

1 SENATE BILL 343

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; AMENDING THE CRIME OF RACING ON
12 HIGHWAYS TO INCLUDE RACING ON STREETS; MAKING THE CRIME VICTIMS
13 REPARATION ACT APPLICABLE TO THE CRIME OF RACING ON HIGHWAYS
14 AND STREETS; PROVIDING FOR THE SUSPENSION OR REVOCATION OF A
15 LICENSE UPON CONVICTION FOR THE CRIME OF RACING ON HIGHWAYS OR
16 STREETS; PROVIDING DEFINITIONS.

17
18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

19 SECTION 1. Section 31-22-8 NMSA 1978 (being Laws 1981,
20 Chapter 325, Section 8, as amended) is amended to read:

21 "31-22-8. CRIMES ENUMERATED.--

22 A. The crimes to which the Crime Victims Reparation
23 Act applies and for which reparation to victims may be made are
24 the following enumerated offenses and all other offenses in
25 which any enumerated offense is necessarily included:

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- 1 (1) arson resulting in bodily injury;
- 2 (2) aggravated assault or aggravated battery;
- 3 (3) dangerous use of explosives resulting in
- 4 bodily injury;
- 5 (4) negligent use of a deadly weapon;
- 6 (5) murder;
- 7 (6) voluntary manslaughter;
- 8 (7) involuntary manslaughter;
- 9 (8) kidnapping;
- 10 (9) criminal sexual penetration;
- 11 (10) criminal sexual contact of a minor;
- 12 (11) failure to give information and render
- 13 aid, as provided in Section 66-7-201 or 66-7-203 NMSA 1978;
- 14 (12) homicide by vehicle or great bodily
- 15 injury by vehicle, as provided in Section 66-8-101 NMSA 1978;
- 16 (13) abandonment or abuse of a child;
- 17 (14) aggravated indecent exposure, as provided
- 18 in Section 30-9-14.3 NMSA 1978;
- 19 (15) stalking;
- 20 (16) human trafficking;
- 21 (17) assault against a household member; ~~and~~
- 22 (18) battery against a household member; and
- 23 (19) racing on highways or streets resulting
- 24 in bodily injury, as provided in Section 66-8-115 NMSA 1978.

25 B. No award shall be made for any loss or damage to

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1 property."

2 SECTION 2. Section 66-5-30 NMSA 1978 (being Laws 1978,
3 Chapter 35, Section 252, as amended) is amended to read:

4 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
5 LICENSE.--

6 A. The division may suspend the instruction permit,
7 driver's license or provisional license of a driver without
8 preliminary hearing upon a showing by its records or other
9 sufficient evidence, including information provided to the
10 state pursuant to an intergovernmental agreement authorized by
11 Section 66-5-27.1 NMSA 1978, that the licensee:

12 (1) has been convicted of an offense for which
13 mandatory revocation of license is required upon conviction;

14 (2) has been convicted as a driver in an
15 accident resulting in the death or personal injury of another
16 or serious property damage;

17 (3) has been convicted with such frequency of
18 offenses against traffic laws or rules governing motor vehicles
19 as to indicate a disrespect for traffic laws and a disregard
20 for the safety of other persons on the highways;

21 (4) is an habitually reckless or negligent
22 driver of a motor vehicle;

23 (5) is incompetent to drive a motor vehicle;

24 (6) has permitted an unlawful or fraudulent
25 use of the license;

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1 (7) has been convicted of an offense in
2 another state or tribal jurisdiction that if committed within
3 this state's jurisdiction would be grounds for suspension or
4 revocation of the license;

5 (8) has violated provisions stipulated by a
6 district court in limitation of certain driving privileges;
7 [~~or~~]

8 (9) has accumulated seven points, but less
9 than eleven points, and when the division has received a
10 recommendation from a municipal or magistrate judge that the
11 license be suspended for a period not to exceed three months;
12 or

13 (10) has been convicted of racing on highways
14 or streets pursuant to Section 66-8-115 NMSA 1978.

