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HOUSE BILL 391

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Cathrynn N. Brown and Kelly K. Fajardo and Patricio Ruiloba

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING THE ACCEPTANCE AS
EVIDENCE OF FINANCIAL RESPONSIBILITY THAT EVIDENCE DISPLAYED ON
A SOFTWARE APPLICATION ON A MOBILE COMMUNICATION DEVICE.

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--ELECTRONIC EVIDENCE--
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

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1 provisions of the Mandatory Financial Responsibility Act.

2 B. No person shall drive an uninsured motor
3 vehicle, or a motor vehicle for which evidence of financial
4 responsibility as was affirmed to the department is not
5 currently valid, upon the streets or highways of New Mexico
6 unless the person is specifically exempted from the provisions
7 of the Mandatory Financial Responsibility Act.

8 C. To demonstrate to a law enforcement officer
9 evidence of financial responsibility, a person may display, and
10 the officer shall accept, that evidence using a software
11 application on a mobile communication device. By doing so, the
12 person does not consent to the access of other content
13 accessible through the device, but does assume all liability
14 for any resulting damage to the device. When viewing the
15 device for evidence of financial responsibility, the officer
16 shall not intentionally view any other content accessible
17 through the device. The department shall establish rules
18 related to the requirement that law enforcement officers accept
19 as evidence of financial responsibility that evidence displayed
20 on a software application on a mobile communication device.

21 [~~G.~~] D. For the purposes of the Mandatory Financial
22 Responsibility Act, "uninsured motor vehicle" means a motor
23 vehicle for which a motor vehicle insurance policy meeting the
24 requirements of the laws of New Mexico and of the secretary, or
25 a surety bond or evidence of a sufficient cash deposit with the

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1 state treasurer, is not in effect.

2 ~~[D-]~~ E. The provisions of the Mandatory Financial
3 Responsibility Act requiring the deposit of evidence of
4 financial responsibility as provided in Section 66-5-218
5 NMSA 1978, subject to certain exemptions, may apply with
6 respect to persons who have been convicted of or forfeited bail
7 for certain offenses under motor vehicle laws or who have
8 failed to pay judgments or written settlement agreements upon
9 causes of action arising out of ownership, maintenance or use
10 of vehicles of a type subject to registration under the laws of
11 New Mexico.

12 ~~[E-]~~ F. Any person who violates the provisions of
13 this section is guilty of a misdemeanor as provided in Section
14 66-8-7 NMSA 1978.

15 ~~[F-]~~ G. A person charged with violating the
16 provisions of this section shall not be convicted if the person
17 produces, in court, evidence of financial responsibility valid
18 at the time of issuance of the citation."

19 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
20 provisions of this act is July 1, 2019.