



# City of Santa Fe, New Mexico

## LEGISLATIVE SUMMARY

**BILL NO. 2013-43**

### Uniform Traffic Ordinance

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**SPONSOR(S):** Trujillo

**SUMMARY:** During the 2013 legislative session, the Legislature made changes to the Uniform Traffic Ordinance, therefore, to be consistent with state law, the City needs to amend its Uniform Traffic Ordinance. The bill relates to the city of Santa Fe Uniform Traffic Ordinance; amending sections 12-6-12.6 relating to driving with a revoked license; 12-12-3 relating to electronic uniform traffic citations; 12-12-11 relating to abstract of traffic cases; creates a new section 12-12-3.1 relating to electronic uniform traffic citations; and makes such other stylistic and grammatical changes as are necessary.

**PREPARED BY:** Rebecca Seligman, Legislative Liaison Assistant

**FISCAL IMPACT:** No

**DATE:** December 5, 2013

**ATTACHMENTS:** Bill  
FIR

**ACTION SHEET  
CITY COUNCIL MEETING OF 12/11/13  
ITEM FROM FINANCE COMMITTEE MEETING OF 12/02/13**

**ISSUE:**

21. Request for Approval of an Ordinance Relating to the City of Santa Fe Uniform Traffic Ordinance; Amending Sections 12-6-12.6 Relating to Driving with a Revoked License; 12-12-3 Relating to Electronic Uniform Traffic Citations; 12-12-11 Relating to Abstract of Traffic Cases; Creating a New Section 12-12-3.1 Relating to Electronic Uniform Traffic Citations; and Making such other Stylistic and Grammatical Changes as are Necessary. (Councilor Trujillo) (Alfred Walker)

**Committee Review:**

Public Safety Committee (approved)	11/19/13
City Council (request to publish)	12/11/13
City Council (public hearing)	01/08/14

Fiscal Impact – No

**FINANCE COMMITTEE ACTION: Approved as Consent Item**

**SPECIAL CONDITIONS OR AMENDMENTS**

**STAFF FOLLOW-UP:**

<b>VOTE</b>	<b>FOR</b>	<b>AGAINST</b>	<b>ABSTAIN</b>
COUNCILOR BUSHEE			X
COUNCILOR CALVERT	X		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

**ACTION SHEET**  
**ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 11/19/13**

**ISSUE:** Proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending sections 12-6-12-.6 relating to the driving with a revoked license 12-12-3 relating to electronic uniform citations, 12-12-11 relating abstract of traffic cases; creating a new section 12-12-3.1 relating to electronic uniform citations; and making such a stylistic and grammatical changes as are necessary.

**PUBLIC SAFETY COMMITTEE ACTION:** Recommend approval with amendments

**SPECIAL CONDITIONS OR AMENDMENTS:**

**STAFF FOLLOW UP:**

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO	X		
VICE-CHAIRPERSON HARRIS	X		
MEMBER MIKE MIER	ABSENT		
MEMBER NANCY OWEN-LEWIS	ABSENT		
MEMBER PETER MIZRAHI	X		
MEMBER MIKE BOWEN	X		
MEMBER CHRIS RIVERA	X		

DISK fc1/fcissue

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**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2013-43**

**INTRODUCED BY:**

Councilor Ronald Trujillo

**AN ORDINANCE**

**RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE;  
AMENDING SECTIONS 12-6-12.6 RELATING TO DRIVING WITH A REVOKED  
LICENSE; 12-12-3 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; 12-  
12-11 RELATING TO ABSTRACT OF TRAFFIC CASES; CREATING A NEW SECTION  
12-12-3.1 RELATING TO ELECTRONIC UNIFORM TRAFFIC CITATIONS; AND  
MAKING SUCH OTHER STYLISTIC AND GRAMMATICAL CHANGES AS ARE  
NECESSARY.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:**

**Section 1. Section 12-6-12.6 of the City of Santa Fe Uniform Traffic Ordinance  
(being Ord. #2006-34) is amended to read:**

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

**A. No person shall:**

**(1) display or cause or permit to be displayed or have in his possession any canceled,**

1           revoked or suspended driver's license or permit;

2                   (2) lend his driver's license or permit to any other person or knowingly permit the  
3           use thereof by another;

4                   (3) display or represent as one's own any driver's license or permit not issued to him;

5                   (4) fail or refuse to surrender to the court upon its lawful demand any driver's license  
6           or permit which has been suspended, revoked or canceled;

7                   (5) permit any unlawful use of driver's license or permit issued to him; (66-5-37  
8           NMSA 1978)

