

This rule was filed as: 18 NMAC 20.2.

**TITLE 18           TRANSPORTATION AND HIGHWAYS**  
**CHAPTER 20       TRAFFIC SAFETY**  
**PART 2            NEW MEXICO TRAFFIC SAFETY EDUCATION AND ENFORCEMENT PROGRAM**

18.20.2.1           ISSUING AGENCY: New Mexico State Highway and Transportation Department, Post Office Box 1149, Santa Fe, New Mexico 87504-1149 (505) 827-0427.  
[Recompiled 11/16/01]

18.20.2.2           SCOPE: This Rule affects local governments, state agencies, law enforcement agencies, schools/universities, and not-for-profit agencies.  
[Recompiled 11/16/01]

18.20.2.3           STATUTORY AUTHORITY: This regulation is adopted pursuant to the authority provided by NMSA 1978, Section 66-7-512 (Cum. Supp. 1997).  
[Recompiled 11/16/01]

18.20.2.4           DURATION: Permanent.  
[Recompiled 11/16/01]

18.20.2.5           EFFECTIVE DATE: March 14, 1998, unless a later date is cited at the end of a section or paragraph.  
[Recompiled 11/16/01]

18.20.2.6           OBJECTIVE: The objective of this rule is to establish procedures for implementing NMSA 1978, Section 66-7-512. This includes providing guidance on an agency's eligibility, the application process, and the distribution of revenue from the Traffic Safety Education and Enforcement Fund for both the statewide program and the local law enforcement programs. The Traffic Safety Education and Enforcement Fund shall be used to institute and promote a statewide and local law enforcement program of traffic safety through education and enforcement to reduce fatal and serious injury traffic crashes and to provide for the purchase of equipment and support services as are necessary to establish and maintain the program.  
[Recompiled 11/16/01]

18.20.2.7           DEFINITIONS: [RESERVED]  
[Recompiled 11/16/01]

18.20.2.8           ELIGIBILITY FOR FUNDING PURSUANT TO NMSA 1978, SECTION 66-7-512

A.           Only those law enforcement agencies that regularly issue citations for violations of the New Mexico Motor Vehicle Code and whose citations are adjudicated through metro or magistrate court or are processed pursuant to NMSA 1978, Section 66-8-116.3.

B.           Any application for funding submitted by an eligible agency must contain the information required in the application instructions as provided by the Traffic Safety Bureau. All information must be submitted on forms provided by the Traffic Safety Bureau.

C.           The amount of funding available to eligible individual law enforcement agencies pursuant to NMSA 1978, Section 66-7-512 (C), will be estimated based on the number of convictions for traffic violations in prior years. In no case will funds from this program replace, supplant, or otherwise result in the decrease of funding from other sources available to an agency. If such displacement is found, the application will be considered nullified and funds will be redistributed to other qualifying agencies.

D.           All applications for these funds must be submitted to the Traffic Safety Bureau before September 30, or a later deadline established by the Bureau. Failure by an agency to submit a timely application in the format required by this regulation will nullify the application and the disqualified applicant's funds will be redistributed to other qualifying agencies.

E. Funding will be on a reimbursable basis. The expenses for the approved program will be paid initially by the agency. These expenditures will be reimbursed to the agency from the Traffic Safety Education and Enforcement Fund upon submission of required documentation per the Traffic Safety Project Management and Accounting Manual to be provided by the Bureau.

F. Funds remaining, after all applications submitted by the due date have been processed, will be redistributed to other qualifying agencies based on eligibility and funding priority as determined by the Traffic Safety Bureau.

[Recompiled 11/16/01]

18.20.2.9 APPLICATIONS FOR FUNDING FROM AGENCIES NOT ELIGIBLE UNDER SECTION 8 OF THIS RULE:

A. Eligibility: local governments, state agencies, schools/universities, for profit, and not-for-profit agencies may apply for funding pursuant to NMSA 1978, Section 66-7-512 (D and E).

B. Applications for these funds will be awarded by the Traffic Safety Bureau based on statewide traffic safety needs. The State Procurement Code will be utilized to award applications/proposals.

C. Funding will be on a reimbursable basis. The expenses for the approved program will be paid initially by the agency. These expenditures will be reimbursed to the agency from the Traffic Safety Education and Enforcement Fund upon submission of required documentation per the Traffic Safety Project Management and Accounting Manual to be provided by the Bureau.

D. Funds remaining, after all applications submitted by due date have been processed, will be redistributed to other qualifying agencies based on eligibility and funding priority as determined by the Traffic Safety Bureau.

[Recompiled 11/16/01]

18.20.2.10 EVALUATION: Applications and proposals will be reviewed for approval by the Chief, Traffic Safety Bureau, on the basis of the expected effectiveness of the proposed activity, the extent that the proposed project is coordinated with other traffic safety activities, and the likelihood that the program will have an effect on the reduction of fatal and serious injury traffic crashes in New Mexico.

[Recompiled 11/16/01]

HISTORY OF 18.20.2 NMAC:

Pre-NMAC Regulatory Filing History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives under:

SHTD Rule 90-2, New Mexico Traffic Safety Education and Enforcement Program, filed November 9, 1990.

History of Repealed Material: [RESERVED]