2026 SA 08

Elle Courtney, Plaintiff-Appellant,

v.

Board of County Commissioners of Otero County, Defendant-Appellee.

No. 25CA3240.

Supreme Court of San Andreas.

July 3, 2026.

Appeal from the District Court Otero County District Court Case No. 22CV2545 Honorable Louis Lane, Judge.

Attorneys for Plaintiff-Appellant: Angel Valadez, Valadez Law Denver, San Andreas.

Attorneys for Defendant-Appellee: Chris Mann, District Attorney La Junta, San Andreas.

En Banc.

JUSTICE HALL delivered the Opinion of the Court, in which CHIEF JUSTICE MORGAN, JUSTICE MIDDLETON, JUSTICE CORTEZ, and JUSTICE BENNETT joined.

JUSTICE MCDOWELL, delivered the Dissenting Opinion in which JUSTICE SPRINGER joined.

OPINION OF THE COURT

HALL, Justice.

¶1 This appeal requires us to determine whether a county may impose a mandatory monetary surcharge exceeding the penalties prescribed by state law for conduct prohibited under a substantially similar local ordinance. Although local governments possess broad authority to adopt ordinances promoting public safety, that authority must yield where the Legislature has established a comprehensive statutory penalty scheme. We conclude that Otero County exceeded its authority by requiring payment of an additional mandatory surcharge beyond that authorized by SARS § 42-4-1101.

¶2 The Legislature has enacted an extensive framework governing traffic regulation throughout the State of San Andreas. That framework establishes not only prohibited conduct, but also the monetary penalties, mandatory surcharges, and driver's license point assessments applicable to each offense. The evident purpose is to ensure that motorists receive uniform treatment regardless of where within the State a violation occurs.

¶3 SARS § 42-4-1101 exemplifies that legislative objective. Rather than leaving punishment to local discretion, the statute establishes graduated fines based upon the severity of the speeding offense and imposes a corresponding mandatory surcharge. The Legislature therefore determined the complete monetary consequence associated with each category of speeding violation.

¶4 Plaintiff Elle Courtney was cited by an Otero County Sheriff's deputy after operating his vehicle at seventy-five miles per hour in a posted fifty-mile-per-hour zone. Under state law, that violation carries a two-hundred-dollar fine, a mandatory thirty-two-dollar surcharge, and six driver's license points. Those penalties are expressly prescribed by statute.

¶5 Otero County, however, enacted Ordinance No. 2022-14 requiring that every traffic citation issued under county ordinance include an additional mandatory surcharge of one hundred dollars. The surcharge applies automatically and without regard to the underlying offense. As a result, Courtney was required to pay substantially more than the maximum amount authorized by state law.

¶6 The County contends that its ordinance merely supplements the statutory penalty rather than conflicts with it. According to the County, the additional assessment serves an administrative purpose by assisting with the funding of local law enforcement and court operations. We find that argument unpersuasive.

¶7 Courts evaluate legislation according to its practical operation rather than the label assigned by the legislative body. Whether characterized as a surcharge, assessment, administrative fee, or public safety contribution, the payment remains mandatory and arises solely because the individual violated a traffic law. It therefore functions as part of the punishment imposed for the offense.

¶8 The distinction is significant because the Legislature has already determined the appropriate punishment for speeding violations. A county may not redefine that punishment by attaching additional mandatory financial obligations. To hold otherwise would permit local governments to circumvent statutory limitations simply by changing the terminology used to describe the payment.

¶9 Counties possess only those powers granted by the Constitution and the laws of this State. While local governments enjoy considerable discretion in matters of local concern, they remain subordinate to statewide enactments governing subjects the Legislature has chosen to regulate comprehensively. Traffic penalties fall squarely within that category.

¶10 Uniform traffic enforcement has long been recognized as a legitimate statewide interest. Drivers routinely travel across county and municipal boundaries during the course of a single trip. The consequences of identical conduct should therefore not depend upon which local jurisdiction happens to issue the citation.

¶11 The Legislature addressed that concern by enacting a statewide schedule of fines and surcharges. The statutory framework reflects a deliberate policy judgment balancing deterrence, public safety, and proportional punishment. Courts are not free to disturb that balance absent constitutional infirmity.

