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SENATE BILL 243

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

INTRODUCED BY

John T.L. Grubescic

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; ADDING AND CHANGING DEFINITIONS;
PROVIDING APPLICATION AND TESTING REQUIREMENTS FOR COMMERCIAL
DRIVER'S LICENSE APPLICANTS; PROVIDING FOR CERTAIN RESTRICTIONS
ON ISSUANCE OF COMMERCIAL DRIVER'S LICENSES; REQUIRING THE
TAXATION AND REVENUE DEPARTMENT TO PROVIDE INFORMATION TO THE
COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM; PROVIDING
REQUIREMENTS FOR USE OF INFORMATION RECEIVED FROM THE
COMMERCIAL DRIVER'S LICENSE INFORMATION SYSTEM; PROVIDING
DISQUALIFICATION CRITERIA FOR HOLDERS OF COMMERCIAL DRIVER'S
LICENSES; REQUIRING THE DIRECTOR OF THE MOTOR VEHICLE DIVISION
OF THE TAXATION AND REVENUE DEPARTMENT TO COLLECT PENALTIES
UPON CONVICTIONS OF CERTAIN VIOLATIONS.

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

Section 1. Section 66-1-4.3 NMSA 1978 (being Laws 1990,

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1 Chapter 120, Section 4, as amended) is amended to read:

2 "66-1-4.3. DEFINITIONS.--As used in the Motor Vehicle
3 Code:

4 A. "camping body" means a vehicle body primarily
5 designed or converted for use as temporary living quarters for
6 recreational, camping or travel activities;

7 B. "camping trailer" means a camping body, mounted
8 on a chassis, or frame with wheels, designed to be drawn by
9 another vehicle and that has collapsible partial side walls
10 that fold for towing and unfold at the campsite;

11 C. "cancellation" means that a driver's license is
12 annulled and terminated because of some error or defect or
13 because the licensee is no longer entitled to the license, but
14 cancellation of a license is without prejudice, and application
15 for a new license may be made at any time after cancellation;

16 D. "casual sale" means the sale of a motor vehicle
17 by the registered owner of the vehicle if the owner has not
18 sold more than four vehicles in that calendar year;

19 E. "chassis" means the complete motor vehicle,
20 including standard factory equipment, exclusive of the body and
21 cab;

22 F. "collector" means a person who is the owner of
23 one or more vehicles of historic or special interest who
24 collects, purchases, acquires, trades or disposes of these
25 vehicles or parts thereof for the person's own use in order to

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1 preserve, restore and maintain a similar vehicle for hobby
2 purposes;

3 G. "combination" means any connected assemblage of
4 a motor vehicle and one or more semitrailers, trailers or
5 semitrailers converted to trailers by means of a converter
6 gear;

7 H. "combination gross vehicle weight" means the sum
8 total of the gross vehicle weights of all units of a
9 combination;

10 I. "commerce" means the transportation of persons,
11 property or merchandise for hire, compensation, profit or in
12 the furtherance of a commercial enterprise in this state or
13 between New Mexico and a place outside New Mexico, including a
14 place outside the United States;

15 J. "commercial motor vehicle" means a self-
16 propelled or towed vehicle, other than special mobile
17 equipment, used on public highways in commerce to transport
18 passengers or property when the vehicle:

19 (1) is operated interstate and has a gross
20 vehicle weight rating or gross combination weight rating, or
21 gross vehicle weight or gross combination weight, of four
22 thousand five hundred thirty-six kilograms, or ten thousand one
23 pounds or more; or is operated only in intrastate commerce and
24 has a gross vehicle weight rating or gross combination weight
25 rating, or gross vehicle weight or gross combination weight, of

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1 twenty-six thousand one or more pounds;

2 (2) is designed or used to transport more than
3 eight passengers, including the driver, and is used to
4 transport passengers for compensation;

5 (3) is designed or used to transport more than
6 fifteen passengers, including the driver, and is not used to
7 transport passengers for compensation; or

