

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 107

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO MOTOR VEHICLES; ALLOWING FOR THE CARRYING OF
ELECTRONIC EVIDENCE OF FINANCIAL RESPONSIBILITY UNDER THE
MANDATORY FINANCIAL RESPONSIBILITY ACT.

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

SECTION 1. Section 66-5-229 NMSA 1978 (being Laws 1978,
Chapter 35, Section 318, as amended) is amended to read:

"66-5-229. DURATION OF EVIDENCE--WHEN FILING OF EVIDENCE
MAY BE WAIVED.--

A. Except as provided in Subsection B of this
section, the department shall, upon request, consent to the
immediate cancellation of any bond or the department shall
direct and the state treasurer shall return to the person
entitled ~~[thereto]~~ to it any money deposited pursuant to the
Mandatory Financial Responsibility Act as evidence of financial

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1 responsibility or the department shall waive the requirement of
2 filing evidence of financial responsibility in any of the
3 following events:

4 (1) after one year of providing satisfactory
5 evidence as specified in Section 66-5-218 NMSA 1978;

6 (2) the death of the person on whose behalf
7 evidence was filed or the permanent incapacity of the person to
8 operate a motor vehicle; or

9 (3) the person who has filed evidence
10 surrenders [~~his~~] the person's license and registration to the
11 department.

12 B. [~~Provided, however, that~~] The department shall
13 not consent to the cancellation of any bond or the return of
14 any money or waive the requirement of filing evidence of
15 financial responsibility in the event any action for damages
16 upon a liability covered by the evidence is then pending or any
17 judgment upon any such liability is then unsatisfied or in the
18 event the person who has filed the bond or deposited the money
19 has, within one year immediately preceding the request, been
20 involved as a driver or owner in any motor vehicle accident
21 resulting in injury or damage to the person or property of
22 others. An affidavit of the applicant as to the nonexistence
23 of such facts or that [~~he~~] the applicant has been released from
24 all of [~~his~~] the applicant's liability or has been finally
25 adjudicated not to be liable for such injury or damage shall be

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1 sufficient evidence thereof in the absence of evidence to the
2 contrary in the records of the department.

3 C. ~~Every~~ An owner or operator of a vehicle
4 subject to ~~[the requirements of]~~ the Mandatory Financial
5 Responsibility Act shall carry evidence of financial
6 responsibility as defined by that act in the vehicle at all
7 times while the vehicle is in operation on the highways of this
8 state.

9 D. When financial responsibility is satisfied
10 through coverage under a motor vehicle insurance policy, the
11 owner's or operator's carrying of evidence in print or
12 accessible through a portable electronic device is acceptable.
13 An owner or operator of a vehicle who provides evidence of
14 financial responsibility through a portable electronic device:

15 (1) assumes all liability for any resulting
16 damage to the portable electronic device; and

17 (2) is presumed not to consent to provide
18 access to a law enforcement officer to any other information
19 stored in the portable electronic device.

20 E. The failure to comply with ~~[this subsection~~
21 ~~shall be]~~ Subsection C of this section is a misdemeanor ~~[and~~
22 ~~shall be]~~ punishable ~~[by the penalty]~~ as set forth in Section
23 66-8-7 NMSA 1978 ~~[provided that no]~~ unless the person charged
24 with violating ~~[this section shall be convicted if he]~~ that
25 subsection produces in court evidence of financial

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1 responsibility valid at the time of issuance of the citation."

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