

1 AN ACT

2 RELATING TO COMMERCIAL DRIVER'S LICENSES; ALIGNING NEW MEXICO
3 COMMERCIAL DRIVER'S LICENSE REQUIREMENTS WITH FEDERAL LAW;
4 AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

7 SECTION 1. Section 66-1-4.12 NMSA 1978 (being Laws
8 1990, Chapter 120, Section 13, as amended) is amended to
9 read:

10 "66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle
11 Code:

12 A. "natural gas vehicle" means a vehicle operated
13 by an engine that primarily uses natural gas;

14 B. "neighborhood electric car" means a four-
15 wheeled electric motor vehicle that has a maximum speed of
16 more than twenty miles per hour but less than twenty-five
17 miles per hour and complies with the federal requirements
18 specified in 49 CFR 571.500;

19 C. "nonrepairable vehicle" means a vehicle of a
20 type otherwise subject to registration that:

21 (1) has no resale value except as a source
22 of parts or scrap metal or that the owner irreversibly
23 designates as a source of parts or scrap metal or for
24 destruction;

25 (2) has been substantially stripped as a

1 result of theft or is missing all of the bolts on sheet metal
2 body panels, all of the doors and hatches, substantially all
3 of the interior components and substantially all of the grill
4 and light assemblies and has little or no resale value other
5 than its worth as a source of a vehicle identification number
6 that could be used illegally; or

7 (3) is a substantially burned vehicle that
8 has burned to the extent that there are no more usable or
9 repairable body or interior components, tires and wheels or
10 drive train components or that the owner irreversibly
11 designates for destruction or as having little or no resale
12 value other than its worth as a source of scrap metal or as a
13 source of a vehicle identification number that could be used
14 illegally;

15 D. "nonrepairable vehicle certificate" means a
16 vehicle ownership document conspicuously labeled
17 "NONREPAIRABLE" issued to the owner of the nonrepairable
18 vehicle;

19 E. "nonresident" or "non-domiciled" means every
20 person who is not a resident of this state;

21 F. "nonresident commercial driver's instruction
22 permit" or "non-domiciled commercial driver's instruction
23 permit" means a commercial driver's instruction permit issued
24 by another state to a person domiciled in that state or by a
25 foreign country to a person domiciled in that country;

1 G. "nonresident commercial driver's license" or
2 "non-domiciled commercial driver's license" means a
3 commercial driver's license issued by another state to a
4 person domiciled in that state or by a foreign country to a
5 person domiciled in that country; and

6 H. "nonresident's operating privilege" means the
7 privilege conferred upon a nonresident by the laws of this
8 state pertaining to the operation by the nonresident of a
9 motor vehicle, or the use of a motor vehicle owned by the
10 nonresident, in this state."

11 **SECTION 2.** A new section of the New Mexico Commercial
12 Driver's License Act is enacted to read:

13 "NON-DOMICILED COMMERCIAL DRIVER'S LICENSE OR NON-
14 DOMICILED COMMERCIAL DRIVER'S INSTRUCTION PERMIT BY A FOREIGN
15 NATIONAL WITH LAWFUL STATUS.--

16 A. An application for a non-domiciled commercial
17 driver's license or a non-domiciled commercial driver's
18 instruction permit by a foreign national with lawful status
19 for a REAL ID-compliant non-domiciled commercial driver's
20 license or non-domiciled commercial driver's instruction
21 permit shall contain the unique identifying number and
22 expiration date, if applicable, of the foreign national's
23 valid passport, valid visa, employment authorization card
24 issued under the applicant's approved deferred action status
25 or other arrival-departure record or document issued by the

1 federal government that conveys lawful status. The division
2 may issue to an eligible foreign national applicant a REAL
3 ID-compliant non-domiciled commercial driver's license or
4 non-domiciled commercial driver's instruction permit that is
5 valid for a period not to exceed the duration of the
6 applicant's lawful status; provided that if that date cannot
7 be determined by the division and the applicant is not a
8 legal permanent resident, the license or permit shall expire
9 one year after the effective date of the license.

