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SENATE BILL 91

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Richard C. Martinez

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; CLARIFYING PROVISIONS IN THE MOTOR  
VEHICLE CODE; PROVIDING THAT A PERSON CITED FOR NO VEHICLE  
REGISTRATION, INSURANCE OR DRIVER'S LICENSE SHALL NOT BE  
CONVICTED IF THE PERSON PRODUCES EVIDENCE OF COMPLIANCE IN  
COURT; PROVIDING PENALTY ASSESSMENTS FOR CERTAIN MOTOR VEHICLE  
CODE VIOLATIONS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME  
SECTION OF LAW IN LAWS 2007.

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

**SECTION 1.** Section 66-3-1 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 21, as amended by Laws 2007, Chapter 319,  
Section 13 and by Laws 2007, Chapter 320, Section 1) is amended  
to read:

"66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

A. With the exception of vehicles identified in

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1 Subsection B of this section, every motor vehicle, manufactured  
2 home, trailer, semitrailer and pole trailer when driven or  
3 moved upon a highway and every off-highway motor vehicle is  
4 subject to the registration and certificate of title provisions  
5 of the Motor Vehicle Code except:

6 (1) any such vehicle driven or moved upon a  
7 highway in conformance with the provisions of the Motor Vehicle  
8 Code relating to manufacturers, dealers, lien-holders or  
9 nonresidents;

10 (2) any such vehicle that is driven or moved  
11 upon a highway only for the purpose of crossing the highway  
12 from one property to another;

13 (3) an implement of husbandry that is only  
14 incidentally operated or moved upon a highway;

15 (4) special mobile equipment;

16 (5) a vehicle that is propelled exclusively by  
17 electric power obtained from overhead trolley wires though not  
18 operated upon rails;

19 (6) a freight trailer if it is:

20 (a) properly registered in another  
21 state;

22 (b) identified by a proper base  
23 registration plate that is properly displayed; and

24 (c) identified by other registration  
25 documents that are in the possession of the operator and

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1 exhibited at the request of a police officer;

2 (7) a freight trailer or utility trailer owned  
3 and used by:

4 (a) a nonresident solely for the  
5 transportation of farm products purchased by the nonresident  
6 from growers or producers of the farm products and transported  
7 in the trailer out of the state;

8 (b) a farmer or a rancher who transports  
9 to market only the produce, animals or fowl produced by that  
10 farmer or rancher or who transports back to the farm or ranch  
11 supplies for use thereon; or

12 (c) a person who transports animals to  
13 and from fairs, rodeos or other places, except racetracks,  
14 where the animals are exhibited or otherwise take part in  
15 performances, in trailers drawn by a motor vehicle or truck of  
16 less than ten thousand pounds gross vehicle weight rating  
17 bearing a proper registration plate, but in no case shall the  
18 owner of an unregistered trailer described in this paragraph  
19 perform such uses for hire;

20 (8) a moped;

21 (9) an electric personal assistive mobility  
22 device;

23 (10) a vehicle moved on a highway by a towing  
24 service as defined in Section 59A-50-2 NMSA 1978; and

25 (11) an off-highway motor vehicle exempted

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1 pursuant to Section 66-3-1005 NMSA 1978.

2 B. A certificate of title required pursuant to  
3 Subsection A of this section is not required for a vehicle of a  
4 type subject to registration owned by:

5 (1) the government of the United States; or

6 (2) a carrier that is from a jurisdiction that  
7 is not a participant in the International Fuel Tax Agreement,  
8 that is authorized by the United States government or an agency  
9 of the United States government to conduct cross-border  
10 operations beyond the commercial border zone pursuant to the  
11 provisions of the North American Free Trade Agreement and that  
12 identifies New Mexico as the carrier's base jurisdiction.

