

HOUSE BILL 144

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO COMMERCIAL DRIVER'S LICENSES; ALIGNING NEW MEXICO
COMMERCIAL DRIVER'S LICENSE REQUIREMENTS WITH FEDERAL LAW;
AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 66-1-4.12 NMSA 1978 (being Laws 1990,
Chapter 120, Section 13, as amended) is amended to read:

"66-1-4.12. DEFINITIONS.--As used in the Motor Vehicle

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Code:

A. "natural gas vehicle" means a vehicle operated by an engine that primarily uses natural gas;

B. "neighborhood electric car" means a four-wheeled electric motor vehicle that has a maximum speed of more than twenty miles per hour but less than twenty-five miles per hour and complies with the federal requirements specified in 49 CFR 571.500;

C. "nonrepairable vehicle" means a vehicle of a type otherwise subject to registration that:

(1) has no resale value except as a source of parts or scrap metal or that the owner irreversibly designates as a source of parts or scrap metal or for destruction;

(2) has been substantially stripped as a result of theft or is missing all of the bolts on sheet metal body panels, all of the doors and hatches, substantially all of the interior components and substantially all of the grill and light assemblies and has little or no resale value other than its worth as a source of a vehicle identification number that could be used illegally; or

(3) is a substantially burned vehicle that has burned to the extent that there are no more usable or repairable body or interior components, tires and wheels or drive train components or that the owner irreversibly designates for destruction or as having little or no resale

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value other than its worth as a source of scrap metal or as a source of a vehicle identification number that could be used illegally;

D. "nonrepairable vehicle certificate" means a vehicle ownership document conspicuously labeled "NONREPAIRABLE" issued to the owner of the nonrepairable vehicle;

E. "nonresident" or "non-domiciled" means every person who is not a resident of this state;

F. "nonresident commercial driver's instruction permit" or "non-domiciled commercial driver's instruction permit" means a commercial driver's instruction permit issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country;

~~[F-]~~ G. "nonresident commercial driver's license" or "non-domiciled commercial driver's license" means a commercial driver's license issued by another state to a person domiciled in that state or by a foreign country to a person domiciled in that country; and

~~[G-]~~ H. "nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by the nonresident of a motor vehicle, or the use of a motor vehicle owned by the nonresident, in this state."

SECTION 2. A new section of the New Mexico Commercial

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Driver's License Act is enacted to read:

"[NEW MATERIAL] NON-DOMICILED COMMERCIAL DRIVER'S LICENSE OR NON-DOMICILED COMMERCIAL DRIVER'S INSTRUCTION PERMIT BY A FOREIGN NATIONAL WITH LAWFUL STATUS.--

A. An application for a non-domiciled commercial driver's license or a non-domiciled commercial driver's instruction permit by a foreign national with lawful status for a REAL ID-compliant non-domiciled commercial driver's license or non-domiciled commercial driver's instruction permit shall contain the unique identifying number and expiration date, if applicable, of the foreign national's valid passport, valid visa, employment authorization card issued under the applicant's approved deferred action status or other arrival-departure record or document issued by the federal government that conveys lawful status. The division may issue to an eligible foreign national applicant a REAL ID-compliant non-domiciled commercial driver's license or non-domiciled commercial driver's instruction permit that is valid for a period not to exceed the duration of the applicant's lawful status; provided that if that date cannot be determined by the division and the applicant is not a legal permanent resident, the license or permit shall expire one year after the effective date of the license.

B. A non-domiciled commercial driver's license issued to a foreign national with lawful status shall contain

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the prominent statement:

(1) "Non-domiciled commercial driver's license"; or

(2) "Non-domiciled CDL".

C. A non-domiciled commercial driver's instruction permit issued to a foreign national with lawful status shall contain the prominent statement:

(1) "Non-domiciled commercial learner's permit"; or

(2) "Non-domiciled CLP".

D. The word "Non-domiciled" shall be conspicuously and unmistakably displayed but may be noncontiguous with the words or phrases "commercial driver's license", "CDL", "commercial learner's permit" or "CLP".

