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**CITY OF SANTA FE, NEW MEXICO**  
**PROPOSED AMENDMENT(S) TO BILL NO. 2026-9**  
Defining Aggressive Driving and Establishing Penalties

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**Mayor and Members of the City Council:**

**In relation to Bill No. 2026-9.**

**This amendment WILL change the caption. \_\_\_\_\_**

**This amendment WILL NOT change the caption. \_\_\_X\_\_\_**

**I intend to propose the following amendment(s),**

**CITY OF SANTA FE, NEW MEXICO**

**BILL NO. 2026-9**

**INTRODUCED BY:**

Councilor Pilar Faulkner

Councilor Lee Garcia

Councilor Amanda Chavez

**AMENDMENT A – RED - Councilor Feghali**

**A BILL**

**AMENDING SUBSECTION 12-6-12.3 OF ARTICLE VI OF THE UNIFORM TRAFFIC  
ORDINANCE (“UTO”) TO ELIMINATE MINIMUM PENALTIES FOR RECKLESS**

underscored material = new  
[bracketed material] = delete

1 **DRIVING AND RAISING MAXIMUM PENALTIES FROM TWENTY-FIVE DOLLARS**  
2 **(\$25) TO TWO HUNDRED AND FIFTY DOLLARS (\$250) FOR FIRST CONVICTIONS**  
3 **AND FROM THREE HUNDRED DOLLARS (\$300) TO FIVE HUNDRED DOLLARS**  
4 **(\$500) FOR SECOND OR SUBSEQUENT CONVICTIONS; CREATING A NEW**  
5 **SUBSECTION 12-6-12.4A OF ARTICLE VI OF THE UTO, EXHIBIT A TO CHAPTER 24,**  
6 **SFCC 1987 TO DEFINE, CRIMINALIZE, AND PENALIZE “AGGRESSIVE DRIVING”;**  
7 **AMENDING THE UTO’S SCHEDULE A TRAFFIC VIOLATION PENALTY**  
8 **ASSESSMENT SCHEDULE TO INCREASE CERTAIN PENALTIES, TO SPECIFY**  
9 **THAT ALL RECKLESS DRIVING FINES, AGGRESSIVE DRIVING FINES, AS WELL**  
10 **AS ALL SCHEDULE A PENALTIES (EXCEPT FOR THOSE DEDICATED TO TRAFFIC**  
11 **CALMING) SHALL BE SPLIT EQUALLY BETWEEN THE LAW ENFORCEMENT**  
12 **FUND AND THE FIRE SUPPORT SERVICES FUND, AND TO REQUIRE A**  
13 **MANDATORY COURT APPEARANCE FOR VIOLATIONS RELATED TO**  
14 **AGGRESSIVE DRIVING; CREATING A NEW SUBSECTION 12-6-12.25 OF ARTICLE**  
15 **VI “ENGAGING IN PROLONGED, DELIBERATE, AND/OR EXCESSIVE TAILING OF**  
16 **ANOTHER VEHICLE” AND ESTABLISHING A PENALTY IN SANTA FE’S UTO,**  
17 **SCHEDULE A, TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE FOR**  
18 **THE SAME; CREATING A NEW SUBSECTION 12-6-12.26 OF ARTICLE VI “UNSAFE**  
19 **SUDDEN STOPS” AND ESTABLISHING A PENALTY IN SANTA FE’S UTO,**  
20 **SCHEDULE A, TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE FOR**  
21 **THE SAME; CREATING A NEW SUBSECTION 12-6-12.27 OF ARTICLE VI**  
22 **“THROWING ITEMS OUTSIDE OF VEHICLE AT ANOTHER VEHICLE OR AT A**  
23 **PEDESTRIAN” AND ESTABLISHING A PENALTY IN SANTA FE’S UTO, SCHEDULE**  
24 **A, TRAFFIC VIOLATION PENALTY ASSESSMENT SCHEDULE FOR THE SAME.**

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

2 **Section 1. Section 12-6-12.3 of the Uniform Traffic Ordinance, Exhibit A,**  
3 **Section 24, of SFCC 1987 (being Ordinance No. 2011-25, § 5) is hereby amended to read:**

4 **12-6-12.3 – Reckless Driving.**

5 A. Any person who drives any vehicle carelessly and heedlessly in willful or wanton disregard  
6 of the rights or safety of others and without due caution and circumspection and at a speed  
7 or in a manner so as to endanger or be likely to endanger any person or property is guilty  
8 of reckless driving.

