

CITY OF SANTA FE, NEW MEXICO

ORDINANCE NO. 2021-2

AN ORDINANCE

RELATING TO THE CITY OF SANTA FE UNIFORM TRAFFIC ORDINANCE (“UTO”); AMENDING VARIOUS SECTIONS TO INSERT A CLAUSE STATING THAT A PERSON WHO VIOLATES A PROVISION OF THE PARTICULAR SECTION IS GUILTY OF A PENALTY ASSESSMENT MISDEMEANOR; CREATING A NEW SUBSECTION 12-6-12.2A TO ESTABLISH A CHARGE FOR DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE; AMENDING SUBSECTION 12-6-12.6 TO REMOVE REFERENCES TO DRIVING WHEN PRIVILEGE TO DO SO HAS BEEN REVOKED; CREATING A NEW SUBSECTION 12-6-12.6A TO ESTABLISH A CHARGE FOR DRIVING WHILE LICENSE IS ADMINISTRATIVELY SUSPENDED; CREATING A NEW SUBSECTION 12-6-12.6B TO ESTABLISH A CHARGE FOR DRIVING WHEN THE PRIVILEGE TO DO SO HAS BEEN REVOKED; AMENDING SUBSECTION 12-6-13.11 TO ESTABLISH A FINE FOR LITTERING; AMENDING SUBSECTION 12-10-4.1 TO PERMIT THE USE OF A PORTABLE ELECTRONIC DEVICE TO SHOW PROOF OF INSURANCE; AMENDING SCHEDULE A OF THE UTO TO ADD THE FINES ASSOCIATED WITH THE ADDITION OF THE PENALTY ASSESSMENT MISDEMEANOR PROVISIONS; AND AMENDING SECTION 24-1.1 SFCC 1987 TO ADD THE UTO AS AN EXHIBIT A TO THE END OF CHAPTER 24 SFCC 1987.

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

Section 1. Section 12-5-7 of the Uniform Traffic Ordinance (being Ord. No.

1 **2011-4) is amended to read:**

2 **12-5-7 PEDESTRIAN CONTROL SIGNALS.**

3 A. Whenever special pedestrian control signals exhibiting the words "walk" or "don't
4 walk" are in place:

5 1. "walk" indicates that pedestrians facing the signal may proceed across the
6 street in the direction of the signal and shall be given the right of way by drivers of all vehicles;
7 and

8 2. "don't walk" indicates that no pedestrian shall start to cross the street in the
9 direction of the signal, but any pedestrian who has partially completed his crossing on the walk
10 signal shall proceed to a sidewalk or safety island while the "don't walk" signal is showing.

11 B. A person who violates the provisions of this section is guilty of a penalty
12 assessment misdemeanor. (NMSA 1978, § 66-7-106)

13 **Section 2. Section 12-5-8 of the Uniform Traffic Ordinance (being Ord. No.**
14 **2011-4) is amended to read:**

15 **12-5-8 FLASHING SIGNALS.**

16 A. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or
17 signal it shall require obedience by vehicular traffic as follows:

18 (1) flashing red (stop signal)--when a red lens is illuminated with rapid
19 intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at
20 an intersection or at a limit line when marked, or, if none, then before entering the
21 intersection, and the right to proceed shall be subject to the rules applicable after making a
22 stop at a stop sign; or

23 (2) flashing yellow (caution signal)--when a yellow lens is illuminated with
24 rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past
25 such signal only with caution.

1 B. This section shall not apply at railroad grade crossings. Conduct of drivers of
2 vehicles approaching railroad grade crossings shall be governed by the rules as set forth in Sections
3 12-6-7.5 - 12-6-7.8 of this ordinance.

4 C. A person who violates the provisions of this section is guilty of a penalty
5 assessment misdemeanor. (NMSA 1978, § 66-7-107)

6 **Section 3. Section 12-5-10 of the Uniform Traffic Ordinance (being Ord. No.**
7 **2011-4) is amended to read:**

8 **12-5-10 DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS OR MARKINGS.**

9 A. No person shall place, maintain, or display upon or in view of any street any
10 unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles
11 an official traffic-control device or railroad sign or signal, or which attempts to direct the
12 movements of traffic, or which hides from view or interferes with the effectiveness of any official
13 traffic-control device or any railroad sign or signal, and no person shall place or maintain nor shall
14 any public authority permit upon any highway any traffic sign or signal bearing thereon any
15 commercial advertising.

16 B. Every such prohibited sign, signal or marking is hereby declared to be a public
17 nuisance and the administrator is hereby empowered to remove the same or cause it to be removed
18 without notice.

19 C. The provisions of this section shall not prohibit the erection of signs upon private
20 property adjacent to streets if the signs give useful directional information and are of a type that
21 cannot be mistaken for official signs. (*)

22 D. A person who violates the provisions of this section is guilty of a penalty
23 assessment misdemeanor. (NMSA 1978, § 66-7-108)

24 **Section 4. A new subsection 12-6-12.2A of the Uniform Traffic Ordinance is**
25 **ordained to read:**

1 **12-6-12.2A DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE.**

2 A. Driving while intoxicated with a minor in the vehicle consists of a person
3 committing a violation of 12-6-12.1 when a minor is in the vehicle and when the minor does not
4 suffer great bodily harm or death. Whoever commits driving while intoxicated with a minor in the
5 vehicle is guilty of a misdemeanor.

6 B. A charge for a violation of Subsection A of this section shall be in addition to a
7 charge for the violation of 12-6-12.1 and shall be punished as a separate offense.

