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SENATE BILL 113

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

George K. Munoz

AN ACT

RELATING TO MOTOR VEHICLES; PERMITTING PROOF OF FINANCIAL
RESPONSIBILITY TO BE GIVEN ELECTRONICALLY.

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

SECTION 1. Section 66-5-205 NMSA 1978 (being Laws 1983,
Chapter 318, Section 6, as amended) is amended to read:

"66-5-205. VEHICLE MUST BE INSURED OR OWNER MUST HAVE
EVIDENCE OF FINANCIAL RESPONSIBILITY--PENALTIES.--

A. No owner shall permit the operation of an
uninsured motor vehicle, or a motor vehicle for which evidence
of financial responsibility as was affirmed to the department
is not currently valid, upon the streets or highways of New
Mexico unless the vehicle is specifically exempted from the
provisions of the Mandatory Financial Responsibility Act.

B. No person shall drive an uninsured motor

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1 vehicle, or a motor vehicle for which evidence of financial
2 responsibility as was affirmed to the department is not
3 currently valid, upon the streets or highways of New Mexico
4 unless the person is specifically exempted from the provisions
5 of the Mandatory Financial Responsibility Act.

6 C. For the purposes of the Mandatory Financial
7 Responsibility Act, "uninsured motor vehicle" means a motor
8 vehicle for which a motor vehicle insurance policy meeting the
9 requirements of the laws of New Mexico and of the secretary, or
10 a surety bond or evidence of a sufficient cash deposit with the
11 state treasurer, is not in effect.

12 D. The provisions of the Mandatory Financial
13 Responsibility Act requiring the deposit of evidence of
14 financial responsibility as provided in Section 66-5-218 NMSA
15 1978, subject to certain exemptions, may apply with respect to
16 persons who have been convicted of or forfeited bail for
17 certain offenses under motor vehicle laws or who have failed to
18 pay judgments or written settlement agreements upon causes of
19 action arising out of ownership, maintenance or use of vehicles
20 of a type subject to registration under the laws of New Mexico.

21 E. A person may satisfy the requirements of this
22 section by providing evidence of financial responsibility
23 either through physical documentation of a valid policy of
24 insurance or electronic documentation of a valid policy of
25 insurance through the use of a cellular telephone or similar

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1 device.

2 ~~[F.]~~ F. Any person who violates the provisions of
3 this section is guilty of a misdemeanor as provided in Section
4 66-8-7 NMSA 1978.

5 ~~[F.]~~ G. A person charged with violating the
6 provisions of this section shall not be convicted if the person
7 produces, in court, evidence of financial responsibility valid
8 at the time of issuance of the citation."

9 **SECTION 2.** A new section of the Motor Vehicle Code is
10 enacted to read:

11 "[NEW MATERIAL] PROOF OF FINANCIAL RESPONSIBILITY--
12 ELECTRONIC EVIDENCE.--Whenever a person is required by law to
13 produce evidence of valid proof of financial responsibility for
14 a motor vehicle, such evidence may be provided electronically
15 through the use of a cellular phone or similar device."