9 B. A person operating a motor vehicle shall not endanger a bicyclist.

10 C. Every person convicted of reckless driving shall be punished:

11 1) Upon a first conviction by imprisonment for not less than five days nor more than  
12 ninety days, or by a fine of [~~not less than twenty five dollars (\$25.00) nor more than~~  
13 ~~one hundred dollars (\$100.00)~~ \$250.00], or both; and

14 2) On a second or subsequent conviction by imprisonment for not less than ten days nor  
15 more than ninety days, or by a fine of [~~not less than fifty dollars (\$50.00) nor more~~  
16 ~~than three hundred dollars (\$300.00)~~ (\$500)], or both. (66-8-113 NMSA, 1978)

17 3) All fines collected for reckless driving shall be allocated fifty percent (50%) to the  
18 Law Enforcement Fund and fifty percent (50%) to the Fire Support Services.

19 **Section 2. [NEW MATERIAL] A new Section 12-6-12.4A of the Uniform**  
20 **Traffic Ordinance, Exhibit A, Section 24, of SFCC 1987 is hereby ordained to read:**

21 **12-6-12.4A - AGGRESSIVE DRIVING.**

22 A. Any person who during the course of conduct operates a vehicle in a manner that endangers  
23 or is likely to endanger people or property is guilty of aggressive driving if during the  
24 course of conduct, the person commits two or more of the following violations:

25 (1) Failure to obey traffic-control devices, Section 12-5-3;

- 1 (2) Failure to comply with rules to safely overtake a vehicle on the left as described
- 2 in Sections 12-6-2.3, 12-6-2.4, and 12-6-2.5;
- 3 (3) Failure to drive on streets laned for traffic as described in Section 12-6-2.12;
- 4 (4) Following too closely, Section 12-6-2.13;
- 5 (5) Failure to yield right of way, Section 12-6-4;
- 6 (6) Engaging in prohibited activities while driving, Section 12-6-12.18;
- 7 (7) Racing on streets, Section 12-6-12.19;
- 8 (8) Engaging in prolonged, deliberate, or excessive tailing of another vehicle,
- 9 Section 12-6-12.25;
- 10 (9) Unsafe sudden stops, Section 12-6-12.26; and/or
- 11 (10) Throwing items outside of vehicle at another vehicle or at any pedestrian,
- 12 bicyclist, or other person using the roadway, Section 12-6-12.27.

13 B. For the purposes of this section, “course of conduct” means a series of acts committed  
14 during a single, continuous period of driving.

15 C. Every person convicted of aggressive driving shall be required to comply with a mandatory  
16 court appearance and shall be punished as follows:

- 17 (1) Unless otherwise specified in Schedule A of the Uniform Traffic Ordinance, SFCC  
18 1987, upon a first conviction by a fine of two hundred fifty dollars (\$250);
- 19 (2) Upon a second conviction by imprisonment for seven days, and a fine of five  
20 hundred dollars (\$500);
- 21 (3) Upon a third conviction by imprisonment for fourteen days and a fine of five  
22 hundred dollars (\$500); and
- 23 (4) Upon subsequent convictions by imprisonment for ninety days and a fine of five  
24 hundred dollars (\$500).

25 D. If the person convicted of aggressive driving is determined to be indigent, the court shall

1 permit the individual to perform community service in lieu of payment of fines; however,  
2 this does not prevent the court from sentencing the person to jail, if applicable.

3 E. All fines collected for reckless driving shall be allocated fifty percent (50%) to the Law  
4 Enforcement Fund and fifty percent (50%) to the Fire Support Services.

5 **Section 3. [NEW MATERIAL] A new Subsection 12-6-12.25 of Article VI of the**  
6 **Uniform Traffic Ordinance, Exhibit A, Chapter 24 of SFCC 1987 is hereby ordained to read:**  
7 **12-6-12.25 – ENGAGING IN PROLONGED, DELIBERATE, AND/OR EXCESSIVE**  
8 **TAILING OF ANOTHER VEHICLE.**

9 No person shall change their route, direction, or course of travel in order to aggressively  
10 follow another vehicle such that the following is prolonged, excessive, and/or deliberate.