8 C. As used in this section, "minor" means an individual who is younger than thirteen
9 years of age.

10 **Section 5. Section 12-6-12.6 of the Uniform Traffic Ordinance (being Ord. No.**
11 **2011-4, as amended) is amended to read:**

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

14 A. No person shall:

15 (1) display or cause or permit to be displayed or have in the driver's
16 possession any canceled, revoked, or suspended driver's license or permit;

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

19 (3) display or represent as one's own any driver's license or permit not issued
20 to the driver;

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

23 (5) permit any unlawful use of driver's license or permit issued to the driver;
24 (NMSA 1978, § 66-5-37)

25 (6) drive a motor vehicle on any public street or highway at a time when the

1 driver's privilege to do so is suspended and who knows or should have known that the
2 driver's license was suspended. Upon conviction, the person may be punished by
3 imprisonment for not more than ninety (90) days, participation for an equivalent period of
4 time in a certified alternative sentencing program, and/or a fine of not more than three
5 hundred dollars (\$300.00). When a person pays any or all of the cost of participating in a
6 certified alternative sentencing program, the court may apply that payment as a deduction
7 to any fine imposed by the court. (NMSA 1978, § 66-5-39)

8 B. In addition to any other penalties imposed pursuant to the provisions of this
9 section, when a person is convicted pursuant to the provisions of this section, the motor vehicle the
10 person was driving shall be immobilized by an immobilization device for thirty days, unless
11 immobilization of the motor vehicle poses an imminent danger to the health, safety or employment
12 of the convicted person's immediate family or the family of the owner of the motor vehicle. The
13 convicted person shall bear the cost of immobilizing the motor vehicle. (NMSA 1978, § 66-5-39)

14 **Section 6. A new subsection 12-6-12.6A of the Uniform Traffic Ordinance is**
15 **ordained to read:**

16 **12-6-12.6A DRIVING WHILE LICENSE ADMINISTRATIVELY SUSPENDED.**

17 A. A person who drives a motor vehicle on any public highway or street at a time
18 when the person's privilege to do so is administratively suspended is guilty of a penalty assessment
19 misdemeanor and may be punished pursuant to Schedule A of the Uniform Traffic Ordinance.

20 **Section 7. A new subsection 12-6-12.6B of the Uniform Traffic Ordinance is**
21 **ordained to read:**

22 **12-6-12.6B UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO**
23 **SO HAS BEEN REVOKED**

24 A. No person shall drive a motor vehicle on a public highway or street at a time when
25 the person's privilege to do so is revoked and who knows or should have known that the person's

1 license was revoked is guilty of a misdemeanor and shall be charged with a violation of this section.
2 Under conviction, the person shall be punished, by imprisonment for not less than four (4) days or
3 more than ninety (90) days or by participation for an equivalent period of time in a certified
4 alternative sentencing program, and there may be imposed in addition a fine of no more than five
5 hundred dollars (\$500.00). When a person pays any or all of the cost of participating in a certified
6 alternative sentencing program, the court may apply that payment as a deduction to any fine
7 imposed by the court.

8 B. Notwithstanding any other provision of law for suspension or deferment of
9 execution of a sentence, if the person's privilege to drive is revoked for driving under the influence
10 of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction that
11 person shall be punished by imprisonment for not less than seven (7) consecutive days and shall be
12 fined not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00)
13 and the fine and imprisonment shall not be suspended, deferred, or taken under advisement. No
14 other disposition by plea of guilty to any other charge in satisfaction of a charge under this section
15 shall be authorized if the person's privilege to drive was revoked for driving under the influence of
16 intoxicating liquor or drugs or a violation of the Implied Consent Act. (NMSA 1978, § 66-3-39.1)

17 C. In addition to any other penalties imposed pursuant to the provisions of this
18 section, when a person is convicted pursuant to the provisions of this section, the motor vehicle the
19 person was driving shall be immobilized by an immobilization device for thirty (30) days, unless
20 immobilization of the motor vehicle poses an imminent danger to the health, safety, or employment
21 of the convicted person's immediate family or the family of the owner of the motor vehicle. The
22 convicted person shall bear the cost of immobilizing the motor vehicle. (NMSA 1978, § 66-5-39)

23 **Section 8. Subsection 12-6-12.11 of the Uniform Traffic Ordinance (being Ord.**
24 **No. 2011-4) is amended to read:**

25 **12-6-12.11 RESTRICTION ON USE OF VIDEO IN MOTOR VEHICLES.**

1 A. It is unlawful to operate in this municipality any motor vehicle equipped with a
2 video screen, of whatever type, upon which images may be projected or shown, if the screen is
3 within the normal view of the driver of the motor vehicle, unless the video screen is solely used as
4 an aid to the driver in the operation of the vehicle.

5 B. A person who violates the provisions of this section is guilty of a penalty
6 assessment misdemeanor.

7 C. As used in this section "video screen" does not include closed circuit monitors
8 or computer terminal monitors used by law enforcement agencies in law enforcement motor
9 vehicles. (NMSA 1978, § 66-7-358)

10 **Section 9. Subsection 12-6-12.12 of the Uniform Traffic Ordinance (being Ord.
11 No. 2011-4) is amended to read:**

12 **12-6-12.12 COASTING PROHIBITED.**

13 A. The driver of any motor vehicle when traveling upon a down grade shall not
14 coast with the clutch disengaged.

15 B. A person who violates the provisions of this section is guilty of a penalty
16 assessment misdemeanor. (NMSA 1978, § 66-7-360)

17 **Section 10. Subsection 12-6-13.10of the Uniform Traffic Ordinance (being Ord.
18 No. 2011-4) is amended to read:**

19 **12-6-13.10 ANIMALS ON STREET.**

20 A. It is unlawful for any person, during the hours of darkness to ride a horse or other
21 animal upon the traveled portion of any street which is normally used by motor vehicles.