8 (4) is used to transport hazardous materials
9 of the type or quantity requiring placarding under rules
10 prescribed by applicable federal or state law;

11 K. "controlled-access highway" means every highway,
12 street or roadway in respect to which owners or occupants of
13 abutting lands and other persons have no legal right of access
14 to or from the highway, street or roadway except at those
15 points only and in the manner as may be determined by the
16 public authority having jurisdiction over the highway, street
17 or roadway;

18 L. "controlled substance" means any substance
19 defined in Section 30-31-2 NMSA 1978 as a controlled substance;

20 M. "converter gear" means any assemblage of one or
21 more axles with a fifth wheel mounted thereon, designed for use
22 in a combination to support the front end of a semitrailer but
23 not permanently attached thereto. A converter gear shall not
24 be considered a vehicle, as that term is defined in Section
25 66-1-4.19 NMSA 1978, but weight attributable thereto shall be

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1 included in declared gross weight;

2 N. "conviction" means [~~the alleged violator has~~
3 ~~entered a plea of guilty or nolo contendere or has been found~~
4 ~~guilty in the trial court and has waived or exhausted all~~
5 ~~rights to an appeal~~]:

6 (1) an unvacated adjudication of guilt, or a
7 determination by a court of original jurisdiction that a person
8 has violated or failed to comply with the law;

9 (2) an unvacated adjudication of guilt, or a
10 determination by an authorized administrative tribunal
11 authorized pursuant to the Implied Consent Act that a person
12 who holds a valid commercial driver's license has violated or
13 failed to comply with the law;

14 (3) an unvacated forfeiture of bail or
15 collateral deposited to secure the person's appearance in
16 court;

17 (4) a plea of guilty or nolo contendere
18 accepted by the court;

19 (5) the payment of a fine or court cost; or

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

23 0. "crosswalk" means:

24 (1) that part of a roadway at an intersection
25 included within the connections of the lateral lines of the

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1 sidewalks on opposite sides of the highway measured from the
2 curbs or, in the absence of curbs, from the edges of the
3 traversable roadway; and

4 (2) any portion of a roadway at an
5 intersection or elsewhere distinctly indicated for pedestrian
6 crossing by lines or other markings on the surface; and

7 P. "curb cut" means a short ramp through a curb or
8 built up to the curb."

9 Section 2. Section 66-5-54 NMSA 1978 (being Laws 1989,
10 Chapter 14, Section 3, as amended) is amended to read:

11 "66-5-54. DEFINITIONS.--As used in the New Mexico
12 Commercial Driver's License Act:

13 A. "commerce" means:

14 (1) trade, traffic or transportation within
15 the jurisdiction of the United States between a place in New
16 Mexico and a place outside of New Mexico, including a place
17 outside of the United States; and

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

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

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1 ~~[B-]~~ C. "commercial motor vehicle" means a motor
2 vehicle or combination of motor vehicles used in commerce to
3 transport passengers or property if the motor vehicle:

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

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

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

12 (4) is of any size and is used in the
13 transportation of hazardous materials, which requires the motor
14 vehicle to be placarded under applicable law;

15 D. "director" means the director of the motor
16 vehicle division of the department;

17 ~~[G-]~~ E. "disqualification" means:

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

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

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

4 F. "division" means the motor vehicle division of
5 the department;

6 [~~D.~~] G. "driving a commercial motor vehicle while
7 under the influence of alcohol" means:

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

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

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

15 [~~E.~~] H. "employee" means an operator of a
16 commercial motor vehicle, including full-time, regularly
17 employed drivers; casual, intermittent or occasional drivers;
18 leased drivers; and independent owner-operator contractors,
19 while in the course of operating a commercial motor vehicle,
20 who is either directly employed by or under lease to an
21 employer;

22 [~~F.~~] I. "employer" means a person, including the
23 United States, a state and a political subdivision of a state
24 or their agencies or instrumentalities, [~~who~~] that owns or
25 leases a commercial motor vehicle or assigns employees to

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1 operate such a vehicle;