¶12 Neither are counties. The authority to establish criminal and traffic penalties rests primarily with the Legislature. Local governments enforcing substantially similar ordinances must respect the punishment selected by the State.

¶13 Otero County argues that nothing within SARS § 42-4-1101 expressly prohibits additional local surcharges. That observation is accurate but ultimately irrelevant. Local governments require affirmative authority to exceed statutory penalties, not merely the absence of an express prohibition.

¶14 Had the Legislature intended to authorize supplemental local surcharges, it easily could have done so. Numerous statutes expressly delegate authority to local governments when additional regulation is appropriate. No comparable authorization appears in the statutory traffic code.

¶15 We decline to infer powers the Legislature deliberately omitted. Courts presume that statutory silence carries meaning, particularly where the Legislature has enacted a comprehensive regulatory framework. The omission of local surcharge authority therefore weighs heavily against the County's position.

¶16 The County also suggests that the surcharge is necessary to offset increasing costs associated with traffic enforcement. We do not question the fiscal challenges facing local governments. Those concerns, however, cannot expand powers not granted by law.

¶17 If counties believe existing statutory penalties inadequately compensate local governments for enforcement expenses, their remedy lies with the General Assembly. Legislative modification, rather than unilateral local action, remains the proper mechanism for altering statewide penalty schedules. Courts cannot authorize what the Legislature has withheld.

¶18 The practical consequences of the County's interpretation further demonstrate its incompatibility with state law. If every county possessed authority to impose supplemental mandatory surcharges, motorists would face vastly different financial penalties depending solely upon geography. Such inconsistency is fundamentally inconsistent with a uniform statewide traffic code.

¶19 One county might require an additional twenty-five dollars, another one hundred dollars, and another several hundred dollars. Nothing would prevent increasingly burdensome assessments so long as each jurisdiction characterized the payment as an administrative surcharge. The Legislature plainly intended to avoid such disparities.

¶20 Uniformity serves important constitutional and practical interests. Citizens are entitled to know the legal consequences of their conduct before they engage in it. Those consequences should not fluctuate according to invisible county lines.

¶21 The County's ordinance also frustrates the Legislature's evident intent regarding proportional punishment. Under SARS § 42-4-1101, penalties increase according to the seriousness of the speeding offense. The mandatory county surcharge disregards that graduated approach by imposing the same additional assessment regardless of the underlying violation.

¶22 Consequently, relatively minor violations bear the same additional financial burden as more serious offenses. That approach undermines the carefully calibrated statutory penalty structure enacted by the Legislature. Local governments may not substitute their own policy judgments for those reflected in state law.

¶23 We emphasize that today's decision does not prevent counties from adopting traffic ordinances mirroring state statutes. Nor does it prohibit local prosecution of traffic offenses occurring within county jurisdiction. The limitation concerns only the amount of punishment that may be imposed.

¶24 Counties remain free to enforce substantially similar ordinances using the same penalties established by state law. Indeed, doing so advances the Legislature's objective of consistent statewide enforcement. What they may not do is increase those penalties absent legislative authorization.

¶25 The distinction preserves both local enforcement authority and statewide uniformity. Counties retain flexibility in administering their courts and allocating enforcement resources. The Legislature, however, retains exclusive authority to determine the punishment for conduct it has chosen to regulate.

¶26 Our conclusion is consistent with longstanding principles of statutory preemption. A local ordinance is invalid when it conflicts with state law or frustrates the accomplishment of legislative objectives. Otero County's surcharge does both.

¶27 The conflict is straightforward. State law establishes that speeding twenty-five miles per hour above the posted limit carries a total monetary penalty of two hundred thirty-two dollars. The County's ordinance requires payment of a greater amount for the identical conduct.

¶28 Compliance with both provisions is impossible because the local ordinance necessarily increases the punishment established by statute. The ordinance therefore cannot coexist with the legislative scheme. State law must prevail.

¶29 We reject the County's suggestion that today's decision unduly limits local autonomy. Counties retain broad authority over matters uniquely local in character. The amount of punishment for conduct already regulated by statewide statute is not such a matter.

¶30 Punishment reflects public policy judgments concerning proportionality, deterrence, and fairness. Those judgments belong to the Legislature unless the Constitution provides otherwise. Nothing in this record suggests that authority has been delegated to local governments.