9                   (6) drive a motor vehicle on any public street or highway at a time when his  
10          privilege to do so is suspended [~~or revoked~~] and who knows or should have known that his  
11          license was suspended [~~or revoked~~]. Upon conviction, the person shall be punished by  
12          imprisonment for not less than four days nor more than ninety days or participation for an  
13          equivalent period of time in a certified alternative sentencing program, and there may be  
14          imposed in addition a fine of not more than five hundred dollars (\$500.00). When a person  
15          pays any or all of the cost of participating in a certified alternative sentencing program, the  
16          court may apply that payment as a deduction to any fine imposed by the court.  
17          ~~[Notwithstanding any other provision of law for suspension or deferment of execution of~~  
18          ~~sentence, if the person's privilege to drive was revoked for driving under the influence of~~  
19          ~~intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction under~~  
20          ~~this section, that person shall be punished by imprisonment for not less than seven~~  
21          ~~consecutive days and shall be fined not less than three hundred dollars (\$300.00) or not more~~  
22          ~~than five hundred dollars (\$500.00) and the fine and imprisonment shall not be suspended,~~  
23          ~~deferred or taken under advisement. No other disposition by plea of guilty to any other charge~~  
24          ~~in satisfaction of a charge under this section shall be authorized if the person's privilege to~~

1 ~~drive was revoked for driving under the influence of intoxicating liquor or drugs or a~~  
2 ~~violation of the Implied Consent Act.] (66-5-39 NMSA 1978)~~

3 (7) drive a motor vehicle on a highway of this state at a time when the person's  
4 privilege to do so is revoked and who knows or should have known tht the person's license  
5 was revoked is guilty of a misdemeanor and shall be charged with a violation of this section.  
6 Under conviction, the person shall be punished, notwithstanding the provisions of Sec.  
7 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days  
8 or by participation for an equivalent period of time in a certified alternative sentencing  
9 program, and there may be imposed in addition a fine of nore more than \$500. When a  
10 person pays any or all of the cost of participating in a certified alternative sentencing  
11 program, the court may apply that payment as a deduction to any fine imposed by the court;  
12 and

13 (8) notwithstanding any other provision of law for suspension or deferment of  
14 execution of a sentence, if the person's privilege to drive as revoked for driving under the  
15 influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon  
16 conviction shall be punished by imprisonment for not less than seven consecutive days and  
17 shall be fined not less than three hundred dollars (\$300) and not more than five hundred  
18 dollars (\$500) and the fine and imprisonment shall not be suspended, deferred or taken under  
19 advisement. No other disposition by plea of guilty to any other charge in satisfaction of a  
20 charge under this section shall be authorized if the person's privilege to drive was revoked for  
21 driving under the influence of intoxicating liquor or drugs or a violation of the Implied  
22 Consent Act, (66-3-39.1 NMSA 1978)

23 B. In addition to any other penalties imposed pursuant to the provisions of this section,  
24 when a person is convicted pursuant to the provisions of this section, the motor vehicle the person  
25 was driving shall be immobilized by an immobilization device for thirty days, unless immobilization

1 of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted  
2 person's immediate family or the family of the owner of the motor vehicle. The convicted person  
3 shall bear the cost of immobilizing the motor vehicle. (66-5-39 NMSA 1978)

4           **Section 2.       Section 12-12-3 of the City of Santa Fe Uniform Traffic Ordinance**  
5 **(being Ord. #2006-34) is amended to read:**

6 **12-12-3           CONDUCT OF ARRESTING OFFICER--NOTICES BY CITATION.**

7           A.       Except as provided in Section 12-12-5, unless a penalty assessment or warning  
8 notice is given, whenever a person is arrested for any violation of this ordinance or other law relating  
9 to motor vehicles punishable as a misdemeanor, the arresting officer, using the uniform traffic  
10 citation, in paper or electronic form, shall complete the information section and prepare a notice to  
11 appear in court, specifying the time and place to appear, have the arrested person sign the agreement  
12 to appear as specified, give a copy of the citation to the arrested person and release him from custody.

13           B.       Whenever a person is arrested for violation of a penalty assessment misdemeanor and  
14 elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation, in paper  
15 or electronic form, shall complete the information section and prepare the penalty assessment notice  
16 indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay  
17 the amount prescribed, give a copy of the citation along with a business reply envelope addressed to  
18 the municipal court with jurisdiction and release him from custody. No officer shall accept custody  
19 or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment  
20 notice, the officer shall issue a notice to appear. (66-8-123 B NMSA 1978)

21           C.       The arresting officer may issue a warning notice, but shall fill in the information  
22 section of the uniform traffic citation in paper or electronic form, and give a copy to the arrested  
23 person after requiring his signature on the warning notice as an acknowledgment of receipt. No  
24 warning notice issued under this section shall be used as evidence of conviction for purposes of  
25 suspension or revocation of license under Section 66-5-30 NMSA 1978.

