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AN ACT
RELATING TO CREDENTIALS; ENACTING THE ELECTRONIC CREDENTIALS
ACT TO ALLOW THE TAXATION AND REVENUE DEPARTMENT TO ISSUE
ELECTRONIC CREDENTIALS FOR DRIVER'S LICENSES AND
IDENTIFICATION CARDS.

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

SECTION 1. Section 66-1-4.3 NMSA 1978 (being Laws 1990,
Chapter 120, Section 4, as amended) is amended to read:

"66-1-4.3. DEFINITIONS.--As used in the Motor Vehicle
Code:

A. "camping body" means a vehicle body primarily
designed or converted for use as temporary living quarters
for recreational, camping or travel activities excluding
recreational vehicles unless used in commerce;

B. "camping trailer" means a camping body, mounted
on a chassis, or frame with wheels, designed to be drawn by
another vehicle and that has collapsible partial side walls
that fold for towing and unfold at the campsite;

C. "cancellation" means that a driver's license is
annulled and terminated because of some error or defect or
because the licensee is no longer entitled to the license,
but cancellation of a license is without prejudice, and
application for a new license may be made at any time after
cancellation;

1 D. "casual sale" means the sale of a motor vehicle
2 by the registered owner of the vehicle if the owner has not
3 sold more than four vehicles in that calendar year;

4 E. "chassis" means the complete motor vehicle,
5 including standard factory equipment, exclusive of the body
6 and cab;

7 F. "collector" means a person who is the owner of
8 one or more vehicles of historic or special interest who
9 collects, purchases, acquires, trades or disposes of these
10 vehicles or parts thereof for the person's own use in order
11 to preserve, restore and maintain a similar vehicle for hobby
12 purposes;

13 G. "combination" means any connected assemblage of
14 a motor vehicle and one or more semitrailers, trailers or
15 semitrailers converted to trailers by means of a converter
16 gear;

17 H. "combination gross vehicle weight" means the
18 sum total of the gross vehicle weights of all units of a
19 combination;

20 I. "commerce" means the transportation of persons,
21 property or merchandise for hire, compensation, profit or in
22 the furtherance of a commercial enterprise in this state or
23 between New Mexico and a place outside New Mexico, including
24 a place outside the United States;

25 J. "commercial motor vehicle" means a

1 self-propelled or towed vehicle, other than special mobile
2 equipment, used on public highways in commerce to transport
3 passengers or property when the vehicle:

4 (1) is operated interstate and has a gross
5 vehicle weight rating or gross combination weight rating, or
6 gross vehicle weight or gross combination weight, of four
7 thousand five hundred thirty-six kilograms, or ten thousand
8 one pounds or more; or is operated only in intrastate
9 commerce and has a gross vehicle weight rating or gross
10 combination weight rating, or gross vehicle weight or gross
11 combination weight, of twenty-six thousand one or more
12 pounds;

13 (2) is designed or used to transport more
14 than eight passengers, including the driver, and is used to
15 transport passengers for compensation;

16 (3) is designed or used to transport sixteen
17 or more passengers, including the driver, and is not used to
18 transport passengers for compensation; or

19 (4) is used to transport hazardous materials
20 of the type or quantity requiring placarding under rules
21 prescribed by applicable federal or state law;

22 K. "controlled-access highway" means every
23 highway, street or roadway in respect to which owners or
24 occupants of abutting lands and other persons have no legal
25 right of access to or from the highway, street or roadway

1 except at those points only and in the manner as may be
2 determined by the public authority having jurisdiction over
3 the highway, street or roadway;

4 L. "controlled substance" means any substance
5 defined in Section 30-31-2 NMSA 1978 as a controlled
6 substance;

7 M. "converter gear" means any assemblage of one or
8 more axles with a fifth wheel mounted thereon, designed for
9 use in a combination to support the front end of a
10 semitrailer but not permanently attached thereto. A
11 converter gear shall not be considered a vehicle, as that
12 term is defined in Section 66-1-4.19 NMSA 1978, but weight
13 attributable thereto shall be included in declared gross
14 weight;

15 N. "conviction":

16 (1) means:

17 (a) a finding of guilt in the trial
18 court in regard to which the violator has waived or exhausted
19 all rights to appeal;