13 C. A person who violates the provisions of this  
14 section is guilty of a misdemeanor as provided in Section  
15 66-8-7 NMSA 1978. A person charged with violating this section  
16 shall not be convicted if the person produces, in court,  
17 evidence of compliance valid at the time of issuance of the  
18 citation."

19 SECTION 2. Section 66-3-13 NMSA 1978 (being Laws 1978,  
20 Chapter 35, Section 33) is amended to read:

21 "66-3-13. EVIDENCE OF REGISTRATION TO BE SIGNED AND  
22 EXHIBITED ON DEMAND.--

23 A. Every owner, upon receipt of registration  
24 evidence, shall write [~~his~~] that owner's signature thereon in a  
25 space provided. Every such registration evidence or duplicate

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1 [thereof] of registration evidence validated by the division  
2 shall be exhibited upon demand of any police officer.

3 B. A person charged with violating the provisions  
4 of this section shall not be convicted if the person produces,  
5 in court, evidence of a signed registration valid at the time  
6 of issuance of the citation."

7 **SECTION 3.** Section 66-5-2 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 224, as amended) is amended to read:

9 "66-5-2. DRIVERS MUST BE LICENSED.--

10 A. Except those expressly exempted from the Motor  
11 Vehicle Code, no person shall drive any motor vehicle,  
12 neighborhood electric car or moped upon a highway in this state  
13 unless the person:

14 (1) holds a valid license issued under the  
15 provisions of the Motor Vehicle Code; and

16 (2) has surrendered to the division any other  
17 license previously issued to the person by this state or by  
18 another state or country or has filed an affidavit with the  
19 division that the person does not possess such other license;  
20 however, the applicant need not surrender a motorcycle license  
21 duly obtained under Paragraph [~~3~~] (4) of Subsection A of  
22 Section 66-5-5 NMSA 1978.

23 B. Any person licensed under the provisions of the  
24 Motor Vehicle Code or expressly exempted from licenser may  
25 exercise the privilege granted upon all streets and highways in

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1 this state and shall not be required to obtain any other  
2 license to exercise the privilege by any county, municipality  
3 or any other local body having authority to adopt local police  
4 regulations.

5 C. A person charged with violating the provisions  
6 of this section shall not be convicted if the person produces,  
7 in court, a driver's license issued to the person that was  
8 valid at the time of the person's arrest."

9 SECTION 4. Section 66-5-32 NMSA 1978 (being Laws 1978,  
10 Chapter 35, Section 254, as amended by Laws 2005, Chapter 241,  
11 Section 3 and by Laws 2005, Chapter 269, Section 3) is amended  
12 to read:

13 "66-5-32. PERIOD OF SUSPENSION OR REVOCATION.--

14 A. The division shall not suspend a driver's  
15 license or privilege to drive a motor vehicle on the public  
16 highways for a period of more than one year except as permitted  
17 under Subsection C of this section and Sections 60-7B-1,  
18 66-5-5, [and] 66-5-39 and 66-5-39.1 NMSA 1978.

19 B. Except as provided in the Ignition Interlock  
20 Licensing Act, a person whose license or privilege to drive a  
21 motor vehicle on the public highways has been revoked shall not  
22 be entitled to have the license or privilege renewed or  
23 restored unless the revocation was for a cause that has been  
24 removed, except that after the expiration of the periods  
25 specified in Subsections B and C of Section 66-5-29 NMSA 1978

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1 from the date on which the revoked license was surrendered to  
2 and received by the division, the person may make application  
3 for a new license as provided by law.

4 C. The suspension period for failure to appear or  
5 failure to remit the penalty assessment shall, at the  
6 discretion of the director, be extended indefinitely subject to  
7 the provisions of Subsection B of Section 66-5-30 NMSA 1978."

