SENATE BILL

58TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2027

INTRODUCED BY

DISCUSSION DRAFT

FOR THE TRANSPORTATION INFRASTRUCTURE REVENUE SUBCOMMITTEE

AN ACT

RELATING TO THE MOTOR VEHICLE CODE; REPLACING THE TERM "ACCIDENT" WITH "CRASH" THROUGHOUT THE MOTOR VEHICLE CODE.

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

SECTION 1. Section 66-1-4.6 NMSA 1978 (being Laws 1990, Chapter 120, Section 7, as amended) is amended to read:

"66-1-4.6. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry;

B. "financial responsibility" means the ability to respond in damages for liability resulting from traffic [~~accidents~~] crashes arising out of the ownership, maintenance or use of a motor vehicle of a type subject to registration

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under the laws of New Mexico, in amounts not less than specified in the Mandatory Financial Responsibility Act or having in effect a motor vehicle insurance policy. "Financial responsibility" includes a motor vehicle insurance policy, a surety bond or evidence of a sufficient cash deposit with the state treasurer;

C. "first offender" means a person who for the first time under state or federal law or a municipal ordinance or a tribal law has been adjudicated guilty of the charge of driving a motor vehicle while under the influence of intoxicating liquor or any other drug that renders the person incapable of safely driving a motor vehicle, regardless of whether the person's sentence was suspended or deferred;

D. "flammable liquid" means [~~any~~] a liquid that has a flash point of seventy degrees Fahrenheit or less, as determined by a tagliabue or equivalent closed-cup test device;

E. "foreign jurisdiction" means [~~any~~] a jurisdiction other than a state of the United States or the District of Columbia;

F. "foreign vehicle" means every vehicle of a type required to be registered under the provisions of the Motor Vehicle Code brought into this state from another state, territory or country; and

G. "freight trailer" means [~~any~~] a trailer, semitrailer or pole trailer drawn by a truck tractor or road

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tractor, and [~~any~~] a trailer, semitrailer or pole trailer drawn by a truck that has a gross vehicle weight of more than twenty-six thousand pounds, but "freight trailer" does not include manufactured homes, trailers of less than one-ton carrying capacity used to transport animals or fertilizer trailers of less than three thousand five hundred pounds empty weight."

SECTION 2. Section 66-1-4.14 NMSA 1978 (being Laws 1990, Chapter 120, Section 15, as amended) is amended to read:

"66-1-4.14. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "park" or "parking" means the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading and unloading;

B. "parking lot" means a parking area provided for the use of patrons of any office of state or local government or of any public accommodation, retail or commercial establishment;

C. "parts car" means a motor vehicle generally in [~~nonoperable~~] inoperable condition that is owned by a collector to furnish parts that are usually [~~nonobtainable~~] unobtainable from normal sources, thus enabling a collector to preserve, restore and maintain a motor vehicle of historic or special interest;

D. "pedestrian" means [~~any~~] a natural person on

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foot;

E. "person" means every natural person, firm, copartnership, association, corporation or other legal entity;

F. "personal information" means information that identifies [~~an individual~~] a person, including [~~an individual's~~] a person's photograph, social security number, driver identification number, name, address other than zip code, telephone number, medical or disability information, sex, gender identity, immigration status or national origin, but "personal information" does not include information on vehicles, vehicle ownership, vehicular [~~accidents~~] crashes, driving violations or driver status;

G. "placard" or "parking placard" means a card-like device that identifies the vehicle as being currently in use to transport a person with severe mobility impairment and issued pursuant to Section 66-3-16 NMSA 1978 to be displayed inside a motor vehicle so as to be readily visible to an observer outside the vehicle;

H. "platoon" means a series of motor vehicles that are traveling in a unified manner by means of being connected with wireless communications or other technology allowing for coordinated movement;

I. "pneumatic tire" means every tire in which compressed air is designed to support the load;

J. "pole trailer" means [~~any~~] a vehicle without

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motive power, designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, structures, pipes and structural members capable, generally, of sustaining themselves as beams between the supporting connections;

K. "police or peace officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of the Motor Vehicle Code;

L. "private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner, but not other persons; and

M. "property owner" means the owner of a piece of land or the agent of that property owner."

SECTION 3. Section 66-3-1013 NMSA 1978 (being Laws 1975, Chapter 240, Section 13, as amended) is amended to read:

"66-3-1013. LIABILITY--LOCAL REGISTRATION PROHIBITED.--

A. A landowner shall not be held liable for damages arising out of off-highway motor vehicle-related [~~accidents~~] crashes or injuries occurring on the landowner's lands in which the landowner is not directly involved unless the entry on the lands is subject to payment of a fee.

B. It is unlawful to operate an off-highway motor

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vehicle on private lands or roads except with the express permission of the landowner or leaseholder of the lands."

SECTION 4. Section 66-3-1014 NMSA 1978 (being Laws 1975, Chapter 240, Section 14, as amended) is amended to read:

"66-3-1014. [~~ACCIDENTS~~] CRASHES AND [~~ACCIDENT~~] CRASH REPORTS.--The driver of an off-highway motor vehicle involved in [~~an accident~~] a crash resulting in injuries to or the death of a person or resulting in damage to public or private property to the extent of five hundred dollars ($500) or more shall immediately notify a law enforcement agency of the [~~accident~~] crash and the facts relating to the [~~accident~~] crash. If the driver is under the age of eighteen, the driver's parent or legal guardian shall immediately notify a law enforcement agency of the [~~accident~~] crash and the facts relating to the [~~accident~~] crash."

SECTION 5. Section 66-3-1020 NMSA 1978 (being Laws 2005, Chapter 325, Section 22, as amended) is amended to read:

"66-3-1020. PENALTIES.--

A. A person who violates the provisions of the Off-Highway Motor Vehicle Act is guilty of a penalty assessment misdemeanor. A parent, guardian or custodian who causes or knowingly permits a child under the age of eighteen years to operate an off-highway motor vehicle in violation of the provisions of the Off-Highway Motor Vehicle Act is in violation of that act and subject to the same penalty as the child

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operating the off-highway motor vehicle in violation of that act.

B. As used in the Off-Highway Motor Vehicle Act, "penalty assessment misdemeanor" means violation of any provision of the Off-Highway Motor Vehicle Act for which a violator may be subject to the following:

CLASS 1 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
failure to possess a registration certificate or nonresident permit	66-3-1010.3	$10.00
violations involving headlights or taillights	66-3-1010.3	10.00
failure to possess an off-highway motor vehicle safety permit	66-3-1010.3	10.00
selling a vehicle that produces noise in excess of ninety-six decibels	66-3-1010.3	10.00
any violation of the Off-Highway Motor Vehicle Act not otherwise specifically defined elsewhere in this section	66-3-1010.3	10.00

CLASS 2 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT

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failure to complete a required		
off-highway motor vehicle		
safety training course	66-3-1010.2	$50.00
operating a vehicle in excess		
of ten miles per hour within		
two hundred feet of a business,		
an animal shelter, a horseback		
rider, a bicyclist, a pedestrian,		
livestock or an occupied		
dwelling	66-3-1010.3	50.00
a person under the age of		
eighteen but at least		
fifteen years of age who		
operates an off-highway		
motor vehicle in violation		
of the supervision requirements		
of the Off-Highway Motor		
Vehicle Act	66-3-1010.3	50.00
operating an off-highway motor		
vehicle that produces noise		
that exceeds ninety-six		
decibels	66-3-1010.3	50.00
unauthorized installation,		
removal, destruction or		
defacing of a motor		

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vehicle sign	66-3-1011	50.00
CLASS 3 VIOLATIONS	SECTION VIOLATED	PENALTY ASSESSMENT
operating a vehicle that is not equipped with an approved spark arrester	66-3-1010.3	$100.00
operating an off-highway motor vehicle while in pursuit of and with intent to hunt or take a species of animal or bird protected by law, unless otherwise authorized by the state [~~game~~] wildlife commission	66-3-1010.3	100.00
operating an off-highway motor vehicle in pursuit of or harassment of livestock in [~~any~~] a manner that negatively affects the livestock's condition	66-3-1010.3	100.00
operating an off-highway motor vehicle on or within an earthen tank or other structure meant to water		

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livestock or wildlife	66-3-1010.3	100.00
operating a motor vehicle in a manner that has a direct negative effect on or interferes with persons engaged in agricultural practices	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle without wearing eye protection and a safety helmet	66-3-1010.3	100.00
a person under the age of eighteen operating an off-highway motor vehicle while carrying a passenger	66-3-1010.3	100.00
a person under the age of fifteen but at least ten years of age who operates an off-highway motor vehicle in violation of the supervision requirements of the Off-Highway Motor Vehicle Act	66-3-1010.3	100.00
a person under the age of		

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	ten operating an all-terrain		
	vehicle or a recreational off-highway		
	motor vehicle that is not an		
	age-appropriate size-fit or		
	who operates an off-highway		
	motor vehicle in violation		
	of the supervision requirements		
	of this section	66-3-1010.3	100.00
CLASS 4 VIOLATIONS		SECTION VIOLATED	PENALTY ASSESSMENT
operating an off-highway			
	motor vehicle in a		
	careless, reckless or		
	negligent manner so as		
	to endanger the person		
	or property of another	66-3-1010.3	$200.00
operating an off-highway			
	motor vehicle on [~~any~~] a road		
	or area closed to off-		
	highway motor vehicle		
	traffic under local, state		
	or federal regulations	66-3-1010.3	200.00
operating an off-highway			
	motor vehicle on a		
	limited-access highway		

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or freeway	66-3-1011	200.00.

C. The penalty for second, third and subsequent violations within a three-year time period shall be increased as follows:

(1) a second violation in a class 1 penalty category involving failure to possess a registration certificate or nonresident permit shall be increased to a class 2 penalty category;

(2) any class 2 or class 3 violation for a second or greater infraction within a three-year period shall be increased to the next-highest penalty assessment category; and

(3) each subsequent violation in a class 4 penalty category will result in an additional penalty of two hundred dollars ($200).

D. Multiple violations for the same incident shall be treated as a single event and shall not result in graduated penalties.

E. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of [~~an accident~~] a crash resulting in injury or death to a person.

F. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later

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conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor, and probation imposed upon a suspended or deferred sentence shall not exceed ninety days."

SECTION 6. Section 66-5-29 NMSA 1978 (being Laws 1978, Chapter 35, Section 251, as amended) is amended to read:

"66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

A. The division shall immediately revoke [~~the~~] a person's driving privilege or driver's license [~~of a driver~~] upon receiving a record of the driver's final adjudication as a delinquent [~~for~~] or for a final conviction under state or local law of any of the following offenses: [~~whether the offense is under any state law or local ordinance, when the conviction or adjudication has become final~~]

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) [~~any~~] an offense rendering a person a "first offender" as defined in the Motor Vehicle Code;

(3) [~~any~~] an offense rendering a person a "subsequent offender" as defined in the Motor Vehicle Code;

(4) [~~any~~] a felony in the commission of which a motor vehicle is used;

(5) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle [~~accident~~] crash resulting in the death or personal injury of

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another;

(6) perjury or the making of a false affidavit or statement under oath to the division under the Motor Vehicle Code or under any other law relating to the ownership or operation of motor vehicles; or

(7) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of twelve months.

B. Except as provided in the Ignition Interlock Licensing Act and in Subsection C, D, E or F of this section, a person whose driving privilege or driver's license [~~has been~~] is revoked under this section shall not be entitled to apply for or receive a new license until one year from the date that the conviction is final and all rights to an appeal have been exhausted.

C. A person who upon adjudication as a delinquent for driving while under the influence of intoxicating liquor or drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is subject to revocation of the driving privilege or driver's license under this section for an offense pursuant to which the person was also subject to revocation of the driving privilege or driver's license pursuant to Section 66-8-111 NMSA 1978 shall have the person's driving privilege or driver's license revoked for that offense for a combined period of time equal to:

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(1) one year for a first offender; or

(2) for a subsequent offender:

(a) two years for a second conviction;

(b) three years for a third conviction; or

(c) the remainder of the offender's life for a fourth or subsequent conviction, subject to a five-year review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

D. The division shall apply the license revocation provisions of Subsection C of this section and the provisions of Subsection D of Section 66-5-5 NMSA 1978 to a person who was three or more times convicted of driving a motor vehicle under the influence of intoxicating liquor or drugs and who has a driver's license revocation pursuant to the law in effect prior to June 17, 2005, upon the request of the person and if the person has had an ignition interlock license for three years or more and has proof from the ignition interlock vendor of no violations of the ignition interlock device in the previous six months.

E. Upon receipt of an order from a court pursuant to Section 32A-2-19 NMSA 1978 or Subsection G of Section 32A-2-22 NMSA 1978, the division shall revoke the driver's license or driving privileges for a period of time in accordance with these provisions.

