

HOUSE TRANSPORTATION, PUBLIC WORKS AND CAPITAL IMPROVEMENTS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 391

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING THE ACCEPTANCE AS
EVIDENCE OF REGISTRATION AND FINANCIAL RESPONSIBILITY THAT
EVIDENCE DISPLAYED ON A SOFTWARE APPLICATION ON A MOBILE
COMMUNICATION DEVICE.

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

SECTION 1. Section 66-3-13 NMSA 1978 (being Laws 1978,
Chapter 35, Section 33, as amended) is amended to read:

"66-3-13. EVIDENCE OF REGISTRATION TO BE [~~SIGNED AND~~]
EXHIBITED ON DEMAND.--

A. Every owner, upon receipt of registration
evidence, shall write that owner's signature thereon in a space
provided. Every such registration evidence or duplicate of
registration evidence validated by the division shall be
exhibited upon demand of any police officer. Registration

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underscored material = new
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1 evidence may be exhibited electronically through acceptable
2 electronic formats, including the display of an electronic
3 image on a cellular phone, wireless communication device or
4 other type of mobile communication device.

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

9 SECTION 2. Section 66-5-205 NMSA 1978 (being Laws 1983,
10 Chapter 318, Section 6, as amended) is amended to read:

11 "66-5-205. VEHICLE MUST BE INSURED [~~OR~~] AND OWNER MUST
12 HAVE EVIDENCE OF FINANCIAL RESPONSIBILITY--ELECTRONIC
13 EVIDENCE--PENALTIES.--

14 A. No owner shall permit the operation of an
15 uninsured motor vehicle, or a motor vehicle for which evidence
16 of financial responsibility as was affirmed to the department
17 is not currently valid, upon the streets or highways of New
18 Mexico unless the vehicle is specifically exempted from the
19 provisions of the Mandatory Financial Responsibility Act.

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

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1 C. When evidence of financial responsibility is
2 satisfied through coverage under a motor vehicle insurance
3 policy, a person may satisfy proof of insurance in either paper
4 or electronic format. Acceptable electronic formats include
5 display of an electronic image on a cellular phone, wireless
6 communication device or other type of mobile communication
7 device. If a person provides evidence of insurance on a
8 cellular phone, wireless communication device or other type of
9 mobile communication device, that person is not consenting to
10 allow law enforcement personnel or anyone else to inspect or
11 access any other contents of that device. A person who
12 provides one of those devices to show evidence of insurance
13 assumes all liability for any resulting damage to the cellular
14 phone, wireless communication device or any other type of
15 mobile communication device.

16 D. To demonstrate to a law enforcement officer
17 evidence of financial responsibility, a person may display and
18 the officer shall accept as evidence acceptable electronic
19 formats, including the display of an electronic image on a
20 cellular phone, wireless communication device or other type of
21 mobile communication device. By doing so, the person does not
22 consent to the access of other content accessible through the
23 device, but does assume all liability for any resulting damage
24 to the device. When viewing the device for evidence of
25 financial responsibility, the officer shall not intentionally

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1 view any other content accessible through the device. The
2 department shall establish rules related to the requirement
3 that law enforcement officers accept as evidence of financial
4 responsibility that evidence displayed on a software
5 application on a mobile communication device. Acceptable
6 electronic formats include display of an electronic image on a
7 cellular phone, wireless communication device or other type of
8 mobile communication device.

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

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

25 ~~[E.]~~ G. Any person who violates the provisions of

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1 this section is guilty of a misdemeanor as provided in Section
2 66-8-7 NMSA 1978.

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

7 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
8 provisions of this act is July 1, 2019.

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