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AN ACT
RELATING TO MOTOR VEHICLES; AMENDING THE TIME THAT
CONVICTIONS ARE KEPT ON RECORD FOR HOLDERS OF COMMERCIAL
DRIVER'S LICENSES TO BE DOUBLE THE TIME REQUIRED FOR OTHER
DRIVER'S LICENSE HOLDERS.

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

SECTION 1. Section 66-8-135 NMSA 1978 (being Laws 1978,
Chapter 35, Section 543, as amended) is amended to read:

"66-8-135. RECORD OF TRAFFIC CASES.--

A. Every trial court judge shall keep a record of
every traffic complaint, uniform traffic citation and other
form of traffic charge filed in the judge's court or its
traffic violations bureau and every official action and
disposition of the charge by that court.

B. The court shall notify the department if a
defendant fails to appear on a charge of violating the Motor
Vehicle Code or other law or ordinance relating to motor
vehicles.

C. Within ten days of the later of entry of a
final disposition on a conviction for violation of the Motor
Vehicle Code or other law or ordinance relating to motor
vehicles or the final decision of any higher court that
reviews the matter and from which no appeal or review is
successfully taken, every trial court judge, including

1 children's court judges, or the clerk of the court in which
2 the entry of the final disposition occurred shall prepare and
3 forward to the department an abstract of the record
4 containing:

5 (1) the name and address of the defendant;

6 (2) the specific section number and common
7 name of the provision of the NMSA 1978 or local law,
8 ordinance or regulation under which the defendant was tried;

9 (3) the plea, finding of the court and
10 disposition of the charge, including a fine or jail sentence
11 or both;

12 (4) total costs assessed to the defendant;

13 (5) the date of the hearing;

14 (6) the court's name and address;

15 (7) whether the defendant was a first or
16 subsequent offender; and

17 (8) whether the defendant was represented by
18 counsel or waived the right to counsel and, if represented,
19 the name and address of counsel.

20 D. The abstract of record prepared and forwarded
21 under Subsection C of this section shall be certified as
22 correct by the person required to prepare it. With the prior
23 approval of the department, the information required by
24 Subsection C of this section may be transmitted
25 electronically to the department. A report need not be made

1 of any disposition of a charge of illegal parking or standing
2 of a vehicle except when the uniform traffic citation is
3 used.

4 E. When the uniform traffic citation is used, the
5 court shall provide the information required by Subsection C
6 of this section in the manner prescribed by the department.

7 F. Every court of record shall also forward a like
8 report to the department upon conviction of any person of any
9 felony if a motor vehicle was used in the commission. With
10 the prior approval of the department, the information
11 required by this subsection may be submitted electronically
12 to the department. The report shall be forwarded to the
13 department within ten days of the final decision of the court
14 or of any higher court that reviews the matter and from which
15 the decision of no appeal or review is successfully taken.

16 G. The willful failure or refusal of any judicial
17 officer to comply with this section is misconduct in office
18 and grounds for removal.

19 H. Except as set forth in Subsection I of this
20 section for records of a person holding a commercial driver's
21 license, the department shall keep records received on
22 motorists licensed in this state at its main office. Records
23 showing a record of conviction by a court of law shall be
24 open to public inspection during business hours for three
25 years from the date of their receipt, after which they shall

1 be destroyed by the department, except for records of
2 convictions under Sections 66-8-101 through 66-8-112 NMSA
3 1978, which may not be destroyed until fifty-five years from
4 the date of their receipt. Any record received on a motorist
5 licensed in another state or country shall be forwarded to
6 the licensing authority of that state or country.

7 I. The department shall keep records received on a
8 person holding a commercial driver's license or an individual
9 driving a commercial motor vehicle who was required to have a
10 commercial driver's license but was driving a commercial
11 motor vehicle without the appropriate license in its main
12 office. Records showing a record of conviction by a court of
13 law shall be open to public inspection during business hours
14 for six years from the date of their receipt, except for a
15 record of conviction required to be retained for a longer
16 period under federal law, which shall be retained as provided
17 in federal law, or a record of conviction under Sections
18 66-8-101 through 66-8-112, which shall be retained for fifty-
19 five years from the date of receipt. After the department
20 has held a record of a conviction for the time period
21 required under this subsection, that record shall be
22 destroyed. Any record received on a person holding a
23 commercial driver's license licensed in another state or
24 country shall be forwarded to the licensing authority of that
25 state or country."

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SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2018.
