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SENATE BILL 195

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Richard C. Martinez

ENDORSED BY THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; CLARIFYING PROVISIONS IN THE MOTOR
VEHICLE CODE; PROVIDING THAT A PERSON CITED FOR NO VEHICLE
REGISTRATION, INSURANCE OR DRIVER'S LICENSE SHALL NOT BE
CONVICTED IF THE PERSON PRODUCES EVIDENCE OF COMPLIANCE IN
COURT; PROVIDING PENALTY ASSESSMENTS FOR CERTAIN MOTOR VEHICLE
CODE VIOLATIONS; ALLOWING THE COURTS TWENTY DAYS AFTER FINAL
DISPOSITION TO PROVIDE RECORDS TO THE MOTOR VEHICLE DIVISION OF
THE TAXATION AND REVENUE DEPARTMENT; RECONCILING MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

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

SECTION 1. Section 66-3-1 NMSA 1978 (being Laws 1978,
Chapter 35, Section 21, as amended by Laws 2007, Chapter 319,
Section 13 and by Laws 2007, Chapter 320, Section 1) is amended
to read:

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1 "66-3-1. VEHICLES SUBJECT TO REGISTRATION--EXCEPTIONS.--

2 A. With the exception of vehicles identified in
3 Subsection B of this section, every motor vehicle, manufactured
4 home, trailer, semitrailer and pole trailer when driven or
5 moved upon a highway and every off-highway motor vehicle is
6 subject to the registration and certificate of title provisions
7 of the Motor Vehicle Code except:

8 (1) any such vehicle driven or moved upon a
9 highway in conformance with the provisions of the Motor Vehicle
10 Code relating to manufacturers, dealers, lien-holders or
11 nonresidents;

12 (2) any such vehicle that is driven or moved
13 upon a highway only for the purpose of crossing the highway
14 from one property to another;

15 (3) an implement of husbandry that is only
16 incidentally operated or moved upon a highway;

17 (4) special mobile equipment;

18 (5) a vehicle that is propelled exclusively by
19 electric power obtained from overhead trolley wires though not
20 operated upon rails;

21 (6) a freight trailer if it is:

22 (a) properly registered in another
23 state;

24 (b) identified by a proper base
25 registration plate that is properly displayed; and

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1 (c) identified by other registration
2 documents that are in the possession of the operator and
3 exhibited at the request of a police officer;

4 (7) a freight trailer or utility trailer owned
5 and used by:

6 (a) a nonresident solely for the
7 transportation of farm products purchased by the nonresident
8 from growers or producers of the farm products and transported
9 in the trailer out of the state;

10 (b) a farmer or a rancher who transports
11 to market only the produce, animals or fowl produced by that
12 farmer or rancher or who transports back to the farm or ranch
13 supplies for use thereon; or

14 (c) a person who transports animals to
15 and from fairs, rodeos or other places, except racetracks,
16 where the animals are exhibited or otherwise take part in
17 performances, in trailers drawn by a motor vehicle or truck of
18 less than ten thousand pounds gross vehicle weight rating
19 bearing a proper registration plate, but in no case shall the
20 owner of an unregistered trailer described in this paragraph
21 perform such uses for hire;

22 (8) a moped;

23 (9) an electric personal assistive mobility
24 device;

25 (10) a vehicle moved on a highway by a towing

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1 service as defined in Section 59A-50-2 NMSA 1978; and

2 (11) an off-highway motor vehicle exempted
3 pursuant to Section 66-3-1005 NMSA 1978.

4 B. A certificate of title required pursuant to
5 Subsection A of this section is not required for a vehicle of a
6 type subject to registration owned by:

7 (1) the government of the United States; or

8 (2) a carrier that is from a jurisdiction that
9 is not a participant in the International Fuel Tax Agreement,
10 that is authorized by the United States government or an agency
11 of the United States government to conduct cross-border
12 operations beyond the commercial border zone pursuant to the
13 provisions of the North American Free Trade Agreement and that
14 identifies New Mexico as the carrier's base jurisdiction.

