

underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 365

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY
L. Skip Vernon

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE NEW MEXICO
COMMERCIAL DRIVER'S LICENSE ACT TO COMPLY WITH FEDERAL
REQUIREMENTS PERTAINING TO DISQUALIFICATIONS; INCREASING
PENALTIES.

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

Section 1. Section 66-5-52 NMSA 1978 (being Laws 1989,
Chapter 14, Section 1, as amended) is amended to read:

"66-5-52. SHORT TITLE.--Sections 66-5-52 through
[~~66-5-70~~] 66-5-71 NMSA 1978 may be cited as the "New Mexico
Commercial Driver's License Act"."

Section 2. Section 66-5-68 NMSA 1978 (being Laws 1989,
Chapter 14, Section 17, as amended) is amended to read:

"66-5-68. DISQUALIFICATION.--

A. The department shall disqualify a person from
driving a commercial motor vehicle for a period of not less

underscored material = new
~~[bracketed material] = delete~~

1 than one year if the person:

2 (1) refuses to submit to a chemical test when
3 requested pursuant to the provisions of the Implied Consent
4 Act; or

5 (2) is convicted of a violation of:

6 (a) driving a commercial motor vehicle
7 under the influence of ~~[alcohol or a controlled substance,~~
8 ~~pursuant to]~~ intoxicating liquor or drugs in violation of
9 Section 66-5-68.1 NMSA 1978, Section 66-8-102 NMSA 1978, an
10 ordinance of a municipality of this state or the law of
11 another state;

12 (b) leaving the scene of an accident
13 involving a commercial motor vehicle driven by the person in
14 violation of Section 66-7-201 NMSA 1978 or an ordinance of a
15 municipality of this state or the law of another state; or

16 (c) using a commercial motor vehicle in
17 the commission of any felony.

18 B. The department shall disqualify a person from
19 driving a commercial motor vehicle for a period of not less
20 than three years if any of the violations specified in
21 Subsection A of this section occur while transporting a
22 hazardous material required to be placarded.

23 C. The department shall disqualify a person from
24 driving a commercial motor vehicle for life if convicted of
25 two or more violations of any of the offenses specified in
Subsection A of this section, or any combination of those
offenses, arising from two or more separate incidents, but

.131943.1

underscoring material = new
~~[bracketed material]~~ = delete

1 the secretary may issue regulations establishing guidelines,
2 including conditions, under which a disqualification for life
3 under this subsection may be reduced to a period of not less
4 than ten years. This subsection applies only to those
5 offenses committed after July 1, 1989.

6 D. The department shall disqualify a person from
7 driving a commercial motor vehicle for life if the person
8 uses a commercial motor vehicle in the commission of any
9 felony involving the manufacture, distribution or dispensing
10 of a controlled substance or the possession with intent to
11 manufacture, distribute or dispense a controlled substance.

12 E. The department shall disqualify a person from
13 driving a commercial motor vehicle for a period of not less
14 than sixty days if convicted of two serious traffic
15 violations or one hundred twenty days if convicted of three
16 serious traffic violations, if the violations were committed
17 while driving a commercial motor vehicle, arising from
18 separate incidents occurring within a three-year period.

19 F. The department shall disqualify a person from
20 driving a commercial motor vehicle for a period of not less
21 than one hundred eighty days nor more than two years if the
22 person is convicted of a first violation of an out-of-service
23 order while transporting hazardous materials required to be
24 placarded pursuant to the federal Hazardous Materials
25 Transportation Act or while operating a motor vehicle
designed to transport more than fifteen passengers, including
the driver. The department shall disqualify a person from

.131943.1

underscoring material = new
~~[bracketed material] = delete~~

1 driving a commercial motor vehicle for a period of not less
2 than three years nor more than five years if, during any ten-
3 year period, the person is convicted of any subsequent
4 violations of out-of-service orders, in separate incidents,
5 while transporting hazardous materials required to be
6 placarded pursuant to that act or while operating a motor
7 vehicle designed to transport more than fifteen passengers,
8 including the driver.

9 ~~[F.]~~ G. When a person is disqualified from
10 driving a commercial motor vehicle, any commercial driver's
11 license held by that person is invalidated without separate
12 proceeding of any kind and the driver is not eligible to
13 apply for a commercial driver's license until the period of
14 time for which the driver was disqualified has elapsed.

15 ~~[G.]~~ H. After disqualifying, suspending,
16 revoking or canceling a commercial driver's license, the
17 department shall, within ten days, update its records to
18 reflect that action. After disqualifying, suspending,
19 revoking or canceling a nonresident commercial driver's
20 privileges, the department shall, within ten days, notify the
21 licensing authority of the state that issued the commercial
22 driver's license.

23 ~~[H.]~~ I. For purposes of this section, the term
24 "convicted" includes a license revocation pursuant to the
25 Implied Consent Act or the implied consent act of another
state."

Section 3. Section 66-5-71 NMSA 1978 (being Laws 1998,

underscored material = new
~~[bracketed material] = delete~~

1 Chapter 17, Section 5) is amended to read:

2 "66-5-71. PENALTIES FOR VIOLATION OF OUT-OF-SERVICE
3 ORDERS.--

4 A. A driver who is convicted of violating an
5 out-of-service order shall be subject to a civil penalty of
6 not less than [~~ten dollars (\$10.00)~~] one thousand dollars
7 (\$1,000) or more than [~~twenty-five dollars (\$25.00)~~] two
8 thousand five hundred dollars (\$2,500), in addition to
9 disqualification as provided in Subsection C of this section.

10 B. An employer who is convicted of a violation
11 of Subsection C of Section 66-5-58 NMSA 1978 shall be subject
12 to a civil penalty of not less than [~~twenty-five dollars~~
13 ~~(\$25.00)~~] two thousand five hundred dollars (\$2,500) or more
14 than [~~one hundred dollars (\$100)~~] ten thousand dollars
15 (\$10,000).

16 C. A driver who is convicted of violating an
17 out-of-service order shall be disqualified for:

18 (1) not less than ninety days or more than
19 one year if the driver is convicted of a first violation of
20 an out-of-service order;

21 (2) not less than one year or more than five
22 years if, during any ten-year period, the driver is convicted
23 of two violations of out-of-service orders in separate
24 incidents; and

25 (3) not less than three years or more than
five years if, during any ten-year period, the driver is
convicted of three or more violations of out-of-service

.131943.1

underscored material = new
~~[bracketed material] = delete~~

1 orders in separate incidents."

2 - 6 -

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25