22 B. It is unlawful for any person negligently to permit livestock to wander or graze
23 upon any fenced street at any time or, during the hours of darkness, to drive livestock along or upon
24 any street which is normally used by motor vehicles.

25 C. Owners of livestock ranging in pastures through which unfenced roadways pass

1 shall not be liable for damages by reason of injury or damage to persons or property occasioned by
2 collisions of vehicles using said roadways and livestock or animals ranging in said pastures unless
3 such owner of livestock is guilty of specific negligence other than allowing livestock to range in
4 said pasture. (NMSA 1978, § 66-7-363)

5 D. A person who violates the provisions of this section is guilty of a penalty
6 assessment misdemeanor.

7 **Section 11. Subsection 12-6-13.11 of the Uniform Traffic Ordinance (being Ord.**
8 **No. 2011-4) is amended to read:**

9 **12-6-13.11 DRIVING ON MOUNTAIN STREETS.**

10 A. The driver of a motor vehicle traveling through defiles or canyons or on mountain
11 streets shall hold such motor vehicle under control and as near the right-hand edge of the street as
12 reasonably possible.

13 B. A person who violates the provisions of this section is guilty of a penalty
14 assessment misdemeanor. (NMSA 1978, § 66-7-359)

15 **Section 12. Subsection 12-6-13.11 of the Uniform Traffic Ordinance (being Ord.**
16 **No. 2011-4) is amended to read:**

17 **12-6-13.15 LITTERING**

18 A. No person shall throw or deposit from a motor vehicle upon a city street any trash,
19 glass bottles, glass, nails, tacks, wire, or cans.

20 B. No person shall throw a lighted match, cigar, cigarette, matches, or other flaming
21 or glowing substance from a motor vehicle where it can start a fire.(*)

22 C. A person who drops or permits to be dropped or thrown from a motor vehicle upon
23 any city street any destructive or injurious material or trash shall immediately remove the same or
24 cause it to be removed.

25 D. A person removing a wrecked or damaged vehicle from a city street shall remove

1 any glass or other injurious substance dropped upon the city street from the vehicle.

2 E. As used in this section, "trash" means any article or substance that, when discarded,
3 creates or contributes to an unsanitary, offensive, or unsightly condition. "Trash" includes waste
4 food; paper products; cans, bottles, and other containers; household furnishings and equipment;
5 parts or bodies of vehicles and other metallic junk or scrap; and collections of ashes, dirt, yard
6 trimmings, and other rubbish.

7 F. Whoever commits littering is guilty of a petty misdemeanor, and notwithstanding
8 the provisions of NMSA 1978, Section 31-9-1, shall be punished by a fine of three hundred dollars
9 (\$300.00). The use of uniform traffic citations is authorized for the enforcement of this section. The
10 court may, to the extent permitted by law, as a condition to suspension of any other penalty provided
11 by law, require a person who commits littering to pick up and remove from any public place or any
12 private property, with prior permission of the legal owner, any litter deposited thereon.
13 (NMSA1978, § 30-8-4)

14 **Section 13. Subsection 12-6-14.2 of the Uniform Traffic Ordinance (being Ord.**
15 **No. 2011-4) is amended to read:**

16 **12-6-14.2 PEDESTRIANS RIGHT OF WAY IN CROSSWALKS.**

17 A. When traffic-control signals are not in place or not in operation, the driver of a
18 vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian
19 crossing the street within a crosswalk when the pedestrian is in the crosswalk.

20 B. A pedestrian shall not suddenly leave a curb or other place of safety and walk or
21 run into the path of a vehicle which is so close that it is impossible for the driver to yield.

22 C. Subsection A shall not apply under the conditions stated in Section 12-6-14.4.

23 D. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked
24 crosswalk at an intersection to permit a pedestrian to cross the street, the driver of any other vehicle
25 approaching from the rear shall not overtake and pass such stopped vehicle.

1 E. A person who violates the provisions of this section is guilty of a penalty
2 assessment misdemeanor. (NMSA 1978, § 66-7-334)

3 **Section 14. Subsection 12-6-14.3 of the Uniform Traffic Ordinance (being Ord.
4 No. 2011-4) is amended to read:**

5 **12-6-14.3 PEDESTRIANS TO USE RIGHT HALF OF CROSSWALK.**

6 A. Pedestrians shall move, whenever practicable, upon the right half of crosswalks.
7 (NMSA 1978, § 66-7-338)

8 B. A person who violates the provisions of this section is guilty of a penalty
9 assessment misdemeanor.

10 **Section 15. Subsection 12-8-1 of the Uniform Traffic Ordinance (being Ord. No.
11 2011-4) is amended to read:**

12 **12-8-1 EFFECT OF REGULATIONS.**

13 A. It is a penalty assessment misdemeanor for a person to perform any act forbidden
14 or fail to perform any act required by Sections 12-8-1 through 23 of the Uniform Traffic Ordinance.

15 B. The parent of any child and the guardian of any ward shall not authorize or permit
16 any such child or ward to violate any of the provisions of this ordinance.