1 D. In order to secure his release, the arrested person must give his written promise to  
2 appear in court, or to pay the penalty assessment prescribed or acknowledge receipt of a warning  
3 notice.

4 E. Any officer violating this section is guilty of misconduct in office and is subject to  
5 removal. (66-8-123 NMSA 1978)

6 F. An electronic traffic citation, prescribed by Sec 12-12-3.1, is an electronic version of  
7 the uniform traffic citation. For the purposes of this section, an electronic citation may be completed  
8 instead of a uniform traffic citation; provided, however, that where this section requires a copy of a  
9 citation to be given to an arrested person, a physical copy of the citation shall be provided whether a  
10 uniform citation or an electronic form of the uniform traffic citation was used. An electronic form of  
11 the uniform traffic citation may be signed electronically.

12 **Section 3. A new Section 12-12-3.1 of the City of Santa Fe Uniform Traffic**  
13 **Ordinance is ordained to read:**

14 **12-12-3.1 [NEW MATERIAL] ELECTRONIC UNIFORM TRAFFIC CITATION**

15 An electronic version of a uniform traffic citation shall include the same information required  
16 to be included in a uniform traffic citation. An electronic version of a uniform traffic citation may be  
17 signed electronically and a law enforcement officer may submit or file with a court an electronic  
18 version of a uniform traffic citation if prior permission of the department has been secured. Where  
19 the law requires a law enforcement officer to provide a copy of a citation to a person cited or arrested,  
20 a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation  
21 or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

22 **Section 4. Section 12-12-11 of the City of Santa Fe Uniform Traffic Ordinance**  
23 **(being Ord. #2006-34) is amended to read:**

24 **12-12-11 ABSTRACT OF TRAFFIC CASES--REPORT ON CONVICTIONS.**

25 A. Every municipal judge shall keep a record of every traffic complaint, uniform traffic

1 citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and  
2 every official action and disposition of the charge by that court. The court shall notify the  
3 Department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other  
4 law or ordinance relating to motor vehicles.

5 B. Within ten days of the later of entry of ~~judgment and sentence or failure to appear on~~  
6 ~~a charge of violating~~ a final disposition on a conviction for violation of this ordinance or other law or  
7 ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter  
8 and from which no appeal or review is successfully taken, every municipal judge, including children's  
9 court judges, or the clerk of the court in which the entry of ~~judgment and sentence or failure to~~  
10 ~~appear~~ the final disposition occurred shall prepare and forward to the department an abstract of the  
11 record containing the name and address of the defendant; the specific section number and common  
12 name of the provision of the local law, ordinance or regulation under which the defendant was tried;  
13 the plea, finding of the court and disposition of the charge, including fine or jail sentence or both;  
14 ~~forfeiture of bail or dismissal of the charge~~ total costs assessed to the defendant; the date of the  
15 hearing; the court's name and address; whether defendant was a first or subsequent offender; and  
16 whether the defendant was represented by counsel or waived his right to counsel and, if represented,  
17 the name and address of counsel.

18 C. The abstract of record prepared and forwarded under Subsection B of this section  
19 shall be certified as correct by the person required to prepare it. With the prior approval of the  
20 department, the information required in Subsection B of this Section may be transmitted  
21 electronically to the department. Report need not be made of any disposition of a charge of illegal  
22 parking or standing of a vehicle except when the uniform traffic citation is used.

23 D. When the uniform traffic citation is used, the court shall provide the information  
24 required in Subsection B of this Section in the manner prescribed by the director. A copy of each  
25 penalty assessment processed shall be forwarded to the division within ten (10) days of completion of

1 local processing for posting to the driver's record. With the prior approval of the director, the  
2 required information may be submitted to the division by electronic means in lieu of forwarding  
3 copies of the penalty assessments.

