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SENATE BILL 125

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Peter Wirth

AN ACT

RELATING TO DRIVER'S LICENSES; PROVIDING FOR SHORTER LICENSING PERIODS AS DRIVERS AGE; REQUIRING EXAMINATIONS UPON RENEWALS FOR DRIVERS SEVENTY-FIVE YEARS OF AGE AND OLDER; ALLOWING RESTRICTIONS.

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

SECTION 1. Section 66-5-14 NMSA 1978 (being Laws 1978, Chapter 35, Section 236, as amended by Laws 2010, Chapter 42, Section 1 and by Laws 2010, Chapter 70, Section 1) is amended to read:

"66-5-14. EXAMINATION OF APPLICANTS.--

A. The department shall examine every first-time applicant for a driver's license or a motorcycle endorsement and may examine other applicants for a driver's license or motorcycle endorsement. The examination shall include a test

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1 of the applicant's ability to read and understand highway signs
2 regulating, warning and directing traffic, the applicant's
3 knowledge of the traffic laws of this state and an actual
4 demonstration of ability to exercise ordinary and reasonable
5 control in the operation of a motor vehicle except as provided
6 in Section 66-5-7 NMSA 1978 and any further physical and mental
7 examination as the department finds necessary to determine the
8 applicant's fitness to operate a motor vehicle or motorcycle
9 safely upon the highways.

10 B. Regardless of whether an applicant is examined
11 under Subsection A of this section, the department shall test
12 the eyesight of every applicant for a driver's license or
13 motorcycle endorsement unless the application is for renewal of
14 a license or endorsement and is made by mail or telephonic or
15 electronic means.

16 C. The department shall examine an applicant who is
17 seventy-five years of age or older with each application for
18 renewal of a driver's license or motorcycle endorsement. The
19 examination shall include a test of the applicant's reflexes,
20 reaction times, motor skills and coordination and may include
21 any other physical or mental examination the department finds
22 necessary to determine the applicant's fitness to operate a
23 motor vehicle or motorcycle safely upon the highways.

24 [~~G.~~] D. The department is authorized to contract
25 with other persons for conduct of tests of the applicant's

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1 ability to exercise ordinary and reasonable control of a motor
2 vehicle. Any such contract may be terminated by the secretary
3 upon written notice for failure of the contractor to perform
4 the contractor's duties to the secretary's satisfaction.
5 Contracts under this subsection may provide for the form of
6 notice and the length of the period, if any, between the notice
7 and the effective date of the termination.

8 ~~[D-]~~ E. For purposes of this section, a "first-time
9 applicant" means an applicant other than a person who:

10 (1) holds a currently valid driver's license
11 issued by New Mexico or any other jurisdiction at the time of
12 application; or

13 (2) does not hold a currently valid driver's
14 license issued by New Mexico or any other jurisdiction at the
15 time of application but who held a valid driver's license
16 issued by New Mexico or any other jurisdiction within one year
17 prior to the date of application if that driver's license was
18 not revoked under any provision of the Motor Vehicle Code or
19 suspended, canceled or revoked under the laws of any other
20 jurisdiction for reasons similar to those for which revocation
21 is authorized under the Motor Vehicle Code."

22 **SECTION 2.** Section 66-5-19 NMSA 1978 (being Laws 1978,
23 Chapter 35, Section 241, as amended) is amended to read:

24 "66-5-19. RESTRICTED LICENSES.--

25 A. The division, upon issuing a driver's license or

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1 a provisional license, has authority, whenever good cause
2 appears, to impose restrictions, including the shortening of
3 the licensure period suitable to the licensee's driving ability
4 with respect to the type of or special mechanical control
5 devices required on a motor vehicle that the licensee may
6 operate or such other restrictions applicable to the licensee
7 as the division determines to be appropriate to ensure the safe
8 operation of a motor vehicle by the licensee.

9 ~~[B. At age seventy-five and thereafter, the~~
10 ~~applicant shall renew the applicant's license on a yearly basis~~
11 ~~at no cost to the applicant.~~

12 ~~G.]~~ B. The division may either issue a special
13 restricted license or may set forth such restrictions upon the
14 usual license form.

15 ~~[D.]~~ C. The division may issue a restricted license
16 or a restricted provisional license for driving during daylight
17 hours only to some visually impaired persons who fail the usual
18 eyesight test. The health standards advisory board created
19 pursuant to the provisions of Section 66-5-6 NMSA 1978 shall
20 evaluate the extent of the visual impairment and its effect on
21 the driving ability of the applicant and, based on its
22 recommendations, the director may issue a restricted license
23 under the following conditions:

24 (1) the applicant has no record of moving
25 violations;

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1 (2) the necessity of the license is shown to
2 the satisfaction of the director; and

3 (3) the applicant satisfies the provisions of
4 Section 66-5-206 NMSA 1978 relating to proof of financial
5 responsibility.

6 D. A driver who is seventy-five years of age or
7 older shall renew the driver's license at no cost:

8 (1) every two years, from age seventy-five to
9 eighty-four;

10 (2) every year, from age eighty-five to
11 eighty-nine; and

12 (3) every six months, from age ninety and
13 thereafter.

14 E. After examination of a licensee who is seventy-
15 five years of age or older, the division may impose
16 restrictions as provided in this section and any other
17 restrictions suitable to the licensee's driving ability to
18 ensure the safe operation of a motor vehicle by the licensee.

19 [~~E.~~] F. The division may, upon receiving
20 satisfactory evidence of any violation of the restrictions of
21 the license, suspend the license, but the licensee is entitled
22 to a hearing as upon a suspension under Sections 66-5-1 through
23 66-5-47 NMSA 1978.

24 [~~F.~~] G. It is a misdemeanor for any person to
25 operate a motor vehicle in any manner in violation of the

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1 restrictions imposed in a restricted license issued to the
2 person."

3 SECTION 3. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2011.

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