

Bill No. 2008-55

An Ordinance Amending Exhibit B, Chapter 24 SFCC 1987
Regarding the Penalty Assessment for Violation of the City's
Prohibition of Hand-Held Cellular Phone Usage While a Vehicle is in
Motion.

NOTE: Bill No. 2008-55 was not available, as it was pulled from the 10/06/08 City Council agenda at Senior Staff on September 30, 2008. The item was on the September 29, 2008 Finance Committee agenda, motions were made but no action was taken. The item was on the September 22, 2008 Public Works agenda and received no recommendation and was on the September 16, 2008 Public Safety agenda and was tabled indefinitely.

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2008- 55

INTRODUCED BY:

AN ORDINANCE

**AMENDING EXHIBIT B, CHAPTER 24 SFCC 1987 REGARDING THE PENALTY
ASSESSMENT FOR VIOLATION OF THE CITY'S PROHIBITION OF HAND-HELD
CELLULAR PHONE USAGE WHILE A VEHICLE IS IN MOTION.**

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

**Section 1. Exhibit B, Chapter 24 SFCC 1987 (being Ord. #2006-34, Ex. B) is
amended to read:**

CITY OF SANTA FE

CHAPTER XXIV

EXHIBIT B

TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE

(Subsection 24-1.2 SFCC 1987)

ADOPTED: July 12, 2006

AMENDED: _____, 2008

SECTION 1.

This Exhibit may be cited as the city of Santa Fe traffic violation penalty assessment schedule for violations of the city of Santa Fe Uniform Traffic Code except those violations relating to parking which are set forth in Exhibit C of Chapter 24 SFCC 1987.

SECTION 2.

"Penalty assessment misdemeanor" means violation of the following listed sections of the city of Santa Fe Uniform Traffic Code for which the listed penalty assessment is established. 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. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, the fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

		PENALTY
COMMON NAME OF OFFENSE	SECTION VIOLATED	ASSESSMENT
Obedience To Traffic-Control Devices	12-5-3	\$10.00
Flashing Signals	12-5-8	\$15.00
Basic (Speeding) Rule	12-6-1.1	\$10.00
Speed Limits	12-6-1.2	
A. <i>The following apply outside a school zone:</i>		
Up to and including 10 miles an hour over speed limit		\$15.00
From 11 up to and including 15 miles an hour over speed limit		\$30.00
From 16 up to and including 20 miles an hour over speed limit		\$65.00
From 21 up to and including 25 miles an hour over speed limit		\$100.00
From 26 up to and including 30 miles an hour over the speed limit		\$125.00

1	From 31 up to and including 35 miles an hour over the speed limit	\$150.00
2	More than 35 miles an hour over the speed limit	\$200.00
3	B. <i>In a school zone</i> 12-6-1.2A.(1)	\$171.00
4	C. <i>In a construction zone:</i> The penalty assessment for speeding in violation of	
5	Section 12-6-1.2 (4) of the city of Santa Fe traffic ordinance is twice the penalty	
6	assessment established in subsection A above for the equivalent miles per hour	
7	over the speed limit.	
8	D. <i>In a pedestrian zone.</i> The penalty assessment for speeding in violation of the	
9	posted speed limit in a designated pedestrian zone is twice the penalty assessment	
10	established in subsection A above for the equivalent miles per hour over the	
11	speed limit.	
12	Minimum Speed Regulations 12-6-1.5	\$10.00
13	Overtaking A Vehicle On The Left 12-6-2.3	\$10.00
14	Limitations On Overtaking On The Left 12-6-2.4	\$10.00
15	No Passing Zones/Restrictions On Passing 12-6-2.7	\$10.00
16	Following Too Closely 12-6-2.13	\$10.00
17	Driving On Divided Streets 12-6-2.14	\$10.00
18	Approaching/Entering Intersection 12-6-4.1	\$10.00
19	Turning Left At Intersection 12-6-4.2	\$10.00
20	Entering Stop/Yield Intersection 12-6-4.3	\$10.00
21	Required Position/Method Of Turning 12-6-5.1	\$10.00
22	Obedience To No-Turn Signs 12-6-5.4	\$10.00
23	Limitations On Turning Around 12-6-5.5	\$10.00
24	Starting Parked Vehicle 12-6-5.7	\$10.00
25	Turning/Stopping Movements Required Signals 12-6-5.8	\$10.00