4 E. The willful failure or refusal of any judicial officer to comply with this section is  
5 misconduct in office and grounds for removal. (66-8-135 NMSA 1978)

6 APPROVED AS TO FORM:

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8 Kelley A. Brennan

9 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

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M/Melissa/Bills 2013/UTO Amendments 2013

**City of Santa Fe  
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

**Section A. General Information**

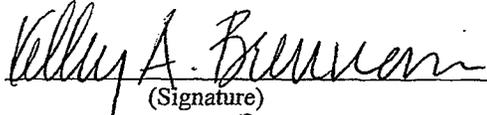
(Check) Bill: X 2013-43 Resolution: \_\_\_\_\_  
(A single FIR may be used for related bills and/or resolutions)

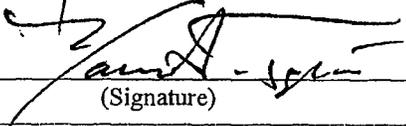
Short Title(s): Relating to the city of Santa Fe Uniform Traffic Ordinance; amending sections 12-6-12.6 relating to driving with a revoked license; 12-12-3 relating to electronic uniform traffic citations; 12-12-11 relating to abstract of traffic cases; creating a new section 12-12-3.1 relating to electronic uniform traffic citations; and making such other stylistic and grammatical changes as are necessary.

Sponsor(s): Trujillo

Reviewing Department(s): City Attorney's Office

Person Completing FIR: Rebecca Seligman Date: 10/28/13 Phone: 505-955-6501

Reviewed by City Attorney:  Date: 11/13/13  
(Signature)

Reviewed by Finance Director:  Date: 11/26/13  
(Signature)

**Section B. Summary**

Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of the bill is to amend the City Uniform Traffic Ordinance to be consistent with state law.

**Section C. Fiscal Impact**

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)\*

**1. Projected Expenditures:**

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs  
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs  
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X  Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected	

Personnel*	\$ _____	_____	_____	\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____	\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____	\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____	\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____	\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____	\$ _____	_____	_____	_____
Total:	\$ _____			\$ _____			

\* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. \*\*For fringe benefits contact the Finance Dept.

**2. Revenue Sources:**

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected	

_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
_____	\$ _____	_____	\$ _____	_____	_____
Total:	\$ _____		\$ _____		

**3. Expenditure/Revenue Narrative:**

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

None

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**Section D. General Narrative**

**1. Conflicts:** Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None that staff is aware of

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**2. Consequences of Not Enacting This Bill/Resolution:**

Are there consequences of not enacting this bill/resolution? If so, describe.

The Uniform Traffic Ordinance would remain the status quo.

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**3. Technical Issues:**

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of

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**4. Community Impact:**

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

The proposed amendments would make the community safer, while expediting processing of citations.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08

~~have a heave criticism and come back to the Department and ask how many inspections have been done. Suggested wording might be to say, the Police Department is authorized to assure, something to that effect. We just got through talking about a shortage of officers so we should use caution.~~

~~Chief Rael agreed with Mr. Bowen on this comment. The resources are just not available and how to approach the enforcement will offer a challenge.~~

~~*Mr. Mizrahi moved to approve the proposed ordinance replacing the language "shall conduct" on Pg. 2-H, second by Mr. Bowen, motion carried by unanimous voice vote.*~~

E. Proposed Ordinance relating to the City of Santa Fe Uniform Traffic Ordinance; amending sections 12-6-12.6 relating to driving with a revoked license; 12-12-3 relating to electronic uniform traffic citations, 12-12-11 relating to abstract of traffic cases; creating a new section 12-12-3.1 relating to electronic uniform traffic citations; and making such other stylistic and grammatical changes as are necessary (Councilor Trujillo, Alfred Walker)

Mr. Walker stated that this ordinance is intended to amend out traffic ordinances to be in line with changes in state law. Most of these are stylistic changes; not much substantive changes other than to allow Police Officers to use electronic traffic citations. If they are required to give a copy of that they can provide an electronic print out. Most of these changes either don't change the substance of law.

*Mr. Harris moved to approve the proposed ordinance relating to the City of Santa Fe Uniform Traffic Ordinance, second by Mr. Mizrahi, motion carried by unanimous voice vote.*

~~F. Proposed resolution authorizing the City of Santa Fe Fire Department to establish a coalition of individuals, with a vested interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies (Councilor Wurzbarger, Fire Chief Erik Litzenberg)~~

~~Chief Litzenberg explained that this is a resolution to strengthen a cohesive coalition of individuals to get more involved to help in fire safety. Mr. Harris asked if this is strictly an Advisory Group. Mr. Chavarria responded yes, it is a mode of operation to get more people involved at no risk.~~

~~*Mr. Harris moved to approve the proposed resolution authorizing the City of Santa Fe to establish a coalition of individuals, with a vested interest in protecting neighborhoods from a wildfire, to produce and implement tangible wildfire mitigation strategies, second by Mr. Bowen, motion carried by unanimous voice vote.*~~