SENATE BILL 159

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE TIME THAT CONVICTIONS
ARE KEPT ON RECORD FOR HOLDERS OF COMMERCIAL DRIVER'S LICENSES
TO BE DOUBLE THE TIME REQUIRED FOR OTHER DRIVER'S LICENSE
HOLDERS.

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

SECTION 1. Section 66-8-135 NMSA 1978 (being Laws 1978,
Chapter 35, Section 543, as amended) is amended to read:

"66-8-135. RECORD OF TRAFFIC CASES.--

A. Every trial court judge shall keep a record of
every traffic complaint, uniform traffic citation and other
form of traffic charge filed in the judge's court or its
traffic violations bureau and every official action and
disposition of the charge by that court.

B. The court shall notify the department if a

.209285.3

1   defendant fails to appear on a charge of violating the Motor

2   Vehicle Code or other law or ordinance relating to motor

3   vehicles.

4   C.   Within ten days of the later of entry of a final

5   disposition on a conviction for violation of the Motor Vehicle

6   Code or other law or ordinance relating to motor vehicles or

7   the final decision of any higher court that reviews the matter

8   and from which no appeal or review is successfully taken, every

9   trial court judge, including children's court judges, or the

10   clerk of the court in which the entry of the final disposition

11   occurred shall prepare and forward to the department an

12   abstract of the record containing:

13   (1)   the name and address of the defendant;

14   (2)   the specific section number and common

15   name of the provision of the NMSA 1978 or local law, ordinance

16   or regulation under which the defendant was tried;

17   (3)   the plea, finding of the court and

18   disposition of the charge, including a fine or jail sentence or

19   both;

20   (4)   total costs assessed to the defendant;

21   (5)   the date of the hearing;

22   (6)   the court's name and address;

23   (7)   whether the defendant was a first or

24   subsequent offender; and

25   (8)   whether the defendant was represented by

.209285.3

1   counsel or waived the right to counsel and, if represented, the

2   name and address of counsel.

3   D.   The abstract of record prepared and forwarded

4   under Subsection C of this section shall be certified as

5   correct by the person required to prepare it. With the prior

6   approval of the department, the information required by

7   Subsection C of this section may be transmitted electronically

8   to the department. A report need not be made of any

9   disposition of a charge of illegal parking or standing of a

10   vehicle except when the uniform traffic citation is used.

11   E.   When the uniform traffic citation is used, the

12   court shall provide the information required by Subsection C of

13   this section in the manner prescribed by the department.

14   F.   Every court of record shall also forward a like

15   report to the department upon conviction of any person of any

16   felony if a motor vehicle was used in the commission. With the

17   prior approval of the department, the information required by

18   this subsection may be submitted electronically to the

19   department. The report shall be forwarded to the department

20   within ten days of the final decision of the court or of any

21   higher court that reviews the matter and from which the

22   decision of no appeal or review is successfully taken.

23   G.   The willful failure or refusal of any judicial

24   officer to comply with this section is misconduct in office and

25   grounds for removal.

.209285.3

1   H.   Except as set forth in Subsection I of this

2   section for records of a person holding a commercial driver's

3   license, the department shall keep records received on

4   motorists licensed in this state at its main office. Records

5   showing a record of conviction by a court of law shall be open

6   to public inspection during business hours for three years from

7   the date of their receipt, after which they shall be destroyed

8   by the department, except for records of convictions under

9   Sections 66-8-101 through 66-8-112 NMSA 1978, which may not be

10 destroyed until fifty-five years from the date of their

11 receipt. Any record received on a motorist licensed in another

12 state or country shall be forwarded to the licensing authority

13 of that state or country.

14   I.   The department shall keep records received on a

15 person holding a commercial driver's license or an individual

16 driving a commercial motor vehicle who was required to have a

17 commercial driver's license but was driving a commercial motor

18 vehicle without the appropriate license in its main office.

19 Records showing a record of conviction by a court of law shall

20 be open to public inspection during business hours for [fifty-

21 five years] six years from the date of their receipt, except

22 for a record of conviction required to be retained for a longer

23 period under federal law, which shall be retained as provided

24 in federal law, or a record of conviction under Sections

25 66-8-101 through 66-8-112, which shall be retained for fifty-

.209285.3

five years from the date of receipt. After the department has
held a record of a conviction for the time period required
under this subsection, that record shall be destroyed. Any
record received on a person holding a commercial driver's
license licensed in another state or country shall be forwarded
to the licensing authority of that state or country."

SECTION 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2018.

- 5 -