F. Upon receipt from a district court of a record

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of conviction for the offense of shooting at or from a motor vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978 or of a conviction for a conspiracy or an attempt to commit that offense, the division shall revoke the driver's license or driving privileges of the convicted person. A person whose driver's license or driving privilege [~~has been~~] is revoked pursuant to the provisions of this subsection shall not be entitled to apply for or receive any new driver's license or driving privilege until one year from the date that the conviction is final and all rights to an appeal have been exhausted."

SECTION 7. Section 66-5-30 NMSA 1978 (being Laws 1978, Chapter 35, Section 252, as amended) is amended to read:

"66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE LICENSE.--

A. The division may suspend the instruction permit, driver's license or provisional license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence, including information provided to the state pursuant to an intergovernmental agreement authorized by Section 66-5-27.1 NMSA 1978, that the [~~licensee~~] driver:

(1) has been convicted of an offense for which mandatory revocation of license is required upon conviction;

(2) has been convicted as a driver in [~~an accident~~] a crash resulting in the death or personal injury of

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another or serious property damage;

(3) has been convicted with such frequency of offenses against traffic laws or rules governing motor vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(4) is [~~an~~] a habitually reckless or negligent driver of a motor vehicle;

(5) is incompetent to drive a motor vehicle;

(6) [~~has~~] permitted an unlawful or fraudulent use of the license;

(7) has been convicted of an offense in another state or tribal jurisdiction that if committed within this state's jurisdiction would be grounds for suspension or revocation of the license;

(8) has violated provisions stipulated by a district court in limitation of certain driving privileges; or

(9) has accumulated at least seven points, but less than eleven points, and [~~when~~] the division has received a recommendation from a municipal or magistrate judge that the license be suspended for a period not to exceed three months.

B. The division may issue an administrative suspension of the instruction permit, driver's license or provisional license of a driver without preliminary hearing upon a showing by its records or other sufficient evidence, including information provided to the state pursuant to an

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intergovernmental agreement authorized by Section 66-5-27.1 NMSA 1978, that the licensee has failed to comply with the terms of a citation issued in a foreign jurisdiction that is a party to the Nonresident Violator Compact and that has notified the department of the failure in accordance with [~~the Nonresident Violator Compact~~] that act.

C. If a person whose license was issued by a jurisdiction outside New Mexico that is a party to the Nonresident Violator Compact fails to comply with the terms of a citation issued in New Mexico, the department shall notify that other jurisdiction of the failure and that jurisdiction may initiate a license suspension action in accordance with the provisions of Article IV of the Nonresident Violator Compact.

D. Upon suspending the license of a person as authorized in this section, the division shall immediately notify the licensee in writing of the licensee's right to a hearing before the administrative hearings office and, upon the licensee's request, shall notify the administrative hearings office. The administrative hearings office shall schedule the hearing to take place as early as practicable, but not later than twenty days, not counting Saturdays, Sundays and legal holidays, after receipt of the request. The hearing shall be held in the county in which the licensee resides unless the hearing officer and the licensee agree that the hearing may be held in some other county; provided that the hearing request is

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received within twenty days from the date that the suspension was deposited in the United States mail. The hearing officer may, in the hearing officer's discretion, extend the twenty-day period. The hearing shall be held as provided in the Administrative Hearings Office Act. After the hearing, the hearing officer shall either rescind the order of suspension or continue, modify or extend the suspension of the license or revoke the license."

SECTION 8. Section 66-5-49 NMSA 1978 (being Laws 1963, Chapter 302, Section 1) is amended to read:

"66-5-49. DRIVER LICENSE COMPACT ENACTED.--The Driver License Compact is entered into with all other jurisdictions legally joining [~~therein~~] the compact in a form substantially as follows:

DRIVER LICENSE COMPACT

Article I. Findings And Declaration Of Policy.--

A. The party states find that:

(1) the safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(2) violation of state law or local ordinance is evidence that the violator engages in conduct [~~which~~] that is likely to endanger the safety of persons and property; and

(3) continuance in force of a license to drive

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is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in [~~whichever~~] the jurisdiction where the vehicle is operated.

B. It is the policy of each of the party states to:

(1) promote compliance with the laws, ordinances and administrative rules and regulations relating to the operation of motor vehicles [~~by their operators in each of the jurisdictions where they drive motor vehicles~~] in the jurisdictions where the motor vehicles are operated; and

(2) make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuation or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

Article II. Definitions.--As used in the Driver License Compact:

A. "state" means a state, territory or possession of the United States, the district of Columbia or the commonwealth of Puerto Rico;

B. "home state" means the state [~~which~~] that has issued, and has the power to suspend or revoke the use of, the license or permit to operate a motor vehicle; and

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C. "conviction" means a conviction of any offense related to the use or operation of a motor vehicle [~~which~~] that is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

Article III. Reports of Conviction.--The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. The report shall:

A. clearly identify the person convicted;

B. describe the violation, specifying the section of the statute, code or ordinance violated;

C. identify the court in which action was taken;

D. indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and

E. include any special findings made in connection [~~therewith~~] with the conviction.

Article IV. Effect Of Conviction.--

A. The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the

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license to operate a motor vehicle, shall give the same effect to the conduct reported pursuant to Article III of the Driver License Compact as it would if the conduct had occurred in the home state in the case of convictions for:

(1) manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree [~~which~~] that renders the driver incapable of safely driving a motor vehicle;

(3) any felony in the commission of which a motor vehicle is used; and

(4) failure to stop and render aid in the event of a motor vehicle [~~accident~~] crash resulting in the death or personal injury of another.

B. As to other convictions reported pursuant to Article III, the licensing authority in the home state shall give the effect to the conduct as is provided by the laws of the home state.

C. If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in Subsection A of this article, that party state shall construe the denominations and descriptions appearing in Subsection A as being applicable to, and identifying, those offenses or violations of a substantially

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similar nature, and the laws of that party state shall contain provisions necessary to ensure that full effect is given to this article.

Article V. Applications For New Licenses.--Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

A. the applicant has held a license, but it has been suspended by reason, in whole or in part, of a violation and if the suspension period has not terminated;

B. the applicant has held a license, but it has been revoked by reason, in whole or in part, of a violation and if the revocation has not terminated, except that after expiration of one year from the date the license was revoked, the person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to the applicant if, after investigation, it determines that it will not be safe to grant to the person the privilege of driving a motor vehicle on the public highways; or

C. the applicant is the holder of a license to drive issued by another party state and currently in force, unless [~~he~~] the applicant surrenders the license.

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Article VI. Applicability Of Other Laws.--Except as expressly required by provisions of the Driver License Compact, nothing contained in the compact shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstances, or to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

Article VII. Compact Administrator And Interchange Of Information.--

A. The head of the licensing authority of each party state shall be the administrator of the Driver License Compact for [~~his~~] that person's state. The administrators, acting jointly, may formulate all necessary and proper procedures for the exchange of information under the Driver License Compact.

B. The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of the Driver License Compact.

Article VIII. Entry Into Force And Withdrawal.--

A. The Driver License Compact shall enter into force and become effective as to any state when it has enacted the compact into law.

B. Any party state may withdraw from the Driver

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License Compact by enacting a statute repealing the compact, but no withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

Article IX. Construction And Severability.--The Driver License Compact shall be liberally construed to effectuate its purposes. The provisions of the compact are severable and if any phrase, clause, sentence or provision is declared to be contrary to the constitution of any party state, or of the United States, or its applicability to any government, agency, person or circumstance is held invalid, the validity [~~or~~] of the remainder of the compact and its applicability to any government, agency, person or circumstance shall not be affected. If the compact is held contrary to the constitution of any party state, it shall remain in full effect as to the state affected as to all severable matters."

SECTION 9. Section 66-5-54 NMSA 1978 (being Laws 1989, Chapter 14, Section 3, as amended) is amended to read:

"66-5-54. DEFINITIONS.--As used in the New Mexico Commercial Driver's License Act:

A. "commerce" means:

(1) trade, traffic or transportation within

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the jurisdiction of the United States between a place in New Mexico and a place outside of New Mexico, including a place outside of the United States; and

(2) trade, traffic or transportation in the United States that affects any trade, traffic or transportation described in Paragraph (1) of this subsection;

B. "commercial driver's license holder" means an individual to whom a license has been issued by a state or other jurisdiction, in accordance with the standards found in 49 CFR Part 383, as amended or renumbered, that authorizes the individual to operate a commercial motor vehicle;

C. "commercial driver's license information system" means the information system created pursuant to the federal Commercial Motor Vehicle Safety Act of 1986 that contains information pertaining to operators of commercial motor vehicles;

D. "commercial motor vehicle" means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

(1) has a gross combination weight rating of more than twenty-six thousand pounds inclusive of a towed unit with a gross vehicle weight rating of more than ten thousand pounds;

(2) has a gross vehicle weight rating of more than twenty-six thousand pounds;

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(3) is designed to transport sixteen or more passengers, including the driver; or

(4) is of any size and is used in the transportation of hazardous materials, as provided in 49 CFR Part 383.5;

E. "conviction" means:

(1) an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law by:

(a) a court of original jurisdiction; or

(b) an authorized administrative tribunal;

(2) an unvacated forfeiture of bail or collateral deposited to secure a person's appearance in court;

(3) a plea of guilty or nolo contendere accepted by the court;

(4) the payment of a fine or court cost;

(5) a violation of a condition of release without bail, regardless of whether the payment is rebated, suspended or probated;

(6) an assignment to a diversion program or a driver improvement school; or

(7) a conditional discharge as provided in Section 31-20-13 NMSA 1978;

F. "director" means the director of the motor

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vehicle division of the department;

G. "disqualification" means:

(1) a suspension, revocation or cancellation of a commercial driver's license by the state or jurisdiction that issued the commercial driver's license;

(2) a withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as the result of a violation of state or local law relating to motor vehicle control other than a parking, vehicle weight or vehicle defect violation; and

(3) a determination by the federal motor carrier safety administration that a person is not qualified to operate a motor vehicle;

H. "division" means the motor vehicle division of the department;

I. "driving a commercial motor vehicle while under the influence of alcohol" means:

(1) driving a commercial motor vehicle while the driver has an alcohol concentration in the driver's blood or breath of four one hundredths or more;

(2) driving a commercial motor vehicle while the driver is under the influence of intoxicating liquor; or

(3) refusal to submit to chemical tests administered pursuant to Section 66-8-107 NMSA 1978;

J. "employee" means an operator of a commercial

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motor vehicle, including full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers; and independent owner-operator contractors, while in the course of operating a commercial motor vehicle, who is either directly employed by or under lease to an employer;

K. "employer" means a person, including the United States, a state and a political subdivision of a state or their agencies or instrumentalities, that owns or leases a commercial motor vehicle or assigns employees to operate such a vehicle;

L. "fatality" means the death of a person as a result of a motor vehicle [~~accident~~] crash;

M. "gross combination weight rating" means the value specified by the manufacturer as the loaded weight of a combination vehicle. In the absence of a value specified by the manufacturer, gross combination weight rating shall be determined by adding the gross vehicle weight rating of the power unit and the total weight of the towed unit or units and any load thereon;

N. "gross vehicle weight rating" means the value specified by the manufacturer as the loaded weight of a single vehicle;

O. "imminent hazard" means a condition that presents a substantial likelihood that death, serious illness, severe personal injury or a substantial endangerment to health, property or the environment will occur before the reasonable

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foreseeable completion date of a formal proceeding to lessen the risk of that death, illness, injury or endangerment;

P. "noncommercial motor vehicle" means a motor vehicle or combination of motor vehicles that is not a commercial motor vehicle;

Q. "nonresident commercial driver's license" means a commercial driver's license issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country;

R. "out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, Canadian, Mexican or local jurisdiction that a driver, a commercial motor vehicle or a motor carrier operation is temporarily prohibited from operating;

S. "railroad-highway grade crossing violation" means a violation of a provision of Section 66-7-341 or 66-7-343 NMSA 1978 or a violation of federal or local law, ordinance or rule pertaining to stopping at or crossing a railroad-highway grade crossing;

T. "serious traffic violation" means conviction of any of the following if committed when operating a motor vehicle:

(1) speed of fifteen miles or more per hour above the posted limits;

(2) reckless driving as defined by Section

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66-8-113 NMSA 1978 or a municipal ordinance or the law of another state;

(3) homicide by vehicle, as defined in Section 66-8-101 NMSA 1978;

(4) injury to pregnant women by vehicle as defined in Section 66-8-101.1 NMSA 1978 or a municipal ordinance or the law of another state;

(5) any other violation of law relating to motor vehicle traffic control, other than a parking violation, that the secretary determines by regulation to be a serious traffic violation. "Serious traffic violation" does not include a vehicle weight or vehicle defect violation;

(6) improper or erratic lane changes in violation of Section 66-7-317 NMSA 1978;

(7) following another vehicle too closely in violation of Section 66-7-318 NMSA 1978;

(8) texting while driving in violation of Section 66-7-374 NMSA 1978 or a municipal ordinance;

(9) use of a handheld mobile communication device while driving a commercial motor vehicle in violation of Section [~~1 of this 2016 act~~] 66-7-375 NMSA 1978 or a municipal ordinance;

(10) directly or indirectly causing death or great bodily injury to a human being in the unlawful operation of a motor vehicle in violation of Section 66-8-101 NMSA 1978;

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(11) driving a commercial motor vehicle without possession of a commercial driver's license in violation of Section 66-5-59 NMSA 1978;

(12) driving a commercial motor vehicle without the proper class of commercial driver's license and endorsements pursuant to Section 66-5-65 NMSA 1978 and the Motor Carrier Safety Act for the specific vehicle group operated or for the passengers or type of cargo transported; or

(13) driving a commercial motor vehicle without obtaining a commercial driver's license in violation of Section 66-5-59 NMSA 1978; and

U. "state of domicile" means the state in which a person has a true, fixed and permanent home and principal residence and to which the person has the intention of returning whenever the person has been absent from that state."