11 **Section 4. [NEW MATERIAL] A new Section 12-6-12.26 of Article VI of the**  
12 **Uniform Traffic Ordinance, Exhibit A, Chapter 24 of SFCC 1987 is hereby ordained to read:**  
13 **12-6-12.26 – UNSAFE SUDDEN STOPS.**

14 No person shall suddenly apply their brakes while another driver is following in a  
15 manner that unnecessarily impedes or obstructs the normal and reasonable flow of traffic, except  
16 when the stop is required for safe operation of the vehicle or to comply with the law.

17 **Section 5. [NEW MATERIAL] A new Section 12-6-12.27 of Article VI the**  
18 **Uniform Traffic Ordinance, Exhibit A, Chapter 24 of SFCC 1987 is hereby ordained to read:**  
19 **12-6-12.27 – THROWING ITEMS OUTSIDE OF VEHICLE AT ANOTHER VEHICLE OR**  
20 **AT A PEDESTRIAN.**

21 No person shall throw, toss, or otherwise project any object or substance from a vehicle,  
22 whether the vehicle is moving or stopped, at another vehicle or at any pedestrian, bicyclist, or other  
23 person using the roadway.

24 **Section 6. Schedule A of Exhibit A of Chapter 24 (Uniform Traffic Ordinance)**  
25 **of SFCC 1987 (being Ordinance No. 2025-6 as amended) is amended to read:**

1 **SECTION 1.**

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

5 **SECTION 2.**

6 "Penalty assessment petty misdemeanor" means violation of the following listed sections  
7 of the city of Santa Fe Uniform Traffic Code for which the listed penalty assessment is established.  
8 The term "penalty assessment petty misdemeanor" does not include any violation which has caused  
9 or contributed to the cause of an accident resulting in injury or death to any person. When an alleged  
10 violator of a penalty assessment petty misdemeanor elects to accept a notice to appear in lieu of a  
11 notice of penalty assessment, the fine imposed upon later conviction shall not exceed the penalty  
12 assessment established for the particular penalty assessment petty misdemeanor and probation  
13 imposed upon a suspended or deferred sentence may include community service as contemplated  
14 in Section 1-3.1 and shall not exceed ninety days.

<b>COMMON NAME OF OFFENSE</b>	<b>SECTION VIOLATED</b>	<b>PENALTY ASSESSMENT</b>
Obedience [T]to Traffic-Control Devices/Failure [T]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	

A. The following apply outside a school zone:		
Up to and including 10 miles an hour over speed limit		\$15.00
From 11 up to and including 15 miles an hour over speed limit		\$30.00
From 16 up to and including 20 miles an hour over speed limit		\$65.00
From 21 up to and including 25 miles an hour over speed limit		\$100.00
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
B. In a school zone	12-6-1.2A	\$171.00
C. In a construction zone: 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		
D. In a pedestrian zone. 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 <input type="checkbox"/> on Right Side <input type="checkbox"/> of Street	12-6-2.1	\$25.00
Overtaking <input checked="" type="checkbox"/> a Vehicle <input type="checkbox"/> on <input checked="" type="checkbox"/> the Left	12-6-2.3	\$25.00
Limitations <input type="checkbox"/> on Overtaking <input type="checkbox"/> on <input checked="" type="checkbox"/> the Left	12-6-2.4	\$25.00
Overtaking <input checked="" type="checkbox"/> a Vehicle <input type="checkbox"/> on <input checked="" type="checkbox"/> the Right	12-6-2.6	\$25.00
No Passing Zones/Restrictions <input type="checkbox"/> on Passing	12-6-2.7	\$25.00
Streets Laned <input checked="" type="checkbox"/> for Traffic	12-6-2.12	\$25.00