10 B. A non-domiciled commercial driver's license
11 issued to a foreign national with lawful status shall contain
12 the prominent statement:

13 (1) "Non-domiciled commercial driver's
14 license"; or

15 (2) "Non-domiciled CDL".

16 C. A non-domiciled commercial driver's instruction
17 permit issued to a foreign national with lawful status shall
18 contain the prominent statement:

19 (1) "Non-domiciled commercial learner's
20 permit"; or

21 (2) "Non-domiciled CLP".

22 D. The word "Non-domiciled" shall be conspicuously
23 and unmistakably displayed but may be noncontiguous with the
24 words or phrases "commercial driver's license", "CDL",
25 "commercial learner's permit" or "CLP".

1 SECTION 3. Section 66-5-60 NMSA 1978 (being Laws 1989,
2 Chapter 14, Section 9, as amended) is amended to read:

3 "66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--
4 STANDARDS.--

5 A. The division shall not issue a commercial
6 driver's license to a person unless that person can establish
7 that New Mexico is the person's state of domicile and has
8 passed a knowledge test and a skills test for driving a
9 commercial motor vehicle and, for related endorsements, has
10 passed a medical fitness test and has satisfied any other
11 requirements of the New Mexico Commercial Driver's License
12 Act.

13 B. The division may authorize a person, including
14 an agency of this or another state, an employer, a private
15 driver-training facility or other private institution or a
16 department, agency or instrumentality of local government to
17 administer the skills test or knowledge test specified by
18 this section; provided that the person being authorized has
19 completed entry-level driver training as required by federal
20 law.

21 C. A commercial driver's license applicant who
22 does not pass the skills test or knowledge test may repeat
23 the:

24 (1) knowledge test no more than twice a
25 week; and

1 (2) skills test no more than three times a
2 year.

3 D. If the department determines that a commercial
4 driver's license applicant has committed an offense in taking
5 a test specified in this section, the division shall not issue
6 a commercial driver's license to that applicant within one
7 year of the department's determination."

8 SECTION 4. Section 66-5-62 NMSA 1978 (being Laws 1989,
9 Chapter 14, Section 11) is amended to read:

10 "66-5-62. COMMERCIAL DRIVER'S LICENSE--INSTRUCTION
11 PERMIT--APPLICATION--DUPLICATE.--

12 A. A commercial driver's instruction permit may be
13 issued to an individual who holds a valid driver's license.

14 B. The commercial driver's instruction permit may
15 be issued for a period not to exceed one year; provided that a
16 knowledge exam is passed prior to each issuance. The holder
17 of a commercial driver's instruction permit may drive a
18 commercial motor vehicle on a highway only when accompanied by
19 the holder of a commercial driver's license valid for the type
20 of vehicle driven, who occupies a seat beside the individual
21 for the purpose of giving instruction in driving the
22 commercial motor vehicle."

23 SECTION 5. Section 66-5-67 NMSA 1978 (being Laws 1989,
24 Chapter 14, Section 16, as amended) is amended to read:

25 "66-5-67. EXPIRATION AND RENEWAL--STAGGERED LICENSING

1 DURING IMPLEMENTATION PERIOD.--

2 A. Except as provided in Subsections C and E of
3 this section, a commercial driver's license issued pursuant to
4 the provisions of the New Mexico Commercial Driver's License
5 Act shall expire thirty days after the applicant's birthday in
6 the fourth year after the effective date of the license.

7 B. The license is renewable within ninety days
8 prior to its expiration or at an earlier date as approved by
9 the secretary.

10 C. At the option of an applicant, a commercial
11 driver's license may be issued for a period of eight years,
12 provided that the applicant:

13 (1) pays the amount required for a
14 commercial driver's license issued for a term of eight years;

15 (2) otherwise qualifies for a four-year
16 commercial driver's license; and

17 (3) will not reach the age of seventy-nine
18 during the last four years of the eight-year license period.

19 D. A driver's license issued pursuant to the
20 provisions of Subsection C of this section shall expire thirty
21 days after the applicant's birthday in the eighth year after
22 the effective date of the license.

