

CITY OF LAS VEGAS, NEW MEXICO
Ordinance No. 20-16

AN ORDINANCE TO AMEND the Code of the City of Las Vegas by amending the Penalty Assessment Program in Section 12-12-1.2 and to add a new Section 1.8 to Chapter 12 Article VI, to be entitled “Penalty Assessment for Speeding Violations”, to be known as 12-6-1.8. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. The City of Las Vegas Penalty Assessment Program is hereby deleted and replaced with the document attached hereto.

Section 2. The Code of the City of the City of Las Vegas is hereby amended by adding thereto a new section, to be Section 12-6-1.8, Penalty Assessment for Speeding Violations, to read as follows:

A. This section may be cited as the City of Las Vegas penalty assessment program for speeding violations.

B. Any person who, while operating a vehicle within the city limits of the City of Las Vegas and while outside of a school zone, exceeds the posted speed limit up to and including ten (10) miles per hour over the posted speed limit shall incur a penalty assessment of thirty-five dollars (\$35.00). If such act should occur within a school zone, construction zone or pedestrian zone the penalty assessment shall be seventy dollars (\$70.00).

C. Any person who, while operating a vehicle within the city limits of the City of Las Vegas and while outside of a school zone, exceeds the posted speed limit from eleven (11) up to and including fifteen (15) miles per hour over the posted speed limit shall incur a penalty assessment of forty-five dollars (\$45.00). If such act should occur within a school zone, construction zone or pedestrian zone the penalty assessment shall be ninety dollars (\$90.00).

D. Any person who, while operating a vehicle within the city limits of the City of Las Vegas and while outside of a school zone, exceeds the posted speed limit from sixteen (16) up to and including twenty (20) miles per hour over the posted speed limit shall incur a penalty assessment of eighty dollars (\$80.00). If such act should occur within a school zone, construction zone or pedestrian zone the penalty assessment shall be one hundred and sixty dollars (\$160.00).

E. Any person who, while operating a vehicle within the city limits of the City of Las Vegas and while outside of a school zone, exceeds the posted speed limit from twenty one (21) up to and including twenty five (25) miles per hour over the posted speed limit shall incur a penalty assessment of one hundred and twenty dollars (\$120.00). If such act

should occur within a school zone, construction zone or pedestrian zone the penalty assessment shall be two hundred and forty dollars (\$240.00).

F. Any person who, while operating a vehicle within the city limits of the City of Las Vegas and while outside of a school zone, exceeds the posted speed limit from twenty six (26) up to and including thirty (30) miles per hour over the posted speed limit shall incur a penalty assessment of one hundred and fifty dollars (\$150.00). If such act should occur within a school zone, construction zone or pedestrian zone the penalty assessment shall be three hundred dollars (\$300.00).

G. Any person who, while operating a vehicle within the city limits of the City of Las Vegas and while outside of a school zone, exceeds the posted speed limit more than thirty (30) miles per hour over the posted speed limit shall incur a penalty assessment of two hundred and twenty five dollars (\$225.00). If such act should occur within a school zone, construction zone or pedestrian zone the penalty assessment shall be four hundred and fifty dollars (\$450.00).

Section 3. All other parts of the City Code not specifically amended or modified by this Ordinance shall remain in full force and effect. If there is a conflict between this Ordinance and any other part of the City Code, the provisions of this Ordinance shall control.

Section 4. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 5. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED AND ENACTED this _____ day of November, 2020.

Mayor Louie A. Trujillo

ATTEST:

Reviewed and approved as to legal sufficiency only:

Casandra Fresquez, City Clerk

Scott Aaron, City Attorney

TRAFFIC REGULATIONS

12 Attachment 2

City of Las Vegas Penalty Assessment Program

Section 1.

This ordinance may be cited as the City of Las Vegas Penalty Assessment Program.

Section 2.