8 SECTION 5. Section 66-5-39 NMSA 1978 (being Laws 1978,  
9 Chapter 35, Section 261, as amended) is amended to read:

10 "66-5-39. DRIVING WHILE LICENSE SUSPENDED [~~OR REVOKED~~]  
11 [~~PROVIDING~~] PENALTIES.--

12 A. Any person who drives a motor vehicle on any  
13 public highway of this state at a time when [~~his~~] the person's  
14 privilege to do so is suspended [~~or revoked~~] and who knows or  
15 should have known that [~~his~~] the person's license was suspended  
16 [~~or revoked~~] is guilty of a misdemeanor and shall be charged  
17 with a violation of this section. Upon conviction, the person  
18 shall be punished, notwithstanding the provisions of Section  
19 31-18-13 NMSA 1978, by imprisonment for not less than four days  
20 or more than three hundred sixty-four days or participation for  
21 an equivalent period of time in a certified alternative  
22 sentencing program, and there may be imposed in addition a fine  
23 of not more than one thousand dollars (\$1,000). When a person  
24 pays any or all of the cost of participating in a certified  
25 alternative sentencing program, the court may apply that

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1 payment as a deduction to any fine imposed by the court.  
2 [~~Notwithstanding any other provision of law for suspension or~~  
3 ~~deferment of execution of a sentence, if the person's privilege~~  
4 ~~to drive was revoked for driving while under the influence of~~  
5 ~~intoxicating liquor or drugs or a violation of the Implied~~  
6 ~~Consent Act, upon conviction under this section, that person~~  
7 ~~shall be punished by imprisonment for not less than seven~~  
8 ~~consecutive days and shall be fined not less than three hundred~~  
9 ~~dollars (\$300) or not more than one thousand dollars (\$1,000)~~  
10 ~~and the fine and imprisonment shall not be suspended, deferred~~  
11 ~~or taken under advisement. No other disposition by plea of~~  
12 ~~guilty to any other charge in satisfaction of a charge under~~  
13 ~~this section shall be authorized if the person's privilege to~~  
14 ~~drive was revoked for driving while under the influence of~~  
15 ~~intoxicating liquor or drugs or a violation of the Implied~~  
16 ~~Consent Act.~~] Any municipal ordinance prohibiting driving with  
17 a suspended [~~or revoked~~] license shall provide penalties no  
18 less stringent than provided in this section.

19 B. In addition to any other penalties imposed  
20 pursuant to the provisions of this section, when a person is  
21 convicted pursuant to the provisions of this section or a  
22 municipal ordinance that prohibits driving on a suspended [~~or~~  
23 ~~revoked~~] license, the motor vehicle the person was driving  
24 [~~shall~~] may be immobilized by an immobilization device for  
25 thirty days, unless immobilization of the motor vehicle poses

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1 an imminent danger to the health, safety or employment of the  
2 convicted person's immediate family or the family of the owner  
3 of the motor vehicle. The convicted person shall bear the cost  
4 of immobilizing the motor vehicle.

5 C. The division, upon receiving a record of the  
6 conviction of any person under this section [~~upon a charge of~~  
7 ~~driving a vehicle while the license of the person was~~  
8 ~~suspended~~], shall extend the period of suspension for an  
9 additional like period [~~and if the conviction was upon a charge~~  
10 ~~of driving while a license was revoked, the division shall not~~  
11 ~~issue a new license for an additional period of one year from~~  
12 ~~the date the person would otherwise have been entitled to apply~~  
13 ~~for a new license]."~~

14 SECTION 6. A new Section 66-5-39.1 NMSA 1978 is enacted  
15 to read:

16 "66-5-39.1. [NEW MATERIAL] DRIVING WHILE LICENSE  
17 REVOKED--PENALTIES.--

18 A. A person who drives a motor vehicle on a public  
19 highway of this state at a time when the person's privilege to  
20 do so is revoked and who knows or should have known that the  
21 person's license was revoked is guilty of a misdemeanor and  
22 shall be charged with a violation of this section. Upon  
23 conviction, the person shall be punished, notwithstanding the  
24 provisions of Section 31-18-13 NMSA 1978, by imprisonment for  
25 not less than four days or more than three hundred sixty-four

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1 days or by participation for an equivalent period of time in a  
2 certified alternative sentencing program, and there may be  
3 imposed, in addition, a fine of not more than one thousand  
4 dollars (\$1,000). When a person pays any or all of the cost of  
5 participating in a certified alternative sentencing program,  
6 the court may apply that payment as a deduction to any fine  
7 imposed by the court.

