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SENATE BILL 95

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

William E. Sharer

AN ACT

RELATING TO LICENSES; CHANGING THE VALIDITY PERIODS OF DRIVER'S  
LICENSES, COMMERCIAL DRIVER'S LICENSES AND IDENTIFICATION  
CARDS.

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

**SECTION 1.** Section 66-5-19 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 241, as amended) is amended to read:

"66-5-19. RESTRICTED LICENSES.--

A. The division, upon issuing a driver's license or  
a provisional license, has authority, whenever good cause  
appears, to impose restrictions, including the shortening of  
the licensure period suitable to the licensee's driving ability  
with respect to the type of or special mechanical control  
devices required on a motor vehicle that the licensee may  
operate or such other restrictions applicable to the licensee

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1 as the division determines to be appropriate to ensure the safe  
2 operation of a motor vehicle by the licensee.

3 ~~[B. At age seventy-five and thereafter, the~~  
4 ~~applicant shall renew the applicant's license on a yearly basis~~  
5 ~~at no cost to the applicant.~~

6 ~~G.]~~ B. The division may either issue a special  
7 restricted license or may set forth such restrictions upon the  
8 usual license form.

9 ~~[D.]~~ C. The division may issue a restricted license  
10 or a restricted provisional license for driving during daylight  
11 hours only to some visually impaired persons who fail the usual  
12 eyesight test. The health standards advisory board created  
13 pursuant to the provisions of Section 66-5-6 NMSA 1978 shall  
14 evaluate the extent of the visual impairment and ~~[its]~~ the  
15 impairment's effect on the driving ability of the applicant  
16 and, based on ~~[its]~~ the board's recommendations, the director  
17 may issue a restricted license under the following conditions:

18 (1) the applicant has no record of moving  
19 violations;

20 (2) the necessity of the license is shown to  
21 the satisfaction of the director; and

22 (3) the applicant satisfies the provisions of  
23 Section 66-5-206 NMSA 1978 relating to proof of financial  
24 responsibility.

25 ~~[E.]~~ D. The division may, upon receiving

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1 satisfactory evidence of any violation of the restrictions of  
2 the license, suspend the license, but the licensee is entitled  
3 to a hearing as upon a suspension under Sections ~~[66-5-1]~~  
4 66-5-1.1 through 66-5-47 NMSA 1978.

5 ~~[F.]~~ E. It is a misdemeanor for any person to  
6 operate a motor vehicle in any manner in violation of the  
7 restrictions imposed in a restricted license issued to the  
8 person."

9 SECTION 2. Section 66-5-21 NMSA 1978 (being Laws 1978,  
10 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,  
11 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended  
12 to read:

13 "66-5-21. EXPIRATION OF LICENSE--~~[FOUR-YEAR]~~ ISSUANCE  
14 PERIOD ~~[EIGHT-YEAR ISSUANCE PERIOD]~~--RENEWAL.--

15 A. Except as provided in ~~[Subsection B or D of this~~  
16 ~~section]~~ Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA  
17 1978, ~~[all]~~ a driver's [licenses] license shall [be issued for  
18 a period of four years, and each license shall expire thirty  
19 days after the applicant's birthday in the fourth year after  
20 the effective date of the license or shall expire thirty days  
21 after the applicant's seventy-fifth birthday] expire thirty  
22 days after the applicant's twenty-first, fortieth, sixty-fifth  
23 and seventy-fifth birthdays. A license issued to an applicant  
24 age seventy-five or older shall not be valid for more than two  
25 years and shall be issued at no cost to the applicant. A

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1 license issued pursuant to Section 66-5-19 NMSA 1978 shall  
2 expire thirty days after the applicant's birthday in the year  
3 in which the license expires. Each license is renewable within  
4 ninety days prior to its expiration or at an earlier date  
5 approved by the department. The fee for the license shall be  
6 as provided in Section 66-5-44 NMSA 1978. The department may  
7 provide for renewal by mail or telephonic or electronic means  
8 of a driver's license issued pursuant to the provisions of this  
9 subsection, pursuant to regulations adopted by the department  
10 that ensure adequate security measures to safeguard personal  
11 information that is obtained in the issuance of a driver's  
12 license. The department may require an examination upon  
13 renewal of the driver's license.