SECTION 10. Section 66-5-62.1 NMSA 1978 (being Laws 2013, Chapter 210, Section 1) is amended to read:

"66-5-62.1. RESTRICTED COMMERCIAL DRIVER'S LICENSE FOR CERTAIN FARM-RELATED SERVICE INDUSTRIES.--

A. The division shall waive the required knowledge and skills tests pursuant to Section 66-5-60 NMSA 1978 and issue a restricted commercial driver's license to an employee of the following farm-related service industries:

(1) agriculture-chemical businesses;

(2) custom harvesters;

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(3) farm retail outlets and suppliers; and

(4) livestock feeders.

B. A restricted commercial driver's license issued pursuant to this section shall meet all the requirements of the New Mexico Commercial Driver's License Act, except for a knowledge and skills test. A restricted commercial driver's license issued pursuant to this section shall be accorded the same reciprocity as a commercial driver's license meeting all of the requirements of the New Mexico Commercial Driver's License Act. The restrictions imposed upon the issuance of the restricted commercial driver's license shall not limit a person's use of the restricted commercial driver's license in a noncommercial motor vehicle, nor shall the restricted commercial driver's license affect the division's authority to administer its driver licensing program for operators of vehicles other than commercial motor vehicles.

C. The division shall restrict a commercial driver's license issued pursuant to this section as follows:

(1) an applicant shall have a good driving record, as defined in this paragraph. Drivers who have not held a motor vehicle driver's license for at least one year shall not be eligible for the restricted commercial driver's license. Drivers who have been licensed between one and two years shall have a good driving record for their entire driving history. Drivers who have been licensed for more than two

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years shall have a good driving record for the two most recent years. For the purposes of this paragraph, "good driving record" means that an applicant:

(a) has not had more than one type of driver's license;

(b) has not had a license suspended, revoked or canceled;

(c) has not had a conviction, for any type of motor vehicle, for the disqualifying offenses contained in Section 66-5-68 NMSA 1978;

(d) has not had a conviction, for any type of motor vehicle, for a serious traffic violation; and

(e) has not had a conviction for a violation of state or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with [~~any~~] a traffic [~~accident~~] crash and has no record of [~~an accident~~] a crash in which the applicant was at fault;

(2) a restricted commercial driver's license shall have the same renewal cycle as an unrestricted commercial driver's license and shall be limited to a seasonal period or periods as determined by the division; provided that the total number of calendar days in any twelve-month period for which the restricted commercial driver's license is valid does not exceed one hundred eighty days. If the division elects to

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provide for more than one seasonal period, the restricted commercial driver's license is valid for commercial motor vehicle operation only during the currently approved season and must be revalidated for each successive season. Only one seasonal period of validity may appear on the license document at a time. The good driving record must be confirmed prior to any renewal or revalidation;

(3) the holder of a restricted commercial driver's license is limited to operating class B and class C vehicles, as described in Section 66-5-65 NMSA 1978;

(4) a restricted commercial driver's license shall not be issued with any endorsements on the license document. Only the limited tank vehicle and hazardous materials endorsement privileges that the restricted commercial driver's license automatically confers and that are described in Paragraph (5) of this subsection are permitted;

(5) a restricted commercial driver's license holder shall not drive a vehicle carrying any quantity of hazardous materials that require a placard on the vehicle, except for:

(a) diesel fuel in quantities of one thousand gallons or less;

(b) liquid fertilizers, such as plant nutrients, in vehicles or implements of husbandry in total quantities of three thousand gallons or less; and

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(c) solid fertilizers, such as solid plant nutrients, that are not transported with any organic substance;

(6) a restricted commercial driver's license holder shall not hold an unrestricted commercial driver's license at the same time; and

(7) a restricted commercial driver's license holder shall not operate a commercial motor vehicle beyond one hundred fifty miles from the place of business or the farm currently being served.

D. The department, by rule, may provide for the means of designating the commercial driver's license allowed by this section as a restricted commercial driver's license."

SECTION 11. Section 66-5-68 NMSA 1978 (being Laws 1989, Chapter 14, Section 17, as amended) is amended to read:

"66-5-68. DISQUALIFICATION.--

A. The department shall disqualify a person from driving a commercial motor vehicle for at least thirty days if the federal motor carrier safety administration reports to the division that the person poses an imminent hazard.

B. The department shall disqualify a person who holds a commercial driver's license or who is required to hold a commercial driver's license or commercial driver's instruction permit from driving a commercial motor vehicle for a period of not less than one year, which shall run

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concurrently with any revocation or suspension action for the same offense, if the person:

(1) refuses to submit to a chemical test when requested pursuant to the provisions of the Implied Consent Act;

(2) is twenty-one years of age or more and submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of eight one hundredths or more;

(3) submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of four one hundredths or more if the person is driving a commercial motor vehicle;

(4) is less than twenty-one years of age and submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of two one hundredths or more; or

(5) is convicted of a violation of:

(a) driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978, an ordinance of a municipality of this state or the law of another state;

(b) leaving the scene of [~~an accident~~] a crash involving a commercial motor vehicle driven by the person in violation of Section 66-7-201 NMSA 1978 or an ordinance of a

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municipality of this state or the law of another state;

(c) using a motor vehicle in the commission of a felony;

(d) driving a commercial motor vehicle after the driver's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit is revoked, suspended, disqualified or canceled for violations while operating a commercial motor vehicle; or

(e) causing a fatality in the unlawful operation of a motor vehicle pursuant to Section 66-8-101 NMSA 1978.

C. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than three years if any of the violations specified in Subsection B of this section occur while transporting a hazardous material required to be placarded.

D. The department shall disqualify a person from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in Subsection B of this section, or any combination of those offenses, arising from two or more separate incidents, but the secretary may issue rules establishing guidelines, including conditions, under which a disqualification for life under this subsection may be reduced to a period of not less than ten

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years. This subsection applies only to those offenses committed after July 1, 1989.

E. The department shall disqualify a person from driving a commercial motor vehicle for life if the person is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or involving an act or practice of severe forms of trafficking in persons, as defined in federal law.

F. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, if the violations were committed while driving a commercial motor vehicle, arising from separate incidents occurring within a three-year period.

G. The department shall disqualify a person from driving a commercial motor vehicle for a period of:

(1) not less than one hundred eighty days nor more than two years if the person is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded pursuant to the federal Hazardous Materials Transportation Act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver;

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(2) not more than one year if the person is convicted of a first violation of an out-of-service order; or

(3) not less than three years nor more than five years if, during any ten-year period, the person is convicted of any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded pursuant to that act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver.

H. The department shall disqualify a person from driving a commercial motor vehicle for sixty days if:

(1) the person has been convicted of two serious traffic violations in separate incidents within a three-year period; and

(2) the second conviction results in revocation, cancellation or suspension of the person's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit or noncommercial motor vehicle driving privileges for sixty days.

I. The department shall disqualify a person from driving a commercial motor vehicle for one hundred twenty days, in addition to any other period of disqualification, if:

(1) the person has been convicted of more than two serious traffic violations within a three-year period; and

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(2) the third or a subsequent conviction results in the revocation, cancellation or suspension of the person's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit or noncommercial motor vehicle driving privileges.

J. When a person is disqualified from driving a commercial motor vehicle, any commercial driver's license held by that person is invalidated without a separate proceeding of any kind and the driver is not eligible to apply for a commercial driver's license until the period of time for which the driver was disqualified has elapsed.

K. The department shall disqualify a person from driving a commercial motor vehicle for not less than:

(1) sixty days if the person is convicted of a first violation of a railroad-highway grade crossing violation;

(2) one hundred twenty days if, during any three-year period, the person is convicted of a second railroad-highway grade crossing violation in a separate incident; and

(3) one year if, during any three-year period, the person is convicted of a third or subsequent railroad-highway grade crossing violation in a separate incident.

L. After disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall,

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within ten days, update its records to reflect that action. After disqualifying, suspending, revoking or canceling a non-domiciled commercial driver's privileges, the department shall, within ten days, notify the licensing authority of the state that issued the commercial driver's license.

M. When disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall treat a conviction received in another state in the same manner as if it was received in this state.

N. The department shall post and enforce any disqualification sent by the federal motor carrier safety administration to the department that indicates that a commercial motor vehicle driver poses an imminent hazard.

O. The federal transportation security administration of the department of homeland security shall provide for an appeal of a disqualification for a commercial driver's license hazardous materials endorsement on the basis of a background check, and the department shall provide to a hazardous materials applicant a copy of the procedures established by the transportation security administration, on request, at the time of application.

P. New Mexico shall conform to the federal transportation security administration of the department of homeland security rules and shall "look back" or review a maximum of seven years for a background check."

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SECTION 12. Section 66-5-103 NMSA 1978 (being Laws 1931, Chapter 127, Section 1, as amended) is amended to read:

"66-5-103. NONRESIDENT OWNERS AND OPERATORS--SERVICE OF PROCESS ON SECRETARY OF STATE IN [~~ACCIDENT~~] CRASH CASES.--The acceptance by nonresidents of the rights and privileges conferred by existing laws to operate motor vehicles on the public highways of [~~the~~] this state [~~of New Mexico~~] or the operation by a nonresident or [~~his~~] the nonresident's authorized chauffeur or agent of a motor vehicle on the [~~said~~] highways of this state, other than under [~~said~~] the existing motor vehicle laws, [~~shall be deemed~~] is equivalent to an irrevocable appointment by [~~such~~] the nonresident, binding upon [~~his~~] the nonresident's executor, administrator or personal representative, of the secretary of state [~~of the State of New Mexico~~] or [~~his~~] the secretary's successor in office to be [~~his~~] the nonresident's true and lawful agent, upon whom may be served all lawful process in any action or proceeding against [~~said~~] the nonresident growing out of any [~~accident~~] crash or collision in which [~~said~~] the motor vehicle may be involved while [~~same~~] it is operated in [~~the~~] this state [~~of New Mexico~~] by [~~said~~] the nonresident or by [~~his~~] the nonresident's authorized chauffeur or agent [~~and said~~]. Acceptance or operation of [~~said~~] the vehicle [~~shall be~~] is signification of [~~his~~] the nonresident's agreement that any such process against [~~him~~] the nonresident or [~~his~~] the nonresident's executor,

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administrator or personal representative, which is so served on the secretary of state, shall be of the same legal force and validity as if served upon [~~him~~] the nonresident personally or [~~his~~] the nonresident's executor, administrator or personal representative within the state."