23 E. A commercial driver's license with a hazardous
24 material endorsement shall expire:

25 (1) for an applicant transferring a

1 commercial driver's license with the hazardous material
2 endorsement, four years from the date of the last background
3 check and testing for the hazardous material endorsement; or
4 (2) for an applicant adding endorsements or
5 other changes to the commercial driver's license, no later
6 than the expiration date of the hazardous material
7 endorsement."

8 SECTION 6. Section 66-5-68 NMSA 1978 (being Laws 1989,
9 Chapter 14, Section 17, as amended) is amended to read:

10 "66-5-68. DISQUALIFICATION.--

11 A. The department shall disqualify a person from
12 driving a commercial motor vehicle for at least thirty days if
13 the federal motor carrier safety administration reports to the
14 division that the person poses an imminent hazard.

15 B. The department shall disqualify a person who
16 holds a commercial driver's license or who is required to hold
17 a commercial driver's license or commercial driver's
18 instruction permit from driving a commercial motor vehicle for
19 a period of not less than one year, which shall run
20 concurrently with any revocation or suspension action for the
21 same offense, if the person:

22 (1) refuses to submit to a chemical test
23 when requested pursuant to the provisions of the Implied
24 Consent Act;

25 (2) is twenty-one years of age or more and

1 submits to chemical testing pursuant to the Implied Consent
2 Act and the test results indicate an alcohol concentration of
3 eight one hundredths or more;

4 (3) submits to chemical testing pursuant to
5 the Implied Consent Act and the test results indicate an
6 alcohol concentration of four one hundredths or more if the
7 person is driving a commercial motor vehicle;

8 (4) is less than twenty-one years of age and
9 submits to chemical testing pursuant to the Implied Consent
10 Act and the test results indicate an alcohol concentration of
11 two one hundredths or more; or

12 (5) is convicted of a violation of:

13 (a) driving a motor vehicle while under
14 the influence of intoxicating liquor or drugs in violation of
15 Section 66-8-102 NMSA 1978, an ordinance of a municipality of
16 this state or the law of another state;

17 (b) leaving the scene of an accident
18 involving a commercial motor vehicle driven by the person in
19 violation of Section 66-7-201 NMSA 1978 or an ordinance of a
20 municipality of this state or the law of another state;

21 (c) using a motor vehicle in the
22 commission of a felony;

23 (d) driving a commercial motor vehicle
24 after the driver's commercial driver's license, non-domiciled
25 commercial driver's license, commercial driver's instruction

1 permit or non-domiciled commercial driver's instruction permit
2 is revoked, suspended, disqualified or canceled for violations
3 while operating a commercial motor vehicle; or

4 (e) causing a fatality in the unlawful
5 operation of a motor vehicle pursuant to Section 66-8-101 NMSA
6 1978.

7 C. The department shall disqualify a person from
8 driving a commercial motor vehicle for a period of not less
9 than three years if any of the violations specified in
10 Subsection B of this section occur while transporting a
11 hazardous material required to be placarded.

12 D. The department shall disqualify a person from
13 driving a commercial motor vehicle for life if convicted of
14 two or more violations of any of the offenses specified in
15 Subsection B of this section, or any combination of those
16 offenses, arising from two or more separate incidents, but the
17 secretary may issue rules establishing guidelines, including
18 conditions, under which a disqualification for life under this
19 subsection may be reduced to a period of not less than ten
20 years. This subsection applies only to those offenses
21 committed after July 1, 1989.

22 E. The department shall disqualify a person from
23 driving a commercial motor vehicle for life if the person is
24 convicted of using a motor vehicle in the commission of any
25 felony involving the manufacture, distribution or dispensing

1 of a controlled substance or involving an act or practice of
2 severe forms of trafficking in persons, as defined in federal
3 law.

4 F. The department shall disqualify a person from
5 driving a commercial motor vehicle for a period of not less
6 than sixty days if convicted of two serious traffic violations
7 or one hundred twenty days if convicted of three serious
8 traffic violations, if the violations were committed while
9 driving a commercial motor vehicle, arising from separate
10 incidents occurring within a three-year period.