17 C. These regulations applicable to bicycles shall apply whenever a bicycle is operated
18 upon any street or upon any path set aside for the exclusive use of bicycles subject to those
19 exceptions stated herein. (NMSA 1978, § 66-3-701)

20 **Section 16. Subsection 12-10-1.1 of the Uniform Traffic Ordinance (being Ord.
21 No. 2011-4) is amended to read:**

22 **12-10-1.1 PROHIBITED ACTS.**

23 A. Except as otherwise provided in this section, it is a penalty assessment
24 misdemeanor for any person to drive or move, or for the owner to cause or permit to be driven or
25 moved, on any street, any vehicle, or combination of vehicles, which is in such unsafe condition as

1 to endanger any person, or which does not contain those parts, or is not at all times equipped with
2 such lamps and other equipment, in proper condition and adjustment, as is required by Sections 12-
3 10-1.1 through 12-10-1.51, or which is equipped in any manner that is in violation of those sections,
4 or for any person to do any act forbidden, or fail to perform any act required under those sections.

5 B. Nothing contained in Sections 12-10-1.1 through 12-10-1.51 shall be construed to
6 prohibit the use of additional parts and accessories on any vehicle which are not inconsistent with
7 the provisions of such sections.

8 C. The provisions of Sections 12-10-1.1 through 12-10-1.51, with respect to
9 equipment on vehicles, shall not apply to implements of husbandry, road machinery, road rollers
10 or farm tractors, except as made applicable in those sections. (NMSA 1978, § 66-3-801)

11 **Section 17. Subsection 12-10-1.3 of the Uniform Traffic Ordinance (being Ord.**
12 **No. 2011-4) is amended to read:**

13 **12-10-1.3 WHEN LIGHTED LAMPS ARE REQUIRED.**

14 A. Every vehicle upon a street within this municipality at any time from a half-hour
15 after sunset to a half-hour before sunrise and at any other time when there is not sufficient light to
16 render clearly discernible persons and vehicles on the street at a distance of five hundred feet ahead
17 shall display lighted lamps and illuminating devices as hereinafter respectively required for
18 different classes of vehicles, subject to exceptions with respect to parked vehicles as hereinafter
19 stated. (NMSA 1978, § 66-3-802)

20 B. A person who violates the provisions of this section is guilty of a penalty
21 assessment misdemeanor. (NMSA 1978, § 66-3-802)

22 **Section 18. Subsection 12-10-1.5 of the Uniform Traffic Ordinance (being Ord.**
23 **No. 2011-4) is amended to read:**

24 **12-10-1.5 HEAD LAMPS ON MOTOR VEHICLES.**

25 A. Every motor vehicle other than a motorcycle or motor-driven cycle shall be

1 equipped with at least two headlamps with at least one on each side of the front of the motor vehicle,
2 which headlamps shall comply with the requirements and limitations set forth in this ordinance.

3 B. Every motorcycle and every motor-driven cycle shall be equipped with at least one
4 and not more than two headlamps which shall comply with the requirements and limitations of this
5 ordinance.

6 C. Every headlamp upon every motor vehicle, including every motorcycle and motor-
7 driven cycle, shall be located at a height measured from the center of the headlamp of not more
8 than fifty-four inches nor less than twenty inches to be measured as set forth in Section 12-10-1.4B.
9 The provisions of this paragraph shall apply only to new motor vehicles sold after July 1, 1953.

10 (NMSA 1978, § 66-3-804)

11 D. For the purposes of Sections 12-10-1.1 through 12-10-1.5, parking lamps shall not
12 be used in lieu of head lamps.(*).

13 E. No headlight shall emit a glaring or dazzling light. (NMSA 1978, § 66-3-828)

14 F. A person who violates the provisions of this section is guilty of a penalty
15 assessment misdemeanor. (NMSA 1978, § 66-3-804)

16 **Section 19. Subsection 12-10-1.8 of the Uniform Traffic Ordinance (being Ord.**
17 **No. 2011-4) is amended to read:**

18 **12-10-1.8 VEHICLES TO BE EQUIPPED WITH REFLECTORS.**

19 A. Every new motor vehicle hereafter sold and operated upon a street, other than a
20 truck tractor, shall carry on the rear, either as a part of the tail lamps or separately, two red reflectors,
21 except that every motorcycle and every motor-driven cycle shall carry at least one reflector,
22 meeting the requirements of this section.

23 B. Every such reflector shall be mounted on the vehicle at a height not less than
24 twenty inches nor more than sixty inches measured as set forth in Section 12-10-1.4B, and shall be
25 of such size and characteristics and so mounted as to be visible at night from all distances within

1 three hundred feet to fifty feet from such vehicle when directly in front of lawful upper beams of
2 headlamps. (NMSA 1978, § 66-3-806)

3 C. A person who violates the provisions of this section is guilty of a penalty
4 assessment misdemeanor. (NMSA 1978, § 66-3-806)

5 **Section 20. Subsection 12-10-1.12 of the Uniform Traffic Ordinance (being Ord.
6 No. 2011-4) is amended to read:**

7 **12-10-1.12 WINDSHIELD MUST BE UNOBSTRUCTED AND EQUIPPED**
8 **WITH WIPERS; WINDOWS MUST BE TRANSPARENT; EXCEPTIONS.**

9 A. No person shall drive any motor vehicle with any sign, poster or other
10 nontransparent material upon or in the front windshield, windows to the immediate right and left
11 of the driver or in the rear-most window if the latter is used for driving visibility except as provided
12 in Section 12-10-1.12A. The rear-most window is not necessary for driving visibility where outside
13 rear-view mirrors are attached to the vehicle.

14 B. The windshield on every motor vehicle, except a motorcycle, shall be equipped
15 with a device for cleaning rain, snow or other moisture from the windshield, which device shall be
16 so constructed as to be controlled or operated by the driver of the vehicle.