15 C. A person who violates the provisions of this
16 section is guilty of a misdemeanor as provided in Section
17 66-8-7 NMSA 1978. A person charged with violating this section
18 shall not be convicted if the person produces, in court,
19 evidence of compliance valid at the time of issuance of the
20 citation."

21 SECTION 2. Section 66-3-13 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 33) is amended to read:

23 "66-3-13. EVIDENCE OF REGISTRATION TO BE SIGNED AND
24 EXHIBITED ON DEMAND.--

25 A. Every owner, upon receipt of registration

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1 evidence, shall write [~~his~~] that owner's signature thereon in a
2 space provided. Every such registration evidence or duplicate
3 [~~thereof~~] of registration evidence validated by the division
4 shall be exhibited upon demand of any police officer.

5 B. A person charged with violating the provisions
6 of this section shall not be convicted if the person produces,
7 in court, evidence of a signed registration valid at the time
8 of issuance of the citation."

9 SECTION 3. Section 66-5-2 NMSA 1978 (being Laws 1978,
10 Chapter 35, Section 224, as amended) is amended to read:

11 "66-5-2. DRIVERS MUST BE LICENSED.--

12 A. Except those expressly exempted from the Motor
13 Vehicle Code, no person shall drive any motor vehicle,
14 neighborhood electric car or moped upon a highway in this state
15 unless the person:

16 (1) holds a valid license issued under the
17 provisions of the Motor Vehicle Code; and

18 (2) has surrendered to the division any other
19 license previously issued to the person by this state or by
20 another state or country or has filed an affidavit with the
21 division that the person does not possess such other license;
22 however, the applicant need not surrender a motorcycle license
23 duly obtained under Paragraph [~~(3)~~] (4) of Subsection A of
24 Section 66-5-5 NMSA 1978.

25 B. Any person licensed under the provisions of the

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1 Motor Vehicle Code or expressly exempted from licenser may
2 exercise the privilege granted upon all streets and highways in
3 this state and shall not be required to obtain any other
4 license to exercise the privilege by any county, municipality
5 or any other local body having authority to adopt local police
6 regulations.

7 C. A person charged with violating the provisions
8 of this section shall not be convicted if the person produces,
9 in court, a driver's license issued to the person that was
10 valid at the time of the person's arrest."

11 SECTION 4. Section 66-5-32 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 254, as amended by Laws 2005, Chapter 241,
13 Section 3 and by Laws 2005, Chapter 269, Section 3) is amended
14 to read:

15 "66-5-32. PERIOD OF SUSPENSION OR REVOCATION.--

16 A. The division shall not suspend a driver's
17 license or privilege to drive a motor vehicle on the public
18 highways for a period of more than one year except as permitted
19 under Subsection C of this section and Sections 60-7B-1,
20 66-5-5, [and] 66-5-39 and 66-5-39.1 NMSA 1978.

21 B. Except as provided in the Ignition Interlock
22 Licensing Act, a person whose license or privilege to drive a
23 motor vehicle on the public highways has been revoked shall not
24 be entitled to have the license or privilege renewed or
25 restored unless the revocation was for a cause that has been

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1 removed, except that after the expiration of the periods
2 specified in Subsections B and C of Section 66-5-29 NMSA 1978
3 from the date on which the revoked license was surrendered to
4 and received by the division, the person may make application
5 for a new license as provided by law.

6 C. The suspension period for failure to appear or
7 failure to remit the penalty assessment shall, at the
8 discretion of the director, be extended indefinitely subject to
9 the provisions of Subsection B of Section 66-5-30 NMSA 1978."