Following [F]too Closely	12-6-2.13	\$25.00
Driving [O]n Divided Streets	12-6-2.14	\$25.00
Driving Vehicle [O]n [O]r Across Bicycle Lane [O]r Path	12-6-2.17	\$25.00
Turning Left [A]t Intersection	12-6-4.2	\$25.00
Entering Stop/Yield Intersection/Failure [F]to Yield	12-6-4.3	\$25.00
Required Position/Method of Turning/Improper Turn	12-6-5.1	\$25.00
Obedience [F]to No-Turn Signs	12-6-5.4	\$25.00
Limitations [O]n Turning Around/Illegal U-Turn	12-6-5.5	\$25.00
Starting [A]a Parked Vehicle	12-6-5.7	\$25.00
Turn/Stop Movements	12-6-5.8	\$25.00
Failure [F]to Signal	12-6-5.9	\$25.00
Motorist Turning Across Bicycle Lane	12-6-5.11	\$25.00
Stopping, Standing & 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 [F]for School Bus	12-6-7.3	\$100.00
Failure [F]to Stop [A]at Railroad Crossing	12-6-7.5 and 12-6-7.7	\$150.00
Operators and Chauffeurs Must Be Licensed	12-6-12.5	\$25.00
Driving While License Suspended/Administratively Suspended	12-6-12.6 and 12-6-12.6A	\$25.00
Driving While License Revoked	12-6-12.6B	\$300-\$500
Unattended Motor Vehicle	12-6-12.8	\$25.00
Limitations [O]n Backing	12-6-12.9	\$25.00

Restriction [Θ]on Use of Video [F]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
For subsequent violation		\$500
Permitting Unauthorized Persons [F]to Drive	12-6-12.23	\$25.00
<u>Prolonged, deliberate, or excessive tailing of another vehicle</u>	<u>12-6-12.25</u>	<u>\$250</u>
<u>for subsequent violations</u>		<u>\$500</u>
<u>Unsafe, Sudden Stops, 1<sup>st</sup> offense</u>	<u>12-6-12.26</u>	<u>\$250</u>
<u>for subsequent violations</u>		<u>\$500</u>
<u>Throwing Items Outside of Vehicle at Another Vehicle or at a Pedestrian, 1<sup>st</sup> offense</u>	<u>12-6-12.27</u>	<u>\$250</u>
<u>for subsequent violations</u>		<u>\$500</u>
Destructive Material [Θ]on Roadway/Failure [F]to Secure Load	12-6-13.5	\$100.00
Improper Opening [Θ]of Doors	12-6-13.8	\$25.00
Child Restraint Device [Θ]or Safety Belt	12-6-13.12	\$100.00
Mandatory Use [Θ]of Seat Belts	12-6-13.13	\$100.00
Open Container, 1 <sup>st</sup> Offense	12-6-13.14	\$100.00
for subsequent violations		mandatory court appearance
Jaywalking	12-6-13.15 through 12-6-14.8	\$25.00
Littering	12-6-13.15	\$300.00
Unsafe Median Use	12-6-14.9	\$25.00

Windshield	12-10-1.12	\$25.00
When Lighted Lamps [A]are Required	12-10-1.3	\$25.00
Headlamps [Θ]on Vehicles	12-10-1.5	\$25.00
Dimming [Θ]of Lights	12-10-1.6	\$25.00
Tail Lamps	12-10-1.7, except 12-10-1.7C	\$25.00
Plate Light Required	12-10-1.7C.	\$10.00
Stop Lamps/Brake Lamps	12-10-1.9	\$25.00
Mufflers, Prevention [Θ]of Noise	12-10-1.10	\$500.00
Lamp or Flag on Projecting Load	12-10-1.11	\$25.00
Windshield Must be Unobstructed and Equipped with Wipers and Windows Must be Transparent	12-10-1.12	\$25.00
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

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2 **SECTION 3. MANDATORY COURT APPEARANCES.**

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

Leaving the Scene of an Accident	12-4-2
Failure to Render Aid/Duty to Give Info	12-4-3
Immediate Notice of Accident	12-4-6
Failure to Yield to Emergency Vehicle	12-6-7.4
Reckless Driving	12-6-12.3