17 C. Every windshield wiper upon a motor vehicle shall be maintained in good working
18 order.

19 D. A person who violates the provisions of this section is guilty of a penalty
20 assessment misdemeanor. (NMSA 1978, § 66-3-846)

21 **Section 21. Subsection 12-10-1.12A of the Uniform Traffic Ordinance (being Ord.
22 No. 2011-4) is amended to read:**

23 **12-10-1.12A SUN SCREENING MATERIAL ON WINDSHIELDS AND WINDOWS;**
24 **REQUIREMENTS; VIOLATION; PENALTY.**

25 A. A person shall not operate on any street or highway a motor vehicle that is

1 registered or required to be registered in this state if that motor vehicle has a sun screening material
2 on the windshield or any window that does not comply with the requirements of this section.

3 B. Except as otherwise provided in this section, a sun screening material:

4 (1) when used in conjunction with the windshield, shall be nonreflective, shall
5 not be red, yellow or amber in color and shall be used only along the top of the windshield,
6 not extending downward beyond the ASI line or more than five inches from the top of the
7 windshield, whichever is closer to the top of the windshield; and

8 (2) when used in conjunction with the safety glazing materials of the side
9 wings or the side windows located at the immediate right and left of the driver, the side
10 windows behind the driver and the rearmost window shall be nonreflective, shall have a
11 light transmission of not less than twenty percent and shall be used only on the windows
12 of a motor vehicle equipped with one right and one left outside rearview mirror.

13 C. Each manufacturer shall:

14 (1) certify to the division that a sun screening material used by that
15 manufacturer is in compliance with the nonreflectivity and light transmission requirements
16 of this section;

17 (2) provide a label not to exceed one and one-half square inches in size that:

18 (a) is installed permanently and legibly between the sun screening
19 material and each glazing surface to which it is applied;

20 (b) contains the manufacturer's name, the date the sun screening
21 material was manufactured and the percentage of light transmission; and

22 (c) is placed in the left lower corner of each glazing surface when
23 facing the motor vehicle from the outside; and

24 (3) include instructions with the sun screening material for proper installation,
25 including the affixing of the label specified in this subsection.

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D. No person shall:

(1) offer for sale or for use any sun screening material for motor vehicle use not in compliance with this section; or

(2) install any sun screening material on motor vehicles intended for operation on any street or highway without permanently affixing the label specified in subsection C of this section.

E. The provisions of this section do not apply to a motor vehicle registered in this state in the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this state that states that the person has a physical condition that makes it necessary to equip the motor vehicle with sun screening material that is in violation of this section. The affidavit shall be in the possession of the person with such a physical condition, or the person's legal guardian, at all times while being transported in the motor vehicle.

F. The light transmission requirement of this section does not apply to windows behind the driver on truck tractors, buses, recreational vehicles, multipurpose passenger vehicles and motor homes. The provisions of this section shall not apply to motor vehicle glazing which complies with federal motor vehicle standards.

G. The provisions of this section do not apply to motor vehicles that have sun screening material on the windshield or any window prior to 1997.

H. As used in this section:

(1) "light transmission" means the ration of the amount of total light that passes through a product or material, expressed in percentages, to the amount of total light falling on the product or material;

(2) "manufacturer" means any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with motor vehicle glazing materials for the purpose of reducing the effects of the sun;

1 (3) “nonreflective” means designed to absorb light rather than to reflect it; and

2 (4) sun screening material means any film material, substance, device or
3 product that is designed to be used in conjunction with motor vehicle safety glazing
4 materials for reducing the effects of the sun.

5 I. A person who violates a provision of this section is guilty of a penalty assessment
6 misdemeanor. (NMSA 1978, § 66-3-846.1)

7 **Section 22. A new subsection 12-10-4 of the Uniform Traffic Ordinance is**
8 **ordained to read:**

9 **12-10-4 VEHICLE SUBJECT TO REGISTRATION; EXCEPTIONS**

10 A. With the exception of vehicles identified in Subsection B of this section, every
11 motor vehicle, manufactured home, trailer, semitrailer, and pole trailer when driven or moved upon
12 a highway and every off-highway motor vehicle is subject to the registration and certificate of title
13 provisions of the Motor Vehicle Code except:

14 (1) any such vehicle driven or moved upon a highway in conformance with
15 the provisions of the Motor Vehicle Code relating to manufacturers, dealers, lien-holders,
16 or nonresidents;

17 (2) any such vehicle that is driven or moved upon a highway only for the
18 purpose of crossing the highway from one property to another;

19 (3) an implement of husbandry that is only incidentally operated or moved
20 upon a highway;

21 (4) special mobile equipment;

22 (5) a vehicle that is propelled exclusively by electric power obtained from
23 overhead trolley wires though not operated upon rails;

24 (6) a freight trailer if it is:

25 (a) properly registered in another state;

1 (b) identified by a proper base registration plate that is properly
2 displayed; and

3 (c) identified by other registration documents that are in the
4 possession of the operator and exhibited at the request of a police officer;

5 (7) a freight trailer or utility trailer owned and used by:

6 (a) a nonresident solely for the transportation of farm products
7 purchased by the nonresident from growers or producers of the farm products and
8 transported in the trailer out of the state;

9 (b) a farmer or a rancher who transports to market only the produce,
10 animals, or fowl produced by that farmer or rancher or who transports back to the
11 farm or ranch supplies for use thereon; or

12 (c) a person who transports animals to and from fairs, rodeos, or other
13 places, except racetracks, where the animals are exhibited or otherwise take part
14 in performances, in trailers drawn by a motor vehicle or truck of less than ten
15 thousand pounds gross vehicle weight rating bearing a proper registration plate,
16 but in no case shall the owner of an unregistered trailer described in this paragraph
17 perform such uses for hire;

18 (8) a moped;

19 (9) an electric personal assistive mobility device;

20 (10) a vehicle moved on a highway by a towing service as defined in Section
21 NMSA 1978, § 59A-50-2; and

22 (11) an off-highway motor vehicle exempted pursuant to Section 66-3-1005
23 NMSA 1978.