14 ~~B. At the option of an applicant, a driver's~~  
15 ~~license may be issued for a period of eight years, provided~~  
16 ~~that the applicant:~~

17 ~~(1) pays the amount required for a driver's~~  
18 ~~license issued for a term of eight years;~~

19 ~~(2) otherwise qualifies for a four-year~~  
20 ~~driver's license; and~~

21 ~~(3) will not reach the age of seventy-five~~  
22 ~~during the last four years of the eight-year license period or~~  
23 ~~reach the age of twenty-one during any year within the term of~~  
24 ~~the license.~~

25 ~~G. A driver's license issued pursuant to the~~

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1 ~~provisions of Subsection B of this section shall expire thirty~~  
2 ~~days after the applicant's birthday in the eighth year after~~  
3 ~~the effective date of the license.~~

4 ~~D. A driver's license issued prior to an~~  
5 ~~applicant's twenty-first birthday shall expire thirty days~~  
6 ~~after the applicant's twenty-first birthday. A driver's~~  
7 ~~license issued prior to an applicant's twenty-first birthday~~  
8 ~~may be issued for a period of up to five years.~~

9 ~~E.]~~ B. The director may adopt regulations providing  
10 for the proration of driver's license fees and commercial  
11 driver's license fees due to shortened licensure periods  
12 permitted pursuant to Subsection A of Section 66-5-19 NMSA 1978  
13 or for licensure periods authorized pursuant to the provisions  
14 of this section."

15 **SECTION 3.** Section 66-5-44 NMSA 1978 (being Laws 1978,  
16 Chapter 35, Section 266, as amended) is amended to read:

17 "66-5-44. LICENSES AND PERMITS--DURATION AND FEE--  
18 APPROPRIATION.--

19 A. There shall be paid to the department a fee of  
20 ten dollars (\$10.00) for each driver's license or duplicate  
21 driver's license [~~except that for a driver's license issued for~~  
22 ~~an eight-year period, a fee of twenty dollars (\$20.00) shall be~~  
23 ~~paid to the department]~~. Each license shall be for a term  
24 provided for in Section 66-5-21 NMSA 1978.

25 B. For each permit and instruction permit, there

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1 shall be paid to the department a fee of two dollars (\$2.00).  
2 The term for each permit shall be as provided in Sections  
3 66-5-8 and 66-5-9 NMSA 1978.

4 C. Except for fees charged pursuant to Subsection E  
5 of this section, the director with the approval of the governor  
6 may increase the amount of the fees provided for in this  
7 section by an amount not to exceed three dollars (\$3.00) for  
8 the purpose of implementing an enhanced driver's license system  
9 ~~[provided that for a driver's license issued for an eight-year~~  
10 ~~period, the amount of the fees shall be twice the amount~~  
11 ~~charged for other driver's licenses]~~. The additional amounts  
12 collected pursuant to this subsection are appropriated to the  
13 department to defray the expense of the new system of licensing  
14 and for use as set forth in Subsection F of Section 66-6-13  
15 NMSA 1978. Unexpended or unencumbered balances remaining from  
16 fees collected pursuant to the provisions of this subsection at  
17 the end of any fiscal year shall not revert to the general fund  
18 but shall be expended by the department in fiscal year 2010 and  
19 subsequent fiscal years.

20 D. There shall be paid to the department a driver  
21 safety fee of three dollars (\$3.00) for each driver's license  
22 or duplicate driver's license ~~[except that for a driver's~~  
23 ~~license issued for an eight-year period, a fee of six dollars~~  
24 ~~(\$6.00) shall be paid to the department]~~. The fee shall be  
25 distributed to each school district for the purpose of

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1 providing defensive driving instruction through the state  
2 equalization guarantee distribution made annually pursuant to  
3 the general appropriation act.

4 E. The department may charge a fee of no more than  
5 fifteen dollars (\$15.00) to a person who holds a driver's  
6 license from another state and is applying for a New Mexico  
7 driver's license for the first time. The fee is appropriated  
8 to the department to defray the expense of determining whether  
9 the driver has been convicted of driving a motor vehicle while  
10 under the influence of intoxicating liquor or drugs, or  
11 equivalent crime, and determining if the person qualifies for a  
12 driver's license in this state. The fee provided in this  
13 subsection is not subject to the increase provided for in  
14 Subsection C of this section."

