

1 HOUSE BILL 485

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 David M. Gallegos

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROVIDING A RESTRICTED COMMERCIAL  
12 DRIVER'S LICENSE FOR CERTAIN FARM-RELATED SERVICE INDUSTRIES.

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

15 SECTION 1. A new section of the Motor Vehicle Code is  
16 enacted to read:

17 "[NEW MATERIAL] RESTRICTED COMMERCIAL DRIVER'S LICENSE FOR  
18 CERTAIN FARM-RELATED SERVICE INDUSTRIES.--

19 A. The division shall waive the required knowledge  
20 and skills tests pursuant to Section 66-5-60 NMSA 1978 and  
21 issue a restricted commercial driver's license to an employee  
22 of the following farm-related service industries:

- 23 (1) agriculture-chemical businesses;  
24 (2) custom harvesters;  
25 (3) farm retail outlets and suppliers; and

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1 (4) livestock feeders.

2 B. A restricted commercial driver's license issued  
3 pursuant to this section shall meet all the requirements of the  
4 New Mexico Commercial Driver's License Act, except for a  
5 knowledge and skills test. A restricted commercial driver's  
6 license issued pursuant to this section shall be accorded the  
7 same reciprocity as a commercial driver's license meeting all  
8 of the requirements of the New Mexico Commercial Driver's  
9 License Act. The restrictions imposed upon the issuance of the  
10 restricted commercial driver's license shall not limit a  
11 person's use of the restricted commercial driver's license in a  
12 noncommercial motor vehicle, nor shall the restricted  
13 commercial driver's license affect the division's authority to  
14 administer its driver licensing program for operators of  
15 vehicles other than commercial motor vehicles.

16 C. The division shall restrict a commercial  
17 driver's license issued pursuant to this section as follows:

18 (1) an applicant shall have a good driving  
19 record, as defined in this paragraph. Drivers who have not  
20 held a motor vehicle driver's license for at least one year  
21 shall not be eligible for the restricted commercial driver's  
22 license. Drivers who have been licensed between one and two  
23 years shall have a good driving record for their entire driving  
24 history. Drivers who have been licensed for more than two  
25 years shall have a good driving record for the two most recent

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1 years. For the purposes of this paragraph, "good driving  
2 record" means that an applicant:

3 (a) has not had more than one type of  
4 driver's license;

5 (b) has not had a license suspended,  
6 revoked or canceled;

7 (c) has not had a conviction, for any  
8 type of motor vehicle, for the disqualifying offenses contained  
9 in Section 66-5-68 NMSA 1978;

10 (d) has not had a conviction, for any  
11 type of motor vehicle, for a serious traffic violation; and

12 (e) has not had a conviction for a  
13 violation of state or local law relating to motor vehicle  
14 traffic control, other than a parking violation, arising in  
15 connection with any traffic accident and has no record of an  
16 accident in which the applicant was at fault;

17 (2) a restricted commercial driver's license  
18 shall have the same renewal cycle as an unrestricted commercial  
19 driver's license and shall be limited to a seasonal period or  
20 periods as determined by the division; provided that the total  
21 number of calendar days in any twelve-month period for which  
22 the restricted commercial driver's license is valid does not  
23 exceed one hundred eighty days. If the division elects to  
24 provide for more than one seasonal period, the restricted  
25 commercial driver's license is valid for commercial motor

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1 vehicle operation only during the currently approved season and  
2 must be revalidated for each successive season. Only one  
3 seasonal period of validity may appear on the license document  
4 at a time. The good driving record must be confirmed prior to  
5 any renewal or revalidation;

6 (3) the holder of a restricted commercial  
7 driver's license is limited to operating class B and class C  
8 vehicles, as described in Section 66-5-65 NMSA 1978;

9 (4) a restricted commercial driver's license  
10 shall not be issued with any endorsements on the license  
11 document. Only the limited tank vehicle and hazardous  
12 materials endorsement privileges that the restricted commercial  
13 driver's license automatically confers and that are described  
14 in Paragraph (5) of this subsection are permitted;

15 (5) a restricted commercial driver's license  
16 holder shall not drive a vehicle carrying any quantity of  
17 hazardous materials that require a placard on the vehicle,  
18 except for:

19 (a) diesel fuel in quantities of one  
20 thousand gallons or less;

21 (b) liquid fertilizers, such as plant  
22 nutrients, in vehicles or implements of husbandry in total  
23 quantities of three thousand gallons or less; and

24 (c) solid fertilizers, such as solid  
25 plant nutrients, that are not transported with any organic

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1 substance;

2 (6) a restricted commercial driver's license  
3 holder shall not hold an unrestricted commercial driver's  
4 license at the same time; and

5 (7) a restricted commercial driver's license  
6 holder shall not operate a commercial motor vehicle beyond one  
7 hundred fifty miles from the place of business or the farm  
8 currently being served.

9 D. The department, by rule, may provide for the  
10 means of designating the commercial driver's license allowed by  
11 this section as a restricted commercial driver's license."