SECTION 13. Section 66-5-104 NMSA 1978 (being Laws 1931, Chapter 127, Section 2, as amended) is amended to read:

"66-5-104. PROCEDURE IN ACTION AGAINST NONRESIDENT OWNER OR OPERATOR.--The manner of procuring and serving process in any cause brought pursuant to [~~the preceding section~~] Section 66-5-103 NMSA 1978 shall be as follows [~~to wit~~]:

A. the plaintiff shall file a verified complaint in one of the district courts of the state showing a cause of action against the defendant or [~~his~~] the defendant's executor, administrator or personal representative of the class contemplated in Section [~~one (68-1003) hereof~~] 66-5-103 NMSA 1978 and shall further show in [~~said~~] the complaint or by affidavit to the satisfaction of the judge of [~~said~~] the court that the defendant or [~~his~~] the defendant's executor, administrator or personal representative is one of the persons contemplated in Section [~~one (68-1003)~~] 66-5-103 NMSA 1978 and the residence of [~~said~~] the defendant or [~~his~~] the defendant's executor, administrator or personal representative and a description of the [~~car or~~] motor vehicle claimed to have been operated by the [~~said~~] defendant or [~~his~~] the defendant's

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agent, as near as the same can reasonably be ascertained by the plaintiff, and the time, place and nature of [~~such accident~~] the crash or injury. Upon such showing being made, the judge shall make an order directing that service of process be made on the defendant or [~~his~~] the defendant's executor, administrator or personal representative as provided in Section [~~one (68-1003) hereof~~] 66-5-103 NMSA 1978 and, also, that a copy of the process, [~~and~~] complaint and [~~of said~~] order and a notice that the same has been served upon the secretary of state pursuant to [~~this act (68-1003, 68-1004)~~] Sections 66-5-103 and 66-5-104 NMSA 1978 be delivered to the defendant personally or [~~his~~] the defendant's executor, administrator or personal representative, without the state. Proof of such service shall be made by affidavit filed in [~~said~~] the cause, and service shall be deemed complete thirty [~~(30)~~] days from the date such personal service is made on the defendant or [~~his~~] the defendant's executor, administrator or personal representative; and

B. the court in which the action is pending shall, upon affidavit submitted upon behalf of the defendant or [~~his~~] the defendant's executor, administrator or personal representative, grant such additional time to answer or continuances as shall be reasonably necessary to allow the defendant or [~~his~~] the defendant's executor, administrator or personal representative full opportunity to plead and prepare

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for the trial of the [~~said~~] cause."

SECTION 14. Section 66-5-201.1 NMSA 1978 (being Laws 1983, Chapter 318, Section 2, as amended) is amended to read:

"66-5-201.1. PURPOSE.--The legislature is aware that motor vehicle [~~accidents~~] crashes in New Mexico can result in catastrophic financial hardship. The purpose of the Mandatory Financial Responsibility Act is to require residents of New Mexico who own and operate motor vehicles upon the highways of the state either to have the ability to respond in damages to [~~accidents~~] crashes arising out of the use and operation of a motor vehicle or to obtain a motor vehicle insurance policy."

SECTION 15. Section 66-5-205.1 NMSA 1978 (being Laws 1989, Chapter 214, Section 1, as amended) is amended to read:

"66-5-205.1. UNINSURED MOTORIST CITATION--REQUIREMENTS TO BE FOLLOWED AT TIME OF [~~ACCIDENT~~] CRASH--SUBSEQUENT PROCEDURES--INSURER NOTIFICATION REQUIREMENTS--SUSPENSION PROCEDURES.--

A. When a law enforcement officer issues a driver who is involved in [~~an accident~~] a crash a citation for failure to comply with the provisions of the Mandatory Financial Responsibility Act, the law enforcement officer shall at the same time:

(1) issue to the driver cited a temporary operation sticker, valid for thirty days after the date the sticker is issued, and forward by mail or delivery to the

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department a duplicate of the issued sticker; and

(2) remove the license plate from the vehicle and send it with the duplicate of the sticker to the department or, if it cannot be removed, permanently deface the plate.

B. The department shall return or replace, in its discretion, a license plate removed under the provisions of Paragraph (2) of Subsection A of this section or replace a license plate defaced under that paragraph when the person cited for failure to comply with the provisions of the Mandatory Financial Responsibility Act furnishes proof of compliance to the department and pays to the division a reinstatement fee of twenty-five dollars ($25.00). If a person to whom the temporary operation sticker is issued furnishes to the department, within fifteen days after the issuance of the sticker, evidence of financial responsibility in compliance with the Mandatory Financial Responsibility Act and in effect on the date and at the time of the issuance of the sticker, the department shall replace or return the license plate and waive the twenty-five dollar ($25.00) reinstatement fee.

C. The secretary shall adopt and promulgate rules prescribing the form and use of the sticker required to be issued under Subsection A of this section.

D. The secretary shall adopt and promulgate rules requiring insurance carriers to report canceled, terminated and

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newly issued motor vehicle insurance policies each month to the department. Information pertaining to each motor vehicle shall be made a part of that vehicle file for one year.

E. Within ten days of notification by the insurance carrier of a termination or cancellation of a motor vehicle insurance policy, the department shall demand satisfactory evidence from the owner of the motor vehicle that [~~he~~] the owner meets the requirements of the Mandatory Financial Responsibility Act. Failure to provide evidence of financial responsibility within twenty days after the department has mailed its demand for proof:

(1) constitutes reasonable grounds to believe that a person is operating a motor vehicle in violation of the provisions of Section 66-5-205 NMSA 1978; and

(2) requires the department to suspend the person's registration as provided in Section 66-5-236 NMSA 1978.

F. The department shall notify the superintendent of insurance if an insurance carrier fails to provide monthly reports to the department regarding motor vehicle insurance policy information as required by Subsection D of this section."

SECTION 16. Section 66-5-208 NMSA 1978 (being Laws 1978, Chapter 35, Section 282, as amended) is amended to read:

"66-5-208. EVIDENCE OF FINANCIAL RESPONSIBILITY--AMOUNTS

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AND CONDITIONS.--"Evidence of financial responsibility", as used in the Mandatory Financial Responsibility Act, means evidence of the ability to respond in damages for liability, on account of [~~accidents~~] a crash occurring subsequent to the effective date of the evidence, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of New Mexico, in the following amounts:

A. twenty-five thousand dollars ($25,000) because of bodily injury to or death of one person in any one [~~accident~~] crash;

B. subject to this limit for one person, fifty thousand dollars ($50,000) because of bodily injury to or death of two or more persons in any one [~~accident~~] crash;

C. ten thousand dollars ($10,000) because of injury to or destruction of property of others in any one [~~accident~~] crash; and

D. if evidence is in the form of a surety bond or a cash deposit, the total amount shall be sixty thousand dollars ($60,000)."

SECTION 17. Section 66-5-210 NMSA 1978 (being Laws 1971, Chapter 59, Section 2, as amended) is amended to read:

"66-5-210. SETTLEMENT AGREEMENTS FOR PAYMENT OF DAMAGES.--

A. [~~Any~~] Two or more of the persons involved in or

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affected by a motor vehicle [~~accident~~] crash may at any time enter into a written settlement agreement for the payment of an agreed amount with respect to all claims of any of the persons because of bodily injury to or the death of any person or property damage arising from the [~~accident~~] crash, which agreement may provide for payment in installments, and may file a signed copy of the settlement agreement with the division.

B. In the event of a default in any payment under such settlement agreement and upon notice of default, the division shall take action suspending the license or registration, or both if the owner and driver are the same person, or any nonresident's operating privilege of the person in default.

C. The suspension shall remain in effect and the license or registration shall not be restored until:

(1) the person in default has paid the balance of the agreed amount; or

(2) one year has elapsed following the effective date of the suspension and evidence satisfactory to the division has been filed with it that during such period no action at law upon the settlement agreement has been instituted and is pending."

SECTION 18. Section 66-5-212 NMSA 1978 (being Laws 1978, Chapter 35, Section 290, as amended) is amended to read:

"66-5-212. APPLICATION TO NONRESIDENTS, UNLICENSED

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DRIVERS, UNREGISTERED VEHICLES AND [~~ACCIDENTS~~] CRASHES IN OTHER STATES.--

A. When a nonresident's operating privilege is suspended under the Mandatory Financial Responsibility Act and Sections 66-5-301 through 66-5-303 NMSA 1978, the division may transmit a certified copy of the record of such action to the official in charge of the issuance of licenses and registration certificates in the state in which the nonresident resides if the law of the other state provides for action in relation thereto similar to that provided for in Subsection B of this section.

B. Upon receipt of certification that the driving privilege of a resident of New Mexico has been suspended or revoked in any other state pursuant to a law providing for its suspension or revocation for failure to pay settlement agreements or judgments arising out of a motor vehicle [~~accident~~] crash or for failure to give and maintain evidence of financial responsibility under circumstances [~~which~~] that would require the division to suspend a nonresident's operating privilege had the [~~accident~~] crash occurred in New Mexico, the division may suspend the license of the resident if [~~he~~] the resident was the driver and all of [~~his~~] the resident's registrations if [~~he~~] the resident was the owner of a motor vehicle involved in the [~~accident~~] crash. The suspension shall continue until the resident furnishes evidence of [~~his~~] the

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resident's compliance with the law of the other state."

SECTION 19. Section 66-5-215 NMSA 1978 (being Laws 1978, Chapter 35, Section 298, as amended) is amended to read:

"66-5-215. PAYMENTS SUFFICIENT TO SATISFY REQUIREMENTS.--

A. Judgments [~~herein referred to~~] shall, for the purpose of the Mandatory Financial Responsibility Act only, be deemed satisfied when:

(1) twenty-five thousand dollars ($25,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one [~~accident~~] crash;

(2) subject to the limit of twenty-five thousand dollars ($25,000) because of bodily injury to or death of one person, the sum of fifty thousand dollars ($50,000) has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one [~~accident~~] crash; or

(3) ten thousand dollars ($10,000) has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one [~~accident~~] crash.

B. However, payments made in settlements of any claims because of bodily injury, death or property damage arising from the [~~accident~~] crash shall be credited in reduction of the amounts provided for in this section."

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SECTION 20. Section 66-5-229 NMSA 1978 (being Laws 1978, Chapter 35, Section 318, as amended) is amended to read:

"66-5-229. DURATION OF EVIDENCE--WHEN FILING OF EVIDENCE MAY BE WAIVED.--

A. Except as provided in Subsection B of this section, the department shall, upon request, consent to the immediate cancellation of any bond or the department shall direct and the state treasurer shall return to the person entitled to it any money deposited pursuant to the Mandatory Financial Responsibility Act as evidence of financial responsibility or the department shall waive the requirement of filing evidence of financial responsibility in any of the following events:

(1) after one year of providing satisfactory evidence as specified in Section 66-5-218 NMSA 1978;

(2) the death of the person on whose behalf evidence was filed or the permanent incapacity of the person to operate a motor vehicle; or

(3) the person who has filed evidence surrenders the person's license and registration to the department.

B. The department shall not consent to the cancellation of any bond or the return of any money or waive the requirement of filing evidence of financial responsibility in the event any action for damages upon a liability covered by the evidence is then pending or any judgment upon any such

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liability is then unsatisfied or in the event the person who has filed the bond or deposited the money has, within one year immediately preceding the request, been involved as a driver or owner in any motor vehicle [~~accident~~] crash resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts or that the applicant has been released from all of the applicant's liability or has been finally adjudicated not to be liable for such injury or damage shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

C. An owner or operator of a vehicle subject to the Mandatory Financial Responsibility Act shall carry evidence of financial responsibility as defined by that act in the vehicle at all times while the vehicle is in operation on the highways of this state.

D. When financial responsibility is satisfied through coverage under a motor vehicle insurance policy, the owner's or operator's carrying of evidence in print or accessible through a portable electronic device is acceptable. An owner or operator of a vehicle who provides evidence of financial responsibility through a portable electronic device:

(1) assumes all liability for any resulting damage to the portable electronic device; and

(2) is presumed not to consent to provide access

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to a law enforcement officer to any other information stored in the portable electronic device.

E. The failure to comply with Subsection C of this section is a misdemeanor punishable as set forth in Section 66-8-7 NMSA 1978 unless the person charged with violating that subsection produces in court evidence of financial responsibility valid at the time of issuance of the citation."

SECTION 21. Section 66-5-232 NMSA 1978 (being Laws 1983, Chapter 318, Section 31, as amended) is amended to read:

"66-5-232. SAMPLING--LETTER TO OWNER.--

A. The department, at various times as it considers necessary or appropriate to assure compliance with the Mandatory Financial Responsibility Act, shall select for financial responsibility affirmation an appropriate sample number of the motor vehicles registered in New Mexico. The department is authorized to emphasize, in accordance with rules adopted by the department, for affirmation of financial responsibility, individuals whose affirmations of financial responsibility have previously been found to be incorrect.

B. When a motor vehicle is selected for financial responsibility affirmation under Subsection A of this section, the department shall mail an affirmation form to the registered owner of the motor vehicle notifying [~~him~~] the owner that [~~his~~] the owner's motor vehicle has been selected for financial responsibility affirmation and requiring [~~him~~] the owner to

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respond and to affirm, by at least one signature shown on the affirmation form, the existence of evidence satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act for the motor vehicle.

C. Failure by an owner to return the affirmation of financial responsibility to the department within fifteen days after mailing by the department or a determination by the department that an affirmation is not accurate constitutes reasonable grounds under Section 66-5-235 NMSA 1978 to believe that a person is operating a motor vehicle in violation of Section 66-5-205 NMSA 1978 or has falsely affirmed the existence of means of satisfying the financial responsibility requirements of the Mandatory Financial Responsibility Act.

