

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 571

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

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING A RESTRICTED COMMERCIAL
DRIVER'S LICENSE FOR CERTAIN FARM-RELATED SERVICE INDUSTRIES.

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

SECTION 1. A new section of the Motor Vehicle Code is
enacted to read:

"[NEW MATERIAL] 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;
- (3) farm retail outlets and suppliers; and

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(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 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 years shall have a good driving record for the two most recent

.184245.1

underscoring material = new
[bracketed material] = delete

1 years. For the purposes of this paragraph, "good driving
2 record" means that an applicant:

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

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

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

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

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

17 (2) a restricted commercial driver's license
18 shall have the same renewal cycle as an unrestricted commercial
19 driver's license but may be limited to a seasonal period or
20 periods as determined by the division; provided that the total
21 number of calendar days in any twelve-month period for which
22 the restricted commercial driver's license is valid does not
23 exceed one hundred eighty days. If the division elects to
24 provide for more than one seasonal period, the restricted
25 commercial driver's license is valid for commercial motor

.184245.1

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

1 vehicle operation only during the currently approved season and
2 must be revalidated for each successive season. Only one
3 seasonal period of validity may appear on the license document
4 at a time. The good driving record must be confirmed prior to
5 any renewal or revalidation;

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

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

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

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

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

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

.184245.1

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

1 substance;

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

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

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