

TWELFTH JUDICIAL DISTRICT

LINCOLN AND OTERO COUNTY MAGISTRATE COURT LOCAL RULES

12-MCLR-101 – Penalty Assessment Offenses that May be Disposed of Without a Hearing.

A. **Authority.** This Local Rule is enacted pursuant to Rules 6-103 and 6-503, NMRA.

B. **Scope.** The Administrative Office of the Courts, in accordance with State law, has established a Penalty Assessment Schedule for certain traffic offenses, off-highway motor vehicle violations, and game and fish penalty assessments that can be disposed of without a hearing in accordance with Rule 6-503, NMRA. This local rule establishes additional penalty assessment traffic offenses that may be disposed of by court clerks without a hearing.

C. **Penalties for Traffic Offenses.** The following traffic offenses are misdemeanor offenses and statutorily carry a possible penalty of incarceration. The Magistrate Courts for Otero and Lincoln Counties hereby order that **INCARCERATION SHALL NOT BE IMPOSED**. If a defendant pleads guilty or no contest, in addition to any applicable court costs, the following fine shall be imposed.

Statute	Description	Penalty
66-3-1	Vehicles subject to registration	\$25.00
66-3-13	Evidence of registration to be signed and exhibited on demand	\$25.00
66-3-18	Display of registration plates and temporary registration permits	\$25.00
66-3-19	Renewal of registration	\$25.00
66-3-104	Use of plate or registration number on another vehicle, transfer of registration	\$25.00
66-5-2	Drivers must be licensed	\$25.00
66-5-8	Provisional licenses; instruction permits; driver education students; temporary licenses	\$25.00
66-5-19	Restricted license	\$25.00
66-5-205	Vehicle must be insured or owner must have evidence of financial responsibility	\$25.00
66-5-229(C)	Duration of evidence (financial responsibility)	\$25.00
66-7-352.5	Unauthorized use	\$250.00
66-7-401	Weight and size limitations	\$300.00
66-7-404	Height and length limitations	\$300.00
66-8-2	Improper use of evidence of registration	\$25.00

D. **Disposition of Certain Offenses by Court Clerks.** Court Clerks may accept a plea of guilty or no contest for any violation of the law related to the motor vehicle code, the game and fish code, or the Off Highway Motor Vehicles Act, deemed a Penalty assessment. Should a plea of guilty or

no contest be entered, court clerks shall impose the fines and fees as specified above, or in accordance with the Administrative Office of the Court's Penalty Assessment Schedule.


E. **Evidence of Compliance.** In the event a defendant tenders evidence as specifically defined below, court clerks shall dismiss the case.

1. **No registration under §66-3-1, NMSA.** If the clerk can see from the face of the registration certificate that it was valid on the date the citation was issued, the charge shall be dismissed.
2. **Registration on demand under §66-3-13, NMSA:** If the clerk can see from the face of the registration certificate that it was valid on the date the citation was issued, the charge shall be dismissed.
3. **Display of registration plates and temporary registration permits under §66-3-18, NMSA.** If the clerk can see from the face of the registration certificate that it was valid on the date the citation was issued, the charge shall be dismissed.
4. **Expired Registration under §66-3-19, NMSA.** If the clerk can see from the face of the registration certificate that it was valid on the date the citation was issued, the charge shall be dismissed.
5. **Improper Equipment under §66-3-801, NMSA.** If defendant was cited for Improper Equipment under the above statute and defendant presents proof from a commercial establishment in the business of repairing motor vehicles, the citation shall be dismissed. **If defendant presents the vehicle in question and the clerk verifies the vehicle against the citation information, and then determines the violation has been repaired, the citation shall be dismissed.**
6. **Headlamps on Motor Vehicle under §66-3-804, NMSA.** If defendant was cited for failure to have an operating headlamp, the citation specifies which headlamp was not operating, and defendant presents proof from a commercial establishment in the business of repairing motor vehicles that the headlamp identified was repaired, the citation shall be dismissed. **If defendant presents the vehicle in question and the clerk verifies the vehicle against the citation information, and then determines the headlamp has been repaired, the citation shall be dismissed.**
7. **Tail Lamps under §66-3-805, NMSA.** If defendant was cited for failure to have an operating tail lamp, the citation specifies which tail lamp was not operating, and defendant presents proof from a commercial establishment in the business of repairing motor vehicles that the tail lamp identified was repaired, the citation shall be dismissed. **If defendant presents the vehicle in question and the clerk verifies the vehicle against the citation information, and then determines the tail lamp has been repaired, the citation shall be dismissed.**

8. **Sun Screening Material on Windows under §66-3-846.1, NMSA.** If defendant was cited for failure to comply with the requirements for sun screening material on windows, and defendant presents proof from a commercial establishment in the business of repairing motor vehicles that the failure identified on the citation has been remedied, the citation shall be dismissed.
 9. **Drivers Must be Licensed under §66-5-2, NMSA.** If the clerk can see from the face of the license that the person had a valid driver's license on the date the citation was issued, the charge shall be dismissed.
 10. **License to be Carried and Exhibited on Demand under §66-5-16, NMSA.** If the clerk can see from the face of the license that the person had a valid driver's license on the date the citation was issued, the citation shall be dismissed.
 11. **No Insurance (evidence of financial responsibility) under §66-5-205 and §66-5-229 (C), NMSA.** If the clerk can see from the face of the insurance card or policy that insurance was in force on the date the citation was issued, the charge shall be dismissed.
- F. **Right to See a Judge.** Nothing in this rule shall preclude a defendant from requesting to see a judge for any charge filed.

APPROVED:

Feb. 6, 2020
Date



Angie K. Schneider
Chief Judge

APPROVED:

3-6-2020
Date



Arthur W. Pepin
Director, Administrative Office of the Courts