D. The department may investigate all affirmations required by the Mandatory Financial Responsibility Act returned to the department. If the owner affirms the existence of a motor vehicle insurance policy covering the motor vehicle, the department may forward the affirmation to the listed insurer to determine whether the affirmation is correct. An insurer shall mail notification to the department within twenty working days of receipt of the affirmation inquiry in the event the affirmation is not correct. The notification shall be prima facie evidence of failure to satisfy the financial responsibility requirements of the Mandatory Financial Responsibility Act. The department may determine the

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correctness of affirmation of other means of satisfying the financial responsibility requirements of that act for the motor vehicle.

E. The department may use [~~accident~~] crash reports as basic material for the construction of its sampling procedure.

F. No civil liability shall accrue to the insurer or any of its employees for reports made to the department under this section when the reports are made in good faith based on the most recent information available to the insurer.

G. The affirmation form used when sampling shall require the report of the name of the company issuing the policy, the policy number or any other information that identifies the policy."

SECTION 22. Section 66-5-237 NMSA 1978 (being Laws 1978, Chapter 35, Section 323, as amended) is amended to read:

"66-5-237. PAST APPLICATION OF ACT.--The Mandatory Financial Responsibility Act does not apply with respect to any [~~accident~~] crash or judgment arising therefrom or violation of the motor vehicle laws of New Mexico occurring prior to January 1, 1984."

SECTION 23. Section 66-5-301 NMSA 1978 (being Laws 1978, Chapter 35, Section 325, as amended) is amended to read:

"66-5-301. INSURANCE AGAINST UNINSURED AND UNKNOWN MOTORISTS--REJECTION OF COVERAGE BY THE INSURED.--

A. No motor vehicle or automobile liability policy

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insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person and for injury to or destruction of property of others arising out of the ownership, maintenance or use of a motor vehicle shall be delivered or issued for delivery in New Mexico with respect to any motor vehicle registered or principally garaged in New Mexico unless coverage is provided therein or supplemental thereto in minimum limits for bodily injury or death and for injury to or destruction of property as set forth in Section 66-5-215 NMSA 1978 and such higher limits as may be desired by the insured, but up to the limits of liability specified in bodily injury and property damage liability provisions of the insured's policy, for the protection of persons insured thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness or disease, including death, and for injury to or destruction of property resulting therefrom, according to the rules and regulations promulgated by, and under provisions filed with and approved by, the superintendent of insurance.

B. The uninsured motorist coverage described in Subsection A of this section shall include underinsured motorist coverage for persons protected by an insured's policy. For the purposes of this subsection, "underinsured motorist" means an operator of a motor vehicle with respect to the

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ownership, maintenance or use of which the sum of the limits of liability under all bodily injury liability insurance applicable at the time of the [~~accident~~] crash is less than the limits of liability under the insured's uninsured motorist coverage. No motor vehicle or automobile liability policy sold in New Mexico shall be required to include underinsured motorist coverage until January 1, 1980.

C. The uninsured motorist coverage shall provide an exclusion of not more than the first two hundred fifty dollars ($250) of loss resulting from injury to or destruction of property of the insured in any one [~~accident~~] crash. The named insured shall have the right to reject uninsured motorist coverage as described in Subsections A and B of this section; provided that unless the named insured requests such coverage in writing, such coverage need not be provided in or supplemental to a renewal policy where the named insured has rejected the coverage in connection with a policy previously issued to [~~him~~] the insured by the same insurer."

SECTION 24. Section 66-7-11 NMSA 1978 (being Laws 1987, Chapter 280, Section 1, as amended) is amended to read:

"66-7-11. NEW MEXICO STATE POLICE POWER TO CLOSE CERTAIN HIGHWAYS IN EMERGENCIES.--Notwithstanding any rule or agreement of the department of transportation, the New Mexico state police, in cases of emergency where the condition of a state, United States or interstate highway presents a substantial

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danger to vehicular travel by reason of storm, fire, [~~accident~~] crash, spillage of hazardous materials or other unusual or dangerous conditions, may temporarily close such highway to vehicular travel; provided that the state police shall use all means necessary to reroute traffic around the [~~accident~~] crash or incident scene using lanes, shoulders, frontage roads or alternative routes that may be available and physically unaffected by the [~~accident~~] crash or incident. The department of transportation shall be notified of the highway closure as soon as practicable and assist the state police with traffic control. During the course of any investigation where evidence is present in the travel portion of the roadway, such evidence shall be documented and collected first so that the roadway can be cleared and traffic can be routed through the scene. Any other law enforcement agency that may be investigating [~~an accident~~] a crash or an incident where the investigating agency believes closure of the highway is necessary shall contact the state police immediately. The state police shall evaluate the emergency situation and determine if the closure is necessary and, with the assistance of the investigating agency, shall reroute traffic around the [~~accident~~] crash or incident scene. The state police shall make the final determination regarding the length of time it is necessary to have the highway closed and other law enforcement agencies shall adhere to the directions of the state police."

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SECTION 25. Section 66-7-201 NMSA 1978 (being Laws 1978, Chapter 35, Section 390, as amended) is amended to read:

"66-7-201. [~~ACCIDENTS~~] CRASHES INVOLVING DEATH OR PERSONAL INJURIES.--

A. The driver of [~~any~~] a vehicle involved in [~~an accident~~] a crash resulting in injury to or death of [~~any~~] a person shall immediately stop the vehicle at the scene of the [~~accident~~] crash or as close thereto as possible, but shall then immediately return to and in every event shall remain at the scene of the [~~accident~~] crash until [~~he~~] the driver has fulfilled the requirements of Section 66-7-203 NMSA 1978. Every such stop shall be made without obstructing traffic more than is necessary.

B. [~~Any~~] A person failing to stop or to comply with the requirements of Section 66-7-203 NMSA 1978 where the [~~accident~~] crash results in great bodily harm or death is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

C. [~~Any~~] A person who knowingly fails to stop or to comply with the requirements of Section 66-7-203 NMSA 1978 where the [~~accident~~] crash results in great bodily harm or death is guilty of a third degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978.

D. [~~Any~~] A person failing to stop or comply with the requirements of Section 66-7-203 NMSA 1978 where the [~~accident~~]

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crash does not result in great bodily harm or death is guilty of a misdemeanor and shall be sentenced pursuant to the provisions of Subsection A of Section 31-19-1 NMSA 1978.

E. The director shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted."

SECTION 26. Section 66-7-202 NMSA 1978 (being Laws 1978, Chapter 35, Section 391) is amended to read:

"66-7-202. [~~ACCIDENTS~~] CRASHES INVOLVING DAMAGE TO VEHICLE.--The driver of any vehicle involved in [~~an accident~~] a crash resulting only in damage to a vehicle [~~which~~] that is driven or attended by [~~any~~] a person shall immediately stop [~~such~~] the vehicle at the scene of [~~such accident~~] the crash or as close thereto as possible but shall [~~forthwith~~] immediately return to and in every event shall remain at the scene of [~~such accident~~] the crash until [~~he~~] the driver has fulfilled the requirements of Section [~~64-7-203 NMSA 1953~~] 66-7-203 NMSA 1978. Every such stop shall be made without obstructing traffic more than is necessary. [~~Any~~] A person failing to stop or comply with [~~said~~] the requirements of Section 66-7-203 NMSA 1978 under such circumstances [~~shall be~~] is guilty of a misdemeanor."

SECTION 27. Section 66-7-203 NMSA 1978 (being Laws 1978, Chapter 35, Section 392) is amended to read:

"66-7-203. DUTY TO GIVE INFORMATION AND RENDER AID.--The

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driver of [~~any~~] a vehicle involved in [~~an accident~~] a crash resulting in injury to or death of [~~any~~] a person or damage to [~~any~~] a vehicle [~~which~~] that is driven or attended by [~~any~~] a person shall give [~~his~~] the driver's name and address and the registration number of the vehicle [~~he~~] the driver is driving [~~and shall~~]. Upon request, the driver shall exhibit [~~his~~] the driver's driver's license to the person struck or to the driver or occupant of or person attending any vehicle collided with [~~and~~]. The driver shall render to [~~any~~] a person injured in [~~such accident~~] the crash reasonable assistance, including the carrying or the making of arrangements for the carrying of [~~such~~] the injured person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person."

SECTION 28. Section 66-7-205 NMSA 1978 (being Laws 1978, Chapter 35, Section 394) is amended to read:

"66-7-205. DUTY UPON STRIKING FIXTURES OR OTHER PROPERTY UPON A HIGHWAY.--The driver of any vehicle involved in [~~an accident~~] a crash resulting only in damage to fixtures or other property legally upon or adjacent to a highway shall take reasonable steps to locate and notify the owner or person in charge of [~~such~~] the property of [~~such~~] the fact and of [~~his~~] the driver's name and address and [~~of~~] the registration number of the vehicle [~~he~~] the driver is driving [~~and shall~~]. Upon

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request, the driver shall exhibit [~~his~~] the driver's driver's license and shall make report of [~~such accident~~] the crash when and as required in Section [~~64-7-207 NMSA 1953~~] 66-7-207 NMSA 1978."

SECTION 29. Section 66-7-206 NMSA 1978 (being Laws 1953, Chapter 139, Section 44, as amended) is amended to read:

"66-7-206. IMMEDIATE NOTICE OF [~~ACCIDENTS~~] CRASHES.--The driver of a vehicle, the autonomous motor vehicle operator or the autonomous commercial motor vehicle operator, if applicable, involved in [~~an accident~~] a crash resulting in bodily injury to or death of [~~any~~] a person or property damage to an apparent extent of five hundred dollars ($500) or more shall immediately, by the quickest means of communication, give notice of the [~~accident~~] crash to the police department if the [~~accident~~] crash occurs within a municipality; otherwise to the office of the county sheriff or the nearest office of the New Mexico state police division of the department of public safety. In the case of an autonomous motor vehicle or autonomous commercial motor vehicle operating without a human driver, the owner of that motor vehicle or person working on behalf of the vehicle owner shall be responsible for providing the notice required by this section."

SECTION 30. Section 66-7-207 NMSA 1978 (being Laws 1978, Chapter 35, Section 396, as amended) is amended to read:

"66-7-207. WRITTEN REPORTS OF [~~ACCIDENTS~~] CRASHES.--

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A. The driver of a vehicle involved in [~~an accident~~] a crash resulting in bodily injury to or death of [~~any~~] a person or total property damage to an apparent extent of five hundred dollars ($500) or more shall, within five days after the [~~accident~~] crash, forward a written report of the [~~accident~~] crash to the department of transportation.

B. The department of transportation may require [~~any~~] a driver of a vehicle involved in [~~an accident of which report must be made as provided in this section~~] a crash to file supplemental reports whenever the original report is insufficient in the opinion of the department of transportation and may require witnesses of [~~accidents~~] the crash to render reports concerning the [~~accidents~~] crash to the department of transportation.

C. Every law enforcement officer who, in the regular course of duty, investigates a motor vehicle [~~accident~~] crash of which report must be made as required in this section, either at the time of and at the scene of the [~~accident~~] crash or thereafter by interviewing participants or witnesses, shall, within twenty-four hours after completing the investigation, forward a written report of the [~~accident~~] crash to the department of transportation. A law enforcement officer shall also, within twenty-four hours after completing the investigation, forward the written report of the [~~accident~~] crash to the motor transportation division of the department of

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public safety if the [~~accident~~] crash involves a commercial motor vehicle and results in:

(1) bodily injury to [~~any~~] a person and the person is transported to a medical facility for immediate medical attention;

(2) the death of [~~any~~] a person; or

(3) [~~any~~] a vehicle [~~involved in the accident~~] being towed from the scene due to disabling damage caused by the [~~accident~~] crash."

SECTION 31. Section 66-7-207.1 NMSA 1978 (being Laws 2001, Chapter 232, Section 1) is amended to read:

"66-7-207.1. MOTOR VEHICLE [~~ACCIDENTS~~] CRASHES INVOLVING A SCHOOL BUS--INVESTIGATION BY A LAW ENFORCEMENT OFFICER CERTIFIED AS [~~AN ACCIDENT~~] A CRASH RECONSTRUCTIONIST.--All motor vehicle [~~accidents~~] crashes involving a school bus that result in a fatality or life threatening injury shall be investigated by a law enforcement officer certified as [~~an accident~~] a crash reconstructionist."

