

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 423

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

James G. Taylor

AN ACT

RELATING TO MOTOR VEHICLES; CREATING THE CRIME OF FAILURE TO
PAY FOR FUEL; PROVIDING PENALTIES.

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

Section 1. Section 66-5-30 NMSA 1978 (being Laws 1978,
Chapter 35, Section 252, as amended) is amended to read:

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

A. The division is authorized to suspend the
instruction permit, driver's license or provisional license of
a driver without preliminary hearing upon a showing by its
records or other sufficient evidence that the licensee:

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

(2) has been convicted as a driver in [any] an

underscored material = new
[bracketed material] = delete

1 accident resulting in the death or personal injury of another
2 or serious property damage;

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

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

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

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

12 (7) has been convicted of an offense in
13 another state ~~[which]~~ that if committed in this state would be
14 grounds for suspension or revocation;

15 (8) has violated provisions stipulated by a
16 district court in limitation of certain driving privileges;

17 (9) has failed to fulfill a signed promise to
18 appear or notice to appear in court as evidenced by notice from
19 a court, whenever appearance is required by law or by the court
20 as a consequence of ~~[any]~~ a charge or conviction under the
21 Motor Vehicle Code;

22 (10) has failed to pay a penalty assessment
23 within thirty days of the date of issuance; ~~[or]~~

24 (11) has accumulated seven points, but less
25 than eleven points, and when the division has received a

. 142917. 1

underscored material = new
[bracketed material] = delete

1 recommendation from a municipal or magistrate judge that the
2 license be suspended for a period not to exceed three months;
3 or

4 (12) has been convicted of failure to pay for
5 fuel as provided in Section 2 of this act.

6 B. Upon suspending the license of [any] a person as
7 authorized in this section, the division shall immediately
8 notify the licensee in writing and upon his request shall
9 afford him an opportunity for a hearing as early as practicable
10 within not to exceed twenty days, not counting Saturdays,
11 Sundays and legal holidays, after receipt of the request in the
12 county wherein the licensee resides unless the division and the
13 licensee agree that the hearing may be held in some other
14 county; provided that the hearing request is received within
15 twenty days from the date that the suspension was deposited in
16 the United States mail. The director may, in his discretion,
17 extend the twenty-day period. Upon the hearing, the director
18 or his duly authorized agent may administer oaths and may issue
19 subpoenas for the attendance of witnesses and the production of
20 relevant books and papers and may require a reexamination of
21 the licensee. Upon the hearing, the division shall either
22 rescind its order of suspension or, good cause appearing
23 therefor, may continue, modify or extend the suspension of the
24 license or revoke the license."

25 Section 2. A new section of Chapter 66, Article 5 NMSA

. 142917. 1

underscored material = new
[bracketed material] = delete

1 1978 is enacted to read:

2 "[NEW MATERIAL] FAILURE TO PAY FOR FUEL. --

3 A. A person who dispenses fuel into the tank of a
4 motor vehicle and fails to pay for the fuel dispensed is guilty
5 of a misdemeanor.

6 B. In addition to criminal penalties, upon a first
7 conviction of violating Subsection A of this section the
8 director shall suspend the license or permit to drive and any
9 nonresident's operating privilege for not to exceed six months.
10 Upon a second or subsequent conviction of violating Subsection
11 A of this section, the director shall suspend the license or
12 permit to drive and any nonresident's operating privilege for
13 not to exceed one year. "