

1 or permit which has been suspended, revoked or canceled;

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

4 (6) drive a motor vehicle on any public street or highway at a time when his
5 privilege to do so is suspended and who knows or should have known that his license was
6 suspended. Upon conviction, the person shall be punished by imprisonment for not less than
7 four days nor more than ninety days or participation for an equivalent period of time in a
8 certified alternative sentencing program, and there may be imposed in addition a fine of not
9 more than five hundred dollars (\$500.00). When a person pays any or all of the cost of
10 participating in a certified alternative sentencing program, the court may apply that payment
11 as a deduction to any fine imposed by the court. (66-5-39 NMSA 1978)

12 (7) drive a motor vehicle on a highway of this state at a time when the person's
13 privilege to do so is revoked and who knows or should have known that the person's license
14 was revoked is guilty of a misdemeanor and shall be charged with a violation of this section.
15 Under conviction, the person shall be punished, notwithstanding the provisions of Sec.
16 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than ninety days
17 or by participation for an equivalent period of time in a certified alternative sentencing
18 program, and there may be imposed in addition a fine of no more than \$500. When a person
19 pays any or all of the cost of participating in a certified alternative sentencing program, the
20 court may apply that payment as a deduction to any fine imposed by the court; and

21 (8) notwithstanding any other provision of law for suspension or deferment of
22 execution of a sentence, if the person's privilege to drive as revoked for driving under the
23 influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon
24 conviction shall be punished by imprisonment for not less than seven consecutive days and
25 shall be fined not less than three hundred dollars (\$300) and not more than five hundred

1 dollars (\$500) and the fine and imprisonment shall not be suspended, deferred or taken under
2 advisement. No other disposition by plea of guilty to any other charge in satisfaction of a
3 charge under this section shall be authorized if the person's privilege to drive was revoked for
4 driving under the influence of intoxicating liquor or drugs or a violation of the Implied
5 Consent Act, (66-3-39.1 NMSA 1978)

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

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

14 **12-12-3 CONDUCT OF ARRESTING OFFICER--NOTICES BY CITATION.**

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

21 B. Whenever a person is arrested for violation of a penalty assessment misdemeanor and
22 elects to pay the penalty assessment, the arresting officer, using the uniform traffic citation, in paper
23 or electronic form, shall complete the information section and prepare the penalty assessment notice
24 indicating the amount of the penalty assessment, have the arrested person sign the agreement to pay
25 the amount prescribed, give a copy of the citation along with a business reply envelope addressed to

1 the municipal court with jurisdiction and release him from custody. No officer shall accept custody
2 or payment of any penalty assessment. If the arrested person declines to accept a penalty assessment
3 notice, the officer shall issue a notice to appear. (66-8-123 B NMSA 1978)

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

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

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

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

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

22 **12-12-3.1 ELECTRONIC UNIFORM TRAFFIC CITATION**

23 An electronic version of a uniform traffic citation shall include the same information required
24 to be included in a uniform traffic citation. An electronic version of a uniform traffic citation may be
25 signed electronically and a law enforcement officer may submit or file with a court an electronic

1 version of a uniform traffic citation if prior permission of the department has been secured. Where
2 the law requires a law enforcement officer to provide a copy of a citation to a person cited or arrested,
3 a physical copy of the citation shall be provided regardless of whether a paper uniform traffic citation
4 or an electronic version of a uniform traffic citation was used. (66-8-128 NMSA 1978)

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

7 **12-12-11 ABSTRACT OF TRAFFIC CASES--REPORT ON CONVICTIONS.**

8 A. Every municipal judge shall keep a record of every traffic complaint, uniform traffic
9 citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and
10 every official action and disposition of the charge by that court. The court shall notify the
11 Department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other
12 law or ordinance relating to motor vehicles.

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

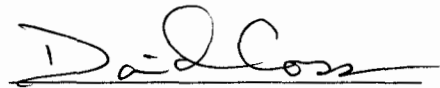
24 C. The abstract of record prepared and forwarded under Subsection B of this section
25 shall be certified as correct by the person required to prepare it. With the prior approval of the

1 department, the information required in Subsection B of this Section may be transmitted
2 electronically to the department. Report need not be made of any disposition of a charge of illegal
3 parking or standing of a vehicle except when the uniform traffic citation is used.

4 D. When the uniform traffic citation is used, the court shall provide the information
5 required in Subsection B of this Section in the manner prescribed by the director. A copy of each
6 penalty assessment processed shall be forwarded to the division within ten (10) days of completion of
7 local processing for posting to the driver's record. With the prior approval of the director, the
8 required information may be submitted to the division by electronic means in lieu of forwarding
9 copies of the penalty assessments.

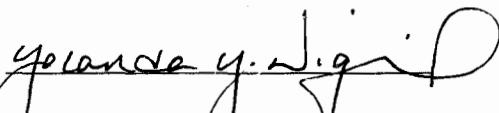
10 E. The willful failure or refusal of any judicial officer to comply with this section is
11 misconduct in office and grounds for removal. (66-8-135 NMSA 1978)

12 PASSED, APPROVED and ADOPTED this 8th day of January, 2014.

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15 DAVID COSS, MAYOR

16 ATTEST:

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18 
19 YOLANDA Y VIGIL, CITY CLERK

20
21 APPROVED AS TO FORM:

22 

23
24 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

25 M/Melissa/Ordinances 2014/2014-3/UTO Amendments 2013