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SENATE BILL 7

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO DRIVER'S LICENSES; CHANGING THE PENALTIES FOR THE  
SUSPENSION OF A DRIVER'S LICENSE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-5-25 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 247, as amended) is amended to read:

"66-5-25. SUSPENDING PRIVILEGES OF NONRESIDENTS--  
REPORTING CONVICTIONS [~~FAILURES TO APPEAR--FAILURES TO PAY~~].--

A. The privilege of driving a motor vehicle on the  
highways of this state given to a nonresident shall be subject  
to suspension or revocation by the division in like manner and  
for like cause as a driver's license may be suspended or  
revoked.

B. The division is further authorized, upon  
receiving a record of the conviction in this state of a

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1 nonresident driver of a motor vehicle of any offense under the  
2 motor vehicle laws of this state, [~~or of notice of failure to~~  
3 ~~appear or upon determination by the division of failure to pay~~  
4 ~~a penalty assessment~~] to forward the record to the motor  
5 vehicle administrator in the state wherein the person so  
6 convicted is a resident.

7 C. Upon a request by a tribe, the division is  
8 authorized to forward to a tribal court or other authority, as  
9 specified in an applicable intergovernmental agreement, the  
10 record of the conviction in this state of a resident driver of  
11 a motor vehicle, who is subject to the jurisdiction of the  
12 tribe, of any offense under the Motor Vehicle Code [~~or of~~  
13 ~~notice of failure to appear or upon determination by the~~  
14 ~~division of a failure to pay a penalty assessment~~]."

15 SECTION 2. Section 66-5-26 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 248, as amended) is amended to read:

17 "66-5-26. SUSPENDING RESIDENT'S LICENSE [~~CONVICTION~~  
18 ~~FAILURE TO APPEAR--FAILURE TO PAY IN ANOTHER STATE OR TRIBAL~~  
19 ~~JURISDICTION]~~--AUTOMATIC REINSTATEMENT WITHOUT FEE.--

20 A. The division is authorized to suspend or revoke  
21 the license of a resident of this state or the privilege of a  
22 nonresident to drive a motor vehicle in this state upon  
23 receiving notice of the conviction of such person in another  
24 state or by a tribe of an offense that if committed within the  
25 jurisdiction of this state, would be grounds for the suspension

.218172.2

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1 or revocation of the license of a driver.

2 ~~[B. In addition, the division is authorized to~~  
3 ~~suspend the license of a resident of this state, or the~~  
4 ~~privilege of a nonresident to drive a motor vehicle in this~~  
5 ~~state, upon receiving notice of failure to appear or pay a~~  
6 ~~penalty assessment imposed by a tribe or imposed in another~~  
7 ~~state that is a signatory of the Nonresident Violator Compact~~  
8 ~~with New Mexico.]~~

9 B. A person whose driver's license was suspended  
10 solely for nonpayment or failure to appear prior to July 1,  
11 2021, and who is otherwise eligible to drive, may have the  
12 person's driver's license reinstated and shall not be required  
13 to pay a reinstatement fee."

14 SECTION 3. Section 66-5-30 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 252, as amended) is amended to read:

16 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE  
17 LICENSE.--

18 A. The division may suspend the instruction permit,  
19 driver's license or provisional license of a driver without  
20 preliminary hearing upon a showing by its records or other  
21 sufficient evidence, including information provided to the  
22 state pursuant to an intergovernmental agreement authorized by  
23 Section 66-5-27.1 NMSA 1978, that the licensee:

24 (1) has been convicted of an offense for which  
25 mandatory revocation of license is required upon conviction;

.218172.2

1                   (2) has been convicted as a driver in an  
2 accident resulting in the death or personal injury of another  
3 or serious property damage;

4                   (3) has been convicted with such frequency of  
5 offenses against traffic laws or rules governing motor vehicles  
6 as to indicate a disrespect for traffic laws and a disregard  
7 for the safety of other persons on the highways;

8                   (4) is an habitually reckless or negligent  
9 driver of a motor vehicle;

10                   (5) is incompetent to drive a motor vehicle;

11                   (6) has permitted an unlawful or fraudulent  
12 use of the license;

13                   (7) has been convicted of an offense in  
14 another state or tribal jurisdiction that if committed within  
15 this state's jurisdiction would be grounds for suspension or  
16 revocation of the license;

17                   (8) has violated provisions stipulated by a  
18 district court in limitation of certain driving privileges; or

19                   (9) has accumulated seven points, but less  
20 than eleven points, and when the division has received a  
21 recommendation from a municipal or magistrate judge that the  
22 license be suspended for a period not to exceed three months.