2 [G-] J. "fatality" means the death of a person as a
3 result of a motor vehicle accident;

4 [H-] K. "gross combination weight rating" means the
5 value specified by the manufacturer as the loaded weight of a
6 combination vehicle. In the absence of a value specified by
7 the manufacturer, gross combination weight rating shall be
8 determined by adding the gross vehicle weight rating of the
9 power unit and the total weight of the towed unit or units and
10 any load thereon;

11 [I-] L. "gross vehicle weight rating" means the
12 value specified by the manufacturer as the loaded weight of a
13 single vehicle;

14 [J-] M. "imminent hazard" means a condition that
15 presents a substantial likelihood that death, serious illness,
16 severe personal injury or a substantial endangerment to health,
17 property or the environment will occur before the reasonable
18 foreseeable completion date of a formal proceeding to lessen
19 the risk of that death, illness, injury or endangerment;

20 [K-] N. "noncommercial motor vehicle" means a motor
21 vehicle or combination of motor vehicles that is not a
22 commercial motor vehicle;

23 [L-] O. "nonresident commercial driver's license"
24 means a commercial driver's license issued by another state to
25 a person domiciled in that state or by a foreign country to a

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1 person domiciled in that country;

2 [M-] P. "out-of-service order" means a declaration
3 by an authorized enforcement officer of a federal, state,
4 Canadian, Mexican or local jurisdiction that a driver, a
5 commercial motor vehicle or a motor carrier operation is
6 temporarily prohibited from operating;

7 [N-] Q. "railroad-highway grade crossing violation"
8 means a violation of a provision of Section 66-7-341 or
9 66-7-343 NMSA 1978 or a violation of federal or local law or
10 rule pertaining to stopping at or crossing a railroad-highway
11 grade crossing; and

12 [O-] R. "serious traffic violation" means
13 conviction of any of the following if committed when operating
14 a commercial motor vehicle:

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

17 (2) reckless driving as defined by Section
18 66-8-113 NMSA 1978 or a municipal ordinance or the law of
19 another state;

20 (3) homicide by vehicle, as defined in Section
21 66-8-101 NMSA 1978;

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

25 (5) any other violation of law relating to

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1 motor vehicle traffic control, other than a parking violation,
2 that the secretary determines by regulation to be a serious
3 traffic violation. "Serious traffic violation" does not
4 include a vehicle weight or vehicle defect violation;

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

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

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

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

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

20 (11) driving a commercial motor vehicle
21 without obtaining a commercial driver's license in violation of
22 Section 66-5-59 NMSA 1978."

23 Section 3. Section 66-5-60 NMSA 1978 (being Laws 1989,
24 Chapter 14, Section 9) is amended to read:

25 "66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--

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1 STANDARDS.--

2 A. The division [~~may~~] shall not issue a commercial
3 driver's license to a person unless that person is a resident
4 of New Mexico and has passed a knowledge and skills test for
5 driving a commercial motor vehicle and for related
6 endorsements, has passed a medical fitness test developed by
7 the department and has satisfied any other requirements of the
8 New Mexico Commercial Driver's License Act.

9 B. The division may authorize a person, including
10 an agency of this or another state, an employer, a private
11 driver-training facility or other private institution or a
12 department, agency or instrumentality of local government to
13 administer the skills test specified by this section.

14 C. The director may waive the requirement of [~~a~~
15 ~~state-administered skills~~] any test specified in this section
16 for a commercial driver's license applicant who complies with
17 the other provisions of the New Mexico Commercial Driver's
18 License Act through any pertinent rules, regulations or
19 contractual agreements with the [~~state department of~~] public
20 education department, other governments or private entities.

21 D. A commercial driver's license applicant shall
22 not take a test specified in this section more than three times
23 within one year.

24 E. If the department determines that a commercial
25 driver's license applicant has committed an offense in taking a

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1 test specified in this section, the division shall not issue a
2 commercial driver's license to that applicant within one year
3 of the department's determination."