8 B. Notwithstanding any other provision of law for  
9 suspension or deferment of execution of a sentence, if the  
10 person's privilege to drive was revoked for driving under the  
11 influence of intoxicating liquor or drugs or a violation of the  
12 Implied Consent Act, upon conviction pursuant to this section,  
13 the person shall be punished by imprisonment for not less than  
14 seven consecutive days and shall be fined not less than three  
15 hundred dollars (\$300) and not more than one thousand dollars  
16 (\$1,000) and the fine and imprisonment shall not be suspended,  
17 deferred or taken under advisement. No other disposition by  
18 plea of guilty to any other charge in satisfaction of a charge  
19 under this section shall be authorized if the person's  
20 privilege to drive was revoked for driving under the influence  
21 of intoxicating liquor or drugs or a violation of the Implied  
22 Consent Act. Any municipal ordinance prohibiting driving with  
23 a revoked license shall provide penalties no less stringent  
24 than provided in this section.

25 C. In addition to any other penalties imposed

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1 pursuant to the provisions of this section, when a person is  
2 convicted pursuant to the provisions of this section or a  
3 municipal ordinance that prohibits driving on a revoked  
4 license, the motor vehicle the person was driving shall be  
5 immobilized by an immobilization device for thirty days, unless  
6 immobilization of the motor vehicle poses an imminent danger to  
7 the health, safety or employment of the convicted person's  
8 immediate family or the family of the owner of the motor  
9 vehicle. The convicted person shall bear the cost of  
10 immobilizing the motor vehicle.

11 D. The division, upon receiving a record of the  
12 conviction of any person under this section, shall not issue a  
13 new license for an additional period of one year from the date  
14 the person would otherwise have been entitled to apply for a  
15 new license."

16 SECTION 7. Section 66-5-205 NMSA 1978 (being Laws 1983,  
17 Chapter 318, Section 6, as amended) is amended to read:

18 "66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE  
19 EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

20 A. No owner shall permit the operation of an  
21 uninsured motor vehicle, or a motor vehicle for which evidence  
22 of financial responsibility as was affirmed to the department  
23 is not currently valid, upon the streets or highways of New  
24 Mexico unless the vehicle is specifically exempted from the  
25 provisions of the Mandatory Financial Responsibility Act.

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1           B. No person shall drive an uninsured motor  
2 vehicle, or a motor vehicle for which evidence of financial  
3 responsibility as was affirmed to the department is not  
4 currently valid, upon the streets or highways of New Mexico  
5 unless ~~[he]~~ the person is specifically exempted from the  
6 provisions of the Mandatory Financial Responsibility Act.

7           C. For the purposes of the Mandatory Financial  
8 Responsibility Act, "uninsured motor vehicle" means a motor  
9 vehicle for which a motor vehicle insurance policy meeting the  
10 requirements of the laws of New Mexico and of the secretary, or  
11 a surety bond or evidence of a sufficient cash deposit with the  
12 state treasurer, is not in effect ~~[or a surety bond or evidence~~  
13 ~~of a sufficient cash deposit with the state treasurer]~~.

14           D. The provisions of the Mandatory Financial  
15 Responsibility Act requiring the deposit of evidence of  
16 financial responsibility as provided in Section 66-5-218 NMSA  
17 1978, subject to certain exemptions, may apply with respect to  
18 persons who have been convicted of or forfeited bail for  
19 certain offenses under motor vehicle laws or who have failed to  
20 pay judgments or written settlement agreements upon causes of  
21 action arising out of ownership, maintenance or use of vehicles  
22 of a type subject to registration under the laws of New Mexico.