¶31 Our holding extends beyond the facts of this case. The principle announced today applies whenever a county or municipality adopts an ordinance substantially similar to a state statute prescribing a specific monetary penalty. Uniformity requires a consistent rule.

¶32 Accordingly, where state law establishes a fine, surcharge, assessment, or other mandatory monetary penalty, local governments may not impose additional mandatory financial obligations increasing the total amount owed. Such penalties are preempted unless expressly authorized by statute. The rule applies equally to counties, municipalities, and other political subdivisions.

¶33 This limitation does not prohibit reasonable administrative fees authorized elsewhere by law. Nor does it affect court costs, filing fees, or other assessments specifically permitted by statute. Our decision concerns only mandatory financial penalties imposed as punishment for violating substantially similar ordinances.

¶34 The distinction is an important one. A fee supporting court administration differs from a mandatory assessment imposed solely because an individual violated the law. The latter constitutes punishment regardless of the terminology employed.

¶35 Otero County's surcharge falls squarely within that category. It is triggered only upon conviction or payment of a traffic citation and serves no function independent of the underlying offense. It therefore forms part of the penalty imposed upon the offender.

¶36 Courtney was entitled to the protections afforded by state law. Because the County required payment exceeding the statutory maximum, the ordinance operated unlawfully as applied to him. The district court correctly granted declaratory and injunctive relief.

¶37 The Legislature's authority to prescribe punishment would mean little if local governments could routinely increase penalties through mandatory assessments. Such a practice would gradually erode the statewide uniformity the traffic code was designed to achieve. We decline to permit that result.

¶38 Courts must enforce legislative enactments as written rather than revise them according to perceived policy preferences. Whether additional local funding is desirable presents a question for elected lawmakers, not the judiciary. Our role is limited to determining what the law permits.

¶39 Because Otero County imposed a mandatory surcharge increasing the total financial penalty beyond that authorized by SARS § 42-4-1101, Ordinance No. 2022-14 conflicts with state law and is preempted. The same conclusion applies to any substantially similar local ordinance imposing mandatory monetary penalties exceeding those established by the Legislature.

¶40 We therefore hold that counties and municipalities enforcing ordinances substantially similar to state law may not impose fines, surcharges, assessments, or other mandatory monetary penalties greater than those authorized by the corresponding state statute unless the Legislature has expressly granted such authority. The judgment of the District Court is affirmed.

I. Facts and Procedural History

¶41 The facts giving rise to this appeal are not disputed. On September 18, 2025, Plaintiff Elle Courtney was operating her vehicle within the unincorporated area of Otero County when he was stopped by a deputy of the Otero County Sheriff's Office for traveling seventy-five miles per hour in a posted fifty-mile-per-hour zone. The deputy cited Courtney under the corresponding Otero County traffic ordinance, which mirrors SARS § 42-4-1101 governing excessive speed.

¶42 Under SARS § 42-4-1101, exceeding the posted speed limit by twenty-five miles per hour carries a statutory fine of two hundred dollars, a mandatory surcharge of thirty-two dollars, and an assessment of six points against the driver's license of the offender. The statute establishes the monetary penalties applicable to that offense throughout the State of San Andreas.

¶43 At the time the citation was issued, Otero County Ordinance No. 2022-14 required that every traffic citation issued under any county traffic ordinance include an additional mandatory surcharge of one hundred dollars. The surcharge was imposed regardless of the nature of the violation and without regard to whether state law already prescribed a mandatory surcharge.

¶44 Pursuant to that ordinance, Courtney was assessed more than four hundred dollars in total financial penalties for the speeding violation, substantially exceeding the two hundred thirty-two dollars authorized by SARS § 42-4-1101. Courtney paid the citation under protest in order to avoid additional penalties and timely commenced this civil action.

¶45 Courtney filed suit in the District Court of Otero County seeking declaratory and injunctive relief. He alleged that the county ordinance conflicted with state law because it imposed mandatory financial penalties greater than those authorized by the Legislature for substantially identical conduct. Courtney further sought restitution of the unlawfully collected surcharge.

¶46 Otero County answered, asserting that counties possess broad authority to regulate traffic offenses occurring within their jurisdiction and to impose reasonable administrative surcharges necessary to support local law enforcement and judicial operations. The County maintained that the additional surcharge supplemented rather than conflicted with state law.