24 * **Editor's Note:** Renumber the existing 12-10-4 DISPLAY OF CURRENT VALID
25 REGISTRATION PLATE as 12-10-4.1

1 **Section 23. Subsection 12-10-6 of the Uniform Traffic Ordinance (being Ord. No.**
2 **2011-4) is amended to read:**

3 **12-10-6 MANDATORY FINANCIAL RESPONSIBILITY.**

4 A. No owner shall permit the operation of an uninsured motor vehicle, or a motor
5 vehicle for which evidence of financial responsibility as was affirmed to the department is not
6 currently valid, upon the streets or highways of New Mexico unless the vehicle is specifically
7 exempted from the provisions of the Mandatory Financial Responsibility Act (NMSA 1978, §§ 66-
8 5-201 to 66-5-239).

9 B. No person shall drive an uninsured motor vehicle, or a motor vehicle for which
10 evidence of financial responsibility as was affirmed to the department is not currently valid, upon
11 the streets or highways of New Mexico unless he is specifically exempted from the provisions of
12 the Mandatory Financial Responsibility Act.

13 C. For the purposes of the Mandatory Financial Responsibility Act, “uninsured motor
14 vehicle” means a motor vehicle for which a motor vehicle insurance policy meeting the
15 requirements of the laws of New Mexico and of the secretary is not in effect or a surety bond or
16 evidence of a sufficient cash deposit with the state treasurer. (NMSA 1978, § 66-5-205)

17 D. When financial responsibility is satisfied through coverage under a motor vehicle
18 insurance policy, the owner’s or operator’s carrying of evidence in print or accessible through a
19 portable electronic device is acceptable. An owner or operator of a vehicle who provides evidence
20 of financial responsibility through a portable electronic device

21 (1) assumes all liability for any resulting damage to the portable electronic
22 evidence; and

23 (2) is presumed not to consent to provide access to a law enforcement officer
24 to any other information stored in the portable electronic device.

25 E. "Evidence of Financial Responsibility", as used in this Section, means evidence of

1 the ability to respond in damages for liability, on account of accidents occurring subsequent to the
2 effective date of the evidence, arising out of the ownership, maintenance, or use of a vehicle of a
3 type subject to registration under the laws of New Mexico, in the following amounts:

4 (1) twenty-five thousand dollars (\$25,000.00) because of bodily injury to or
5 death of one person in any one accident;

6 (2) subject to this limit for one person, fifty thousand dollars (\$50,000.00)
7 because of bodily injury to or death of two or more persons in any one accident;

8 (3) ten thousand dollars (\$10,000.00) because of injury to or destruction of
9 property of others in any one accident; and

10 (4) if evidence is in the form of a surety bond or a cash deposit with the state
11 treasurer, the total amount shall be sixty thousand dollars (\$60,000.00). (NMSA 1978, §
12 66-5-208)

13 F. Exemptions--Exempted from the mandatory financial responsibility provisions of
14 this Section are the following:

15 (1) a motor vehicle owned by the United States government, any state or any
16 political subdivision of a state;

17 2) an implement of husbandry or special mobile equipment which is only
18 incidentally operated upon the streets or highways within the limits of the municipality;

19 (3) a motor vehicle operated upon a street or highway within the limits of the
20 municipality only for the purpose of crossing such street or highway from one property to
21 another;

22 (4) a commercial motor vehicle registered or proportionally registered in New
23 Mexico and any other jurisdiction, provided such motor vehicle is covered by a motor
24 vehicle insurance policy or equivalent coverage or other form of financial responsibility in
25 compliance with the laws of any other jurisdiction in which it is registered;

1 (5) a motor vehicle approved as self-insured by the superintendent of
2 insurance pursuant to NMSA 1978, § 66-5-207.1; and

3 (6) any motor vehicle when the owner has submitted to the department a
4 signed statement, in the form prescribed by the department, declaring that the vehicle will
5 not be operated on the highways of New Mexico and explaining the reasons therefore.
6 (NMSA 1978, § 66-5-207)

7 G. The office of the municipal court shall notify the Division of Motor Vehicles of
8 the Transportation Department of the State of New Mexico of the conviction of any person violating
9 the provisions of this Section.

10 H. Penalty. Any person found guilty of violating this Section shall be fined not more
11 than three hundred dollars (\$300.00) (NMSA 1978, § 66-5-205(E)); provided however, that no
12 person charged with violating this section shall be convicted if he produces in court evidence of
13 financial responsibility valid at the time of issuance of the citation. (*)

14 I. When a law enforcement officer issues a driver who is involved in an accident a
15 citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act,
16 the law enforcement officer shall at the same time:

17 (1) issue to the driver cited a temporary operation sticker, valid for thirty
18 days after the date the sticker is issued, and forward by mail or delivery to the
19 department a duplicate of the issued sticker; and

20 (2) remove the license plate from the vehicle and send it with the duplicate
21 of the sticker to the department or, if it cannot be removed, permanently deface the plate.
22 (NMSA 1978, § 66-5-205.1)

23 **Section 24. Schedule A of the Uniform Traffic Ordinance (being Ord. No. 2011-4,**
24 **as amended) is amended to read:**

25 **SCHEDULE A**

1 **TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE**

2 ADOPTED: July 12, 2006 – Ord. No. 2006-34

3 AMENDED: March 25, 2009 – Ord. No. 2009-11

4 February 10, 2010 – Ord. No. 2010-2

5 June 29, 2011 – Ord. No. 2011-23

6 August 13, 2014 – Ord. No. 2014-26

7 February 24, 2021 – Ord. No. 2021-2

8 **SECTION 1.**

9 This Exhibit may be cited as the city of Santa Fe traffic violation penalty assessment schedule for
10 violations of the city of Santa Fe Uniform Traffic Code except those violations relating to parking
11 which are set forth as Exhibit B of the city of Santa Fe Uniform Traffic Code.