23           E. Any person who violates the provisions of this  
24 section is guilty of a misdemeanor ~~[and upon conviction shall~~  
25 ~~be sentenced to a fine not to exceed three hundred dollars~~

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1 ~~(\$300)~~ as provided in Section 66-8-7 NMSA 1978.

2 F. A person charged with violating the provisions  
3 of this section shall not be convicted if the person produces,  
4 in court, evidence of financial responsibility valid at the  
5 time of issuance of the citation."

6 SECTION 8. Section 66-8-116 NMSA 1978 (being Laws 1978,  
7 Chapter 35, Section 524, as amended) is amended to read:

8 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--  
9 DEFINITION--SCHEDULE OF ASSESSMENTS.--

10 A. As used in the Motor Vehicle Code, "penalty  
11 assessment misdemeanor" means violation of any of the following  
12 listed sections of the NMSA 1978 for which, except as provided  
13 in Subsections D and E of this section, the listed penalty  
14 assessment is established:

15	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
16			ASSESSMENT
17	<u>Improper display of</u>		
18	<u>registration plate</u>	<u>66-3-18</u>	<u>\$ 25.00</u>
19	<u>Failure to notify of</u>		
20	<u>change of name or address</u>	<u>66-3-23</u>	<u>25.00</u>
21	<u>Lost or damaged registration,</u>		
22	<u>plate or title</u>	<u>66-3-24</u>	<u>20.00</u>
23	Permitting [ <del>unlicensed</del> ]		
24	<u>unauthorized</u> minor		
25	to drive	66-5-40	<del>[\$10.00]</del> <u>50.00</u>

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1	<u>Permitting unauthorized</u>		
2	<u>person to drive</u>	<u>66-5-41</u>	<u>25.00</u>
3	Failure to obey sign	66-7-104	10.00
4	Failure to obey signal	66-7-105	10.00
5	Speeding	66-7-301	
6	(1) up to and including		
7	ten miles an hour		
8	over the speed limit		15.00
9	(2) from eleven up to		
10	and including fifteen		
11	miles an hour		
12	over the speed limit		30.00
13	(3) from sixteen up to		
14	and including twenty		
15	miles an hour over the		
16	speed limit		65.00
17	(4) from twenty-one up to		
18	and including twenty-five		
19	miles an hour		
20	over the speed limit		100.00
21	(5) from twenty-six up to		
22	and including thirty		
23	miles an hour over the		
24	speed limit		125.00
25	(6) from thirty-one up to		

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1	and including thirty-five		
2	miles an hour over the		
3	speed limit		150.00
4	(7) more than thirty-five		
5	miles an hour over the		
6	speed limit		200.00
7	Unfastened safety belt	66-7-372	25.00
8	Child not in restraint device		
9	or seat belt	66-7-369	25.00
10	Minimum speed	66-7-305	10.00
11	Speeding	66-7-306	15.00
12	Improper starting	66-7-324	10.00
13	Improper backing	66-7-354	10.00
14	Improper lane	66-7-308	10.00
15	Improper lane	66-7-313	10.00
16	Improper lane	66-7-316	10.00
17	Improper lane	66-7-317	10.00
18	Improper lane	66-7-319	10.00
19	Improper passing	66-7-309 through 66-7-312	10.00
20	Improper passing	66-7-315	10.00
21	Controlled access		
22	violation	66-7-320	10.00
23	Controlled access		
24	violation	66-7-321	10.00
25	Improper turning	66-7-322	10.00

