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AN ACT

RELATING TO DRIVER'S LICENSES; CHANGING THE PENALTIES FOR THE
SUSPENSION OF A DRIVER'S LICENSE.

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

SECTION 1. Section 66-5-26 NMSA 1978 (being Laws 1978,
Chapter 35, Section 248, as amended) is amended to read:

"66-5-26. SUSPENDING RESIDENT'S LICENSE--AUTOMATIC
REINSTATEMENT WITHOUT FEE.--

A. The division is authorized to suspend or revoke
the license of a resident of this state or the privilege of a
nonresident to drive a motor vehicle in this state upon
receiving notice of the conviction of such person in another
state or by a tribe of an offense that if committed within
the jurisdiction of this state, would be grounds for the
suspension or revocation of the license of a driver.

B. A person whose driver's license was suspended
solely for nonpayment or failure to appear and who is
otherwise eligible to drive shall have the person's driver's
license reinstated and shall not be required to pay a
reinstatement fee. No later than September 1, 2023, the
division shall, without requiring a reinstatement fee,
reinstate the driver's license or nonresident operating
privilege of every person whose license or nonresident
operating privilege is suspended solely for nonpayment or

1 failure to appear and who is otherwise eligible to drive."

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

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

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

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

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

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

25 (6) has permitted an unlawful or fraudulent

1 use of the license;

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

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

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

14 B. The division may issue an administrative
15 suspension of the instruction permit, driver's license or
16 provisional license of a driver without preliminary hearing
17 upon a showing by its records or other sufficient evidence,
18 including information provided to the state pursuant to an
19 intergovernmental agreement authorized by Section 66-5-27.1
20 NMSA 1978, that the licensee has failed to comply with the
21 terms of a citation issued in a foreign jurisdiction that is
22 a party to the Nonresident Violator Compact and that has
23 notified the department of the failure in accordance with the
24 Nonresident Violator Compact.

25 C. If a person whose license was issued by a

1 jurisdiction outside New Mexico that is a party to the
2 Nonresident Violator Compact fails to comply with the terms
3 of a citation issued in New Mexico, the department shall
4 notify that other jurisdiction of the failure and that
5 jurisdiction may initiate a license suspension action in
6 accordance with the provisions of Article IV of the
7 Nonresident Violator Compact.

8 D. Upon suspending the license of a person as
9 authorized in this section, the division shall immediately
10 notify the licensee in writing of the licensee's right to a
11 hearing before the administrative hearings office and, upon
12 the licensee's request, shall notify the administrative
13 hearings office. The administrative hearings office shall
14 schedule the hearing to take place as early as practicable,
15 but not later than twenty days, not counting Saturdays,
16 Sundays and legal holidays, after receipt of the request.
17 The hearing shall be held in the county in which the licensee
18 resides unless the hearing officer and the licensee agree
19 that the hearing may be held in some other county; provided
20 that the hearing request is received within twenty days from
21 the date that the suspension was deposited in the United
22 States mail. The hearing officer may, in the hearing
23 officer's discretion, extend the twenty-day period. The
24 hearing shall be held as provided in the Administrative
25 Hearings Office Act. After the hearing, the hearing officer

1 shall either rescind the order of suspension or continue,
2 modify or extend the suspension of the license or revoke the
3 license."

4 SECTION 3. Section 66-5-32 NMSA 1978 (being Laws 1978,
5 Chapter 35, Section 254, as amended) is amended to read:

6 "66-5-32. PERIOD OF SUSPENSION OR REVOCATION.--

7 A. The division shall not suspend a driver's
8 license or privilege to drive a motor vehicle on the public
9 highways for a period of more than one year except as
10 permitted under Sections 60-7B-1, 66-5-5, 66-5-39 and
11 66-5-39.1 NMSA 1978.

12 B. Except as provided in the Ignition Interlock
13 Licensing Act, a person whose license or privilege to drive a
14 motor vehicle on the public highways has been revoked shall
15 not be entitled to have the license or privilege renewed or
16 restored unless the revocation was for a cause that has been
17 removed, except that after the expiration of the periods
18 specified in Subsections B and C of Section 66-5-29 NMSA 1978
19 from the date on which the revoked license was surrendered to
20 and received by the division, the person may make application
21 for a new license as provided by law."
