

HOUSE BILL 182

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

David M. Gallegos

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE TIME THAT CONVICTIONS ARE KEPT ON RECORD FOR HOLDERS OF COMMERCIAL DRIVER'S LICENSES TO BE DOUBLE THE TIME REQUIRED FOR OTHER DRIVER'S LICENSE HOLDERS.

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

SECTION 1. Section 66-8-135 NMSA 1978 (being Laws 1978, Chapter 35, Section 543, as amended) is amended to read:

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

A. Every trial court judge shall keep a record of

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every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.

B. The court shall notify the department if a defendant fails to appear on a charge of violating the Motor Vehicle Code or other law or ordinance relating to motor vehicles.

C. Within ten days of the later of entry of a final disposition on a conviction for violation of the Motor Vehicle Code or other law or ordinance relating to motor vehicles or the final decision of any higher court that reviews the matter and from which no appeal or review is successfully taken, every trial court judge, including children's court judges, or the clerk of the court in which the entry of the final disposition occurred shall prepare and forward to the department an abstract of the record containing:

- (1) the name and address of the defendant;
- (2) the specific section number and common name of the provision of the NMSA 1978 or local law, ordinance or regulation under which the defendant was tried;
- (3) the plea, finding of the court and disposition of the charge, including a fine or jail sentence or both;
- (4) total costs assessed to the defendant;

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- (5) the date of the hearing;
- (6) the court's name and address;
- (7) whether the defendant was a first or subsequent offender; and
- (8) whether the defendant was represented by counsel or waived the right to counsel and, if represented, the name and address of counsel.

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

E. When the uniform traffic citation is used, the court shall provide the information required by Subsection C of this section in the manner prescribed by the department.

F. Every court of record shall also forward a like report to the department upon conviction of any person of any felony if a motor vehicle was used in the commission. With the prior approval of the department, the information required by this subsection may be submitted electronically to the department. The report shall be forwarded to the department within ten days of the final decision of the court or of any

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higher court that reviews the matter and from which the decision of no appeal or review is successfully taken.

G. The willful failure or refusal of any judicial officer to comply with this section is misconduct in office and grounds for removal.

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

I. The department shall keep records received on a person holding a commercial driver's license or an individual driving a commercial motor vehicle who was required to have a commercial driver's license but was driving a commercial motor vehicle without the appropriate license in its main office.

Records showing a record of conviction by a court of law shall be open to public inspection during business hours for [fifty-

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~~five years] six years from the date of their receipt, except~~
~~Hf1→HJC→for a record of conviction required to be retained for~~
~~a longer period under federal law, which shall be retained as~~
~~provided in federal law, or a record of conviction under~~
~~Sections 66-8-101 through 66-8-112, which shall be retained for~~
~~fifty-five years from the date of receipt a record of~~
~~conviction shall be retained for fifty-five years for all~~
~~major offenses per 49 CFR 383.51, Table 1, as amended or~~
~~renumbered, or fifteen years for violating out-of-service~~
~~order offenses per 49 CFR 383.51, Table 4, or as long as a~~
~~withdrawal for the offense is still in effect, whichever~~
~~is longer per 49 CFR 383.51, Table 4, as amended or~~
~~renumbered←HJC.←Hf1 Hf1→for a record of conviction required~~
~~to be retained for a longer period under federal law, which~~
~~shall be retained as provided in federal law, or a record of~~
~~conviction under Sections 66-8-101 through 66-8-112, which~~
~~shall be retained for fifty-five years from the date of~~
~~receipt←Hf1. After the department has held a record of a~~
~~conviction for the time period required under this subsection,~~
~~that record shall be destroyed. Any record received on a~~
~~person holding a commercial driver's license licensed in~~
~~another state or country shall be forwarded to the licensing~~
~~authority of that state or country."~~

SECTION 2. EFFECTIVE DATE.--The effective date of the
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provisions of this act is July 1, 2018.

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