23                   B. The division may issue an administrative  
24 suspension of the instruction permit, driver's license or  
25 provisional license of a driver without preliminary hearing

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1 upon a showing by its records or other sufficient evidence,  
2 including information provided to the state pursuant to an  
3 intergovernmental agreement authorized by Section 66-5-27.1  
4 NMSA 1978, that the licensee has failed to

5 ~~[(1) fulfill a signed promise to appear or~~  
6 ~~notice to appear in court as evidenced by notice from a state~~  
7 ~~court or tribal court, whenever appearance is required by law~~  
8 ~~or by the court as a consequence of a charge or conviction~~  
9 ~~under the Motor Vehicle Code or pursuant to the laws of the~~  
10 ~~tribe;~~

11 ~~(2) pay a penalty assessment within thirty~~  
12 ~~days of the date of issuance by the state or a tribe; or~~

13 ~~(3)]~~ comply with the terms of a citation issued  
14 in a foreign jurisdiction that is a party to the Nonresident  
15 Violator Compact and that has notified the department of the  
16 failure in accordance with the Nonresident Violator Compact.

17 C. If a person whose license was issued by a  
18 jurisdiction outside New Mexico that is a party to the  
19 Nonresident Violator Compact fails to comply with the terms of  
20 a citation issued in New Mexico, the department shall notify  
21 that other jurisdiction of the failure and that jurisdiction  
22 shall initiate a license suspension action in accordance with  
23 the provisions of Article IV of the Nonresident Violator  
24 Compact.

25 D. Upon suspending the license of a person as

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1 authorized in this section, the division shall immediately  
2 notify the licensee in writing of the licensee's right to a  
3 hearing before the administrative hearings office and, upon the  
4 licensee's request, shall notify the administrative hearings  
5 office. The administrative hearings office shall schedule the  
6 hearing to take place as early as practicable, but within no  
7 more than twenty days, not counting Saturdays, Sundays and  
8 legal holidays after receipt of the request. The hearing shall  
9 be held in the county in which the licensee resides unless the  
10 hearing officer and the licensee agree that the hearing may be  
11 held in some other county; provided that the hearing request is  
12 received within twenty days from the date that the suspension  
13 was deposited in the United States mail. The hearing officer  
14 may, in the hearing officer's discretion, extend the twenty-day  
15 period. The hearing shall be held as provided in the  
16 Administrative Hearings Office Act. After the hearing, the  
17 hearing officer shall either rescind the order of suspension or  
18 continue, modify or extend the suspension of the license or  
19 revoke the license."

20 SECTION 4. Section 66-5-32 NMSA 1978 (being Laws 1978,  
21 Chapter 35, Section 254, as amended) is amended to read:

22 "66-5-32. PERIOD OF SUSPENSION OR REVOCATION.--

23 A. The division shall not suspend a driver's  
24 license or privilege to drive a motor vehicle on the public  
25 highways for a period of more than one year except as permitted

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1 under [~~Subsection C of this section and~~] Sections 60-7B-1,  
2 66-5-5, 66-5-39 and 66-5-39.1 NMSA 1978.

3 B. Except as provided in the Ignition Interlock  
4 Licensing Act, a person whose license or privilege to drive a  
5 motor vehicle on the public highways has been revoked shall not  
6 be entitled to have the license or privilege renewed or  
7 restored unless the revocation was for a cause that has been  
8 removed, except that after the expiration of the periods  
9 specified in Subsections B and C of Section 66-5-29 NMSA 1978  
10 from the date on which the revoked license was surrendered to  
11 and received by the division, the person may make application  
12 for a new license as provided by law.

13 [~~G. The suspension period for failure to appear or  
14 failure to remit the penalty assessment shall, at the  
15 discretion of the director, be extended indefinitely subject to  
16 the provisions of Subsection B of Section 66-5-30 NMSA 1978.]"~~