SECTION 32. Section 66-7-208 NMSA 1978 (being Laws 1978, Chapter 35, Section 397) is amended to read:

"66-7-208. WHEN DRIVER UNABLE TO REPORT.--

A. Whenever the driver of a vehicle is physically incapable of giving an immediate notice of [~~an accident~~] a crash as required in Section [~~64-7-206 NMSA 1953~~] 66-7-206 NMSA 1978 and there was another occupant in the vehicle at the time

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of the [~~accident~~] crash capable of doing so, [~~such~~] the occupant shall give or cause to be given the notice not given by the driver.

B. Whenever the driver is physically incapable of making a written report of [~~an accident~~] a crash as required in [~~Seciton 64-7-207 NMSA 1953~~] Section 66-7-207 NMSA 1978 and [~~such~~] the driver is not the owner of the vehicle, [~~then~~] the owner of the vehicle involved in [~~such accident~~] the crash shall within five days after learning of the [~~accident~~] crash make [~~such~~] the report not made by the driver."

SECTION 33. Section 66-7-209 NMSA 1978 (being Laws 1978, Chapter 35, Section 398, as amended) is amended to read:

"66-7-209. [~~ACCIDENT~~] CRASH REPORT FORM.--

A. The [~~state highway and transportation~~] department of transportation shall prepare and, upon request, supply to police departments, district medical investigators, sheriffs, garages and other suitable agencies or individuals forms for [~~accident~~] crash reports required under Section 66-7-207 NMSA 1978 appropriate with respect to the persons required to make the reports and the purposes to be served. The written reports to be made by persons involved in [~~accidents~~] crashes and by investigating officers shall call for sufficiently detailed information to disclose with reference to a traffic [~~accident~~] crash the cause, conditions then existing and the persons and vehicles involved. The report of the investigating officer

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shall also state whether the persons involved in the [~~accident~~] crash have motor vehicle or automobile liability insurance and the name and address of each insurance carrier.

B. Every [~~accident~~] crash report required to be made in writing shall be made on an appropriate form approved by the [~~state highway and transportation~~] department of transportation in conjunction with the New Mexico state police division of the [~~public safety~~] department of public safety and shall contain all of the information required on the form unless not available.

C. Every [~~accident~~] crash report shall also contain information sufficient to enable the [~~state highway and transportation~~] department of transportation to determine whether the requirements for the deposit of security under any of the laws of this state are inapplicable by reason of the existence of insurance or other exceptions specified therein."

SECTION 34. Section 66-7-211 NMSA 1978 (being Laws 1978, Chapter 35, Section 400, as amended) is amended to read:

"66-7-211. DISTRICT MEDICAL INVESTIGATORS TO REPORT.--Every district medical investigator or other official performing like functions shall, on or before the tenth day of each month, report in writing to the [~~state highway and transportation~~] department of transportation the death of [~~any~~] a person within [~~his~~] the investigator's or official's jurisdiction during the preceding calendar month as the result

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of a traffic [~~accident~~] crash, giving the time, [~~and place of the accident and the circumstances relating to the accident~~] place and circumstances relating to the crash."

SECTION 35. Section 66-7-212 NMSA 1978 (being Laws 1978, Chapter 35, Section 401, as amended) is amended to read:

"66-7-212. GARAGES, DEALERS AND WRECKERS OF VEHICLES TO REPORT.--The person in charge of any garage or repair shop and dealers or wreckers of vehicles to whom is brought [~~any~~] a motor vehicle [~~which~~] that shows evidence of [~~having been~~] being involved in [~~an accident~~] a crash of which a report must be made as provided in Section 66-7-207 NMSA 1978 or struck by [~~any~~] a bullet shall report to the [~~state highway and transportation~~] department of transportation within twenty-four hours after the motor vehicle is received, giving the engine number, registration number and the name and address of the owner or operator of the vehicle."

SECTION 36. Section 66-7-213 NMSA 1978 (being Laws 1978, Chapter 35, Section 402, as amended) is amended to read:

"66-7-213. [~~ACCIDENT~~] CRASH REPORTS CONFIDENTIAL--EXCEPTIONS.--

A. All [~~accident~~] crash reports made by persons involved in [~~accidents~~] crashes or by persons in charge of garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the [~~state highway and transportation~~] department of transportation or

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other state agencies having use for the records for [~~accident~~] crash prevention purposes or for the administration of the laws of this state relating to the deposits of security and proof of financial responsibility by persons driving or the owners of motor vehicles, except that the [~~state highway and transportation~~] department of transportation may disclose:

(1) the identity of a person involved in [~~an accident when his~~] a crash when the person's identity is not otherwise known or when the person denies [~~his~~] the person's presence at the [~~accident~~] crash; or

(2) the fact that the owner or operator of a motor vehicle involved in the [~~accident~~] crash is or is not insured and, if [~~he~~] the owner or operator is insured, the name and address of [~~his~~] the owner's or operator's insurance carrier.

B. Except as otherwise provided in this section, no [~~accident~~] crash report shall be used as evidence in any trial, civil or criminal, arising out of [~~an accident~~] a crash.

C. The [~~state highway and transportation~~] department of transportation shall furnish upon the demand of [~~any~~] a person who has or claims to have made a report or upon demand of any court a certificate showing that a specified [~~accident~~] crash report has or has not been made to the [~~state highway and transportation~~] department of transportation solely to prove a compliance or a failure to comply with the requirement that a

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report be made to the [~~state highway and transportation~~] department of transportation.

D. A certified copy of the investigating officer's [~~accident~~] crash report may be introduced into evidence in any arbitration or civil action involving the insurer's liability under a motor vehicle or automobile liability policy containing uninsured motorist coverage as required by Section 66-5-301 NMSA 1978 to prove that the owner or operator of the other motor vehicle involved in the [~~accident~~] crash is either insured or uninsured. The investigating agency shall furnish a certified copy of the investigating officer's [~~accident~~] crash report to either party to the arbitration or civil action or to the court on request. The certified copy of the investigating officer's report is prima facie evidence that the owner or operator of the other motor vehicle is either insured or uninsured."

SECTION 37. Section 66-7-214 NMSA 1978 (being Laws 1953, Chapter 139, Section 51, as amended) is amended to read:

"66-7-214. AGENCY TO TABULATE AND ANALYZE [~~ACCIDENT~~] CRASH REPORTS.--The [~~state highway and transportation~~] department of transportation shall tabulate and may analyze all [~~accident~~] crash reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic [~~accidents~~] crashes."

SECTION 38. Section 66-7-215 NMSA 1978 (being Laws 1978,

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Chapter 35, Section 404) is amended to read:

"66-7-215. ANY INCORPORATED CITY MAY REQUIRE [~~ACCIDENT~~] CRASH REPORTS.--Any incorporated city, town, village or other municipality may [~~by ordinance~~] require by ordinance that the driver of a vehicle involved in [~~an accident~~] a crash shall also file with a designated city department a report of [~~such accident~~] the crash or a copy of any report [~~herein~~] required by the Motor Vehicle Code to be filed with the division. All such reports shall be for the confidential use of the city department and subject to the provisions of Section [~~64-7-213 NMSA 1953~~] 66-7-213 NMSA 1978."

SECTION 39. Section 66-7-302.2 NMSA 1978 (being Laws 2002, Chapter 71, Section 3) is amended to read:

"66-7-302.2. CERTAIN SPEEDING CONVICTIONS TO BE DISREGARDED IN THE DEVELOPMENT OR APPLICATION OF A POINT SYSTEM.--

A. Except as provided in Subsection B of this section, in developing and applying a point system that is used as a basis for suspension or revocation of driving privileges, the division shall not assign points for convictions for speeding on rural highways of the state. As used in this section, "rural highway" means that part of a highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. The two-mile distance shall be measured:

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(1) from the point where the highway crosses the boundary, and if there is more than one such intersection, from the intersection most distant from the geographic center of the city, town or village; or

(2) if there are milepost markers on the highway, to the first milepost marker indicating two or more miles.

B. The provisions of this section do not apply to:

(1) rural highways in Bernalillo county;

(2) a conviction for speeding if the citation out of which the conviction arises indicated that excessive speed of the motorist cited was a factor in the [~~accident~~] crash; or

(3) motor vehicles weighing twelve thousand pounds or more."

SECTION 40. Section 66-7-307 NMSA 1978 (being Laws 1953, Chapter 139, Section 62, as amended) is amended to read:

"66-7-307. CHARGING VIOLATIONS--RULE IN CIVIL ACTIONS.--

A. In every charge of violation of any speed regulation under the Motor Vehicle Code, the complaint and the uniform traffic citation shall specify the speed at which the defendant is alleged to have driven and the maximum speed applicable within the district or at the location.

B. Provisions of the Motor Vehicle Code for maximum speed limitations shall not be construed to relieve the

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plaintiff in any civil action from the burden of proving negligence on the part of the defendant as the proximate cause of [~~an accident~~] a crash."

SECTION 41. Section 66-7-413 NMSA 1978 (being Laws 1978, Chapter 35, Section 484, as amended) is amended to read:

"66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

A. The department of transportation and local highway authorities, [~~may, in their discretion~~] upon application in writing and good cause being shown, may issue a special permit in writing authorizing the applicant to operate or move a vehicle or load of a size or weight exceeding the maximum specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on a highway under the jurisdiction of the state transportation commission or local authorities. Except for the movement of manufactured homes, a permit may be granted, in cases of emergency, for the transportation of loads on a certain unit or combination of equipment for a specified period of time not to exceed one year, and the permit shall contain the route to be traversed, the type of load to be transported and any other restrictions or conditions deemed necessary by the body granting the permit. In every other case, the permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting the permit. Every permit

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shall be carried in the vehicle to which it refers and shall be opened for inspection to any peace officer. It is a misdemeanor for a person to violate a condition or term of the special permit.

B. The department of transportation shall promulgate rules in accordance with the State Rules Act pertaining to safety practices, liability insurance and equipment for escort vehicles provided by the motor carrier and for escort vehicles provided by a private business in this state; provided that:

(1) the department of public safety or the department of transportation shall provide the escort personnel with a copy of applicable rules and shall inspect the escort vehicles for the safety equipment required by the rules. If the escort vehicles and personnel meet the requirements set forth in the rules, the department of public safety shall issue the special permit;

(2) the movement of vehicles upon the highways of this state requiring a special permit and required to use an escort of the type noted in Paragraph (1) of this subsection is subject to the authority of the department of transportation and the department of public safety and to inspection at all times; and

(3) the department of transportation shall conduct engineering investigations and engineering inspections to determine which four-lane highways are safe for the

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operation or movement of manufactured homes without an escort. After making that determination, the department of transportation shall hold public hearings in the area of the state affected by the determination, after which it may adopt rules designating those four-lane highways as being safe for the operation or movement of manufactured homes without an escort. If a portion of such a four-lane highway lies within the boundaries of a municipality, the department of transportation, after obtaining the approval of the municipal governing body, shall include such portions in its rules.

C. Except for the movement of manufactured homes, special permits may be issued for a single vehicle or combination of vehicles by the department of transportation for a period not to exceed one year for a fee of two hundred fifty dollars ($250). The special permits may allow excessive height, length and width for a vehicle or combination of vehicles or load thereon and may include a provision for excessive weight if the weight of the vehicle or combination of vehicles is not greater than one hundred forty thousand pounds. Utility service vehicles, operating with special permits pursuant to this subsection, shall be exempt from prohibitions or restrictions relating to hours or days of operation or restrictions on movement because of poor weather conditions.

D. Special permits for a single trip for a vehicle or combination of vehicles or load thereon of excessive weight,

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width, length and height may be issued by the department of transportation for a single vehicle for a fee of twenty-five dollars ($25.00) plus the product of two and one-half cents ($.025) for each two thousand pounds in excess of eighty-six thousand four hundred pounds or major fraction thereof multiplied by the number of miles to be traveled by the vehicle or combination of vehicles on the highways of this state.

E. If a vehicle for which a permit is issued pursuant to this section is a manufactured home, the department of transportation or local highway authority issuing the permit shall furnish the following information to the property tax division of the taxation and revenue department, which shall forward the information:

(1) to the county assessor of a county from which a manufactured home is being moved, the date the permit was issued, the location being moved from, the location being moved to if within the same county, the name of the owner of the manufactured home and the identification and registration numbers of the manufactured home;

(2) to the county assessor of any county in this state to which a manufactured home is being moved, the date the permit was issued, the location being moved from, the location being moved to, the name of the owner of the manufactured home and the registration and identification numbers of the manufactured home; and

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(3) to the owner of a manufactured home having a destination in this state, notification that the information required in Paragraphs (1) and (2) of this subsection is being given to the respective county assessors and that manufactured homes are subject to property taxation.