¶47 Following cross-motions for summary judgment, the district court concluded that SARS § 42-4-1101 established the maximum monetary penalty that could be imposed for speeding offenses substantially identical to those prohibited by state law. The court declared Ordinance No. 2022-14 invalid, permanently enjoined its enforcement, and ordered restitution of the additional surcharges collected from Courtney.

¶48 Otero County appealed directly to this Court, arguing that local governments retain independent authority to establish supplemental mandatory surcharges for violations of county ordinances. Because the appeal presents a recurring question affecting the validity of municipal and county traffic ordinances throughout the State, we granted review.

II. Otero County Ordinance No. 2022-14

¶49 Resolution of this appeal begins with the text of the county ordinance itself. The validity of the ordinance depends not upon its stated purpose, but upon the legal effect of the obligations it imposes. Where the language of an ordinance is clear and unambiguous, courts apply its plain meaning without resort to additional rules of construction.

¶50 Otero County Ordinance No. 2022-14 amended the County Traffic Code by requiring that an additional mandatory surcharge be assessed upon every traffic citation issued under county ordinance. The surcharge applies irrespective of the severity of the offense and without regard to whether state law already prescribes a mandatory surcharge for the same conduct. The ordinance provides in relevant part:

¶51 Section 5. Mandatory Traffic Surcharge. In addition to any fine, fee, penalty, or surcharge otherwise imposed by law or ordinance, every person convicted of, pleading guilty to, or paying a penalty assessment for any violation of the Otero County Traffic Code shall pay a mandatory surcharge of one hundred dollars ($100.00). Such surcharge shall be collected by the clerk of the court and deposited into the Otero County Public Safety Fund. The surcharge imposed by this section shall apply to every traffic offense prosecuted under county ordinance unless expressly exempted by this Code.

¶52 By its plain language, the ordinance requires that the one-hundred-dollar surcharge be imposed in every qualifying case. Neither the issuing officer nor the court possesses discretion to waive or reduce the assessment. The surcharge is mandatory in every respect.

¶53 The ordinance likewise applies "[i]n addition to any fine, fee, penalty, or surcharge otherwise imposed by law or ordinance." Consequently, the County expressly contemplated that the mandatory assessment would be added to statutory penalties already established by the Legislature. The ordinance therefore does not replace the punishment prescribed by state law; it increases it.

¶54 That increase is dispositive. SARS § 42-4-1101 establishes that a person traveling twenty-five miles per hour above the posted speed limit shall be subject to a two-hundred-dollar fine together with a mandatory thirty-two-dollar surcharge. By requiring an additional one-hundred-dollar payment for the identical conduct, the County ordinance authorizes a financial penalty exceeding the amount fixed by the Legislature.

¶55 The County argues that the ordinance merely creates a local revenue measure supporting traffic enforcement and court operations. The text of the ordinance, however, demonstrates otherwise. The surcharge is triggered exclusively by the commission of a traffic offense, is mandatory upon conviction or payment of a penalty assessment, and increases the amount an offender must pay because of the violation. Whatever its stated purpose, the surcharge functions as an additional component of the punishment imposed for the offense.

¶56 Courts look beyond legislative labels to the practical operation of an enactment. A monetary assessment imposed solely upon persons found responsible for violating the law constitutes part of the legal penalty regardless of whether it is designated a fine, surcharge, assessment, administrative fee, or public safety contribution. The County cannot avoid statutory limitations simply by assigning the additional punishment a different name.

¶57 Accordingly, the ordinance, by its own terms, imposes a mandatory financial penalty beyond that authorized by state law. It is this direct conflict with the Legislature's comprehensive penalty scheme—not the County's motive in adopting the ordinance—that renders the enactment invalid.

III. Statewide Uniformity

¶58 Traffic regulation has long been recognized as an area requiring substantial statewide uniformity.

¶59 Although counties and municipalities possess authority to adopt traffic ordinances, that authority exists only insofar as local enactments remain consistent with state law.

¶60 SARS § 42-4-1101 establishes a detailed schedule of fines based upon the severity of each speeding offense.

¶61 The Legislature likewise determined the applicable mandatory surcharge accompanying those fines.

¶62 Nothing within the statutory framework authorizes local governments to impose additional mandatory financial penalties beyond those expressly established by statute.

