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SENATE BILL 531

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

R. L. STOCKARD

AN ACT

RELATING TO MINORS; SETTING CONDITIONS FOR ISSUANCE AND
MAINTENANCE OF DRIVER'S LICENSES.

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

Section 1. Section 66-5-11 NMSA 1978 (being Laws 1978,
Chapter 35, Section 233) is amended to read:

"66-5-11. APPLICATION OF MINORS. --

A. The application of [~~any person under the age of
eighteen years~~] a minor for an instruction permit or driver's
license shall be signed and verified by the father, mother or
guardian or, in the event there is no parent or guardian, [~~then~~]
by another responsible adult who is willing to assume the
obligation imposed under [~~this~~] Chapter 66, Article 5 NMSA 1978
upon a person signing the application of a minor.

B. In addition to the requirement of Subsection A of

Underscored material = new
[bracketed material] = delete

1 this section, a minor shall present at the time of application
2 for an instruction permit or driver's license written
3 verification acceptable to the department that the minor is
4 enrolled in:

5 (1) a public or private school and maintains
6 satisfactory attendance;

7 (2) a study course in preparation for the test
8 of general educational development and maintains satisfactory
9 attendance;

10 (3) a home education program that satisfies the
11 requirements of Section 22-1-2.1 NMSA 1978;

12 (4) a degree vocational education program or a
13 certificate vocational education program and maintains
14 satisfactory attendance; or

15 (5) other educational activities approved by
16 the public school or school board and maintains satisfactory
17 attendance.

18 C. A minor may present, as an alternative to
19 Subsection B of this section, written verification acceptable to
20 the department that the minor has:

21 (1) received a high school diploma, a high
22 school equivalency diploma, a special diploma or a certificate
23 of high school completion; or

24 (2) become emancipated pursuant to the
25 Emancipation of Minors Act.

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1 D. The department shall not issue a permit or
2 license to a minor unless the provisions of Subsection A and
3 Subsection B or C of this section have been satisfied.

4 [~~B.~~] E. Any negligence or willful misconduct of a
5 minor [~~under the age of eighteen years~~] when driving a motor
6 vehicle upon a highway shall be imputed to the person who has
7 signed the application of [~~such~~] the minor for a permit or
8 license, which person shall be jointly and severally liable with
9 [~~such~~] the minor for any damages caused by [~~such~~] the negligence
10 or willful misconduct except as otherwise provided in Subsection
11 [~~E~~] F of this section.

12 [~~E.~~] F. In the event a minor deposits or there is
13 deposited upon his behalf proof of financial responsibility in
14 respect to the operation of a motor vehicle owned by him or, if
15 not the owner of a motor vehicle, [~~then~~] with respect to the
16 operation of any motor vehicle, in form and in amounts as
17 required under the motor vehicle financial responsibility laws
18 of this state, [~~then~~] the division may accept the application of
19 [~~such~~] the minor when signed by one parent or the guardian of
20 [~~such~~] the minor and, while such proof is maintained, [~~such~~] the
21 parent or guardian [~~shall~~] is not [~~be~~] subject to the liability
22 imposed under Subsection [~~B~~] E of this section.

23 G. The department shall waive the provisions of
24 Subsection B of this section upon a satisfactory showing that
25 personal or family hardship requires that an otherwise

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[bracketed material] = delete

1 ineligible minor have a permit or license for employment or
2 medical care. In making a decision pursuant to this subsection,
3 the department shall rely on written recommendations from the
4 minor's public school principal or the principal's designee or
5 from the designee of the governing body of a private school.
6 The school official making the recommendation shall take into
7 consideration the recommendations of teachers, other school
8 officials, guidance counselors and academic advisors. A minor
9 denied a hardship waiver may appeal pursuant to Section 66-2-17
10 NMSA 1978.

11 H. A person verifying pursuant to Subsection B of
12 this section shall report to the department immediately if the
13 minor no longer meets the requirements of Subsection B of this
14 section and he does not meet the requirements of Subsection C of
15 this section. The department shall immediately suspend driving
16 privileges of a minor if it is notified that the minor no longer
17 meets the requirements of Subsection B of this section without
18 meeting the requirements of Subsection C of this section.

19 I. Upon receiving satisfactory verification that the
20 minor is again in compliance with the requirements of Subsection
21 B of this section, the department shall reinstate the permit or
22 license. If the department is notified for the third time that
23 a minor does not meet the requirements of Subsection H of this
24 section, the department shall suspend permanently the minor's
25 driver's permit or license.

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J. A minor whose permit or license has been suspended pursuant to this section may apply for and receive a license from the department upon attainment of emancipation, so long as he is otherwise qualified pursuant to the Motor Vehicle Code to obtain a license."

Section 2. EFFECTIVE DATE. --The effective date of the provisions of this act is July 1, 1997.

1 FORTY-THIRD LEGISLATURE

2 FIRST SESSION, 1997

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6 February 19, 1997

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8 Mr. President:

9
10 Your PUBLIC AFFAIRS COMMITTEE, to whom has been
11 referred

12
13 SENATE BILL 531

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15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 JUDICIARY COMMITTEE.
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20 Respectfully submitted,

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Shannon Robinson, Chairman

Underscored material = new
[bracketed material] = delete

Adopted _____ Not Adopted _____

1 (Chief Clerk)

(Chief Clerk)

2

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4 Date _____

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7 The roll call vote was 4 For 1 Against

8 Yes: 4

9 No: Robinson

10 Excused: Feldman, Garcia, Rodarte, Smith

11 Absent: None

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