12 **SECTION 2.**

13 "Penalty assessment misdemeanor" means violation of the following listed sections of the city of
14 Santa Fe Uniform Traffic Code for which the listed penalty assessment is established. The term
15 "penalty assessment misdemeanor" does not include any violation which has caused or contributed
16 to the cause of an accident resulting in injury or death to any person. When an alleged violator of a
17 penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty
18 assessment, the fine imposed upon later conviction shall not exceed the penalty assessment
19 established for the particular penalty assessment misdemeanor and probation imposed upon a
20 suspended or deferred sentence shall not exceed ninety days.

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23 **[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]**
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COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Obedience To Traffic—Control Devices/Failure To Stop	12-5-3	\$25.00
Red Light	12-5-6	\$25.00
Pedestrian Controls	12-5-7	\$25.00
Flashing Signals	12-5-8	\$25.00
Display of Unauthorized Signs, Signals, or Markings	12-5-10	\$25.00
Basic (Speeding) Rule	12-6-1.1	\$25.00
Speed Limits	12-6-1.2	
<i>A. The following apply outside a school zone:</i>		
Up to and including 10 miles an hour over speed limit		\$15.00
From 26 up to and including 30 miles an hour over the speed limit		\$125.00
From 31 up to and including 35 miles an hour over the speed limit		\$150.00
More than 35 miles an hour over the speed limit		\$200.00
<i>B. In a school zone</i>	12-6-1.2A	\$171.00
<i>C. In a construction zone:</i> The penalty assessment for speeding in violation of Section 12-6-1.2 (4) of the city of Santa Fe traffic ordinance is twice the penalty assessment established in subsection A above for the equivalent miles per hour over the speed limit		
<i>D. In a pedestrian zone.</i> The penalty assessment for speeding in violation of the posted speed limit in a designated pedestrian zone is twice the penalty assessment established in subsection A. above for the equivalent miles per hour over the speed limit.		
Minimum Speed Regulations	12-6-1.5	\$25.00
Driving On Right Side Of Street	12-6-2.1	\$25.00
Overtaking A Vehicle On The Left	12-6-2.3	\$25.00
Limitations On Overtaking On The Left	12-6-2.4	\$25.00
Overtaking A Vehicle On The Right	12-6-2.6	\$25.00
No Passing Zones/Restrictions On Passing	12-6-2.7	\$25.00
Streets Laned For Traffic	12-6-2.12	\$25.00
Following Too Closely	12-6-2.13	\$25.00
Driving On Divided Streets	12-6-2.14	\$25.00
Driving Vehicle On Or Across Bicycle Lane Or Path.	12-6-2.17	\$25.00
Turning Left At Intersection	12-6-4.2	\$25.00
Entering Stop/Yield Intersection/Failure To Yield	12-6-4.3	\$25.00
Required Position/Method of Turning/Improper Turn	12-6-5.1	\$25.00
Obedience To No-Turn Signs	12-6-5.4	\$25.00

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Limitations On Turning Around/Illegal U-Turn	12-6-5.5	\$25.00
Starting A Parked Vehicle	12-6-5.7	\$25.00
Turn/Stop Movements	12-6-5.8	\$25.00
Failure To Signal	12-6-5.9	\$25.00
Motorist Turning Across Bicycle Lane.	12-6-5.11	\$25.00
Stopping, Standing, and Parking	12-6-6	See Exhibit B
Special Stops Required	12-6-7 (Excluding 12-6-7.3, 12-6-7.4, 12-6-7.5 and 12-6-7.7)	\$25.00
Stopping For School Bus	12-6-7.3	\$100.00
Failure To Stop At Railroad Crossing	12-6-7.5 and	\$150.00
Operators and Chauffeurs Must Be Licensed	12-6-12.5	\$25.00
Driving While License Suspended or Administratively Suspended	12-6-12.6 and	\$25.00
Driving While License Revoked	12-6-12.6B	\$300-\$500
Unattended Motor Vehicle	12-6-12.8	\$25.00
Limitations On Backing	12-6-12.9	\$25.00
Restriction On Use of Video In Motor Vehicles	12-6-12.11	\$25.00
Coasting Prohibited	12-6-12.12	\$25.00
Prohibited Activities While Driving (including hand held mobile communication device use)	12-6-12.18	\$200.00
Mobile communication device use while driving in a school zone	12-6-12.18	\$300.00
Permitting Unauthorized Persons To Drive	12-6-12.23	\$25.00
Destructive Material On Roadway/Failure To Secure Load	12-6-13.5	\$100.00
Improper Opening Of Doors	12-6-13.8	\$25.00
Child Restraint Device Or Safety Belt	12-6-13.12	\$100.00
Mandatory Use Of Seat Belts	12-6-13.13	\$100.00
Improper Opening Of Doors	12-6-13.8	\$25.00
Child Restraint Device Or Safety Belt	12-6-13.12	\$100.00
Mandatory Use Of Seat Belts	12-6-13.13	\$100.00
Open Container, 1st Offense	12-6-13.14	\$100.00
for subsequent violations		mandatory court appearance
Littering	12-6-13.15	\$300.00
Jaywalking	12-6-14.1 through 8	\$25.00
Windshield	12-10-1.12	\$25.00
When Lighted Lamps Are Required	12-10-1.3	\$25.00
Headlamps On Vehicles	12-10-1.5	\$25.00
Dimming Of Lights	12-10-1.6	\$25.00
Tail Lamps	12-10-1.7, except 12-10-1.7C	\$25.00

