mandatory Court (up to \$1160)	Driving Under the Influence of Drugs 3 <sup>rd</sup> Offense - \$1160	66-8-102:112
12-6-12.1D	Mandatory Court (up to \$660)	Aggravated Driving While Intoxicated 1 <sup>st</sup> Offense - \$660	66-8-102:112
12-6-12.1D (2)	Mandatory Court (up to \$1160)	Aggravated Driving While Intoxicated 2 <sup>nd</sup> Offense - \$1160	66-8-102:112
12-6-12.1D (3)	Mandatory Court (up to \$1160)	Aggravated Driving While Intoxicated 3 <sup>rd</sup> Offense - \$1160	66-8-102:112
12-6-12.3	Mandatory Court (up to \$250)	Reckless Driving 1 <sup>st</sup> Offense - \$250	66-8-113
12-6-12.3	Mandatory Court (up to \$500)	Reckless Driving 2 <sup>nd</sup> or Subsequent Offense - \$500	66-8-113
12-6-12.4	\$100	Careless Driving	66-8-114
12-6-12.5	\$50	No Motorcycle Endorsement	66-5-2
12-6-12.5A	\$50	Driving without a Valid License	66-5-2
12-6-12.5D	\$32	No Driver's License in Possession	66-5-16
12-6-12.6A (1-5)	Mandatory Court (up to \$500)	Unlawful Use of a License	66-5-37
Code § 34-29 & 12-6-12.6A (5)	\$50	Provisional License (Minor)	66-5-8
12-6-12.6A (6-7)	Mandatory Court (up to \$500)	Driving on a Suspended or Revoked License (file request from DMV)	66-5-39
12-6-12.6A (8)	Mandatory Court (up to \$500)	Driving Revoked (if revoked for DWI)	66-5-39.1
12-6-12.7	Mandatory Court (up to \$500)	Fleeing or Attempting to Elude Officer	*
12-6-12.8	\$25	Unattended Motor Vehicle	66-7-353
12-6-12.9	\$32	Limitations on Backing	66-7-354
12-6-12.10	\$32	Obstruction to Driver's View	66-7-357

12-6-12.11	\$25	Television Screen in Driver's View	66-7-358
12-6-12.12	\$25	Coasting	66-7-360
12-6-12.13	Mandatory Court (up to \$500)	Following Fire Apparatus Prohibited	66-7-361
12-6-12.16	\$45	Vehicles Shall Be Driven Only on Streets, Private Roads and Driveways	*
12.6-12.18(A) Ord. 11-003	\$100	Prohibited Activities while Driving (Including Cell Phones, Text Messaging Devices) 1 <sup>st</sup> Offense - \$100	66-7-374
12.6-12.18(B) Ord. 11-003	\$200	Prohibited Activities while Driving (Including Cell Phones, Text Messaging Devices) 2 <sup>nd</sup> Offense - \$200	66-7-374
12-6-12.19	\$45	Racing on Streets	66-8-115
12-6-12.23 A	\$100	Permitting Unlicensed Minor to Drive	66-5-40
12-6-12.23 B	\$45	Permitting Unauthorized Person to Drive	66-5-41
12-6-12.24	Mandatory Court (up to \$500)	Parties to Unlawful Acts	66-8-120
12-6-13.1A	Mandatory Court (up to \$500)	Owner Allowing Person to Drive DWI	*
12-6-13.2	\$45	Unlawful Riding	*
12-6-13.4A	Mandatory Court (up to \$500)	Moving/ Molesting Unattended Vehicle	30-16D-5
12-6-13.5A-E	\$300	Destructive or Injurious Material on Roadway	66-7-364
12-6-13.12	\$100	Child Passenger Restraints	66-7-369
12-6-13.13	\$50	Mandatory Use of Seatbelts	66-7-372
12-6-13.14	\$75	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (1 <sup>st</sup> Offense)	66-8-139
12-6-13.14E	Mandatory Court (up to \$500)	Unlawful Drinking of Liquor in Motor Vehicle; Open Container (2 <sup>nd</sup> or Subsequent Offense)	66-8-139
12-6-14.2	\$272	Pedestrian/Equestrian Right of Way Crosswalks	66-7-334
12-6-14.8	\$32	Drivers to Exercise Due Care	66-7-337
12-7-5	\$45	Driving Motorcycle w/no Eye Protection	66-7-355
12-7-6A	\$150	Driving Motorcycle w/no Eye Protection (under 18)	66-7-356
12-7-9.1A	\$45	No Registration: Off Road Vehicle	66-3-1003
12-7-9.2	\$45	Driving Off-Road Vehicle on Streets	66-3-1011
12-10-1.2A	\$45	Defective Equipment	66-3-901
12-10-1.3	\$50	When Lighted Lamps Required	66-3-802
12-10-1.5	\$50	Headlamps on Motor Vehicle	66-3-804
12-10-1.6A	\$50	Failure to Dim Lights	*
12-10-1.7	\$50	No Tail Lamps	66-3-805
12-10-1.9	\$50	No Brake Lights	66-3-807

