

HOUSE BILL 267

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

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AN ACT

RELATING TO DRIVER'S LICENSES; PROVIDING FOR REPORTS BY EXPERTS
TO BE USED BY THE MOTOR VEHICLE DIVISION OF THE TAXATION AND
REVENUE DEPARTMENT IN ADDRESSING RESTRICTED LICENSES; REPEALING
A SECTION OF THE NMSA 1978.

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

SECTION 1. Section 66-5-19 NMSA 1978 (being Laws 1978,
Chapter 35, Section 241, as amended) is amended to read:

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

A. The division, upon issuing a license, may,
whenever good cause appears, impose restrictions, including the
shortening of the licensure period suitable to the licensee's
driving ability with respect to the type of or special
mechanical control devices required on a motor vehicle that the
licensee may operate or such other restrictions applicable to

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1 the licensee as the division determines to be appropriate to
2 ensure the safe operation of a motor vehicle by the licensee.

3 B. At age seventy-nine and thereafter, the
4 applicant shall renew the applicant's license on a yearly basis
5 at no cost to the applicant.

6 C. The division may either issue a special
7 restricted license or may set forth such restrictions upon the
8 usual license form.

9 D. The division may issue a restricted license or a
10 restricted provisional license for driving during daylight
11 hours only to some visually impaired persons who fail the usual
12 eyesight test. The ~~[health standards advisory board created~~
13 ~~pursuant to the provisions of Section 66-5-6 NMSA 1978]~~
14 division shall evaluate the extent of the visual impairment and
15 the impairment's effect on the driving ability of the applicant
16 and ~~[based on the board's recommendations]~~ the director may
17 issue a restricted license under the following conditions:

18 (1) the applicant has no record of moving
19 violations;

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

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

25 E. The division may seek the advice of experts

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1 necessary to advise the division on physical and mental
2 criteria and vision standards relating to the licensing of
3 drivers pursuant to the Motor Vehicle Code.

4 F. The division, having cause to believe that a
5 licensed driver or applicant may not be physically, visually or
6 mentally qualified to be licensed, may request a written report
7 on a form prescribed by the division from a health care
8 provider of the driver's or applicant's choice for
9 consideration after the licensed driver or applicant has again
10 undergone an on-the-road examination and any physical, visual
11 or mental tests required by the division. These examinations
12 and tests shall not be waived by the division.

13 G. Reports received by the division for the purpose
14 of assisting the division in determining whether a person is
15 qualified to be licensed are confidential and shall be used
16 only by the division and shall not be divulged to any person or
17 used as evidence in a trial.

18 ~~[E.]~~ H. The division may, upon receiving
19 satisfactory evidence of any violation of the restrictions of
20 the license, suspend the license, but the licensee is entitled
21 to a hearing as upon a suspension under Sections 66-5-1.1
22 through 66-5-47 NMSA 1978 and as provided in the Administrative
23 Hearings Office Act.

24 ~~[F.]~~ I. 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 2. REPEAL.--Section 66-5-6 NMSA 1978 (being Laws
4 1978, Chapter 35, Section 228, as amended) is repealed.

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