SECTION 3. Section 66-5-60 NMSA 1978 (being Laws 1989, Chapter 14, Section 9, as amended) is amended to read:

"66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--STANDARDS.--

A. The division shall not issue a commercial driver's license to a person unless that person can establish that New Mexico is the person's state of domicile and has passed a knowledge test and a skills test for driving a commercial motor vehicle and, for related endorsements, has passed a medical fitness test and has satisfied any other requirements of the New Mexico Commercial Driver's License Act.

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B. The division may authorize a person, including an agency of this or another state, an employer, a private driver-training facility or other private institution or a department, agency or instrumentality of local government to administer the skills test or knowledge test specified by this section; provided that the person being authorized has completed entry-level driver training as required by federal law.

C. A commercial driver's license applicant who does not pass the skills test or knowledge test may repeat the:

(1) knowledge test no more than twice a week;

and

(2) skills test no more than three times a

year.

D. If the department determines that a commercial driver's license applicant has committed an offense in taking a test specified in this section, the division shall not issue a commercial driver's license to that applicant within one year of the department's determination."

SECTION 4. Section 66-5-62 NMSA 1978 (being Laws 1989, Chapter 14, Section 11) is amended to read:

"66-5-62. COMMERCIAL DRIVER'S LICENSE--INSTRUCTION PERMIT--APPLICATION--DUPLICATE.--

A. A commercial driver's instruction permit may be issued to an individual who holds a valid driver's

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license.

B. The commercial driver's instruction permit may be issued for a period not to exceed [~~six months. Only one renewal or reissuance may be granted within a two-year period~~] one year; provided that a knowledge exam is passed prior to each issuance. The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven, who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle."

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

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

A. Except as provided in Subsections C and E of this section, a commercial driver's license issued pursuant to the provisions of the New Mexico Commercial Driver's License Act shall expire thirty days after the applicant's birthday in the fourth year after the effective date of the license.

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

C. At the option of an applicant, a commercial

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driver's license may be issued for a period of eight years, provided that the applicant:

- (1) pays the amount required for a commercial driver's license issued for a term of eight years;
- (2) otherwise qualifies for a four-year commercial driver's license; and
- (3) will not reach the age of [~~seventy-five~~] seventy-nine during the last four years of the eight-year license period.

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

E. A commercial driver's license with a hazardous material endorsement shall expire:

- (1) for an applicant transferring a commercial driver's license with the hazardous material endorsement, four years from the date of the last background check and testing for the hazardous material endorsement; or
- (2) for an applicant adding endorsements or other changes to the commercial driver's license, no later than the expiration date of the [~~commercial driver's license originally issued with the~~] hazardous material endorsement."

SECTION 6. Section 66-5-68 NMSA 1978 (being Laws 1989, Chapter 14, Section 17, as amended) is amended to read:

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"66-5-68. DISQUALIFICATION.--

A. The department shall disqualify a person from driving a commercial motor vehicle for at least thirty days if the federal motor carrier safety administration reports to the division that the person poses an imminent hazard.

B. The department shall disqualify a person who holds a commercial driver's license or who is required to hold a commercial driver's license or commercial driver's instruction permit from driving a commercial motor vehicle for a period of not less than one year, which shall run concurrently with any revocation or suspension action for the same offense, if the person:

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

(2) is twenty-one years of age or more and submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of eight one hundredths or more;

(3) submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of four one hundredths or more if the person is driving a commercial motor vehicle;

(4) is less than twenty-one years of age and submits to chemical testing pursuant to the Implied Consent

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Act and the test results indicate an alcohol concentration of two one hundredths or more; or

(5) is convicted of a violation of:

(a) driving a motor vehicle while under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978, an ordinance of a municipality of this state or the law of another state;

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

(c) using a motor vehicle in the commission of a felony;

(d) driving a commercial motor vehicle after the driver's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction

permit is revoked, suspended, disqualified or canceled for violations while operating a commercial motor vehicle; or

(e) causing a fatality in the unlawful operation of a motor vehicle pursuant to Section 66-8-101 NMSA 1978.

C. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than three years if any of the violations specified in

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Subsection B of this section occur while transporting a hazardous material required to be placarded.

D. The department shall disqualify a person from driving a commercial motor vehicle for life if convicted of two or more violations of any of the offenses specified in Subsection B of this section, or any combination of those offenses, arising from two or more separate incidents, but the secretary may issue rules establishing guidelines, including conditions, under which a disqualification for life under this subsection may be reduced to a period of not less than ten years. This subsection applies only to those offenses committed after July 1, 1989.

E. The department shall disqualify a person from driving a commercial motor vehicle for life if the person is convicted of using a motor vehicle in the commission of any felony involving the manufacture, distribution or dispensing of a controlled substance or involving an act or practice of severe forms of trafficking in persons, as defined in federal law.

F. The department shall disqualify a person from driving a commercial motor vehicle for a period of not less than sixty days if convicted of two serious traffic violations or one hundred twenty days if convicted of three serious traffic violations, if the violations were committed while driving a commercial motor vehicle, arising from

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separate incidents occurring within a three-year period.

G. The department shall disqualify a person from driving a commercial motor vehicle for a period of:

(1) not less than one hundred eighty days nor more than two years if the person is convicted of a first violation of an out-of-service order while transporting hazardous materials required to be placarded pursuant to the federal Hazardous Materials Transportation Act or while operating a motor vehicle designed to transport more than fifteen passengers, including the driver;

(2) not more than one year if the person is convicted of a first violation of an out-of-service order; or

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

H. The department shall disqualify a person from driving a commercial motor vehicle for sixty days if:

(1) the person has been convicted of two serious traffic violations in separate incidents within a three-year period; and

(2) the second conviction results in

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revocation, cancellation or suspension of the person's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit or noncommercial motor vehicle driving privileges for sixty days.

I. The department shall disqualify a person from driving a commercial motor vehicle for one hundred twenty days, in addition to any other period of disqualification, if:

(1) the person has been convicted of more than two serious traffic violations within a three-year period; and

(2) the third or a subsequent conviction results in the revocation, cancellation or suspension of the person's commercial driver's license, non-domiciled commercial driver's license, commercial driver's instruction permit or non-domiciled commercial driver's instruction permit or noncommercial motor vehicle driving privileges.

J. When a person is disqualified from driving a commercial motor vehicle, any commercial driver's license held by that person is invalidated without a separate proceeding of any kind and the driver is not eligible to apply for a commercial driver's license until the period of time for which the driver was disqualified has elapsed.

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K. The department shall disqualify a person from driving a commercial motor vehicle for not less than:

(1) sixty days if the person is convicted of a first violation of a railroad-highway grade crossing violation;

(2) one hundred twenty days if, during any three-year period, the person is convicted of a second railroad-highway grade crossing violation in a separate incident; and

(3) one year if, during any three-year period, the person is convicted of a third or subsequent railroad-highway grade crossing violation in a separate incident.

L. After disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall, within ten days, update its records to reflect that action. After disqualifying, suspending, revoking or canceling a ~~[nonresident]~~ non-domiciled commercial driver's privileges, the department shall, within ten days, notify the licensing authority of the state that issued the commercial driver's license.

M. When disqualifying, suspending, revoking or canceling a commercial driver's license, the department shall treat a conviction received in another state in the same manner as if it was received in this state.

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N. The department shall post and enforce any disqualification sent by the federal motor carrier safety administration to the department that indicates that a commercial motor vehicle driver poses an imminent hazard.

O. The federal transportation security administration of the department of homeland security shall provide for an appeal of a disqualification for a commercial driver's license hazardous materials endorsement on the basis of a background check, and the department shall provide to a hazardous materials applicant a copy of the procedures established by the transportation security administration, on request, at the time of application.

P. New Mexico shall conform to the federal transportation security administration of the department of homeland security rules and shall "look back" or review a maximum of seven years for a background check."

SECTION 7. REPEAL.--Section 66-5-65.1 NMSA 1978 (being Laws 2004, Chapter 59, Section 15) is repealed.

HTPWC→SECTION 8. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2023.←HTPWC