F. Except as provided in Subsection G of this section, if the movement of a manufactured home originates in this state, a permit shall not be issued pursuant to Subsection E of this section until the owner of the manufactured home or the authorized agent of the owner obtains and presents to the department of transportation proof that a certificate has been issued by the county assessor or treasurer of the county in which the manufactured home movement originates showing that either:

(1) all property taxes due or to become due on the manufactured home for the current tax year or any past tax years have been paid, except for manufactured homes located on an Indian reservation; or

(2) liability for property taxes on the manufactured home does not exist for the current tax year or a past tax year, except for manufactured homes located on an Indian reservation.

G. The movement of a manufactured home from the lot or business location of a manufactured home dealer to its destination designated by an owner-purchaser is not subject to

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the requirements of Subsection F of this section if the manufactured home movement originates from the lot or business location of the dealer and the manufactured home was part of the dealer's inventory prior to the sale to the owner-purchaser; however, the movement of a manufactured home by a dealer or the dealer's authorized agent as a result of a sale or trade-in from a nondealer-owner is subject to the requirements of Subsection F of this section whether the destination is the business location of a dealer or some other destination.

H. A permit shall not be issued pursuant to this section for movement of a manufactured home whose width exceeds eighteen feet with no more than a six-inch roof overhang on the left side or twelve inches on the right side in addition to the eighteen-foot width of the manufactured home. Manufactured homes exceeding the limitations of this section shall only be moved on dollies placed on the front and the rear of the structure.

I. The secretary of transportation may by rule provide for movers of manufactured homes to self-issue permits for certain sizes of manufactured homes over specific routes. The cost of a permit shall not be less than twenty-five dollars ($25.00).

J. The secretary of transportation may provide by rule for dealers of implements of husbandry to self-issue

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permits for the movement of certain sizes of implements of husbandry from the lot or business location of the dealer over specific routes with specific escort requirements, if necessary, to a destination designated by an owner-purchaser or for purposes of a working demonstration on the property of a proposed owner-purchaser. The department of transportation shall charge a fee for each self-issued permit not to exceed fifteen dollars ($15.00).

K. A private motor carrier requesting an oversize or overweight permit shall provide proof of insurance in at least the following amounts:

(1) bodily injury liability, providing:

(a) fifty thousand dollars ($50,000) for each person; and

(b) one hundred thousand dollars ($100,000) for each [~~accident~~] crash; and

(2) property damage liability, providing twenty-five thousand dollars ($25,000) for each [~~accident~~] crash.

L. A motor carrier requesting an oversize permit shall produce a copy of a warrant or a single state registration receipt as evidence that the motor carrier maintains the insurance minimums prescribed by the department of transportation.

M. The department of transportation may provide by rule the time periods during which a vehicle or load of a size

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or weight exceeding the maximum specified in Sections 66-7-401 through 66-7-416 NMSA 1978 may be operated or moved by a motor carrier on a highway under the jurisdiction of the state transportation commission or local authorities.

N. An applicant for a special permit to operate a vehicle or combination of vehicles with a gross weight not exceeding ninety-six thousand pounds within six miles of the port of entry at the border with Mexico at Santa Teresa or within a circular quadrant starting at that port of entry with an east boundary line running due north twelve miles from the Santa Teresa port of entry to a point, then along an arc to the west with a twelve-mile radius and central angle of approximately ninety degrees to a point on the international boundary with Mexico, then returning due east twelve miles to the starting point at that port of entry, and twelve miles of other ports of entry on the border with Mexico shall not be required to demonstrate to the department of transportation that the load cannot be reduced as a condition of the issuance of the permit.

O. Revenue from fees for special permits authorizing vehicles and loads of excessive size or weight to operate or move upon a highway under the jurisdiction of the state transportation commission or local authorities shall be collected for the department of transportation and transferred to the state road fund."

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SECTION 42. Section 66-7-502 NMSA 1978 (being Laws 1976 (S.S.), Chapter 8, Section 2) is amended to read:

"66-7-502. LEGISLATIVE INTENT.--

A. The legislature declares that there should be accurate information about the causes of traffic [~~accidents which~~] crashes that result in fatalities and in serious injuries on the highways of this state.

B. Special [~~accident-investigation~~] crash-investigation units have made valuable discoveries of the incidence of driver intoxication and of mechanical defects in motor vehicle [~~accidents~~] crashes. The legislature intends to promote and encourage the work of [~~accident-investigation~~] crash-investigation units."

SECTION 43. Section 66-7-506 NMSA 1978 (being Laws 1978, Chapter 35, Section 493, as amended) is amended to read:

"66-7-506. BUREAU--FUNCTIONS--POWERS--DUTIES.--The bureau shall have the following powers and duties:

A. organize, plan and conduct a statewide program of activities designed to prevent [~~accidents~~] crashes and to reduce the incidence of DWI in New Mexico;

B. coordinate activities and programs of the departments, divisions and agencies of this state now engaged in promoting traffic safety;

C. provide [~~accident~~] crash prevention information and publicity to all appropriate media of information and

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develop other means of public information;

D. cooperate with all public and private agencies and organizations interested in the promotion of traffic safety and [~~accident~~] crash prevention;

E. serve as a clearinghouse for all traffic safety materials and information used throughout this state;

F. Cooperate in promoting research, special studies and analysis of problems concerning the safety and welfare of the citizens of New Mexico;

G. cooperate fully with national safety organizations in bringing about greater effectiveness in nationwide [~~accident~~] crash prevention activities and programs;

H. make studies and suitable recommendations, through the chief and the secretary of transportation, to the legislature concerning safety regulations and laws;

I. prepare and submit each year a written report to the governor concerning the activities of the bureau and activities concerning assistance to local organizations and officials;

J. institute and administer a statewide motorcycle training program funded as provided for in Section 66-10-10 NMSA 1978;

K. institute and administer [~~an accident~~] a crash prevention course for elderly drivers as provided for in Section 59A-32-14 NMSA 1978;

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L. cooperate with the public education department to develop a regulatory framework for instructional and administrative processes, including licensure requirements for instructors, and a curriculum for instruction in defensive driving with a DWI education and prevention component to be offered statewide in secondary schools as an elective;

M. institute and administer a DWI prevention and education program for elementary and secondary school students, funded as provided for in Section 66-5-35 NMSA 1978;

N. prescribe minimum driver education and training program standards pursuant to the Driving School Licensing Act; and

O. include a DWI recidivism prevention component in all driver rehabilitation programs for alcohol or drugs approved by the bureau."

SECTION 44. Section 66-7-507 NMSA 1978 (being Laws 1978, Chapter 35, Section 494) is amended to read:

"66-7-507. APPROVAL OF [~~ACCIDENT-INVESTIGATION~~] CRASH-INVESTIGATION PROGRAMS--PRIVACY OF VICTIMS.--

A. The bureau is authorized to conduct a study into the [~~pratices~~] practices and procedures of [~~accident-investigation~~] crash-investigation units functioning in this state to determine whether [~~such~~] the practices and procedures are aiding the citizens of this state in the discovery of the causes of motor vehicle [~~accidents~~] crashes. If, at the

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conclusion of a study made of a particular unit, the bureau determines that the practices and procedures of [~~such~~] the unit are of a beneficial nature, it shall designate the unit as an "approved [~~accident-investigation~~] crash-investigation unit" and shall send notice of this designation to such public agencies as it may determine.

B. Any unit designated as an approved [~~accident-investigation~~] crash-investigation unit shall receive, upon its request, assistance and data from any department, division, board, bureau, commission or other agency of the state or of any political subdivision of the state or any public or private hospital, which will enable the unit to carry out its investigation relating to [~~accidents~~] crashes and [~~accident causes~~] the causes of crashes. The privacy of [~~accident~~] crash victims shall be protected in any disclosure to the unit by using the method of case numbers rather than identification by name."

SECTION 45. Section 66-7-508 NMSA 1978 (being Laws 1976 (S.S.), Chapter 8, Section 8) is amended to read:

"66-7-508. CONFIDENTIALITY OF RECORDS.--All records of an approved [~~accident-investigation~~] crash-investigation unit shall be confidential and shall not be available to any person other than a member or employee of the unit. A member or employee of the approved unit charged with the custody of the records and reports shall not be required to produce [~~these~~]

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those records or reports or evidence of anything contained in them in any legal action or other proceedings."

SECTION 46. Section 66-7-509 NMSA 1978 (being Laws 1978, Chapter 35, Section 496) is amended to read:

"66-7-509. ANNUAL REPORTS.--An approved [~~accident-investigation~~] crash-investigation unit shall make an annual report to the bureau, the governor and the legislature [~~not~~] no later than January 1 of the calendar year following [~~such~~] designation of approval, and this report shall contain the unit's findings and recommendations as to the formulation of effective methods and means to reduce motor vehicle [~~accidents~~] crashes within New Mexico."

SECTION 47. Section 66-7-512 NMSA 1978 (being Laws 1990, Chapter 57, Section 1, as amended) is amended to read:

"66-7-512. TRAFFIC SAFETY EDUCATION AND ENFORCEMENT FUND CREATED.--

A. There is created in the state treasury the "traffic safety education and enforcement fund". The fund shall be invested in accordance with the provisions of Section 6-10-10 NMSA 1978 and all income earned on the fund shall be credited to the fund.

B. The traffic safety education and enforcement fund shall be used to institute and promote a statewide program of traffic safety through education and enforcement to reduce serious and fatal traffic [~~accidents~~] crashes and to provide

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for the purchase of equipment and support services as are necessary to establish and maintain the program.

C. No less than fifty percent of the money deposited in the traffic safety education and enforcement fund shall be allocated to the law enforcement agency that issued the citation, provided the agency has submitted a traffic safety program plan that is approved by the [~~traffic safety~~] bureau [~~of the state highway and transportation department~~]. Law enforcement agencies shall use the money allocated from the fund to purchase equipment, including equipment for making fingerprint impressions of all persons arrested for or convicted of driving while under the influence of intoxicating liquor or drugs, and support services as are necessary to establish and maintain a traffic safety program.

D. No less than twenty percent of the money deposited in the traffic safety education and enforcement fund shall be allocated to institute and promote traffic safety education programs.

E. The balance of the money deposited in the traffic safety education and enforcement fund shall be allocated to existing traffic safety programs.

F. The [~~traffic safety~~] bureau [~~of the state highway and transportation department~~] shall adopt all rules, regulations and policies necessary to administer a statewide traffic program.

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G. All money credited to the traffic safety education and enforcement fund shall be appropriated to the [~~traffic safety~~] bureau [~~of the state highway and transportation department~~] for the purpose of carrying out the provisions of this section and shall not revert to the general fund."

SECTION 48. Section 66-8-116 NMSA 1978 (being Laws 1978, Chapter 35, Section 524, as amended) is amended to read:

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

A. As used in the Motor Vehicle Code and the Boat Act, "penalty assessment misdemeanor" means violation of any of the following listed sections of the NMSA 1978 for which, except as provided in Subsections D through F of this section, the listed penalty assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
Vehicles subject to registration	66-3-1	$ 50.00
Improper display of registration plate	66-3-18	25.00
Failure to notify of change of name or address	66-3-23	25.00
Lost or damaged registration, plate or title	66-3-24	25.00
Horseless carriage		

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registration	66-3-27	25.00
Transfer of registration and title	66-3-103	25.00
Expiration of dealer plates	66-3-403	25.00
Special registration plates	66-3-409, 66-3-412.1, 66-3-413, 66-3-415, 66-3-417, 66-3-419, 66-3-421, 66-3-422, 66-3-424.4, 66-3-424.5, 66-3-424.7, 66-3-424.9, 66-3-424.13, 66-3-424.16 and 66-3-424.28	75.00
Bicycle laws	66-3-701 through 66-3-707	50.00
No license display	66-5-16	25.00
Failure to change address or name on license	66-5-22	25.00
Permitting unauthorized minor to drive	66-5-40	50.00
Permitting unauthorized person to drive	66-5-41	25.00

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Failure to obey sign	66-7-104	25.00
Failure to obey signal	66-7-105	25.00
Pedestrian signs and signals	66-7-106 through 66-7-108	25.00
Speeding	66-7-301	
(1) up to and including ten miles an hour over the speed limit		25.00
(2) from eleven up to and including fifteen miles an hour over the speed limit		30.00
(3) from sixteen up to and including twenty miles an hour over the speed limit		65.00
(4) from twenty-one up to and including twenty-five miles an hour over the speed limit		100.00
(5) from twenty-six up to and including thirty miles an hour over the		

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speed limit		125.00
(6) from thirty-one up to and including thirty-five miles an hour over the speed limit		150.00
(7) more than thirty-five miles an hour over the speed limit		200.00
Unfastened safety belt	66-7-372	25.00
Child not in restraint device or seat belt	66-7-369	25.00
Minimum speed	66-7-305	25.00
Speeding	66-7-306	25.00
Improper starting	66-7-324	25.00
Improper backing	66-7-354	25.00
Improper lane	66-7-308	25.00
Improper lane	66-7-313	25.00
Improper lane	66-7-316	25.00
Improper lane	66-7-317	25.00
Improper lane	66-7-319	25.00
Improper passing	66-7-309 through 66-7-312	25.00
Improper passing	66-7-315	25.00
Controlled access		