10 SECTION 5. Section 66-5-39 NMSA 1978 (being Laws 1978,
11 Chapter 35, Section 261, as amended) is amended to read:

12 "66-5-39. DRIVING WHILE LICENSE SUSPENDED [~~OR REVOKED~~]
13 [~~PROVIDING~~] PENALTIES.--

14 A. Any person who drives a motor vehicle on any
15 public highway of this state at a time when [~~his~~] the person's
16 privilege to do so is suspended [~~or revoked~~] and who knows or
17 should have known that [~~his~~] the person's license was suspended
18 [~~or revoked~~] is guilty of a misdemeanor and shall be charged
19 with a violation of this section. Upon conviction, the person
20 shall be punished, notwithstanding the provisions of Section
21 31-18-13 NMSA 1978, by imprisonment for not less than four days
22 or more than three hundred sixty-four days or participation for
23 an equivalent period of time in a certified alternative
24 sentencing program, and there may be imposed in addition a fine
25 of not more than one thousand dollars (\$1,000). When a person

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1 pays any or all of the cost of participating in a certified
2 alternative sentencing program, the court may apply that
3 payment as a deduction to any fine imposed by the court.
4 ~~[Notwithstanding any other provision of law for suspension or~~
5 ~~deferment of execution of a sentence, if the person's privilege~~
6 ~~to drive was revoked for driving while under the influence of~~
7 ~~intoxicating liquor or drugs or a violation of the Implied~~
8 ~~Consent Act, upon conviction under this section, that person~~
9 ~~shall be punished by imprisonment for not less than seven~~
10 ~~consecutive days and shall be fined not less than three hundred~~
11 ~~dollars (\$300) or not more than one thousand dollars (\$1,000)~~
12 ~~and the fine and imprisonment shall not be suspended, deferred~~
13 ~~or taken under advisement. No other disposition by plea of~~
14 ~~guilty to any other charge in satisfaction of a charge under~~
15 ~~this section shall be authorized if the person's privilege to~~
16 ~~drive was revoked for driving while under the influence of~~
17 ~~intoxicating liquor or drugs or a violation of the Implied~~
18 ~~Consent Act.] Any municipal ordinance prohibiting driving with~~
19 a suspended ~~[or revoked]~~ license shall provide penalties no
20 less stringent than provided in this section.

21 B. In addition to any other penalties imposed
22 pursuant to the provisions of this section, when a person is
23 convicted pursuant to the provisions of this section or a
24 municipal ordinance that prohibits driving on a suspended ~~[or~~
25 ~~revoked]~~ license, the motor vehicle the person was driving

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1 ~~[shall]~~ may be immobilized by an immobilization device for
2 thirty days, unless immobilization of the motor vehicle poses
3 an imminent danger to the health, safety or employment of the
4 convicted person's immediate family or the family of the owner
5 of the motor vehicle. The convicted person shall bear the cost
6 of immobilizing the motor vehicle.

7 C. The division, upon receiving a record of the
8 conviction of any person under this section ~~[upon a charge of~~
9 ~~driving a vehicle while the license of the person was~~
10 ~~suspended]~~, shall extend the period of suspension for an
11 additional like period ~~[and if the conviction was upon a charge~~
12 ~~of driving while a license was revoked, the division shall not~~
13 ~~issue a new license for an additional period of one year from~~
14 ~~the date the person would otherwise have been entitled to apply~~
15 ~~for a new license]."~~

16 SECTION 6. A new Section 66-5-39.1 NMSA 1978 is enacted
17 to read:

18 "66-5-39.1. [NEW MATERIAL] DRIVING WHILE LICENSE
19 REVOKED--PENALTIES.--

20 A. A person who drives a motor vehicle on a public
21 highway of this state at a time when the person's privilege to
22 do so is revoked and who knows or should have known that the
23 person's license was revoked is guilty of a misdemeanor and
24 shall be charged with a violation of this section. Upon
25 conviction, the person shall be punished, notwithstanding the

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1 provisions of Section 31-18-13 NMSA 1978, by imprisonment for
2 not less than four days or more than three hundred sixty-four
3 days or by participation for an equivalent period of time in a
4 certified alternative sentencing program, and there may be
5 imposed, in addition, a fine of not more than one thousand
6 dollars (\$1,000). When a person pays any or all of the cost of
7 participating in a certified alternative sentencing program,
8 the court may apply that payment as a deduction to any fine
9 imposed by the court.

