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HOUSE BILL 144

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

INTRODUCED BY

Angelica Rubio and Javier Martínez

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
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

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1 571.500;

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

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

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

14 (3) is a substantially burned vehicle that has
15 burned to the extent that there are no more usable or
16 repairable body or interior components, tires and wheels or
17 drive train components or that the owner irreversibly
18 designates for destruction or as having little or no resale
19 value other than its worth as a source of scrap metal or as a
20 source of a vehicle identification number that could be used
21 illegally;

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

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

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

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

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

18 SECTION 2. A new section of the New Mexico Commercial
19 Driver's License Act is enacted to read:

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

23 A. An application for a non-domiciled commercial
24 driver's license or a non-domiciled commercial driver's
25 instruction permit by a foreign national with lawful status

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

17 B. A non-domiciled commercial driver's license
18 issued to a foreign national with lawful status shall contain
19 the prominent statement:

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

22 (2) "Non-domiciled CDL".

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

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

3 (2) "Non-domiciled CLP".

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

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

10 "66-5-60. COMMERCIAL DRIVER'S LICENSE--QUALIFICATIONS--
11 STANDARDS.--

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

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

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1 law.

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

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

6 (2) skills test no more than three times a
7 year.

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

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

15 "66-5-62. COMMERCIAL DRIVER'S LICENSE--INSTRUCTION
16 PERMIT--APPLICATION--DUPLICATE.--

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

20 B. The commercial driver's instruction permit may
21 be issued for a period not to exceed [~~six months. Only one~~
22 ~~renewal or reissuance may be granted within a two-year~~
23 ~~period] one year; provided that a knowledge exam is passed
24 prior to each issuance. The holder of a commercial driver's
25 instruction permit may drive a commercial motor vehicle on a~~

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1 highway only when accompanied by the holder of a commercial
2 driver's license valid for the type of vehicle driven, who
3 occupies a seat beside the individual for the purpose of
4 giving instruction in driving the commercial motor vehicle."

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

7 "66-5-67. EXPIRATION AND RENEWAL--STAGGERED LICENSING
8 DURING IMPLEMENTATION PERIOD.--

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

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

18 C. At the option of an applicant, a commercial
19 driver's license may be issued for a period of eight years,
20 provided that the applicant:

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

23 (2) otherwise qualifies for a four-year
24 commercial driver's license; and

25 (3) will not reach the age of [~~seventy-five~~]

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1 seventy-nine during the last four years of the eight-year
2 license period.

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

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

9 (1) for an applicant transferring a
10 commercial driver's license with the hazardous material
11 endorsement, four years from the date of the last background
12 check and testing for the hazardous material endorsement; or

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

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

19 "66-5-68. DISQUALIFICATION.--

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

24 B. The department shall disqualify a person who
25 holds a commercial driver's license or who is required to

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1 hold a commercial driver's license or commercial driver's
2 instruction permit from driving a commercial motor vehicle
3 for a period of not less than one year, which shall run
4 concurrently with any revocation or suspension action for the
5 same offense, if the person:

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

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

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

17 (4) is less than twenty-one years of age and
18 submits to chemical testing pursuant to the Implied Consent
19 Act and the test results indicate an alcohol concentration of
20 two one hundredths or more; or

21 (5) is convicted of a violation of:

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

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

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

7 (d) driving a commercial motor vehicle
8 after the driver's commercial driver's license, non-domiciled
9 commercial driver's license, commercial driver's instruction
10 permit or non-domiciled commercial driver's instruction
11 permit is revoked, suspended, disqualified or canceled for
12 violations while operating a commercial motor vehicle; or

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

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

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

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

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

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

22 (1) not less than one hundred eighty days
23 nor more than two years if the person is convicted of a first
24 violation of an out-of-service order while transporting
25 hazardous materials required to be placarded pursuant to the

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1 federal Hazardous Materials Transportation Act or while
2 operating a motor vehicle designed to transport more than
3 fifteen passengers, including the driver;

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

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

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

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

18 (2) the second conviction results in
19 revocation, cancellation or suspension of the person's
20 commercial driver's license, non-domiciled commercial
21 driver's license, commercial driver's instruction permit or
22 non-domiciled commercial driver's instruction permit or
23 noncommercial motor vehicle driving privileges for sixty
24 days.

25 I. The department shall disqualify a person from

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1 driving a commercial motor vehicle for one hundred twenty
2 days, in addition to any other period of disqualification,
3 if:

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

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

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

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

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

24 (2) one hundred twenty days if, during any
25 three-year period, the person is convicted of a second

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1 railroad-highway grade crossing violation in a separate
2 incident; and

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

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

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

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

23 O. The federal transportation security
24 administration of the department of homeland security shall
25 provide for an appeal of a disqualification for a commercial

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1 driver's license hazardous materials endorsement on the basis
2 of a background check, and the department shall provide to a
3 hazardous materials applicant a copy of the procedures
4 established by the transportation security administration, on
5 request, at the time of application.

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

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