4 Section 4. Section 66-5-63 NMSA 1978 (being Laws 1989,
5 Chapter 14, Section 12, as amended) is amended to read:

6 "66-5-63. COMMERCIAL DRIVER'S LICENSE--PERMIT--
7 APPLICATION--DUPLICATE.--

8 A. The application for a commercial driver's
9 license or commercial driver's instruction permit shall include
10 the following:

11 (1) the full name and current mailing and
12 residential address of the person;

13 (2) a physical description of the person,
14 including sex, height, weight and eye color;

15 (3) the person's date of birth;

16 (4) the person's social security number;

17 (5) the person's signature;

18 (6) a consent to release the person's driving
19 record information; [and]

20 (7) certification by the division that the
21 commercial motor vehicle used for the knowledge and skills test
22 for driving a motor vehicle is in the class of commercial motor
23 vehicles for which the person has applied for a commercial
24 motor vehicle license;

25 (8) certification by the division that the

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1 commercial motor vehicle used for the knowledge and skills test
2 for driving a motor vehicle is representative of the
3 endorsement for which the person has applied; and

4 [~~(7)~~] (9) any other information required by
5 the department.

6 B. When a licensee changes his name or residence or
7 mailing address, an application for a duplicate license shall
8 be made as provided in Section 66-5-20 NMSA 1978."

9 Section 5. Section 66-5-66 NMSA 1978 (being Laws 1989,
10 Chapter 14, Section 15) is amended to read:

11 "66-5-66. APPLICANT RECORD INFORMATION--INFORMATION
12 EXCHANGE.--

13 A. Before issuing a commercial driver's license,
14 the division shall obtain pertinent driving record information
15 from each state where the applicant has been licensed, through
16 a multistate database, or from each state.

17 B. The [~~taxation and revenue~~] department shall have
18 the authority to exchange commercial driver's license
19 information as it deems necessary to carry out the provisions
20 of the New Mexico Commercial Driver's License Act.

21 C. The department shall provide to the commercial
22 driver's license information system information on a
23 conviction, disqualification, change in applicant status,
24 change in the state of record or any other information
25 concerning a holder of a commercial driver's license within ten

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1 days of receipt of that information. The secretary may adopt
2 regulations to administer the requirement set forth pursuant to
3 this subsection.

4 D. In determining whether a violation of law has
5 occurred for the purpose of issuance, administration or
6 revocation of a commercial driver's license, the department
7 shall use information received from the commercial driver's
8 license information system in the same manner as information
9 received from the state or any of its agencies,
10 instrumentalities or political subdivisions."

11 Section 6. Section 66-5-68 NMSA 1978 (being Laws 1989,
12 Chapter 14, Section 17, as amended) is amended to read:

13 "66-5-68. DISQUALIFICATION.--

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

18 B. The department shall disqualify a person who
19 holds a commercial driver's license from driving a commercial
20 motor vehicle for a period of not less than one year if the
21 person:

22 (1) refuses to submit to a chemical test when
23 requested pursuant to the provisions of the Implied Consent
24 Act; [~~or~~]

25 (2) is twenty-one years of age or more and

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1 submits to chemical testing pursuant to the Implied Consent Act
2 and the test results indicate an alcohol concentration of eight
3 one hundredths or more;

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

8 [~~2~~] (4) is convicted of a violation of:

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

13 (b) leaving the scene of an accident
14 involving a commercial motor vehicle driven by the person in
15 violation of Section 66-7-201 NMSA 1978 or an ordinance of a
16 municipality of this state or the law of another state;

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

19 (d) driving a commercial motor vehicle
20 after the driver's commercial driver's license is revoked,
21 suspended, disqualified or canceled for violations while
22 operating a commercial motor vehicle; or

23 (e) causing a fatality in the unlawful
24 operation of a motor vehicle pursuant to Section 66-8-101 NMSA
25 1978.