10 B. Notwithstanding any other provision of law for
11 suspension or deferment of execution of a sentence, if the
12 person's privilege to drive was revoked for driving under the
13 influence of intoxicating liquor or drugs or a violation of the
14 Implied Consent Act, upon conviction pursuant to this section,
15 the person shall be punished by imprisonment for not less than
16 seven consecutive days and shall be fined not less than three
17 hundred dollars (\$300) and not more than one thousand dollars
18 (\$1,000) and the fine and imprisonment shall not be suspended,
19 deferred or taken under advisement. No other disposition by
20 plea of guilty to any other charge in satisfaction of a charge
21 under this section shall be authorized if the person's
22 privilege to drive was revoked for driving under the influence
23 of intoxicating liquor or drugs or a violation of the Implied
24 Consent Act. Any municipal ordinance prohibiting driving with
25 a revoked license shall provide penalties no less stringent

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1 than provided in this section.

2 C. In addition to any other penalties imposed
3 pursuant to the provisions of this section, when a person is
4 convicted pursuant to the provisions of this section or a
5 municipal ordinance that prohibits driving on a revoked
6 license, the motor vehicle the person was driving shall be
7 immobilized by an immobilization device for thirty days, unless
8 immobilization of the motor vehicle poses an imminent danger to
9 the health, safety or employment of the convicted person's
10 immediate family or the family of the owner of the motor
11 vehicle. The convicted person shall bear the cost of
12 immobilizing the motor vehicle.

13 D. The division, upon receiving a record of the
14 conviction of any person under this section, shall not issue a
15 new license for an additional period of one year from the date
16 the person would otherwise have been entitled to apply for a
17 new license."

18 SECTION 7. Section 66-5-205 NMSA 1978 (being Laws 1983,
19 Chapter 318, Section 6, as amended) is amended to read:

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

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

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1 Mexico unless the vehicle is specifically exempted from the
2 provisions of the Mandatory Financial Responsibility Act.

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

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

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

25 E. Any person who violates the provisions of this

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1 section is guilty of a misdemeanor [~~and upon conviction shall~~
2 ~~be sentenced to a fine not to exceed three hundred dollars~~
3 ~~(\$300)] as provided in Section 66-8-7 NMSA 1978.~~

4 F. A person charged with violating the provisions
5 of this section shall not be convicted if the person produces,
6 in court, evidence of financial responsibility valid at the
7 time of issuance of the citation."

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

10 "66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
11 DEFINITION--SCHEDULE OF ASSESSMENTS.--

12 A. As used in the Motor Vehicle Code, "penalty
13 assessment misdemeanor" means violation of any of the following
14 listed sections of the NMSA 1978 for which, except as provided
15 in Subsections D and E of this section, the listed penalty
16 assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
<u>Improper display of</u>		
<u>registration plate</u>	<u>66-3-18</u>	<u>\$ 25.00</u>
<u>Failure to notify of</u>		
<u>change of name or address</u>	<u>66-3-23</u>	<u>25.00</u>
<u>Lost or damaged registration,</u>		
<u>plate or title</u>	<u>66-3-24</u>	<u>20.00</u>
Permitting [unlicensed]		

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1	<u>unauthorized</u> minor		
2	to drive	66-5-40	[\$10.00] <u>50.00</u>
3	<u>Permitting unauthorized</u>		
4	<u>person to drive</u>	<u>66-5-41</u>	<u>25.00</u>
5	Failure to obey sign	66-7-104	10.00
6	Failure to obey signal	66-7-105	10.00
7	Speeding	66-7-301	
8	(1) up to and including		
9	ten miles an hour		
10	over the speed limit		15.00
11	(2) from eleven up to		
12	and including fifteen		
13	miles an hour over		
14	the speed limit		30.00
15	(3) from sixteen up to		
16	and including twenty		
17	miles an hour over the		
18	speed limit		65.00
19	(4) from twenty-one up to		
20	and including twenty-five		
21	miles an hour over the		
22	speed limit		100.00
23	(5) from twenty-six up to		
24	and including thirty		
25	miles an hour over the		

