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SENATE BILL 345

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

INTRODUCED BY

Cynthia Nava

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING PERSONS WHO ARE UNDER THE AGE OF EIGHTEEN YEARS TO SHOW PROOF OF HIGH SCHOOL GRADUATION, ATTAINMENT OF A GENERAL EDUCATIONAL DEVELOPMENT CERTIFICATE OR COMPLIANCE WITH THE COMPULSORY SCHOOL ATTENDANCE LAW TO RECEIVE A DRIVER'S LICENSE.

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

SECTION 1. Section 66-5-9 NMSA 1978 (being Laws 1978, Chapter 35, Section 231, as amended) is amended to read:

"66-5-9. APPLICATION FOR LICENSE, TEMPORARY LICENSE, PROVISIONAL LICENSE OR INSTRUCTION PERMIT.--

A. An application for an instruction permit, provisional license or driver's license shall be made upon a form furnished by the department. An application shall be accompanied by the proper fee. For permits, provisional

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1 licenses or driver's licenses other than those issued pursuant
2 to the New Mexico Commercial Driver's License Act, submission
3 of a complete application with payment of the fee entitles the
4 applicant to not more than three attempts to pass the
5 examination within a period of six months from the date of
6 application.

7 B. As part of the application for a license,
8 provisional license, instruction permit or license restricted
9 to the operation of a motorcycle, a person under the age of
10 eighteen years must show proof of high school graduation or
11 attainment of a general educational development certificate or
12 include a letter or school form on letterhead from the
13 applicant's public school, private school, verified home school
14 or verified school or educational institution at which the
15 applicant is taking classes for a general educational
16 development certificate that the applicant is in compliance
17 with the school's or institution's attendance policy and the
18 provisions of the Compulsory School Attendance Law. The letter
19 or form shall be signed by the school principal or
20 administrator or the principal's or administrator's authorized
21 representative.

22 [~~B-~~] C. An application shall contain the full name,
23 social security number or individual tax identification number,
24 date of birth, sex and New Mexico residence address of the
25 applicant and briefly describe the applicant and indicate

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1 whether the applicant has previously been licensed as a driver
2 and, if so, when and by what state or country and whether any
3 such license has ever been suspended or revoked or whether an
4 application has ever been refused and, if so, the date of and
5 reason for the suspension, revocation or refusal. For foreign
6 nationals applying for driver's licenses the secretary shall
7 accept the individual taxpayer identification number as a
8 substitute for a social security number regardless of
9 immigration status. The secretary is authorized to establish
10 by regulation other documents that may be accepted as a
11 substitute for a social security number or an individual tax
12 identification number.

13 ~~[G.]~~ D. An applicant shall indicate whether ~~[he]~~
14 the applicant has been convicted of driving while under the
15 influence of intoxicating liquor or drugs in this state or in
16 any other jurisdiction. Failure to disclose any such
17 conviction prevents the issuance of a driver's license,
18 provisional license, temporary license or instruction permit
19 for a period of one year if the failure to disclose is
20 discovered by the department prior to issuance. If the
21 nondisclosure is discovered by the department subsequent to
22 issuance, the department shall revoke the driver's license,
23 provisional license, temporary license or instruction permit
24 for a period of one year. Intentional and willful failure to
25 disclose, as required in this subsection, is a misdemeanor.

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1 ~~[D-]~~ E. An applicant ~~[less than]~~ who is under
2 eighteen years of age and who is making an application to be
3 granted ~~[his]~~ a first New Mexico driver's license shall submit
4 evidence that ~~[he]~~ the applicant has:

5 (1) successfully completed a driver education
6 course that included a DWI prevention and education program
7 approved by the bureau or offered by a public school. The
8 bureau may accept verification of driver education course
9 completion from another state if the driver education course
10 substantially meets the requirements of the bureau for a course
11 offered in New Mexico;

12 (2) had a provisional license for the twelve-
13 month period immediately preceding the date of the application
14 for the driver's license;

15 (3) complied with restrictions on that
16 license;

17 (4) not been convicted of a traffic violation
18 committed during the ninety days prior to applying for a
19 driver's license;

20 (5) not been cited for a traffic violation
21 that is pending at the time of ~~[his]~~ the application; and

22 (6) not been adjudicated for an offense
23 involving the use of alcohol or drugs during the twelve-month
24 period immediately preceding the date of the application for
25 the driver's license and that there are no pending

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1 adjudications alleging an offense involving the use of alcohol
2 or drugs at the time of [~~his~~] the application.

3 [~~E.~~] F. An applicant who is eighteen years of age
4 [~~and~~] or over, but [~~less than~~] under twenty-five years of age,
5 who is making an application to be granted [~~his~~] a first New
6 Mexico driver's license shall submit evidence with [~~his~~] the
7 application that [~~he~~] the applicant has successfully completed
8 a bureau-approved DWI prevention and education program.

9 [~~F.~~] G. An applicant who is twenty-five years of
10 age [~~and~~] or over, who has been convicted of driving under the
11 influence of intoxicating liquor or drugs and who is making an
12 application to be granted [~~his~~] a first New Mexico driver's
13 license, shall submit evidence with [~~his~~] the application that
14 [~~he~~] the applicant has successfully completed a bureau-approved
15 DWI prevention and education program.

16 [~~G.~~] H. Whenever an application is received from a
17 person previously licensed in another jurisdiction, the
18 department may request a copy of the driver's record from the
19 other jurisdiction. When received, the driver's record may
20 become a part of the driver's record in this state with the
21 same effect as though entered on the driver's record in this
22 state in the original instance.

23 [~~H.~~] I. Whenever the department receives a request
24 for a driver's record from another licensing jurisdiction, the
25 record shall be forwarded without charge.

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[~~F.~~] J. This section does not apply to driver's
licenses issued pursuant to the New Mexico Commercial Driver's
License Act."