11 G. The department shall disqualify a person from
12 driving a commercial motor vehicle for a period of:

13 (1) not less than one hundred eighty days
14 nor more than two years if the person is convicted of a first
15 violation of an out-of-service order while transporting
16 hazardous materials required to be placarded pursuant to the
17 federal Hazardous Materials Transportation Act or while
18 operating a motor vehicle designed to transport more than
19 fifteen passengers, including the driver;

20 (2) not more than one year if the person is
21 convicted of a first violation of an out-of-service order; or

22 (3) not less than three years nor more than
23 five years if, during any ten-year period, the person is
24 convicted of any subsequent violations of out-of-service
25 orders, in separate incidents, while transporting hazardous

1 materials required to be placarded pursuant to that act or
2 while operating a motor vehicle designed to transport more
3 than fifteen passengers, including the driver.

4 H. The department shall disqualify a person from
5 driving a commercial motor vehicle for sixty days if:

6 (1) the person has been convicted of two
7 serious traffic violations in separate incidents within a
8 three-year period; and

9 (2) the second conviction results in
10 revocation, cancellation or suspension of the person's
11 commercial driver's license, non-domiciled commercial driver's
12 license, commercial driver's instruction permit or non-
13 domiciled commercial driver's instruction permit or
14 noncommercial motor vehicle driving privileges for sixty days.

15 I. The department shall disqualify a person from
16 driving a commercial motor vehicle for one hundred twenty
17 days, in addition to any other period of disqualification, if:

18 (1) the person has been convicted of more
19 than two serious traffic violations within a three-year
20 period; and

21 (2) the third or a subsequent conviction
22 results in the revocation, cancellation or suspension of the
23 person's commercial driver's license, non-domiciled commercial
24 driver's license, commercial driver's instruction permit or
25 non-domiciled commercial driver's instruction permit or

1 noncommercial motor vehicle driving privileges.

2 J. When a person is disqualified from driving a
3 commercial motor vehicle, any commercial driver's license held
4 by that person is invalidated without a separate proceeding of
5 any kind and the driver is not eligible to apply for a
6 commercial driver's license until the period of time for which
7 the driver was disqualified has elapsed.

8 K. The department shall disqualify a person from
9 driving a commercial motor vehicle for not less than:

10 (1) sixty days if the person is convicted of
11 a first violation of a railroad-highway grade crossing
12 violation;

13 (2) one hundred twenty days if, during any
14 three-year period, the person is convicted of a second
15 railroad-highway grade crossing violation in a separate
16 incident; and

17 (3) one year if, during any three-year
18 period, the person is convicted of a third or subsequent
19 railroad-highway grade crossing violation in a separate
20 incident.

21 L. After disqualifying, suspending, revoking or
22 canceling a commercial driver's license, the department shall,
23 within ten days, update its records to reflect that action.

24 After disqualifying, suspending, revoking or canceling a non-
25 domiciled commercial driver's privileges, the department

1 shall, within ten days, notify the licensing authority of the
2 state that issued the commercial driver's license.

3 M. When disqualifying, suspending, revoking or
4 canceling a commercial driver's license, the department shall
5 treat a conviction received in another state in the same
6 manner as if it was received in this state.

7 N. The department shall post and enforce any
8 disqualification sent by the federal motor carrier safety
9 administration to the department that indicates that a
10 commercial motor vehicle driver poses an imminent hazard.

11 O. The federal transportation security
12 administration of the department of homeland security shall
13 provide for an appeal of a disqualification for a commercial
14 driver's license hazardous materials endorsement on the basis
15 of a background check, and the department shall provide to a
16 hazardous materials applicant a copy of the procedures
17 established by the transportation security administration, on
18 request, at the time of application.

19 P. New Mexico shall conform to the federal
20 transportation security administration of the department of
21 homeland security rules and shall "look back" or review a
22 maximum of seven years for a background check."

23 **SECTION 7. REPEAL.**--Section 66-5-65.1 NMSA 1978 (being
24 Laws 2004, Chapter 59, Section 15) is repealed.

25 **SECTION 8. EFFECTIVE DATE.**--The effective date of the