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1	Improper turning	66-7-323	10.00
2	Improper turning	66-7-325	10.00
3	Following too closely	66-7-318	10.00
4	Failure to yield	66-7-328 through 66-7-331	10.00
5	Failure to yield	66-7-332	50.00
6	Failure to yield	66-7-332.1	25.00
7	Pedestrian violation	66-7-333	10.00
8	Pedestrian violation	66-7-340	10.00
9	Failure to stop	66-7-342 and 66-7-344	
10		through 66-7-346	10.00
11	Railroad-highway grade		
12	crossing violation	66-7-341 and 66-7-343	150.00
13	Passing school bus	66-7-347	100.00
14	Failure to signal	66-7-325 through 66-7-327	10.00
15	<u>Minor without helmet</u>		
16	<u>on motorcycle</u>	<u>66-7-356</u>	<u>300.00</u>
17	<u>Obstruction of driver's</u>		
18	<u>view</u>	<u>66-7-357</u>	<u>50.00</u>
19	<u>Television within view</u>		
20	<u>of driver</u>	<u>66-7-358</u>	<u>50.00</u>
21	Failure to secure load	66-7-407	100.00
22	Operation without oversize-		
23	overweight permit	66-7-413	50.00
24	Transport of reducible		
25	load with special		

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1	permit more than six miles		
2	from a border crossing	66-7-413	100.00
3	Improper equipment	66-3-801 <u>through</u>	
4		<u>66-3-851</u>	<del>[10.00]</del> <u>25.00</u>
5	Improper equipment	66-3-901	20.00
6	Improper emergency		
7	signal	66-3-853 through 66-3-857	10.00
8	Operation interference	66-7-357	5.00
9	Littering	66-7-364	300.00
10	Improper parking	66-7-349 through 66-7-352	
11		and 66-7-353	5.00
12	Improper parking	66-3-852	5.00
13	Failure to dim lights	66-3-831	10.00
14	Riding in or towing		
15	occupied house trailer	66-7-366	5.00
16	Improper opening of doors	66-7-367	5.00
17	No slow-moving vehicle		
18	emblem or flashing		
19	amber light	66-3-887	5.00
20	Open container - first		
21	violation	66-8-138	25.00.

22 B. The term "penalty assessment misdemeanor" does not  
23 include a violation that has caused or contributed to the cause  
24 of an accident resulting in injury or death to a person.

25 C. When an alleged violator of a penalty assessment

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1 misdemeanor elects to accept a notice to appear in lieu of a  
2 notice of penalty assessment, a fine imposed upon later  
3 conviction shall not exceed the penalty assessment established  
4 for the particular penalty assessment misdemeanor and probation  
5 imposed upon a suspended or deferred sentence shall not exceed  
6 ninety days.

7 D. The penalty assessment for speeding in violation  
8 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978  
9 is twice the penalty assessment established in Subsection A of  
10 this section for the equivalent miles per hour over the speed  
11 limit.

12 E. Upon a second conviction for operation without a  
13 permit for excessive size or weight pursuant to Section  
14 66-7-413 NMSA 1978, the penalty assessment shall be two hundred  
15 fifty dollars (\$250). Upon a third or subsequent conviction,  
16 the penalty assessment shall be five hundred dollars (\$500).

17 F. Upon a second conviction for transport of a  
18 reducible load with a permit for excessive size or weight  
19 pursuant to Subsection N of Section 66-7-413 NMSA 1978 more  
20 than six miles from a port-of-entry facility on the border with  
21 Mexico, the penalty assessment shall be five hundred dollars  
22 (\$500). Upon a third or subsequent conviction, the penalty  
23 assessment shall be one thousand dollars (\$1,000)."