Careless Driving/Driver Inattention	12-6-12.4
<u>Aggressive Driving</u>	<u>12-6-12.4A</u>
Operator/Chauffeur Licenses Required	12-6-12.5
Unlawful Use of License (Revoked)	12-6-12.6
Unlawful Use of License (Suspended)	12-6-12.6
Fleeing or Attempting to Elude an Officer	12-6-12.7
Racing on Streets/Drag Racing/Exhibition of Speed	12-6-12.19
Open Container 2 <sup>nd</sup> , 3 <sup>rd</sup> , etc.	12-6-13.14
Off-Highway Motor Vehicles (ATV)	12-7-9 through 12-7-9.6
Display of Current Registration	12-10-4
Evidence of Registration	12-10-5
Mandatory Financial Responsibility (Insurance)	12-10-6

1 **SECTION 4. TRAFFIC CALMING FEES.**

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

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

11 C. The traffic calming fee shall be collected by the municipal court for funding the city's traffic  
12 calming program. The amount of fees collected shall not decrease the amount of money

1 allocated to the traffic calming program through the current fiscal year Capital Improvement  
2 Program bonding process.

3 D. The governing body shall review the results of this subsection including the amount of fees  
4 which have been collected and the amount of police overtime because of this subsection.  
5 The municipal court shall provide the governing body with the appropriate statistics to  
6 review this subsection.

7 **SECTION 5. POLICE AND FIRE RESILIENCY FUNDS**

8 Consistent with NMSA 1978, sec. 35-15-12, all fees collected for violations of the city of Santa  
9 Fe's Uniform Traffic Ordinance, Schedule A and for Aggressive Driving, SFCC 1987, Section 12-  
10 6-12.4A, shall be allocated, fifty percent (50%) to the Law Enforcement Fund and fifty percent  
11 (50%) to the Fire Support Services Fund, with the exception of fines collected for speeding, which  
12 are allocated to the Traffic Calming Program as described in Section 4 above.

13 **SECTION [5] 6. MUNICIPAL COURT FEES.**

14 In addition to the penalty assessment established pursuant to this Exhibit, there shall be assessed  
15 the municipal court fees for each penalty assessment petty misdemeanor as set forth in Section 1-  
16 3.2 SFCC 1987.

17 **SECTION [6] 7. PENALTY ASSESSMENT PETTY MISDEMEANORS; OPTION;**  
18 **EFFECT.**

19 A. Unless a warning notice is given, at the time of making an arrest for any penalty assessment  
20 petty misdemeanor, the arresting officer shall offer the alleged violator the option of  
21 accepting a penalty assessment. The violator's signature on the penalty assessment notice  
22 constitutes an acknowledgement of guilt of the offense stated in the notice, and payment of  
23 the prescribed penalty assessment is a complete satisfaction of the violation.

24 B. Payment of any penalty assessment shall be made by mail to the Municipal Court, City of  
25 Santa Fe, P.O. Box 909, Santa Fe, New Mexico, 87504-0909 within 30 days from the date

1 of arrest. Payments of penalty assessments are timely if postmarked within the time limits  
2 set from the date of arrest. The Municipal Court shall issue a receipt when a penalty  
3 assessment is paid by currency, but a check or money order tendered by the violator upon  
4 which payment is received is sufficient receipt.

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

7 **SECTION [7] 8. FAILURE TO PAY PENALTY ASSESSMENT.**

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

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

17 C. The municipal court shall not notify the motor vehicle division of the state of New Mexico  
18 when a person fails to pay a penalty assessment within the required period of time.

19 **SECTION [8] 9. VIOLATIONS NOT LISTED ON PENALTY ASSESSMENT SCHEDULE.**

20 This traffic violation penalty assessment schedule does not apply to traffic violations not listed  
21 above which are petty misdemeanors. Such violations mandate a court appearance with a fine of  
22 up to three hundred dollars (\$300.00) and up to 90 days in jail.

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Respectfully submitted,

*Patricia Feghali* \_\_\_\_\_

PATRICIA FEGHALI , COUNCILOR

APPROVED AS TO FORM:

*Marcos D. Martinez*  
Marcos D. Martinez (May 15, 2026 14:38:24 MDT)

MARCOS D. MARTÍNEZ, CITY ATTORNEY

ADOPTED: \_\_\_\_\_

NOT ADOPTED: \_\_\_\_\_

DATE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_

GERALYN F. CARDENAS, CITY CLERK