12-10-1.10A	\$50	No Muffler or Load Muffler	66-3-844
12-10-1.10B	\$50	Excessive Fumes or Smoke	66-3-844
12-10-1.11	\$32	Lamp or Red Flag on Loads	66-3-824
12-10-1.12	\$50	Windshields Must Be Unobstructed	66-3-846
12-10-1.12A	\$50	Sun screening; Tinted Windows	66-3-846.1
12-10-1.16	\$150	Defective Breaks	66-3-840
12-10-4	\$45	Display of Current Valid Registration	66-3-18
12-10-5	\$45	Evidence of Registration to be Signed and Exhibited on Demand	66-3-13
12-10-6	\$100	Proof of Financial Responsibility	66-5-205
Code § 11-4(11)	Mandatory Court (up to \$500)	Motorized Vehicles Prohibited in Corrales Bosque Preserve	
Ord. 11-001	\$500	Prohibited ATV on Village Right-of-Way	
Code § 34-26	\$50	Mufflers Required: Prevention of Noise	
Code § 34-28	\$150	Motorcycle Safety Helmets Required for Persons Under 18 Years of Age	
12-6-1.1	\$32	Basic Rule	*

Village/UTO Ordinance	Designated Court Fine	Violation Description	State Statute
12-6-1.2A(3)		<b>SPEEDING VIOLATIONS</b>	66-7-301
(a)	\$32	1-5 Miles Over	
(b)	\$35	6-9 Miles Over	
(c)	\$40	10 Miles Over	
(d)	\$43	11 Miles Over	
(e)	\$46	12 Miles Over	
(f)	\$49	13 Miles Over	
(g)	\$52	14 Miles Over	
(h)	\$100	15 Miles Over	
(i)	\$125	16 Miles Over	
(j)	\$130	17 Miles Over	
(k)	\$150	18 Miles Over	
(l)	\$160	19 Miles Over	
(m)	\$175	20 Miles Over	
(n)	\$180	21 Miles Over	
(o)	\$185	22 Miles Over	
(p)	\$190	23 Miles Over	
(q)	\$195	24 Miles Over	
(r)	\$200	25 Miles Over	
(s)	\$210	26 Miles Over	
(t)	\$220	27 Miles Over	
(u)	\$230	28 Miles Over	
(v)	\$240	29 Miles Over	

(w)	\$250	30 Miles Over	
(x)	Mandatory Court	Over 30 Miles	

Village/UTO Ordinance	Designated Court Fine	Violation Description	State Statute
12-6-1.2A (1)		<b>SPEEDING IN A SCHOOL ZONE</b>	66-7-301
(a)	\$75	10 Miles or Less Over Limit	
(b)	\$75 + \$10 per additional mile	11 Miles or More Over Limit	

Village/UTO Ordinance	Designated Court Fine	Violation Description	State Statute
12-6-6.1A		<b>PARKING VIOLATIONS</b>	66-7-351
(1)	\$32	On a Sidewalk	
(2)	\$32	In Front of a Public or Private Driveway	
(3)	\$32	Within an Intersection	
(4)	\$32	Within 15ft of a Fire Hydrant	
(5)	\$32	On a Crosswalk	
(6)	\$32	Within 20ft of Crosswalk at an Intersection	
(7)	\$32	Within 30ft of Traffic Control Devices	
(8)	\$32	Safety Zone	
(9)	\$32	Within 50ft of Railroad Crossing	
(10)	\$32	Within 20 ft of Fire Station Entrance	
(11)	\$32	Obstructing Traffic	
(12)	\$32	Stopped or Parked at the Edge or Curb of a Street	
(13)	\$32	Upon Any Bridge or Elevated Structure	
(14)	\$32	Prohibited by Official Signs	
(15)	\$32	On Any Railroad Track	
(16)	\$32	Between Curb and Sidewalk	
12-6-6.6(1)	\$32	Illegal Parking – Displaying Vehicle for Sale	*
12-9-9	Mandatory Court (up to \$500)	Parking in Designated Disabled Parking Spaces	66-7-352.5
Code § 34-30	Mandatory Court (up to \$500)	Excess Gross Weight of 10,000lbs prohibited	

Village/UTO Ordinance	Designated Court Fine	Violation Description	State Statute
		<b>BICYCLE VIOLATIONS</b>	66-3-701

12-8-1	\$25	Effect of Regulations – Parental Responsibility	
12-8-2	\$25	Traffic Ordinance Applies to Person	
12-8-3	\$25	Riding on Bicycles	
12-8-4	\$25	Clinging to Vehicles	
12-8-5	\$25	Riding on Street & Bicycle Path	
12-8-6	\$25	Carrying Articles	
12-8-7	\$25	Lamps & Other Equipment on Bicycle	
12-8-8	\$25	Obedience to Traffic-Control Devices	
12-8-9	\$25	Parking	
12-8-10	\$25	Speed	
12-8-11	\$25	Emerging from Alley, Driveway, Private Road	
12-8-12	\$25	Riding on Sidewalk	
Ord. 11-012 Code § 34-51	\$100	Duty to Bicyclist or Trail User	

- 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, does not include 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. These mandatory fees are to be in addition to stated fees in Subsection 2.A.

### **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 or in person 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 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.

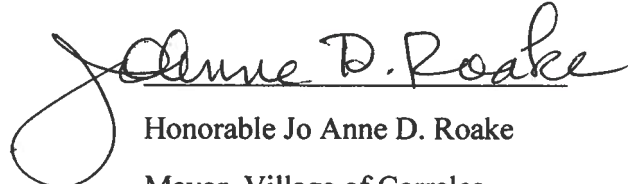
#### **Section 7. EFFECTIVE DATE**

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

**PASSED, APPROVED AND ADOPTED by the Governing Body of the Village of Corrales, New Mexico this 26th day of February, 2019.**



VILLAGE OF CORRALES, NEW MEXICO

  
Honorable Jo Anne D. Roake  
Mayor, Village of Corrales

**ATTEST:**

  
Shannon Fresquez, Village Clerk  
(SEAL)