15 B. The division may issue an administrative
16 suspension of the instruction permit, driver's license or
17 provisional license of a driver without preliminary hearing
18 upon a showing by its records or other sufficient evidence,
19 including information provided to the state pursuant to an
20 intergovernmental agreement authorized by Section 66-5-27.1
21 NMSA 1978, that the licensee has failed to:

22 (1) fulfill a signed promise to appear or
23 notice to appear in court as evidenced by notice from a state
24 court or tribal court, whenever appearance is required by law
25 or by the court as a consequence of a charge or conviction

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1 under the Motor Vehicle Code or pursuant to the laws of the
2 tribe;

3 (2) pay a penalty assessment within thirty
4 days of the date of issuance by the state or a tribe; or

5 (3) comply with the terms of a citation issued
6 in a foreign jurisdiction that is a party to the Nonresident
7 Violator Compact and that has notified the department of the
8 failure in accordance with the Nonresident Violator Compact.

9 C. If a person whose license was issued by a
10 jurisdiction outside New Mexico that is a party to the
11 Nonresident Violator Compact fails to comply with the terms of
12 a citation issued in New Mexico, the department shall notify
13 that other jurisdiction of the failure and that jurisdiction
14 shall initiate a license suspension action in accordance with
15 the provisions of Article IV of the Nonresident Violator
16 Compact.

17 D. Upon suspending the license of a person as
18 authorized in this section, the division shall immediately
19 notify the licensee in writing of the licensee's right to a
20 hearing before the administrative hearings office and, upon the
21 licensee's request, shall notify the administrative hearings
22 office. The administrative hearings office shall schedule the
23 hearing to take place as early as practicable, but within no
24 more than twenty days, not counting Saturdays, Sundays and
25 legal holidays after receipt of the request. The hearing shall

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1 be held in the county in which the licensee resides unless the
2 hearing officer and the licensee agree that the hearing may be
3 held in some other county; provided that the hearing request is
4 received within twenty days from the date that the suspension
5 was deposited in the United States mail. The hearing officer
6 may, in the hearing officer's discretion, extend the twenty-day
7 period. The hearing shall be held as provided in the
8 Administrative Hearings Office Act. After the hearing, the
9 hearing officer shall either rescind the order of suspension or
10 continue, modify or extend the suspension of the license or
11 revoke the license."

12 SECTION 3. Section 66-8-115 NMSA 1978 (being Laws 1969,
13 Chapter 169, Section 13, as amended) is amended to read:

14 "66-8-115. RACING ON HIGHWAYS OR STREETS--EXCEPTION.--

15 A. Unless written permission setting out pertinent
16 conditions is obtained from the chief of the New Mexico state
17 police for an interstate highway or state road, or for another
18 highway or street from the highest ranking law enforcement
19 official in that jurisdiction, and then only in accordance with
20 such conditions, no person shall drive a vehicle on a highway
21 or street in any race, speed competition or contest, drag race
22 or acceleration [~~contests~~] contest, test of physical endurance,
23 exhibition of speed or acceleration or for the purpose of
24 making a speed record, whether or not the speed is in excess of
25 the maximum speed prescribed by law, and no person shall in any

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1 manner participate in any such race, drag race, competition,
2 contest, test or exhibition.

3 B. As used in this section:

4 (1) "drag race" means the operation of two or
5 more vehicles from a point side by side at accelerating speeds
6 in a competitive attempt to outdistance each other or the
7 operation of one or more vehicles over a common selected course
8 from the same point to the same point for the purpose of
9 comparing the relative speeds or power of acceleration of the
10 vehicle or vehicles within a certain distance or time limit;
11 [~~and~~]

12 (2) "race" means the use of one or more
13 vehicles in a manner to outgain or outdistance another vehicle,
14 prevent another vehicle from passing, arrive at a given
15 destination ahead of another vehicle or test the physical
16 stamina or endurance of drivers over long-distance routes;

17 (3) "proximately causes" means that the
18 person's act was a significant cause of the harm and that the
19 harm or injury was a foreseeable result of the person's act;
20 and

21 (4) "bodily injury" means injury to a person
22 to a degree less than that defined as "great bodily harm"
23 pursuant to Subsection A of Section 30-1-12 NMSA 1978.

24 C. No official or agency of the state [~~of New Mexico~~]
25 shall be held liable in any civil action in connection with the

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permission [~~which is~~] authorized in this section.

D. Any person who violates any provision of this section is guilty of a misdemeanor."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2021.