20 (b) a plea of guilty or nolo contendere
21 accepted by the court;

22 (c) an unvacated forfeiture of bail or
23 collateral deposited to secure a person's appearance in
24 court; or

25 (d) the promise to mail a payment on a

1 penalty assessment; and

2 (2) does not include a conditional discharge
3 as provided in Section 31-20-13 NMSA 1978 or a deferred
4 sentence when the terms of the deferred sentence are met;

5 O. "credential holder" means a person who has been
6 issued a physical or an electronic credential;

7 P. "crosswalk" means:

8 (1) that part of a roadway at an
9 intersection included within the connections of the lateral
10 lines of the sidewalks on opposite sides of the highway
11 measured from the curbs or, in the absence of curbs, from the
12 edges of the traversable roadway; and

13 (2) any portion of a roadway at an
14 intersection or elsewhere distinctly indicated for pedestrian
15 crossing by lines or other markings on the surface; and

16 Q. "curb cut" means a short ramp through a curb or
17 built up to the curb."

18 SECTION 2. Section 66-1-4.4 NMSA 1978 (being Laws 1990,
19 Chapter 120, Section 5, as amended) is amended to read:

20 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle
21 Code:

22 A. "data element" means a distinct component of a
23 customer's information that is found on the department's
24 customer record;

25 B. "day" means calendar day, unless otherwise

1 provided in the Motor Vehicle Code;

2 C. "dealer", except as specifically excluded,
3 means any person who sells or solicits or advertises the sale
4 of new or used motor vehicles, manufactured homes or trailers
5 subject to registration in this state; "dealer" does not
6 include:

7 (1) receivers, trustees, administrators,
8 executors, guardians or other persons appointed by or acting
9 under judgment, decree or order of any court;

10 (2) public officers while performing their
11 duties as such officers;

12 (3) persons making casual sales of their own
13 vehicles;

14 (4) finance companies, banks and other
15 lending institutions making sales of repossessed vehicles; or

16 (5) licensed brokers under the Manufactured
17 Housing Act who, for a fee, commission or other valuable
18 consideration, engage in brokerage activities related to the
19 sale, exchange or lease purchase of pre-owned manufactured
20 homes on a site installed for a consumer;

21 D. "declared gross weight" means the maximum gross
22 vehicle weight or gross combination vehicle weight at which a
23 vehicle or combination will be operated during the
24 registration period, as declared by the registrant for
25 registration and fee purposes; the vehicle or combination

1 shall have only one declared gross weight for all operating
2 considerations;

3 E. "department" means the taxation and revenue
4 department, the secretary of taxation and revenue or any
5 employee of the department exercising authority lawfully
6 delegated to that employee by the secretary;

7 F. "designated accessible parking space for
8 persons with significant mobility limitation" means any
9 space, including an access aisle, that is marked and reserved
10 for the parking of a passenger vehicle that carries
11 registration plates or a parking placard with the
12 international symbol of access issued in accordance with
13 Section 66-3-16 NMSA 1978 and that is designated by a
14 conspicuously posted sign bearing the international symbol of
15 access and, if the parking space is paved, by a clearly
16 visible depiction of this symbol painted in blue on the
17 pavement of the space;

18 G. "director" means the secretary;

19 H. "disqualification" means a prohibition against
20 driving a commercial motor vehicle;

21 I. "distinguishing number" means the number
22 assigned by the department to a vehicle whose identifying
23 number has been destroyed or obliterated or the number
24 assigned by the department to a vehicle that has never had an
25 identifying number;

1 J. "distributor" means a person who distributes or
2 sells new or used motor vehicles to dealers and who is not a
3 manufacturer;

4 K. "division", without further specification,
5 "division of motor vehicles" or "motor vehicle division"
6 means the department;

7 L. "driveaway-towaway operation" means an
8 operation in which any motor vehicle, new or used, is the
9 item being transported when one set or more of wheels of any
10 such motor vehicle is on the roadway during the course of
11 transportation, whether or not the motor vehicle furnishes
12 the motive power;

13 M. "driver" means every person who drives or is in
14 actual physical control of a motor vehicle, including a
15 motorcycle, upon a highway, who is exercising control over or
16 steering a vehicle being towed by a motor vehicle or who
17 operates or is in actual physical control of an off-highway
18 motor vehicle;