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

6 D. The department shall disqualify a person from
7 driving a commercial motor vehicle for life if convicted of two
8 or more violations of any of the offenses specified in
9 Subsection B of this section, or any combination of those
10 offenses, arising from two or more separate incidents, but the
11 secretary may issue regulations establishing guidelines,
12 including conditions, under which a disqualification for life
13 under this subsection may be reduced to a period of not less
14 than ten years. This subsection applies only to those offenses
15 committed after July 1, 1989.

16 E. The department shall disqualify a person from
17 driving a commercial motor vehicle for life if the person uses
18 a commercial motor vehicle in the commission of any felony
19 involving the manufacture, distribution or dispensing of a
20 controlled substance or the possession with intent to
21 manufacture, distribute or dispense a controlled substance.

22 F. The department shall disqualify a person from
23 driving a commercial motor vehicle for a period of not less
24 than sixty days if convicted of two serious traffic violations
25 or one hundred twenty days if convicted of three serious

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1 traffic violations, if the violations were committed while
2 driving a commercial motor vehicle, arising from separate
3 incidents occurring within a three-year period.

4 G. The department shall disqualify a person from
5 driving a commercial motor vehicle for a period of not less
6 than one hundred eighty days nor more than two years if the
7 person is convicted of a first violation of an out-of-service
8 order while transporting hazardous materials required to be
9 placarded pursuant to the federal Hazardous Materials
10 Transportation Act or while operating a motor vehicle designed
11 to transport more than fifteen passengers, including the
12 driver. The department shall disqualify a person from driving
13 a commercial motor vehicle for a period of not less than three
14 years nor more than five years if, during any ten-year period,
15 the person is convicted of any subsequent violations of out-of-
16 service orders, in separate incidents, while transporting
17 hazardous materials required to be placarded pursuant to that
18 act or while operating a motor vehicle designed to transport
19 more than fifteen passengers, including the driver.

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

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

25 (2) the second conviction results in

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1 revocation, cancellation or suspension of the person's
2 commercial driver's license or noncommercial motor vehicle
3 driving privileges for sixty days.

4 I. The department shall disqualify a person from
5 driving a commercial motor vehicle for one hundred twenty days
6 if:

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

9 (2) the third or a subsequent conviction
10 results in the revocation, cancellation or suspension of the
11 person's commercial driver's license or noncommercial motor
12 vehicle driving privileges.

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

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

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

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

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1 incident; and

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

5 L. After disqualifying, suspending, revoking or
6 canceling a commercial driver's license, the department shall,
7 within ten days, update its records to reflect that action.
8 After disqualifying, suspending, revoking or canceling a
9 nonresident commercial driver's privileges, the department
10 shall, within ten days, notify the licensing authority of the
11 state that issued the commercial driver's license.

12 M. The department shall post and enforce any
13 disqualification sent by the federal motor carrier safety
14 administration to the division that indicates that a commercial
15 motor vehicle driver poses an imminent hazard."

16 Section 7. Section 66-5-71 NMSA 1978 (being Laws 1998,
17 Chapter 17, Section 5, as amended) is amended to read:

18 "66-5-71. PENALTIES FOR VIOLATION OF OUT-OF-SERVICE
19 ORDERS.--

20 A. A driver who is convicted of violating an out-
21 of-service order shall be subject to a civil penalty of not
22 less than one thousand one hundred dollars (\$1,100) or more
23 than two thousand seven hundred fifty dollars (\$2,750), in
24 addition to disqualification as provided in Subsection C of
25 this section. The director shall collect the penalty upon

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1 conviction.

2 B. An employer who is convicted of a violation of
3 Subsection C of Section 66-5-58 NMSA 1978 shall be subject to a
4 civil penalty of not less than two thousand seven hundred fifty
5 dollars (\$2,750) or more than eleven thousand dollars
6 (\$11,000). The director shall collect the penalty upon
7 conviction.

8 C. A driver who is convicted of violating an
9 out-of-service order shall be disqualified for:

10 (1) not less than ninety days or more than
11 one year if the driver is convicted of a first violation of an
12 out-of-service order;

13 (2) not less than one year or more than five
14 years if, during any ten-year period, the driver is convicted
15 of two violations of out-of-service orders in separate
16 incidents; and

17 (3) not less than three years or more than
18 five years if, during any ten-year period, the driver is
19 convicted of three or more violations of out-of-service orders
20 in separate incidents."