24 SECTION 9. Section 66-8-135 NMSA 1978 (being Laws 1978,  
25 Chapter 35, Section 543, as amended) is amended to read:

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1 "66-8-135. RECORD OF TRAFFIC CASES.--

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

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

11 ~~[B.]~~ C. Within ten days of the later of entry of  
12 ~~[judgment and sentence or failure to appear on a charge of~~  
13 ~~violating]~~ a final disposition on a conviction for violation of  
14 the Motor Vehicle Code or other law or ordinance relating to  
15 motor vehicles or the final decision of any higher court that  
16 reviews the matter and from which no appeal or review is  
17 successfully taken, every trial court judge, including  
18 children's court judges, or the clerk of the court in which the  
19 entry of ~~[judgment and sentence or failure to appear]~~ the final  
20 disposition occurred shall prepare and forward to the  
21 department an abstract of the record containing:

- 22 (1) the name and address of the defendant;  
23 (2) the specific section number and common name  
24 of the provision of the NMSA 1978 or local law, ordinance or  
25 regulation under which the defendant was tried;

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1 (3) the plea, finding of the court and  
2 disposition of the charge, including fine or jail sentence or  
3 both ~~[forfeiture of bail or dismissal of the charge];~~

4 (4) ~~[an itemization of]~~ total costs assessed to  
5 the defendant;

6 (5) the date of the hearing;

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

8 (7) whether the defendant was a first or  
9 subsequent offender. ~~[and~~

10 ~~(8) whether the defendant was represented by~~  
11 ~~counsel or waived the right to counsel and, if represented, the~~  
12 ~~name and address of counsel.~~

13 ~~G.]~~ D. The abstract of record prepared and forwarded  
14 under Subsection [~~B~~] C of this section shall be certified as  
15 correct by the person required to prepare it. With the prior  
16 approval of the department, the information required by  
17 Subsection [~~B~~] C of this section may be transmitted  
18 electronically to the department. Report need not be made of  
19 any disposition of a charge of illegal parking or standing of a  
20 vehicle except when the uniform traffic citation is used.

21 ~~D.]~~ E. When the uniform traffic citation is used,  
22 the court shall provide the information required by Subsection  
23 [~~B~~] C of this section in the manner prescribed by the  
24 department.

25 ~~E.]~~ F. Every court of record shall also forward a

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underscored material = new  
[bracketed material] = delete

1 like report to the department upon conviction of any person of  
2 any felony if a motor vehicle was used in the commission. With  
3 the prior approval of the department, the information required  
4 by this subsection may be submitted electronically to the  
5 department. The report shall be forwarded to the department  
6 within [~~ten~~] twenty days of the final decision of the court or  
7 of any higher court that reviews the matter and from which the  
8 decision of no appeal or review is successfully taken.

9 [~~F.~~] G. The willful failure or refusal of any  
10 judicial officer to comply with this section is misconduct in  
11 office and grounds for removal.

12 [~~G.~~] H. Except as set forth in Subsection [~~H~~] I of  
13 this section for records of a person holding a commercial  
14 driver's license, the department shall keep records received on  
15 motorists licensed in this state at its main office. Records  
16 showing a record of conviction by a court of law shall be open  
17 to public inspection during business hours for three years from  
18 the date of their receipt, after which they shall be destroyed  
19 by the department except for records of convictions under  
20 Sections 66-8-101 through 66-8-112 NMSA 1978, which may not be  
21 destroyed until fifty-five years from the date of their  
22 receipt. Any record received on a motorist licensed in another  
23 state or country shall be forwarded to the licensing authority  
24 of that state or country.

25 [~~H.~~] I. The department shall keep records received on

underscoring material = new  
~~[bracketed material] = delete~~

1 a person holding a commercial driver's license or an individual  
2 driving a commercial motor vehicle who was required to have a  
3 commercial driver's license but was driving a commercial motor  
4 vehicle without the appropriate license in its main office.  
5 Records showing a record of conviction by a court of law shall  
6 be open to public inspection during business hours for fifty-  
7 five years from the date of their receipt. Any record received  
8 on a person holding a commercial driver's license licensed in  
9 another state or country shall be forwarded to the licensing  
10 authority of that state or country."

11 SECTION 10. EFFECTIVE DATE.--The effective date of the  
12 provisions of this act is July 1, 2012.

13 - 22 -