19 N. "driver-assisted platoon" means a series of
20 motor vehicles platooning with a driver in each vehicle;

21 O. "driver's license" means any license, permit or
22 driving authorization card issued by a state or other
23 jurisdiction recognized under the laws of New Mexico
24 pertaining to the authorizing of persons to operate motor
25 vehicles and includes a REAL ID-compliant driver's license

1 and a standard driver's license; and

2 P. "dynamic driving task" means all of the
3 real-time operational and tactical functions required to
4 operate a vehicle in on-road traffic, excluding the strategic
5 functions such as trip scheduling and selection of
6 destinations and waypoints."

7 SECTION 3. Section 66-1-4.5 NMSA 1978 (being Laws 1990,
8 Chapter 120, Section 6, as amended) is amended to read:

9 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle
10 Code:

11 A. "electric-assisted bicycle" means a vehicle
12 having two or three wheels, fully operable pedals and an
13 electric motor. Electric-assisted bicycles are classified as
14 follows:

15 (1) "class 1 electric-assisted bicycle"
16 means an electric-assisted bicycle equipped with a motor not
17 exceeding seven hundred fifty watts of power that provides
18 assistance only when the rider is pedaling and that ceases to
19 provide assistance when the bicycle reaches a speed of twenty
20 miles per hour;

21 (2) "class 2 electric-assisted bicycle"
22 means an electric-assisted bicycle equipped with a motor not
23 exceeding seven hundred fifty watts of power that provides
24 assistance regardless of whether the rider is pedaling but
25 ceases to provide assistance when the bicycle reaches a speed

1 of twenty miles per hour; and

2 (3) "class 3 electric-assisted bicycle"

3 means an electric-assisted bicycle equipped with a motor not
4 exceeding seven hundred fifty watts of power that provides
5 assistance only when the rider is pedaling and that ceases to
6 provide assistance when the bicycle reaches a speed of
7 twenty-eight miles per hour;

8 B. "electric mobility device" means a two- or
9 three-wheel vehicle with an electric motor for propulsion
10 that does not meet the definition of an electric-assisted
11 bicycle and is capable of exceeding a speed of twenty miles
12 per hour on motor power alone;

13 C. "electric personal assistive mobility device"
14 means a self-balancing device having two nontandem wheels
15 designed to transport a single person by means of an electric
16 propulsion system with an average power of one horsepower and
17 with a maximum speed on a paved level surface of less than
18 twenty miles per hour when powered solely by its propulsion
19 system and while being ridden by an operator who weighs one
20 hundred seventy pounds;

21 D. "electronic credential" means an electronic
22 extension of the department-issued physical credential that
23 conveys identity and driving privilege information;

24 E. "electronic credential system" means a digital
25 process that includes a method for loading electronic

1 credentials onto a device, issuing electronic credentials,
2 requesting and transmitting electronic credential data
3 elements and performing tasks to maintain the system;

4 F. "essential parts" means all integral and body
5 parts of a vehicle of a type required to be registered by the
6 provisions of the Motor Vehicle Code, the removal, alteration
7 or substitution of which would tend to conceal the identity
8 of the vehicle or substantially alter its appearance, model,
9 type or mode of operation;

10 G. "established place of business", for a dealer
11 or auto recycler, means a place:

12 (1) devoted exclusively to the business for
13 which the dealer or auto recycler is licensed and related
14 business;

15 (2) identified by a prominently displayed
16 sign giving the dealer's or auto recycler's trade name used
17 by the business;

18 (3) of sufficient size or space to permit
19 the display of one or more vehicles or to permit the parking
20 or storing of vehicles to be dismantled or wrecked for
21 recycling;

22 (4) on which there is located an enclosed
23 building on a permanent foundation, which building meets the
24 building requirements of the community and is large enough to
25 accommodate the office or offices of the dealer or auto

1 recycler and large enough to provide a safe place to keep the
2 books and records of the dealer or auto recycler;

3 (5) where the principal portion of the
4 business of the dealer or auto recycler is conducted and
5 where the books and records of the business are kept and
6 maintained; and