21 Section 8. Section 66-5-72 NMSA 1978 (being Laws 2003,
22 Chapter 51, Section 7) is amended to read:

23 "66-5-72. EMPLOYER PENALTIES FOR RAILROAD-HIGHWAY GRADE
24 CROSSING VIOLATIONS.--An employer who is convicted of a
25 violation of Subsection D of Section 66-5-58 NMSA 1978 shall be

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1 subject to a civil penalty of not more than ten thousand
2 dollars (\$10,000) for each violation. The director shall
3 collect the penalty upon conviction."

4 Section 9. Section 66-8-135 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 543, as amended) is amended to read:

6 "66-8-135. RECORD OF TRAFFIC CASES.--

7 A. Every trial court judge shall keep a record of
8 every traffic complaint, uniform traffic citation and other
9 form of traffic charge filed in the judge's court or its
10 traffic violations bureau and every official action and
11 disposition of the charge by that court.

12 B. Within ten days of the later of entry of
13 judgment and sentence or failure to appear on a charge of
14 violating the Motor Vehicle Code or other law or ordinance
15 relating to motor vehicles or the final decision of any higher
16 court that reviews the matter and from which no appeal or
17 review is successfully taken, every trial court judge,
18 including children's court judges, or the clerk of the court in
19 which the entry of judgment and sentence or failure to appear
20 occurred shall prepare and forward to the department an
21 abstract of the record containing:

- 22 (1) the name and address of the defendant;
23 (2) the specific section number and common
24 name of the provision of the NMSA 1978 or local law, ordinance
25 or regulation under which the defendant was tried;

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1 (3) the plea, finding of the court and
2 disposition of the charge, including fine or jail sentence or
3 both, forfeiture of bail or dismissal of the charge;

4 (4) an itemization of costs assessed to the
5 defendant;

6 (5) the date of the hearing;

7 (6) the court's name and address;

8 (7) whether the defendant was a first or
9 subsequent offender; and

10 (8) whether the defendant was represented by
11 counsel or waived his right to counsel and, if represented, the
12 name and address of counsel.

13 C. The abstract of record prepared and forwarded
14 under Subsection B of this section shall be certified as
15 correct by the person required to prepare it. With the prior
16 approval of the department, the information required by
17 Subsection B of this section may be transmitted electronically
18 to the department. Report need not be made of any disposition
19 of a charge of illegal parking or standing of a vehicle except
20 when the uniform traffic citation is used.

21 D. When the uniform traffic citation is used, the
22 court shall provide the information required by Subsection B of
23 this section in the manner prescribed by the department.

24 E. Every court of record shall also forward a like
25 report to the department upon conviction of any person of any

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underscored material = new
[bracketed material] = delete

1 felony if a motor vehicle was used in the commission. With the
2 prior approval of the department, the information required by
3 this subsection may be submitted electronically to the
4 department. The report shall be forwarded to the department
5 within ten days of the final decision of the court or of any
6 higher court that reviews the matter and from which the
7 decision of no appeal or review is successfully taken.

8 F. The failure or refusal of any judicial officer
9 to comply with this section is misconduct in office and grounds
10 for removal.

11 G. The department shall keep records received on
12 motorists licensed in this state at its main office. Records
13 showing a record of conviction by a court of law shall be open
14 to public inspection during business hours for three years from
15 the date of their receipt, after which they shall be destroyed
16 by the department except for records of convictions under
17 Sections 66-8-101 through 66-8-112 NMSA 1978, which may not be
18 destroyed until [~~twenty-five~~] fifty-five years from the date of
19 their receipt. Any record received on a motorist licensed in
20 another state or country shall be forwarded to the licensing
21 authority of that state or country."

22 Section 10. EFFECTIVE DATE.--The effective date of the
23 provisions of this act is July 1, 2005.