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SENATE BILL 509

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Lisa A. Torraco

AN ACT

RELATING TO MOTOR VEHICLES; CLARIFYING PROVISIONS OF THE MOTOR  
VEHICLE CODE TO ALLOW CERTAIN EVIDENCE TO PREVENT THE  
CONVICTION OF A PERSON CITED FOR FAILURE TO DISPLAY UPON DEMAND  
THE PERSON'S DRIVER'S LICENSE.

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

**SECTION 1.** Section 66-5-2 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 224, as amended) is amended to read:

"66-5-2. DRIVERS MUST BE LICENSED.--

A. Except those expressly exempted from the Motor  
Vehicle Code, no person shall drive any motor vehicle,  
neighborhood electric car or moped upon a highway in this state  
unless the person:

(1) holds a valid license issued under the  
provisions of the Motor Vehicle Code; and

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1 (2) has surrendered to the division any other  
2 license previously issued to the person by this state or by  
3 another state or country or has filed an affidavit with the  
4 division that the person does not possess such other license;  
5 however, the applicant need not surrender a motorcycle license  
6 duly obtained under Paragraph (4) of Subsection A of Section  
7 66-5-5 NMSA 1978.

8 B. Any person licensed under the provisions of the  
9 Motor Vehicle Code or expressly exempted from licensure may  
10 exercise the privilege granted upon all streets and highways in  
11 this state and shall not be required to obtain any other  
12 license to exercise the privilege by any county, municipality  
13 or any other local body having authority to adopt local police  
14 regulations.

15 C. A person charged with violating the provisions  
16 of this section shall not be convicted if the person produces,  
17 in court, [~~a~~] evidence of the person's driver's license [~~issued~~  
18 ~~to the person that was~~] valid at the time of the person's  
19 [~~arrest~~] citation."

20 SECTION 2. Section 66-5-16 NMSA 1978 (being Laws 1978,  
21 Chapter 35, Section 238, as amended) is amended to read:

22 "66-5-16. LICENSE TO BE CARRIED AND EXHIBITED ON  
23 DEMAND.--Every licensee shall have [~~his~~] the licensee's  
24 driver's license in [~~his~~] the licensee's immediate possession  
25 at all times when operating a motor vehicle and shall display

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1 the license upon demand of a magistrate, a peace officer or a  
2 field deputy or inspector of the division. ~~[However, no]~~ A  
3 person charged with violating the provisions of this section  
4 shall not be convicted if ~~[he]~~ the person produces in court ~~[a]~~  
5 evidence of the person's driver's license ~~[theretofore issued~~  
6 ~~to him and]~~ valid at the time of ~~[his arrest]~~ issuance of the  
7 citation."

8 SECTION 3. EFFECTIVE DATE.--The effective date of the  
9 provisions of this act is July 1, 2015.