- A. As used in the New Mexico Uniform Traffic Ordinance adopted by the City of Las Vegas, New Mexico, “penalty assessment misdemeanor” means violation of the following listed sections of the New Mexico Uniform Traffic Ordinance, for which the listed penalty assessment is established:

Common Name of Offense	Section Violated	Penalty Assessment
Flashing signals	12-5-8	\$15
Speed regulations	12-6-1.8	
(1) Up to and including 10 miles an hour over speed limit		\$35
(1) Up to and including 10 miles an hour over speed limit (special zone)		\$70
(2) From 11 up to and including 15 miles an hour over speed limit		\$45
(2) From 11 up to and including 15 miles an hour over speed limit (special zone)		\$90
(3) From 16 up to and including 20 miles an hour over speed limit		\$80
(3) From 16 up to and including 20 miles an hour over speed limit (special zone)		\$160
(4) From 21 to include 25 miles an hour over speed limit		\$120
(4) From 21 to include 25 miles an hour over speed limit (special zone)		\$240
(5) From 26 up to and including 30 miles an hour over the speed limit		\$150
(5) From 26 up to and including 30 miles an hour over the speed limit (special zone)		\$300

(6) More than 30 miles an hour		\$225
(6) More than 30 miles an hour (special zone)		\$450
Minimum speed regulations	12-6-1.5	\$30
Overtaking a vehicle on the left	12-6-2.3	\$30
Limitations on overtaking on the left	12-6-2.4	\$30
No-passing zones and restrictions on passing	12-6-2.7	\$30
Oversized vehicles on prohibited streets (first offense)	Ordinance 20-11	\$250

Common Name of Offense	Section Violated	Penalty Assessment
Following too closely	12-6-2.13	\$30
Driving on divided streets	12-6-2.14	\$30
Vehicle approaching or entering intersection	12-6-4.1	\$30
Vehicle turning left at intersection	12-6-4.2	\$30
Vehicle entering stop or yield intersection	12-6-4.3	\$30
Limitations on turning around	12-6-5.5	\$30
Starting parked vehicle	12-6-5.7	\$30
Turning and stopping movements and required signals	12-6-5.8	\$30
Stopping, standing and parking	12-6-6	\$20
Special stops required	12.6.7	\$30
Stopping for school bus	12-6-7.3	\$100
Failure to stop at railroad-highway grade crossing	12-6-7.7	\$150
Operators and chauffeurs must be licensed	12-6-12.5	\$30
Limitations on backing	12-6-12.9	\$30
Prohibited activities while driving	12-6-12.18	\$150
Racing on streets	12-6-12.19	\$500
Child not in restraint device or safety belt	12-6-13.12	\$100
Mandatory use of seat belts	12-6-13.13	\$100
Possession or consumption of alcoholic beverages in open containers (first offense)	12-6-13.14	\$100
Destructive or injurious material on roadway	12-6-13.5	\$100
Littering (first offense)	290-99	\$500
Pedestrian violation	12-6-14	\$30
Drivers to exercise due care	12-6-14.8	\$30
When lighted lamps are required	12-10-1.3	\$30
Headlamps on vehicles	12-10-1.5	\$30
Tail lamps	12-10-1.7	\$30
Mufflers, prevention of noise	12-10-1.10	\$100
Lamp or flag on projecting load	12-10-1.11	\$30
Display or current valid registration plate	12-10-4	\$50
Evidence of registration to be signed and exhibited on demand	12-10-5	\$100

- 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. In the event that any person charged with a violation of any provision of 12-6-1 through 12-6-17.10 is granted a deferral of any kind whatsoever, said charged person shall pay an administrative fee of fifty dollars (\$50.00) for each violation charged.
- 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 forty-dollar (\$40.00) corrections fee; a fifteen-dollar (\$15.00) court automation fee; and a ten-dollar (\$10.00) judicial education fee.

Section 3. Penalty assessment misdemeanors; option; effect.

- A. Unless a warning notice is given, at the time any penalty assessment is given, a law enforcement officer 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 received by the Municipal Court, Traffic Violations Bureau, City of Las Vegas, Las Vegas, New Mexico within 30 days of the date the penalty was incurred. 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.

Section 4. Failure to pay penalty assessment.

- A. If a penalty assessment is not paid within 30 days from the date the penalty was incurred, the violator shall be prosecuted for the violation charged on the penalty assessment notice in a manner as if the penalty assessment notice had not been issued. Upon conviction in such prosecution, the court shall impose penalties the maximum penalties provided by law.

- B. In addition to the prosecution provided for in Section 4A above, it is a misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within 30 days from the date the penalty was incurred.

- C. The Office of the Municipal Court shall notify the Motor Vehicle Division of the State of New Mexico when a person fails to pay a penalty assessment within the required period of time. The Motor Vehicle Division shall report the notice upon the driver's record and shall not renew the person's license to drive until the Municipal Court notifies the Motor Vehicle Division that the penalty assessment, or its equivalent, as well as any additional penalties imposed have been fully satisfied.