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1	speed limit		125.00
2	(6) from thirty-one up to		
3	and including thirty-five		
4	miles an hour over the		
5	speed limit		150.00
6	(7) more than thirty-five		
7	miles an hour over the		
8	speed limit		200.00
9	Unfastened safety belt	66-7-372	25.00
10	Child not in restraint		
11	device or seat belt	66-7-369	25.00
12	Minimum speed	66-7-305	10.00
13	Speeding	66-7-306	15.00
14	Improper starting	66-7-324	10.00
15	Improper backing	66-7-354	10.00
16	Improper lane	66-7-308	10.00
17	Improper lane	66-7-313	10.00
18	Improper lane	66-7-316	10.00
19	Improper lane	66-7-317	10.00
20	Improper lane	66-7-319	10.00
21	Improper passing	66-7-309 through 66-7-312	10.00
22	Improper passing	66-7-315	10.00
23	Controlled access		
24	violation	66-7-320	10.00
25	Controlled access		

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1	violation	66-7-321	10.00
2	Improper turning	66-7-322	10.00
3	Improper turning	66-7-323	10.00
4	Improper turning	66-7-325	10.00
5	Following too closely	66-7-318	10.00
6	Failure to yield	66-7-328 through 66-7-331	10.00
7	Failure to yield	66-7-332	50.00
8	Failure to yield	66-7-332.1	25.00
9	Pedestrian violation	66-7-333	10.00
10	Pedestrian violation	66-7-340	10.00
11	Failure to stop	66-7-342 and 66-7-344	
12		through 66-7-346	10.00
13	Railroad-highway grade		
14	crossing violation	66-7-341 and 66-7-343	150.00
15	Passing school bus	66-7-347	100.00
16	Failure to signal	66-7-325 through 66-7-327	10.00
17	<u>Minor without helmet</u>		
18	<u>on motorcycle</u>	<u>66-7-356</u>	<u>300.00</u>
19	<u>Obstruction of driver's</u>		
20	<u>view</u>	<u>66-7-357</u>	<u>50.00</u>
21	<u>Television within view</u>		
22	<u>of driver</u>	<u>66-7-358</u>	<u>50.00</u>
23	Failure to secure load	66-7-407	100.00
24	Operation without oversize-		
25	overweight permit	66-7-413	50.00

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1	Improper equipment	66-3-801 <u>through</u>	
2		<u>66-3-851</u>	[10.00] <u>25.00</u>
3	Improper equipment	66-3-901	20.00
4	Improper emergency		
5	signal	66-3-853 through 66-3-857	10.00
6	Operation interference	66-7-357	5.00
7	Littering	66-7-364	300.00
8	Improper parking	66-7-349 through 66-7-352	
9		and 66-7-353	5.00
10	Improper parking	66-3-852	5.00
11	Failure to dim lights	66-3-831	10.00
12	Riding in or towing		
13	occupied house trailer	66-7-366	5.00
14	Improper opening of doors	66-7-367	5.00
15	No slow-moving vehicle		
16	emblem or flashing		
17	amber light	66-3-887	5.00
18	Open container - first		
19	violation	66-8-138	25.00.

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

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

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1 conviction shall not exceed the penalty assessment established
2 for the particular penalty assessment misdemeanor and probation
3 imposed upon a suspended or deferred sentence shall not exceed
4 ninety days.

5 D. The penalty assessment for speeding in violation
6 of Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978
7 is twice the penalty assessment established in Subsection A of
8 this section for the equivalent miles per hour over the speed
9 limit.

10 E. Upon a second conviction for operation without
11 a permit for excessive size or weight pursuant to Section
12 66-7-413 NMSA 1978, the penalty assessment shall be two
13 hundred fifty dollars (\$250). Upon a third or subsequent
14 conviction, the penalty assessment shall be five hundred
15 dollars (\$500)."

