

# City of Rio Communities, New Mexico

## Ordinance No: 2019-73 UNIFORM TRAFFIC ORDINANCE

**TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 2019-67, DATED: JANUARY 22, 2019. CHAPTER 12, VEHICLES AND TRAFFIC**

### **2019 Uniform Traffic Ordinance (2010 Compilation) Amendments by Section**

(The following sections of the UTO show the 2018 changes for the individual sections. Also included are the replacement pages for each of the Articles that include the changes.)

**Underline [ ]= new material**

**Strick through [—] =deletion**

#### **12-6-12.3      DRIVING WHILE INTOXICATED WITH A MINOR IN THE VEHICLE**

- A.      Driving while intoxicated with a minor in the vehicle consists of a person committing a violation of 12-6-12.3 when a minor is in the vehicle and when the minor does not suffer great bodily harm or death. Whoever commits driving while intoxicated with a minor in the vehicle is guilty of a misdemeanor.
- B.      A charge for a violation of Subsection A of this section shall be in addition to a charge for the violation of 12-6-12.3 and shall be punished as a separate offense.
- C.      As used in this section, "minor" means an individual who is younger than thirteen years of age.

#### **12-6-12.7      UNLAWFUL USE OF LICENSE; DRIVING WHEN PRIVILEGE TO DO SO HAS BEEN SUSPENDED OR REVOKED.**

- (6) drive a motor vehicle on any public street or highway at a time when his privilege to do so is suspended and who knows or should have known that ~~[his]~~ the persons license was suspended . ~~[Upon conviction, the person shall]~~ maybe punished ~~[by imprisonment for not less than four days]~~ Pursuant to Subsection B of 12-6-12.7 or for no more than ninety days or participation for an equivalent period of time in a certified alternative sentencing program, ~~[and there may be imposed in addition a fine of not more than five hundred dollars (\$500.00).]~~ When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court. Any municipal ordinance prohibiting driving with a suspended license shall provide penalties no less stringent than provided in this section. (66-5-39 NMSA 1978)

- B. In addition to any other penalties imposed pursuant to the provisions of this section, when a person is convicted pursuant to the provisions of this section, or a municipal ordinance that prohibits driving on a suspended license, the motor vehicle the person was driving shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle. (66-5-39.1 NMSA 1978)

**12-6-12.8**      **DRIVING WHILE LICENSE ADMINISTRATIVELY SUSPENDED**

- A. The division may issue an administrative suspension of the instruction permit, driver's license or provisional license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence, including information provided to the state pursuant to an intergovernmental agreement authorized by Section 66-5-27.1 NMSA 1978, that the license has failed to:
- (1) Fulfill a signed promise to appear or notice to appear in court as evidenced by notice from a state court or tribal court, whenever appearance is required by law or by the court as a consequence of a charge or conviction under the Motor Vehicle Code of pursuant to the laws of the tribe:
  - (2) Pay a penalty assessment within thirty days of the date of issuance by the state or a tribe; or
  - (3) Comply with the terms of a citation issued in a foreign jurisdiction that is a party to the Nonresident Violator Compact and that has notified the department of the failure in accordance with the Nonresident Violator Compact.
- B. If a person whose license was issued by a jurisdiction outside New Mexico that is a party to the Nonresident Violator Compact fails to comply with the terms of a citation issued in New Mexico, the department shall notify that other jurisdiction of the failure and that jurisdiction shall initiate a license suspension action in accordance with the provisions of Article IV of the Nonresident Violator Compact

**12-9-9**      **PARKING IN DESIGNATED DISABLED PARKING SPACES.**

*Amended July 2010*

- A. It is unlawful for any person to park a motor vehicle not carrying registration plates or a placard indicating disability in accordance with Section 66-3-16 NMSA 1978 in a designated accessible parking space for persons with significant mobility limitation or in such a manner as to block access to any part of a curb cut a designated accessible parking space for persons with significant mobility limitations. Any person who violates this section shall be subject to a fine of not less than two hundred fifty dollars (\$250) or more than five hundred dollars (\$500). Failure to properly display a parking placard or

special registration plate issued pursuant to Section 66-3-16 NMSA 1978 is not a defense against a charge of violation of Subsection A of this section. (66-7-352.5 NMSA 1978)

**12-10-6.1      MANDATORY FINANCIAL RESPONSIBILITY**

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

1. assumes all liability for any resulting damage to the portable electronic evidence: and
2. is presumed not to consent to provide access to a law enforcement officer to any other information stored in the portable electronic device

**PASSED, APPROVED AND ADOPTED THIS 26<sup>th</sup> DAY OF NOVEMBER 2019 BY THE GOVERNING BODY OF THE CITY OF RIO COMMUNITIES, NEW MEXICO.**

**City of Rio Communities Governing Body**

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Mark Gwinn,  
Mayor

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Margaret (Peggy) Gutjahr,  
Mayor Pro-tem

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Bill Brown,  
Councilor

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Joshua Ramsell,  
Councilor

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Arturo Sais,  
Councilor

ATTEST:

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Elizabeth (Lisa) Adair,  
Municipal Clerk