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SENATE BILL 5

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

TOM R. BENAVIDES

AN ACT

RELATING TO MOTOR VEHICLE LICENSURE; REQUIRING ADDITIONAL  
EXAMINATIONS AND TESTS FOR CERTAIN LICENSED DRIVERS OR  
APPLICANTS; REQUIRING CERTAIN DRIVERS TO ANNUALLY RENEW THEIR  
DRIVER'S LICENSES; AMENDING THE MOTOR VEHICLE CODE.

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

Section 1. Section 66-5-7 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 229, as amended) is amended to read:

"66-5-7. DRIVER'S LICENSE--CLASSIFICATION--  
EXAMINATIONS.--

A. The [~~division~~] department, upon issuing a  
driver's license, shall indicate on the license the type or  
general class of vehicles the licensee may drive. The  
[~~division~~] department shall establish such qualifications, after  
public hearings, as it deems reasonably necessary for the safe

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1 operation of various types, sizes or combinations of vehicles  
2 and shall appropriately examine each applicant to determine his  
3 qualifications according to the type or general class of license  
4 for which he has applied.

5 B. The ~~[division]~~ department, in issuing the  
6 driver's license for certain types or general classes of  
7 vehicles, may waive any on-the-road examination for applicants  
8 except for applicants who are age fifty-five or older and as  
9 provided in Section 66-5-6 NMSA 1978. The ~~[division]~~ department  
10 may certify certain employers, governmental agencies or other  
11 appropriate organizations to train and test all applicants for  
12 the type or general class of licenses if the training and  
13 testing meet the standards established by the ~~[director]~~  
14 secretary. "

15 Section 2. Section 66-5-14 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 236, as amended) is amended to read:

17 "66-5-14. EXAMINATION OF APPLICANTS. --

18 A. The department shall examine every first-time  
19 applicant and applicants who are age fifty-five or older for a  
20 driver's license or a motorcycle endorsement and may examine  
21 other applicants for a driver's license or motorcycle  
22 endorsement. The examination shall include a test of the  
23 applicant's ability to read and understand highway signs  
24 regulating, warning and directing traffic, the applicant's  
25 knowledge of the traffic laws of this state and an actual

1 demonstration of ability to exercise ordinary and reasonable  
2 control in the operation of a motor vehicle except as provided  
3 in Section 66-5-7 NMSA 1978 and any further physical and mental  
4 examination as the department finds necessary to determine the  
5 applicant's fitness to operate a motor vehicle or motorcycle  
6 safely upon the highways. Applicants who are age fifty-five or  
7 older shall annually take the above-mentioned tests, and the  
8 department shall not waive any test to determine these  
9 applicants' ability to operate a motor vehicle.

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.

14 C. The department is authorized to contract with  
15 other persons for conduct of tests of the applicant's ability to  
16 exercise ordinary and reasonable control of a motor vehicle.  
17 Any such contract may be terminated by the secretary upon  
18 written notice for failure of the contractor to perform his  
19 duties to the secretary's satisfaction. Contracts under this  
20 subsection may provide for the form of notice and the length of  
21 the period, if any, between the notice and the effective date of  
22 the termination.

23 D. For purposes of this section, a "first-time  
24 applicant" means an applicant other than a person who:

25 (1) holds a currently valid driver's license

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1 issued by New Mexico or any other jurisdiction at the time of  
2 application; or

3 (2) does not hold a currently valid driver's  
4 license issued by New Mexico or any other jurisdiction at the  
5 time of application but who held a valid driver's license issued  
6 by New Mexico or any other jurisdiction within one year prior to  
7 the date of application if that driver's license was not revoked  
8 under any provision of the Motor Vehicle Code or suspended,  
9 canceled or revoked under the laws of any other jurisdiction for  
10 reasons similar to those for which revocation is authorized  
11 under the Motor Vehicle Code. "

12 Section 3. Section 66-5-19 NMSA 1978 (being Laws 1978,  
13 Chapter 35, Section 241) is amended to read:

14 "66-5-19. RESTRICTED LICENSES. --

15 A. The [~~division~~] department, upon issuing a  
16 driver's license, [~~shall have~~] has authority, whenever good  
17 cause appears, to impose restrictions including the shortening  
18 of the licensure period suitable to the licensee's driving  
19 ability with respect to the type of or special mechanical  
20 control devices required on a motor vehicle which the licensee  
21 may operate or such other restrictions applicable to the  
22 licensee as the division may determine to be appropriate to  
23 assure the safe operation of a motor vehicle by the licensee.  
24 At age [~~seventy-five~~] fifty-five and thereafter, the applicant  
25 shall renew his license on a yearly basis at no cost to the

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1 applicant.

2 B. The [~~division~~] department may either issue a  
3 special restricted license or may set forth such restrictions  
4 upon the usual license form.

5 C. The [~~division~~] department may issue a restricted  
6 license for driving during daylight hours only to some visually  
7 handicapped persons who fail the usual eyesight test. The  
8 [~~medical~~] health standard advisory board created pursuant to  
9 provisions of Section 66-5-6 NMSA 1978 shall evaluate the extent  
10 of the visual handicap and its effect on the driving ability of  
11 the applicant and, based on [~~their~~] its recommendations, the  
12 [~~director~~] secretary may issue a restricted license under the  
13 following conditions:

14 (1) the applicant has no record of moving  
15 violations;

16 (2) the necessity of the license is shown to  
17 the satisfaction of the [~~director~~] secretary; and

18 (3) the applicant satisfies the provisions of  
19 Section [~~64-5-206 NMSA 1953~~] 66-5-206 NMSA 1978 relating to  
20 proof of financial responsibility.

21 D. The [~~division~~] department may, upon receiving  
22 satisfactory evidence of any violation of the restrictions of  
23 the license, suspend the [~~same~~] license, but the licensee [~~shall~~  
24 ~~be~~] is entitled to a hearing as upon a suspension under Sections  
25 [~~64-5-1 through 64-5-47 NMSA 1953~~] 66-5-1 through 66-5-47 NMSA

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1 1978.

2 E. It is a misdemeanor for any person to operate a  
3 motor vehicle in any manner in violation of the restrictions  
4 imposed in a restricted license issued to him "

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