16 SECTION 9. Section 66-8-135 NMSA 1978 (being Laws
17 1978, Chapter 35, Section 543, as amended) is amended to
18 read:

19 "66-8-135. RECORD OF TRAFFIC CASES.--

20 A. Every trial court judge shall keep a record of
21 every traffic complaint, uniform traffic citation and other
22 form of traffic charge filed in the judge's court or its
23 traffic violations bureau and every official action and
24 disposition of the charge by that court.

25 B. The court shall notify the department if a

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1 defendant fails to appear on a charge of violating the Motor
2 Vehicle Code or other law or ordinance relating to motor
3 vehicles.

4 ~~[B.]~~ C. Within ~~[ten]~~ twenty days of the later of
5 entry of ~~[judgment and sentence or failure to appear on a~~
6 ~~charge of violating]~~ a final disposition on a conviction for
7 violation of the Motor Vehicle Code or other law or ordinance
8 relating to motor vehicles or the final decision of any
9 higher court that reviews the matter and from which no appeal
10 or review is successfully taken, every trial court judge,
11 including children's court judges, or the clerk of the court
12 in which the entry of ~~[judgment and sentence or failure to~~
13 ~~appear]~~ the final disposition occurred shall prepare and
14 forward to the department an abstract of the record
15 containing:

16 (1) the name and address of the defendant;

17 (2) the specific section number and common
18 name of the provision of the NMSA 1978 or local law,
19 ordinance or regulation under which the defendant was tried;

20 (3) the plea, finding of the court and
21 disposition of the charge, including fine or jail sentence or
22 both ~~[forfeiture of bail or dismissal of the charge]~~;

23 (4) ~~[an itemization of]~~ total costs assessed
24 to the defendant;

25 (5) the date of the hearing;

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

2 (7) whether the defendant was a first or
3 subsequent offender. [~~and~~

4 ~~(8) whether the defendant was represented by~~
5 ~~counsel or waived the right to counsel and, if represented,~~
6 ~~the name and address of counsel.~~

7 ~~G.]~~ D. The abstract of record prepared and
8 forwarded under Subsection [~~B~~] C of this section shall be
9 certified as correct by the person required to prepare it.
10 With the prior approval of the department, the information
11 required by Subsection [~~B~~] C of this section may be
12 transmitted electronically to the department. Report need
13 not be made of any disposition of a charge of illegal parking
14 or standing of a vehicle except when the uniform traffic
15 citation is used.

16 [~~D.~~] E. When the uniform traffic citation is
17 used, the court shall provide the information required by
18 Subsection [~~B~~] C of this section in the manner prescribed by
19 the department.

20 [~~E.]~~ F. Every court of record shall also forward
21 a like report to the department upon conviction of any person
22 of any felony if a motor vehicle was used in the commission.
23 With the prior approval of the department, the information
24 required by this subsection may be submitted electronically
25 to the department. The report shall be forwarded to the

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1 department within ~~[ten]~~ twenty days of the final decision of
2 the court or of any higher court that reviews the matter and
3 from which the decision of no appeal or review is
4 successfully taken.

5 ~~[F.]~~ G. The willful failure or refusal of any
6 judicial officer to comply with this section is misconduct in
7 office and grounds for removal.

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

21 ~~[H.]~~ I. The department shall keep records
22 received on a person holding a commercial driver's license or
23 an individual driving a commercial motor vehicle who was
24 required to have a commercial driver's license but was
25 driving a commercial motor vehicle without the appropriate

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underscoring material = new
~~[bracketed material] = delete~~

1 license in its main office. Records showing a record of
2 conviction by a court of law shall be open to public
3 inspection during business hours for fifty-five years from
4 the date of their receipt. Any record received on a person
5 holding a commercial driver's license licensed in another
6 state or country shall be forwarded to the licensing
7 authority of that state or country."

8 SECTION 10. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2011.