

Opinion No. 54-6030

November 1, 1954

BY: RICHARD H. ROBINSON, Attorney General

TO: Mr. Richard F. Rowley District Attorney Clovis, New Mexico

{*496} In your letter dated October 25, 1954, you request an opinion concerning the reports to the Motor Vehicle Department which should be made by a municipal police judge regarding violation of municipal traffic ordinances.

Section 68-2131 of the 1941 Compilation, 1953 Supplement, sets out certain powers of local authorities to regulate traffic. There are other similar powers given municipalities with regard to changing speed limits etc., and it is a violation of these municipal ordinances that would be involved in making reports.

Section 68-2612 of the 1941 Compilation, 1953 Supplement, requires every magistrate or judge of a court to keep a record of the traffic complaints or citations and the disposition thereof. Subsection (b) requires said magistrate or clerk of a court of record, within ten days after conviction or forfeiture of bail, to forward an abstract of the record to the Motor Vehicle Division. However, this subsection provides that reports need not be made of any conviction involving illegal parking or standing of a vehicle. Subsection (e) provides that failure, refusal, or neglect to make such report shall constitute misconduct in office and be ground for removal.

In view of this statute, it is our opinion that the requirement of reports of traffic violations handled by a police magistrate, which would be violations of city ordinances, are required to be made to the Motor Vehicle Department, except for the conviction for illegal parking or standing of a vehicle.

By: C. C. McCulloh

Assist. Attorney General