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HOUSE BILL 407

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING THE TAXATION AND REVENUE  
DEPARTMENT TO ACCEPT PROOF OF FINANCIAL RESPONSIBILITY  
DISPLAYED ON A SOFTWARE APPLICATION ON A MOBILE DEVICE AS  
EVIDENCE OF FINANCIAL RESPONSIBILITY.

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

**SECTION 1.** Section 66-5-205 NMSA 1978 (being Laws 1983,  
Chapter 318, Section 6, as amended) is amended to read:

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

A. No owner shall permit the operation of an  
uninsured motor vehicle, or a motor vehicle for which evidence  
of financial responsibility as was affirmed to the department  
is not currently valid, upon the streets or highways of New  
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 the person is specifically exempted from the provisions  
7 of the Mandatory Financial Responsibility Act. The department  
8 shall establish rules that require law enforcement officers to  
9 accept proof of financial responsibility displayed on a  
10 software application on a mobile device as evidence of  
11 financial responsibility.

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

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

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1 of vehicles of a type subject to registration under the laws of  
2 New Mexico.

3 E. Any person who violates the provisions of this  
4 section is guilty of a misdemeanor as provided in Section  
5 66-8-7 NMSA 1978.

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

10 SECTION 2. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is July 1, 2017.

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