7 (6) where vehicle sales are of new vehicles
8 only, such as a department store or a franchisee of a
9 department store, as long as the department store or
10 franchisee keeps the books and records of its vehicle
11 business in a general office location at its place of
12 business; as used in this paragraph, "department store" means
13 a business that offers a variety of merchandise other than
14 vehicles, and sales of the merchandise other than vehicles
15 constitute at least eighty percent of the gross sales of the
16 business; and

17 H. "explosives" means any chemical compound or
18 mechanical mixture that is commonly used or intended for the
19 purpose of producing an explosion and that contains any
20 oxidizing and combustive units or other ingredients in such
21 proportions, quantities or packing that an ignition by fire,
22 friction, concussion, percussion or detonator of any part of
23 the compound or mixture may cause such a sudden generation of
24 highly heated gases that the resultant gaseous pressures are
25 capable of producing destructive effects on contiguous

1 objects or of destroying life or limb."

2 SECTION 4. Section 66-1-4.15 NMSA 1978 (being Laws
3 1990, Chapter 120, Section 16, as amended) is amended to
4 read:

5 "66-1-4.15. DEFINITIONS.--As used in the Motor Vehicle
6 Code:

7 A. "railroad" means a carrier of persons or
8 property upon cars operated upon stationary rails;

9 B. "railroad sign or signal" means any sign,
10 signal or device erected by authority of a public body or
11 official or by a railroad and intended to give notice of the
12 presence of railroad tracks or the approach of a railroad
13 train;

14 C. "railroad train" means a steam engine, electric
15 or other motor, with or without cars coupled thereto,
16 operated upon rails;

17 D. "REAL ID-compliant driver's license" means a
18 license or a class of license issued by a state or other
19 jurisdiction pertaining to the authorizing of persons to
20 operate motor vehicles and that meets federal requirements to
21 be accepted by federal agencies for official federal
22 purposes;

23 E. "REAL ID-compliant identification card" means
24 an identification card that meets federal requirements to be
25 accepted by federal agencies for official federal purposes;

1 F. "reconstructed vehicle" means any vehicle
2 assembled or constructed largely by means of essential parts,
3 new or used, derived from other vehicles or that, if
4 originally otherwise assembled or constructed, has been
5 materially altered by the removal of essential parts, new or
6 used;

7 G. "recreational travel trailer" means a camping
8 body designed to be drawn by another vehicle;

9 H. "recreational vehicle" means a vehicle with a
10 camping body that has its own motive power, is affixed to or
11 is drawn by another vehicle and includes motor homes, travel
12 trailers and truck campers;

13 I. "registration" means registration certificates
14 and registration plates issued under the laws of New Mexico
15 pertaining to the registration of vehicles;

16 J. "registration number" means the number assigned
17 upon registration by the division to the owner of a vehicle
18 or motor vehicle required to be registered by the Motor
19 Vehicle Code;

20 K. "registration plate" means the plate, marker,
21 sticker or tag assigned by the division for the
22 identification of the registered vehicle;

23 L. "relying party" means an entity to which a
24 credential holder is presenting an electronic credential;

25 M. "residence district" means the territory

1 contiguous to and including a highway not comprising a
2 business district when the property on the highway for a
3 distance of three hundred feet or more is in the main
4 improved with residences or residences and buildings in use
5 for business;

6 N. "revocation" means that the driver's license
7 and privilege to drive a motor vehicle on the public highways
8 are terminated and shall not be renewed or restored, except
9 that an application for a new license may be presented to and
10 acted upon by the division after the expiration of at least
11 one year after date of revocation;

12 O. "right of way" means the privilege of the
13 immediate use of the roadway;

14 P. "road tractor" means every motor vehicle
15 designed and used primarily for drawing other vehicles and
16 constructed not to carry a significant load on the road
17 tractor, either independently or as any part of the weight of
18 a vehicle or load drawn; and

19 Q. "roadway" means that portion of a street or
20 highway improved, designed or ordinarily used for vehicular
21 travel, exclusive of the berm or shoulder; when a highway
22 includes two or more separate roadways, the term "roadway"
23 refers to each roadway separately but not to all of the
24 roadways collectively."