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violation	66-7-320	25.00
Controlled access violation	66-7-321	25.00
Improper turning	66-7-322	25.00
Improper turning	66-7-323	25.00
Improper turning	66-7-325	25.00
Following too closely	66-7-318	25.00
Failure to yield	66-7-328 through 66-7-331	25.00
Failure to yield	66-7-332	50.00
Failure to yield	66-7-332.1	25.00
Pedestrian violation	66-7-333 through 66-7-340	25.00
Failure to stop	66-7-342 and 66-7-344 through 66-7-346	25.00
Railroad-highway grade crossing violation	66-7-341 and 66-7-343	150.00
Passing school bus	66-7-347	100.00
Failure to signal	66-7-325 through	

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	66-7-327	25.00
Riding on motorcycles	66-7-355	100.00
Video screens in automobiles	66-7-358	25.00
Driving on mountain highways	66-7-359	25.00
Coasting prohibited	66-7-360	25.00
Animals on highway at night	66-7-363	50.00
Failure to secure load	66-7-407	100.00
Operation without oversize-overweight permit	66-7-413	50.00
Transport of reducible load with special permit more than six miles from a border crossing	66-7-413	100.00
Driving while license administratively suspended	66-5-39.2	25.00
Improper equipment	66-3-801 through 66-3-840 and 66-3-842 through 66-3-851	50.00

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Improper equipment	66-3-901	50.00
Improper emergency signal	66-3-853 through 66-3-857	25.00
Minor on motorcycle without helmet	66-7-356	300.00
Operation interference	66-7-357	50.00
Littering	66-7-364	300.00
Improper parking	66-7-349 through 66-7-352 and 66-7-353	25.00
Improper parking	66-3-852	25.00
Riding in or towing occupied house trailer	66-7-366	25.00
Improper opening of doors	66-7-367	25.00
No slow-moving vehicle emblem or flashing amber light	66-3-887	25.00
Open container-first violation	66-8-138	25.00
Texting while driving- (1) first violation	66-7-374	25.00
(2) second and subsequent		

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violation	50.00
Using a handheld mobile communication device while driving a commercial motor vehicle 66-7-375	
(1) first violation	25.00
(2) second and subsequent violation	50.00
Improper use of travel lane 66-7-376	250.00.

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

C. When an alleged violator of a penalty assessment misdemeanor elects to accept a notice to appear in lieu of a notice of penalty assessment, a fine imposed upon later conviction shall not exceed the penalty assessment established for the particular penalty assessment misdemeanor and probation imposed upon a suspended or deferred sentence shall not exceed ninety days.

D. The penalty assessment for speeding in violation of Paragraph (5) of Subsection A of Section 66-7-301 NMSA 1978 is twice the penalty assessment established in Subsection A of this section for the equivalent miles per hour over the speed limit.

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

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

SECTION 49. Section 66-8-122 NMSA 1978 (being Laws 1953, Chapter 139, Section 185, as amended) is amended to read:

"66-8-122. IMMEDIATE APPEARANCE BEFORE MAGISTRATE.-- Whenever [~~any~~] a person is arrested for [~~any~~] a violation of the Motor Vehicle Code or other law relating to motor vehicles punishable as a misdemeanor, [~~he~~] the person shall be immediately taken before an available magistrate who has jurisdiction of the offense when the:

A. person requests immediate appearance;

B. person is charged with driving while under the influence of intoxicating liquor or narcotic drugs;

C. person is charged with failure to stop in the event of [~~an accident~~] a crash causing death, personal injuries

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or damage to property;

D. person is charged with reckless driving;

E. arresting officer has good cause to believe the person arrested has committed a felony;

F. person refuses to give [~~his~~] the person's written promise to appear in court or acknowledge receipt of a warning notice; or

G. person is charged with driving when [~~his~~] the person's privilege to do so was suspended or revoked pursuant to Section 66-8-111 NMSA 1978 or pursuant to a conviction for driving while under the influence of intoxicating liquor or drugs."

SECTION 50. Section 66-8-125 NMSA 1978 (being Laws 1978, Chapter 35, Section 533) is amended to read:

"66-8-125. ARREST WITHOUT WARRANT.--

A. Members of the New Mexico state police division of the department of public safety, sheriffs and their salaried deputies and members of any municipal police force may arrest without warrant [~~any~~] a person:

(1) present at the scene of a motor vehicle [~~accident~~] crash;

(2) on a highway when charged with theft of a motor vehicle; or

(3) charged with crime in another jurisdiction, upon receipt of a message giving the name or a

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reasonably accurate description of the person wanted, the crime alleged and a statement [~~he~~] that the person is likely to flee the jurisdiction of [~~the~~] this state.

B. To arrest without warrant, the arresting officer must have reasonable grounds, based on personal investigation, which may include information from eyewitnesses, to believe the person arrested has committed a crime.

C. Members of the New Mexico state police division of the department of public safety, sheriffs and their salaried deputies and members of any municipal police force may not make [~~arrest~~] arrests for traffic violations if not in uniform; however, nothing in this section shall be construed to prohibit the arrest, without warrant, by a peace officer of any person when probable cause exists to believe that a felony crime has been committed or in non-traffic cases."

SECTION 51. Section 66-10-10 NMSA 1978 (being Laws 1983, Chapter 266, Section 1, as amended) is amended to read:

"66-10-10. MOTORCYCLE TRAINING FUND CREATED--PURPOSE.--

A. There is created in the state treasury the "motorcycle training fund". The fund shall be invested in accordance with the provisions of Section 6-10-10 NMSA 1978, and all income earned on the fund shall be credited to the fund.

B. The motorcycle training fund shall be used to institute and provide a statewide system of motorcycle training

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and driver awareness and education in the dangers of driving while under the influence of alcohol or drugs for first-time license applicants and to provide for the purchase of necessary equipment and provide for such support services as are necessary for the establishment and maintenance of the system.

C. First-time applicants for a motorcycle license or an endorsement on their New Mexico driver's license may be required to complete a motorcycle driver education program as prescribed by the rules and regulations of the traffic safety bureau of the department of transportation.

D. The traffic safety bureau of the department of transportation shall adopt rules and regulations as prescribed in the State Rules Act for the administration of a statewide motorcycle driver education program to be administered by the bureau. The program shall include, but not be limited to:

(1) helmet use and effectiveness;

(2) motorcycle [~~accident~~] crash and fatality statistics;

(3) drug and alcohol abuse information, laws and statistics;

(4) street and highway safe driving habits; and

(5) defensive driving.

E. The traffic safety bureau of the department of transportation shall cooperate with the [~~state department of~~]

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public education department to distribute information through the public school systems.

F. All money in the motorcycle training fund is appropriated to the traffic safety bureau of the department of transportation for the purpose of carrying out the provisions of Subsection B of this section; provided that at the end of the seventy-second fiscal year and all subsequent fiscal years, all money in the motorcycle training fund in excess of the amount budgeted for the purposes delineated in Subsection B of this section shall revert to the state road fund."

SECTION 52. Section 66-10-12 NMSA 1978 (being Laws 1993, Chapter 68, Section 55, as amended) is amended to read:

"66-10-12. EXEMPT PROVIDERS.--The Driving School Licensing Act shall not apply to nonprofit corporations that provide motor vehicle [~~accident~~] crash prevention courses approved by the traffic safety bureau of the department of transportation and that are engaged in providing courses exclusively for drivers who are fifty years of age or older."

SECTION 53. Section 66-12-12 NMSA 1978 (being Laws 1959, Chapter 338, Section 11, as amended) is amended to read:

"66-12-12. COLLISIONS--ASSISTANCE AND REPORTS.--

A. The operator of a vessel involved in a collision, [~~accident~~] crash or other casualty, so far as [~~he~~] the operator can do so without serious danger to [~~his~~] the operator's own vessel, crew and passengers, shall:

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(1) render to other persons affected by the collision, [~~accident~~] crash or other casualty such assistance as practicable and necessary in order to save them from, or minimize, any danger caused by the collision, [~~accident~~] crash or other casualty; and

(2) give [~~his~~] the operator's name, address and identification of [~~his~~] the operator's vessel in writing to [~~any person injured~~] an injured person and to the owner of [~~any~~] property damaged in the collision, [~~accident~~] crash or other casualty.

B. In the case of a collision, [~~accident~~] crash or other casualty involving a vessel and resulting in death or injury to a person or damage to property in excess of one hundred dollars ($100), the operator of the vessel or [~~his~~] the operator's legal representative shall, within forty-eight hours, file with the division a full description of the collision, [~~accident~~] crash or other casualty, including all information that the division may require by regulation.

C. All collision, [~~accident~~] crash or other casualty reports filed as required by this section shall be without prejudice to the individual making the report and are solely for the confidential use of the division except that the division may disclose the identity of a person involved in [~~an accident~~] a crash when the identity is not otherwise known or when the person denies [~~his~~] the person's presence at the

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[~~accident~~] crash. The report is inadmissible as evidence in any trial, civil or criminal, arising out of [~~an accident~~] a crash except that the division may furnish, upon request, a certificate showing that a specified [~~accident~~] crash report has or has not been made as required by this section."

SECTION 54. Section 66-12-23 NMSA 1978 (being Laws 1963, Chapter 45, Section 9, as amended) is amended to read:

"66-12-23. PENALTIES.--

A. Except for penalty provisions provided in Subsections B through M of this section, a person who violates a provision of the Boat Act or a rule of the division promulgated pursuant to that act is guilty of a petty misdemeanor and shall be sentenced pursuant to the provisions of Section 31-19-1 NMSA 1978.

B. As used in Chapter 66, Article 12 NMSA 1978, "penalty assessment misdemeanor" means a violation of Section 66-12-6.5, 66-12-7, 66-12-7.1, 66-12-10 or 66-12-14 NMSA 1978 or a rule of the division promulgated pursuant to those sections.

C. The term "penalty assessment misdemeanor" does not include a violation that has caused or contributed to the cause of [~~an accident~~] a crash resulting in injury or death to a person or disappearance of a person.

D. Whenever a person is arrested for violation of a penalty assessment misdemeanor, the arresting officer shall

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advise the person of the option either to accept the penalty assessment and pay it to the court or to appear in court. The arresting officer, using a uniform non-traffic citation, shall complete the information section, prepare the penalty assessment and prepare a notice to appear in court specifying the time and place to appear. The arresting officer shall have the person sign the citation as a promise either to pay the penalty assessment as prescribed or to appear in court as specified, give a copy of the citation to the person and release the person from custody. An officer shall not accept custody of payment of any penalty assessment.

E. The arresting officer may issue a warning notice, but shall fill in the information section of the citation and give a copy to the arrested person after requiring a signature on the warning notice as an acknowledgment of receipt. No warning notice issued under this section shall be used as evidence of conviction for purposes of Subsection M of this section.

F. In order to secure release, the arrested person must give a written promise to appear in court or to pay the penalty assessment prescribed or to acknowledge receipt of a warning notice.

G. The magistrate court or metropolitan court in the county where the alleged violation occurred has jurisdiction for any case arising from a penalty assessment

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misdemeanor.

H. A penalty assessment citation issued by a law enforcement officer shall be submitted to the appropriate magistrate or metropolitan court within three business days of issuance. If the citation is not submitted within three business days, it may be dismissed with prejudice.

I. It is a misdemeanor for [~~any~~] a person to violate a written promise to pay the penalty assessment or to appear in court given to an officer upon issuance of a citation regardless of the disposition of the charge for which the citation was issued.

J. A citation with a written promise to appear in court or to pay the penalty assessment is a summons. If a person fails to appear or to pay the penalty assessment by the appearance date, a warrant for failure to appear may be issued.

K. A written promise to appear in court may be complied with by appearance of counsel.

L. When an alleged violator of a penalty assessment misdemeanor elects to appear in court rather than to pay the penalty assessment to the court, no fine imposed upon later conviction shall exceed the penalty assessment established for the particular penalty assessment misdemeanor.

M. The penalty assessment for a first penalty assessment misdemeanor is thirty dollars ($30.00). This penalty assessment is in addition to any magistrate or

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metropolitan court costs as provided in Subsection B of Section 35-6-4 NMSA 1978. Upon a second conviction or acceptance of a notice of penalty assessment for a penalty assessment misdemeanor, the penalty assessment shall be fifty dollars ($50.00). Upon a third or subsequent conviction or acceptance of a notice of penalty assessment, the penalty assessment shall be one hundred fifty dollars ($150)."

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