¶63 Had the Legislature intended to permit counties to add supplemental surcharges, it could easily have done so.

¶64 It did not.

¶65 Courts are not free to insert authority deliberately omitted by the Legislature.

IV. Conflict with State Law

¶66 Courtney's violation illustrates the conflict.

¶67 Driving twenty-five miles per hour above the posted speed limit carries a statutory fine of two hundred dollars.

¶68 State law further imposes a mandatory surcharge of thirty-two dollars.

¶69 Accordingly, the maximum financial penalty authorized by SARS § 42-4-1101 for this offense is two hundred thirty-two dollars.

¶70 Otero County nevertheless required Courtney to pay substantially more than that amount solely because the citation was issued under county ordinance.

¶71 The County's ordinance therefore transforms a statutory maximum into merely a starting point.

¶72 Such a result cannot be reconciled with the Legislature's comprehensive penalty schedule.

¶73 Local governments possess no authority to increase statutory punishment for conduct the Legislature has already regulated.

¶74 To hold otherwise would permit identical conduct to carry dramatically different financial consequences depending solely upon the jurisdiction in which the citation was issued.

¶75 One driver exceeding the speed limit by twenty-five miles per hour could owe two hundred thirty-two dollars in one county while another owes over four hundred dollars in the neighboring county.

¶76 Uniform statewide traffic laws cannot function under such a system.

V. Preemption

¶77 State law preempts local enactments when the Legislature has occupied the field or where local law conflicts with statutory requirements.

¶78 Here, both circumstances are present.

¶79 SARS § 42-4-1101 establishes an exhaustive schedule governing speeding penalties.

¶80 Otero County's ordinance directly conflicts with that schedule by imposing a mandatory financial obligation exceeding the amount authorized by statute.

¶81 Compliance with both laws is impossible.

¶82 A driver cannot simultaneously pay both the statutory maximum of two hundred thirty-two dollars and a mandatory local surcharge increasing that amount.

¶83 The county ordinance therefore yields under ordinary principles of statutory preemption.

VI. Application Beyond Speeding Violations

¶84 Today's holding is not limited to speeding offenses.

¶85 The principle announced today applies to every county and municipal ordinance substantially similar to a state criminal or traffic statute for which the Legislature has prescribed a monetary fine.

¶86 Where state law establishes a specific fine or maximum monetary penalty for prohibited conduct, local governments may not impose additional mandatory fines, surcharges, assessments, or similar financial penalties that increase the total amount beyond that authorized by statute.

¶87 Local governments remain free to prosecute violations under their own ordinances and to collect those fines authorized by law.

¶88 They may not redefine the Legislature's chosen punishment.

¶89 Nor may they accomplish indirectly through mandatory surcharges what they lack authority to accomplish directly through increased fines.

VII. Home Rule

¶90 Otero County argues that invalidating the ordinance improperly limits local fiscal authority.

¶91 We disagree.

¶92 Counties undoubtedly possess broad authority to regulate matters of local concern.

¶93 Funding county government, however, cannot come through penalties the Legislature has expressly fixed.

¶94 The General Assembly determined the proper punishment for speeding violations.

¶95 Counties may not treat statutory penalties as revenue-generating opportunities subject to local modification.

¶96 Fiscal concerns cannot override legislative command.

VIII. Conclusion

¶97 The Legislature established a uniform statewide schedule of monetary penalties under SARS § 42-4-1101.

¶98 Otero County exceeded its authority by imposing an additional mandatory surcharge that increased the total financial penalty beyond the amount authorized by state law.

¶99 Because the ordinance conflicts with state law, it is preempted and therefore invalid.

¶100 We further hold that whenever state law prescribes a monetary penalty for conduct prohibited under substantially similar county or municipal ordinances, local governments may not impose fines, mandatory surcharges, or other financial assessments that exceed the maximum penalty established by the Legislature.

¶101 The judgment of the District Court is affirmed.

¶102 Otero County is permanently enjoined from enforcing Ordinance No. 2022-14 or any substantially similar ordinance imposing mandatory financial penalties exceeding those authorized by state law.

¶103 The matter is remanded for proceedings consistent with this opinion, including restitution of all unlawfully collected surcharges assessed pursuant to the ordinance.