1	Stopping, Standing & Parking	12-6-6	\$10.00
2	Special Stops Required	12-6-7	\$10.00
3	Stopping For School Bus	12-6-7.3	\$100.00
4	Operators/Commercial Driver's License	12-6-12.5	\$10.00
5	Unattended Motor Vehicle	12-6-12.8	\$10.00
6	Limitations On Backing	12-6-12.9	\$10.00
7	Prohibited Activities While Driving	12-6-12.18	\$10.00
8	except for violations regarding hand-held cellular phones which shall be: [\$60.00]		
9		<u>In school zones</u>	\$500.00
10		<u>Outside school zones</u>	\$250.00
11	Destructive Material On Roadway	12-6-13.5	\$100.00
12	Improper Opening Of Doors	12-6-13.8	\$10.00
13	Child Restraint Device Or Safety Belt	12-6-13.12	\$25.00
14	Mandatory Use Of Seat Belts	12-6-13.13	\$25.00
15	Possession/Consumption of Alcoholic Beverages in Open Containers-first offense		\$25.00
16	for subsequent violations see Section 12-6-13.14		
17	Littering	12-6-13.15	\$300.00
18	Littering with a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or		
19	object on any surface or article where it can cause an unwanted fire		\$500.00
20	Pedestrian Violation	12-6-14	\$10.00
21	When Lighted Lamps Are Required	12-10-1.3	\$10.00
22	Headlamps On Vehicles	12-10-1.5	\$10.00
23	Dimming Of Lights	12-10-1.6	\$10.00
24	Tail Lamps	12-10-1.7	\$10.00
25	Mufflers, Prevention Of Noise	12-10-1.10	\$10.00

Lamp Or Flag On Projecting Load	12-10-1.11	\$10.00
Brakes	12-10-1.16	\$10.00
Display Of Registration Plate	12-10-4	\$10.00

SECTION 3. TRAFFIC CALMING FEES

A. Persons violating speed limits within the city have created a need for traffic calming. The governing body has determined that those persons violating the speed limits should pay additional fees. The purpose of the additional fees is to discourage speeding within the city and to provide funds for the city's traffic calming program.

B. The city hereby imposes a traffic calming fee equal to the maximum fine (excluding court fees) to be paid by any person convicted of a speeding violation as set forth in the Uniform Traffic Ordinance as adopted by the city, the total of which shall not exceed the jurisdictional limits of the court. The traffic calming fee does not apply to a construction zone.

C. The traffic calming fee shall be collected by the municipal court for funding the city's traffic calming program. The amount of fees collected shall not decrease the amount of money allocated to the traffic calming program through the current fiscal year Capital Improvement Program bonding process.

D. The governing body shall review the results of this subsection including the amount of fees which have been collected and the amount of police overtime because of this subsection. The municipal court shall provide the governing body with the appropriate statistics to review this subsection.

SECTION 4. MUNICIPAL COURT FEES

In addition to the penalty assessment established pursuant to this Exhibit, there shall be assessed the municipal court fees for each penalty assessment misdemeanor as set forth in Section 1-3.2 [Section] SFCC 1987.

SECTION 5. PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT

1 A. Unless a warning notice is given, at the time of making an arrest for any penalty
2 assessment misdemeanor, the arresting officer shall offer the alleged violator the option of
3 accepting a penalty assessment. The violator's signature on the penalty assessment notice
4 constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the
5 prescribed penalty assessment is a complete satisfaction of the violation.

6 B. Payment of any penalty assessment shall be made by mail to the Municipal
7 Court, City of Santa Fe, P.O. Box 909, Santa Fe, New Mexico, 87504-0909 within 30 days from
8 the date of arrest. Payments of penalty assessments are timely if postmarked within the time
9 limits set from the date of arrest. The Municipal Court shall issue a receipt when a penalty
10 assessment is paid by currency, but a check or money order tendered by the violator upon which
11 payment is received is sufficient receipt.

12 C. No record of any penalty assessment payment is admissible as evidence in any
13 court in any civil action.

14 **SECTION 6. FAILURE TO PAY PENALTY ASSESSMENT**

15 A. If a penalty assessment is not paid within 30 days from the date of arrest, the
16 violator shall be prosecuted for the violation charged on the penalty assessment notice in a
17 manner as if the penalty assessment notice had not been issued. Upon conviction in such
18 prosecution, the court shall impose penalties as provided for by the New Mexico Uniform Traffic
19 Ordinance (Section 12-12-1.1), or other law relating to motor vehicles for the particular offense
20 charge, and the scheduled penalty assessment shall not apply.

21 B. In addition to the prosecution provided for in Section A above, it is a
22 misdemeanor for any person who has elected to pay a penalty assessment to fail to do so within
23 30 days from the date of arrest.

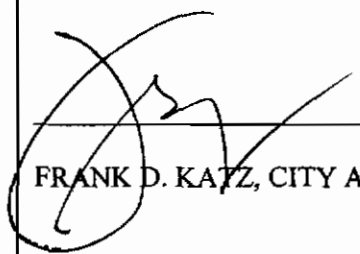
24 C. The municipal court shall notify the motor vehicle division of the state of New
25 Mexico when a person fails to pay a penalty assessment within the required period of time. The

1 motor vehicle division shall report the notice upon the driver's record and shall not renew the
2 person's license to drive until the municipal court notifies the motor vehicle division that the
3 penalty assessment, or its equivalent, as well as any additional penalties imposed are properly
4 disposed of.

5 **SECTION 7. VIOLATIONS NOT LISTED ON PENALTY ASSESSMENT SCHEDULE.**

6 This traffic violation penalty assessment schedule does not apply to traffic violations not listed
7 above which are petty misdemeanors. Such violations mandate a court appearance with a fine of
8 up to three hundred dollars (\$300) and up to 90 days in jail.

9 APPROVED AS TO FORM:

10
11 
12 FRANK D. KATZ, CITY ATTORNEY
13
14
15
16
17
18
19
20
21
22
23
24
25