

HOUSE BILL 1087

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO MANDATORY FINANCIAL RESPONSIBILITY; INCREASING  
PENALTIES FOR SECOND AND SUBSEQUENT OFFENSES OF THE MANDATORY  
FINANCIAL RESPONSIBILITY ACT; INCREASING REINSTATEMENT FEES FOR  
VEHICLE REGISTRATIONS AFTER SUSPENSION OR REVOCATION.

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

Section 1. Section 66-5-33.1 NMSA 1978 (being Laws 1985,  
Chapter 47, Section 1, as amended) is amended to read:

"66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR  
REGISTRATION--FEE.--

A. Whenever a driver's license [~~or registration~~] is  
suspended or revoked and an application has been made for its  
reinstatement, compliance with all appropriate provisions of  
the Motor Vehicle Code and the payment of a fee of twenty-five  
dollars (\$25.00) is a prerequisite to the reinstatement of

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1 [any] a license [~~or registration~~].

2 B. If a driver's license was suspended or revoked  
3 for driving while under the influence of intoxicating liquor or  
4 drugs, for aggravated driving while under the influence of  
5 intoxicating liquor or drugs or for a violation of the Implied  
6 Consent Act, an additional fee of seventy-five dollars (\$75.00)  
7 is required to be paid to reinstate the driver's license. Fees  
8 collected pursuant to this subsection are appropriated to the  
9 local governments road fund. The department shall maintain an  
10 accounting of the fees collected pursuant to this subsection  
11 and shall report that amount upon request to the legislature.

12 C. Whenever a registration is suspended or revoked  
13 and an application has been made for its reinstatement,  
14 compliance with all appropriate provisions of the Motor Vehicle  
15 Code and the payment of a fee of one hundred dollars (\$100) is  
16 a prerequisite to the reinstatement of a registration."

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

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

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

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1 provisions of the Mandatory Financial Responsibility Act.

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

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

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

24 E. Any person who violates the provisions of this  
25 section is guilty of a misdemeanor and upon conviction shall be

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1 sentenced to a fine not to exceed:  
2 (1) for a first offense, three hundred dollars  
3 (\$300); and  
4 (2) for a second or subsequent offense, five  
5 hundred dollars (\$500)."

6 Section 3. EFFECTIVE DATE.--The effective date of the  
7 provisions of this act is July 1, 2005.

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