

1 SENATE BILL 476

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 John M. Sapien

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROVIDING THAT ELECTRONIC PROOF OF
12 INSURANCE COVERAGE FOR MOTOR VEHICLE OPERATION SATISFIES
13 CERTAIN REQUIREMENTS OF THE MANDATORY FINANCIAL RESPONSIBILITY
14 ACT.

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

17 SECTION 1. Section 66-5-229 NMSA 1978 (being Laws 1978,
18 Chapter 35, Section 318, as amended) is amended to read:

19 "66-5-229. DURATION OF EVIDENCE--WHEN FILING OF EVIDENCE
20 MAY BE WAIVED.--

21 A. The department shall, upon request, consent to
22 the immediate cancellation of any bond or the department shall
23 direct and the state treasurer shall return to the person
24 entitled thereto any money deposited pursuant to the Mandatory
25 Financial Responsibility Act as evidence of financial

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1 responsibility or the department shall waive the requirement of
2 filing evidence of financial responsibility in any of the
3 following events:

4 (1) after one year of providing satisfactory
5 evidence as specified in Section 66-5-218 NMSA 1978;

6 (2) the death of the person on whose behalf
7 evidence was filed or the permanent incapacity of the person to
8 operate a motor vehicle; or

9 (3) the person who has filed evidence
10 surrenders his license and registration to the department.

11 B. [~~Provided, however, that~~] The department shall
12 not consent to the cancellation of any bond or the return of
13 any money or waive the requirement of filing evidence of
14 financial responsibility in the event any action for damages
15 upon a liability covered by the evidence is then pending or any
16 judgment upon any such liability is then unsatisfied or in the
17 event the person who has filed the bond or deposited the money
18 has, within one year immediately preceding the request, been
19 involved as a driver or owner in any motor vehicle accident
20 resulting in injury or damage to the person or property of
21 others. An affidavit of the applicant as to the nonexistence
22 of such facts or that [~~he~~] the applicant has been released from
23 all of [~~his~~] the applicant's liability or has been finally
24 adjudicated not to be liable for such injury or damage shall be
25 sufficient evidence thereof in the absence of evidence to the

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1 contrary in the records of the department.

2 C. Every owner or operator of a vehicle subject to
3 the requirements of the Mandatory Financial Responsibility Act
4 shall carry evidence of financial responsibility as defined by
5 that act in the vehicle at all times while the vehicle is in
6 operation on the highways of this state. An owner or operator
7 of a vehicle who is subject to the requirements of the
8 Mandatory Financial Responsibility Act and who demonstrates
9 evidence of financial responsibility through coverage under a
10 motor vehicle insurance policy may carry that evidence in
11 either a printed or an electronic format. For purposes of this
12 subsection, "electronic format" means images displayed by a
13 portable electronic device. The failure to comply with this
14 subsection shall be a misdemeanor and shall be punishable by
15 the penalty set forth in Section 66-8-7 NMSA 1978; provided
16 that no person charged with violating this section shall be
17 convicted if ~~[he]~~ the person produces in court evidence of
18 financial responsibility valid at the time of issuance of the
19 citation."