15 SECTION 4. Section 66-5-67 NMSA 1978 (being Laws 1989,  
16 Chapter 14, Section 16, as amended) is amended to read:

17 "66-5-67. EXPIRATION AND RENEWAL--STAGGERED LICENSING  
18 DURING IMPLEMENTATION PERIOD.--

19 A. Except as provided in [~~Subsections~~] Subsection C  
20 [~~and E~~] of this section, a commercial driver's license issued  
21 pursuant to the provisions of the New Mexico Commercial  
22 Driver's License Act shall expire thirty days after the  
23 applicant's [~~birthday in the fourth year after the effective~~  
24 ~~date of the license~~] twenty-first, fortieth, sixty-fifth and  
25 seventy-fifth birthdays. A commercial driver's license issued

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1 to an applicant age seventy-five or older shall not be valid  
2 for more than two years and shall be issued at no cost to the  
3 applicant.

4 B. The license is renewable within ninety days  
5 prior to its expiration or at an earlier date as approved by  
6 the secretary.

7 ~~[G. At the option of an applicant, a commercial~~  
8 ~~driver's license may be issued for a period of eight years,~~  
9 ~~provided that the applicant:~~

10 ~~(1) pays the amount required for a commercial~~  
11 ~~driver's license issued for a term of eight years;~~

12 ~~(2) otherwise qualifies for a four-year~~  
13 ~~commercial driver's license; and~~

14 ~~(3) will not reach the age of seventy-five~~  
15 ~~during the last four years of the eight-year license period.~~

16 ~~D. A driver's license issued pursuant to the~~  
17 ~~provisions of Subsection C of this section shall expire thirty~~  
18 ~~days after the applicant's birthday in the eighth year after~~  
19 ~~the effective date of the license.~~

20 ~~E.] C.~~ A commercial driver's license with a  
21 hazardous material endorsement shall expire

22 ~~[(1) for an applicant transferring a~~  
23 ~~commercial driver's license with the hazardous material~~  
24 ~~endorsement] four years from the date of the applicant's last~~  
25 background check ~~[and testing for the hazardous material~~



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1 endorsement; or

2 ~~(2) for an applicant adding endorsements or~~  
3 ~~other changes to the commercial driver's license, no later than~~  
4 ~~the expiration date of the commercial driver's license~~  
5 ~~originally issued with the hazardous material endorsement]."~~

6 SECTION 5. Section 66-5-403 NMSA 1978 (being Laws 1973,  
7 Chapter 269, Section 3, as amended by Laws 2010, Chapter 42,  
8 Section 3 and by Laws 2010, Chapter 70, Section 3) is amended  
9 to read:

10 "66-5-403. EXPIRATION OF IDENTIFICATION CARDS--DURATION--  
11 RENEWAL.--

12 A. ~~[Except as provided in Subsection B or C of this~~  
13 ~~section, every]~~ An identification card [shall be issued for a  
14 period not to exceed four years and] shall expire ~~[on the last~~  
15 ~~day of the month of the identified person's birth in the fourth~~  
16 ~~year after the effective date of the identification card]~~  
17 thirty days after the applicant's twenty-first, fortieth,  
18 sixty-fifth and seventy-fifth birthdays. An identification  
19 card issued to an applicant age seventy-five or older shall be  
20 issued at no cost to the applicant.

21 B. An identification card may be renewed within  
22 ninety days prior to its expiration or at an earlier date  
23 approved by the department. An identification card may be  
24 renewed by mail or telephonic or electronic means pursuant to  
25 regulations adopted by the department. The regulations shall

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1 ensure adequate security measures to safeguard personal  
2 information that is obtained in the issuance of an  
3 identification card.

4 ~~[G. At the option of the applicant for an~~  
5 ~~identification card, a card may be issued for a period of eight~~  
6 ~~years, provided that the applicant pays the amount required for~~  
7 ~~an identification card issued for a term of eight years. An~~  
8 ~~identification card issued pursuant to the provisions of this~~  
9 ~~subsection shall expire on the last day of the month of the~~  
10 ~~applicant's birth in the eighth year after the effective date~~  
11 ~~of the identification card. The identification card may be~~  
12 ~~renewed within ninety days prior to its expiration.]"~~

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