1 1990, Chapter 120, Section 20, as amended) is amended to
2 read:

3 "66-1-4.19. DEFINITIONS.--As used in the Motor Vehicle
4 Code:

5 A. "validating sticker" means the tab or sticker
6 issued by the division to signify, upon a registration plate,
7 renewed registration;

8 B. "vehicle" means every device in, upon or by
9 which any person or property is or may be transported or
10 drawn upon a highway, including any frame, chassis, body or
11 unitized frame and body of any vehicle or motor vehicle,
12 except devices moved exclusively by human power or used
13 exclusively upon stationary rails or tracks;

14 C. "vehicle-business number" means the distinctive
15 registration number given by the division to any
16 manufacturer, auto recycler or dealer;

17 D. "vehicle plate" means a plate, marker, sticker
18 or tag similar to a registration plate, but that is issued by
19 the department for vehicles that are exempted from
20 registration under the Motor Vehicle Code; and

21 E. "verification process" means a method of
22 authenticating an electronic credential through the use of
23 secure and encrypted communication."

24 SECTION 6. Section 66-5-16 NMSA 1978 (being Laws 1978,
25 Chapter 35, Section 238, as amended) is amended to read:

1 "66-5-16. PHYSICAL LICENSE TO BE CARRIED AND EXHIBITED
2 ON DEMAND.--Every licensee shall have the licensee's driver's
3 license in its physical form in the licensee's immediate
4 possession at all times when operating a motor vehicle and
5 shall display the license in its physical form upon demand of
6 a magistrate, a peace officer or a field deputy or inspector
7 of the division. A person who violates the provisions of
8 this section is guilty of a penalty assessment misdemeanor;
9 however, a person charged with violating this section shall
10 not be convicted if the person produces in court a driver's
11 license in its physical form issued to the person and valid
12 at the time of the person's citation."

13 SECTION 7. A new Section 66-5-601 NMSA 1978 is enacted
14 to read:

15 "66-5-601. SHORT TITLE.--Sections 66-5-601 through
16 66-5-608 NMSA 1978 may be cited as the "Electronic
17 Credentials Act"."

18 SECTION 8. A new Section 66-5-602 NMSA 1978 is enacted
19 to read:

20 "66-5-602. ELECTRONIC CREDENTIALS.--

21 A. The department may issue an electronic
22 credential to a person in addition to a physical driver's
23 license or physical identification card if the department has
24 issued to the person:

25 (1) a driver's license; or

1 (2) an identification card.

2 B. An electronic credential that is not processed
3 through a state-approved application on a device is not a
4 valid electronic credential.

5 C. The department shall set the validity period of
6 an electronic credential."

7 SECTION 9. A new Section 66-5-603 NMSA 1978 is enacted
8 to read:

9 "66-5-603. AGREEMENTS FOR ISSUANCE, USE AND
10 VERIFICATION PROCESS.--The department may enter into
11 agreements with an agency of the state, another state or the
12 United States to facilitate the issuance, use and
13 verification process of electronic credentials issued by the
14 department or another state."

15 SECTION 10. A new Section 66-5-604 NMSA 1978 is enacted
16 to read:

17 "66-5-604. PHYSICAL POSSESSION OF DEVICE.--The
18 department shall design the electronic credential in a manner
19 that allows the credential holder to maintain physical
20 possession of the device on which the electronic credential
21 is accessed during verification."

22 SECTION 11. A new Section 66-5-605 NMSA 1978 is enacted
23 to read:

24 "66-5-605. CONSENT TO ACCESS.--Access to the credential
25 holder's data by a relying party shall require the credential

1 holder's consent."

2 SECTION 12. A new Section 66-5-606 NMSA 1978 is enacted
3 to read:

4 "66-5-606. ADMINISTRATION OF ELECTRONIC CREDENTIAL
5 SYSTEM.--A third party may administer on behalf of the
6 department a system developed to facilitate the issuance,
7 verification and use of electronic credentials."

8 SECTION 13. A new Section 66-5-607 NMSA 1978 is enacted
9 to read:

10 "66-5-607. FEE.--The department may charge a fee for
11 the loading of an electronic credential onto a device."

12 SECTION 14. A new Section 66-5-608 NMSA 1978 is enacted
13 to read:

14 "66-5-608. RULES.--The department may promulgate rules
15 that it deems necessary or appropriate to implement the
16 provisions of the Electronic Credentials Act."

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