

1 AN ACT
2 RELATING TO MOTOR VEHICLES; ALLOWING FOR THE CARRYING OF
3 ELECTRONIC EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER THE
4 MANDATORY FINANCIAL RESPONSIBILITY ACT.

5
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. Section 66-5-229 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 318, as amended) is amended to read:

9 "66-5-229. DURATION OF EVIDENCE--WHEN FILING OF
10 EVIDENCE MAY BE WAIVED.--

11 A. Except as provided in Subsection B of this
12 section, the department shall, upon request, consent to the
13 immediate cancellation of any bond or the department shall
14 direct and the state treasurer shall return to the person
15 entitled to it any money deposited pursuant to the Mandatory
16 Financial Responsibility Act as evidence of financial
17 responsibility or the department shall waive the requirement
18 of filing evidence of financial responsibility in any of the
19 following events:

20 (1) after one year of providing satisfactory
21 evidence as specified in Section 66-5-218 NMSA 1978;

22 (2) the death of the person on whose behalf
23 evidence was filed or the permanent incapacity of the person
24 to operate a motor vehicle; or

25 (3) the person who has filed evidence

1 surrenders the person's license and registration to the
2 department.

3 B. The department shall not consent to the
4 cancellation of any bond or the return of any money or waive
5 the requirement of filing evidence of financial
6 responsibility in the event any action for damages upon a
7 liability covered by the evidence is then pending or any
8 judgment upon any such liability is then unsatisfied or in
9 the event the person who has filed the bond or deposited the
10 money has, within one year immediately preceding the request,
11 been involved as a driver or owner in any motor vehicle
12 accident resulting in injury or damage to the person or
13 property of others. An affidavit of the applicant as to the
14 nonexistence of such facts or that the applicant has been
15 released from all of the applicant's liability or has been
16 finally adjudicated not to be liable for such injury or
17 damage shall be sufficient evidence thereof in the absence of
18 evidence to the contrary in the records of the department.

19 C. An owner or operator of a vehicle subject to
20 the Mandatory Financial Responsibility Act shall carry
21 evidence of financial responsibility as defined by that act
22 in the vehicle at all times while the vehicle is in operation
23 on the highways of this state.

24 D. When financial responsibility is satisfied
25 through coverage under a motor vehicle insurance policy, the

1 owner's or operator's carrying of evidence in print or
2 accessible through a portable electronic device is
3 acceptable. An owner or operator of a vehicle who provides
4 evidence of financial responsibility through a portable
5 electronic device:

6 (1) assumes all liability for any resulting
7 damage to the portable electronic device; and

8 (2) is presumed not to consent to provide
9 access to a law enforcement officer to any other information
10 stored in the portable electronic device.

11 E. The failure to comply with Subsection C of this
12 section is a misdemeanor punishable as set forth in Section
13 66-8-7 NMSA 1978 unless the person charged with violating
14 that subsection produces in court evidence of financial
15 responsibility valid at the time of issuance of the
16 citation."

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