1	Plate Light Required	12-10-1.7C.	\$10.00
2	Stop Lamps/Brake Lamps	12-10-1.9	\$25.00
3	Mufflers, Prevention Of Noise	12-10-1.10	\$25.00
4	Lamp Or Flag On Projecting Load	12-10-1.11	\$25.00
5	Windshield Must Be Unobstructed and Equipped with Wipers and Windows Must Be Transparent	12-10-1.12	\$25.00
6	Tinted Windows	12-10-1.12A	\$25.00
	Unsafe Equipment (Brakes)	12-10-1.16	\$25.00
	Display Of Current Valid Registration Plate	12-10-4	\$25.00

7 **SECTION 3. MANDATORY COURT APPEARANCES**

8 Violations of the following listed sections of the city of Santa Fe Uniform Traffic Code require a
9 mandatory court appearance:

- 10 Leaving the Scene of an Accident 12-4-2
- 11 Failure to Render Aid/Duty to Give Info 12-4-3
- 12 Immediate Notice of Accident 12-4-6
- 13 Failure to Yield to Emergency Vehicle 12-6-7.4
- 14 Reckless Driving 12-6-12.3
- 15 Careless Driving/Driver Inattention 12-6-12.4
- 16 Operator/Chauffeur Licenses Required 12-6-12.5
- 17 Unlawful Use of License (Revoked) 12-6-12.6
- 18 Unlawful Use of License (Suspended) 12-6-12.6
- 19 Fleeing or Attempting to Elude An Officer 12-6-12.7
- 20 Racing on Streets/Drag Racing/Exhibition of Speed 12-6-12.19
- 21 Open Container 2nd, 3rd, etc. 12-6-13.14
- 22 Pedestrian Related Violations 12-6-14 (except 12-6-14.1)
- 23 Off-Highway Motor Vehicles (ATV) 12-7-9 through 12-7-9.6
- 24 Display of Current Registration 12-10-4
- 25 Evidence of Registration 12-10-5

2 **SECTION 4. TRAFFIC CALMING FEES**

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

7 B. The city hereby imposes a traffic calming fee equal to the maximum fine
8 (excluding court fees) to be paid by any person convicted of a speeding violation as set forth in the
9 Uniform Traffic Ordinance as adopted by the city, the total of which shall not exceed the
10 jurisdictional limits of the court. The traffic calming fee applies to all violations of Section 12-6-
11 1.2, but the traffic calming fee is not doubled.

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

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

20 **SECTION 5. MUNICIPAL COURT FEES**

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

24 **SECTION 6. PENALTY ASSESSMENT MISDEMEANORS; OPTION; EFFECT**

25 A. Unless a warning notice is given, at the time of making an arrest for any penalty

1 assessment misdemeanor, the arresting officer shall offer the alleged violator the option of
2 accepting a penalty assessment. The violator's signature on the penalty assessment notice
3 constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of the
4 prescribed penalty assessment is a complete satisfaction of the violation.

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

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

13 **SECTION 7. FAILURE TO PAY PENALTY ASSESSMENT**

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

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

23 C. The municipal court shall notify the motor vehicle division of the state of New
24 Mexico when a person fails to pay a penalty assessment within the required period of time. The
25 motor vehicle division shall report the notice upon the driver's record and shall not renew the

1 person's license to drive until the municipal court notifies the motor vehicle division that the
2 penalty assessment, or its equivalent, as well as any additional penalties imposed are properly
3 disposed of.

4 **SECTION 8 VIOLATIONS NOT LISTED ON PENALTY ASSESSMENT SCHEDULE.**

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

8 **Section 25. Section 12-6-12.3 of SFCC 1987 (being Ord. No. 2011-4, as amended)**
9 **is amended to read:**

10 **24-1 City of Santa Fe Uniform Traffic Ordinance.**

11 **24-1.1 Adoption of City of Santa Fe Uniform Traffic Ordinance**

12 A. The governing body hereby adopts the 2010 compilation of the city of Santa Fe
13 Uniform Traffic Ordinance ("Uniform Traffic Ordinance"). The traffic violation penalty
14 assessment schedule and the parking violation fines schedule are included in the Uniform
15 Traffic Ordinance.

16 B. Amendments to the Uniform Traffic Ordinance shall be adopted by an
17 ordinance of the governing body.

18 C. The Uniform Traffic Ordinance is a separate compilation and can be found as
19 Exhibit A at the end of this chapter. A physical copy of the Uniform Traffic Ordinance is
20 available to any individual upon request and payment of a reasonable charge as set by the city.

21 PASSED, APPROVED, and ADOPTED this 24th day of February, 2021

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25 ALAN WEBBER, MAYOR

1 ATTEST:

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4 KRISTINE MIHELICIC, CITY CLERK

5 APPROVED AS TO FORM:

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8 ERIN K. McSHERRY, CITY ATTORNEY

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24 *Bill No. 2021-1*

25 *Legislation/2021/Ordinances/2021-2 UTO Updates*