

**REGULATION GOVERNING THE ISSUANCE OF FINES AND TIMELINESS OF
COMMUNITY SERVICE PURSUANT TO THE ALBUQUERQUE AUTOMATED
SPEED ENFORCEMENT ORDINANCE**

1.0 AUTHORITY

- 1.1 This Regulation is promulgated pursuant to ROA 1994, Sections 7-15-1 to -5, hereafter the “Albuquerque Automated Speed Enforcement Ordinance” or “ASE.”
- 1.2 In the event that this Regulation is in conflict with the provisions of the ASE, the provisions of the ASE shall prevail.

2.0 SHORT TITLE

- 2.1 This Regulation may be referred to as the Albuquerque Automated Speed Enforcement Regulation.

3.0 APPLICABILITY

- 3.1 This Regulation applies to all ASE system fines issued pursuant to the ASE.

4.0 DEFINITIONS

- 4.1 **ASE SYSTEM FINE** means the fine assessed for a violation, as set forth in ROA 1994, Section 7-15-3, as it may be amended from time to time.
- 4.2 **ASE SYSTEM FINE NOTICE** means a written document mailed to the address of the registered owner or nominee stating that a violation has occurred and payment is due.
- 4.3 **CAMERA SPEED DEVICE OR “CSD”** means the instrument that detects a violation of the ASE.
- 4.4 **HIGHWAY** means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel, even though it may be temporarily closed or restricted for the purpose of construction, maintenance, repair or reconstruction.
- 4.5 **OWNER’S AFFIDAVIT** means a written statement signed under oath and submitted to the City or the City’s contractor under penalty of perjury by the registered owner of a vehicle who asserts therein that the registered owner was not driving the vehicle at the time of a violation.
- 4.6 **NOMINEE** means the person or entity identified by the registered owner as the driver or responsible party.
- 4.7 **SAFETY ZONE** means any area that is permanently or temporarily designated as a school zone, construction zone or safety zone pursuant to ROA 1994, Sections 8-1-2-7 and 8-1-2-22 or NMSA 1978, Section 66-1-4.16.

4.8 **SPEED LIMIT** means a highway's declared speed limit issued pursuant to ROA 1994, Section 8-1-2-6 or NMSA 1978, Section 66-7-303.

5.0 ENFORCEMENT

5.1 For all sections of highways other than those within Safety Zones, an ASE System Fine shall only be issued when:

5.1.1 A violation as set forth in ROA 1994, Section 7-15-3, as it may be amended from time to time, has occurred; and

5.1.2 The speed of the vehicle recorded by the CSD was equal to or greater than ten (10) miles per hour over the speed limit of the section of highway upon which the vehicle was driving.

5.2 For all sections of highways within safety zones, an ASE system fine shall only be issued when:

5.2.1 A violation as set forth in ROA 1994, Section 7-15-3, as it may be amended from time to time, has occurred; and

5.2.2 The speed of the vehicle recorded by the CSD was equal to or greater than five (5) miles per hour over the speed limit of the section of highway upon which the vehicle was driving.

6.0 TIMELINESS

6.1 Within thirty (30) days of receiving an ASE system fine notice, the registered owner shall:

6.1.1 Pay the ASE system fine; or

6.1.2 Notify the City in writing that the registered owner elects to complete community service in lieu of payment of the ASE system fine; or

6.1.3 Submit an owner's affidavit nominating another individual as the actual driver of the vehicle; or

6.1.4 Submit a written request for a hearing to the City's Independent Office of Hearings, to be conducted in accordance with ROA 1994, Section 7-15-3(F).

6.2 Within thirty (30) days of receiving an ASE system fine notice, the nominee shall:

6.2.1 Pay the ASE system fine; or

6.2.2 Notify the City in writing that the nominee elects to complete community service in lieu of payment of the ASE system fine; or

- 6.2.3 Submit a written request for a hearing to the City’s Independent Office of Hearings, to be conducted in accordance with ROA 1994, Section 7-15-3(F).
- 6.3 If a registered owner or nominee elects to complete community service in lieu of payment of the ASE system fine, such community service shall be completed within ninety (90) days from the date of the ASE system fine notice, unless otherwise agreed to by the City.
- 6.4 If a registered owner or nominee fails to comply with the timeliness requirements of this Regulation, the registered owner is considered to be in default as defined in ROA 1994, Section 7-15-4(E), as it may be amended from time to time.