

HOUSE BILL 443

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Alan T. Martinez

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING A SECTION OF THE MOTOR  
VEHICLE CODE; PROHIBITING THE ISSUANCE OF A DRIVER'S LICENSE TO  
A PERSON WHOSE LICENSE HAS BEEN SUSPENDED, DENIED OR REVOKED  
WITHIN THE THREE YEARS PRIOR TO THE APPLICATION FOR A DRIVER'S  
LICENSE UNLESS THE PERSON PROVIDES EVIDENCE OF PERSONAL  
FINANCIAL RESPONSIBILITY; AMENDING A SECTION OF THE MANDATORY  
FINANCIAL RESPONSIBILITY ACT; PROVIDING A DEFINITION;  
RECONCILING CONFLICTING AMENDMENTS TO THE SAME SECTION OF LAW  
BY REPEALING LAWS 2017, CHAPTER 17, SECTION 1.

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

SECTION 1. Section 66-5-5 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 227, as amended by Laws 2017, Chapter 17,  
Section 1 and by Laws 2017, Chapter 79, Section 1) is amended  
to read:

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1 "66-5-5. PERSONS NOT TO BE LICENSED.--The division shall  
2 not issue a driver's license under the Motor Vehicle Code to  
3 any person:

4 A. who is under the age of eighteen years, except  
5 the division may, in its discretion, issue:

6 (1) an instruction permit to a person fifteen  
7 years of age or older who is enrolled in and attending or has  
8 completed a driver education course approved by the bureau that  
9 includes a DWI education and prevention component;

10 (2) a provisional license to a person fifteen  
11 years and six months of age or older:

12 (a) who has completed a driver education  
13 course approved by the bureau or offered by a public school  
14 that includes a DWI education and prevention component and has  
15 had an instruction permit for at least six months as provided  
16 in Section 66-5-8 NMSA 1978; and

17 (b) who has successfully completed a  
18 practice driving component;

19 (3) a driver's license to a person sixteen  
20 years and six months of age or older:

21 (a) who has had a provisional license  
22 for at least a twelve-month period immediately preceding the  
23 date of the application for the driver's license as provided in  
24 Section 66-5-9 NMSA 1978;

25 (b) who has complied with restrictions

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1 on that license; and

2 (c) who has not been adjudicated for an  
3 offense involving the use of alcohol or drugs during the  
4 twelve-month period immediately preceding the application for  
5 the driver's license and who has no pending adjudications  
6 alleging an offense involving the use of alcohol or drugs at  
7 the time of application; and

8 (4) to a person thirteen years of age or older  
9 who passes an examination prescribed by the division, a license  
10 restricted to the operation of a motorcycle; provided that:

11 (a) the motorcycle is not in excess of  
12 one hundred cubic centimeters displacement;

13 (b) no holder of an initial license may  
14 carry any other passenger while driving a motorcycle; and

15 (c) the director approves and certifies  
16 motorcycles as not in excess of one hundred cubic centimeters  
17 displacement and by rule provides for a method of  
18 identification of such motorcycles by all law enforcement  
19 officers;

20 B. whose license or driving privilege has been:

21 (1) suspended or denied during the period of  
22 suspension or denial; ~~[or to any person whose license has been]~~

23 (2) revoked, except as provided in Section  
24 66-5-32 NMSA 1978 and the Ignition Interlock Licensing Act; or

25 (3) suspended, denied or revoked within three

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1 years of the application for a driver's license and who does  
2 not provide evidence of personal financial responsibility  
3 pursuant to the Mandatory Financial Responsibility Act;

4 C. who is an habitual user of narcotic drugs or  
5 alcohol or an habitual user of any drug to a degree that  
6 renders the person incapable of safely driving a motor vehicle;

7 D. who is four or more times convicted of driving a  
8 motor vehicle while under the influence of intoxicating liquor  
9 or narcotic drug regardless of whether the convictions are  
10 under the laws or ordinances of this state or any municipality  
11 or county of this state or under the laws or ordinances of any  
12 other state, the District of Columbia or any governmental  
13 subdivision thereof, except as provided in the Ignition  
14 Interlock Licensing Act. Five years from the date of the  
15 fourth conviction and every five years thereafter, the person  
16 may apply to any district court of this state for restoration  
17 of the license, and the court, upon good cause being shown, may  
18 order restoration of the license applied for; provided that the  
19 person has not been subsequently convicted of driving a motor  
20 vehicle while under the influence of intoxicating liquor or  
21 drugs. Upon issuance of the order of restoration, a certified  
22 copy shall immediately be forwarded to the division, and if the  
23 person is otherwise qualified for the license applied for, the  
24 four previous convictions shall not prohibit issuance of the  
25 license;

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1           E. who was convicted on or after June 17, 2005 of  
2 driving a motor vehicle while under the influence of  
3 intoxicating liquor or drugs pursuant to the laws or ordinances  
4 of any other state or any governmental subdivision thereof,  
5 unless the person obtains an ignition interlock license as  
6 provided in the Ignition Interlock Licensing Act for a period  
7 of one year for a first conviction; a period of two years for a  
8 second conviction; a period of three years for a third  
9 conviction; or the remainder of the offender's life for a  
10 fourth or subsequent conviction, subject to a five-year review  
11 as provided in Subsection D of this section. Upon presentation  
12 of proof satisfactory to the division, the division may credit  
13 time spent by a person operating a motor vehicle with an  
14 ignition interlock or comparable device, as a condition of the  
15 person's sentence for a conviction in another jurisdiction,  
16 against the ignition interlock time requirements imposed by  
17 this subsection. The division shall promulgate rules necessary  
18 for granting credit to persons who participate in comparable  
19 out-of-state programs following a conviction for driving a  
20 motor vehicle while under the influence of intoxicating liquor  
21 or drugs. The requirements of this subsection shall not apply  
22 to a person who:

23                   (1) has only one conviction for driving a  
24 motor vehicle while under the influence of intoxicating liquor  
25 or drugs that did not result in great bodily harm or death, and

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1 that conviction is pursuant to the laws or ordinances of any  
2 other state or any governmental subdivision thereof and who  
3 presents proof satisfactory to the division that the person  
4 completed all conditions of the person's sentence for the  
5 conviction in the other jurisdiction, whether or not  
6 installation of an ignition interlock device was a condition of  
7 the sentence; provided, however, that at least twelve months  
8 have passed since the person's conviction; or

9 (2) applies for a driver's license ten years  
10 or more from the date of the person's last conviction, except  
11 for a person who is subject to lifetime driver's license  
12 revocation for a conviction in another jurisdiction pursuant to  
13 this subsection;

14 F. who has previously been afflicted with or who is  
15 suffering from any mental disability or disease that would  
16 render the person unable to drive a motor vehicle with safety  
17 upon the highways and who has not, at the time of application,  
18 been restored to health;

19 G. who is required by the Motor Vehicle Code to  
20 take an examination, unless the person has successfully passed  
21 the examination;

22 H. who is required under the laws of this state to  
23 deposit proof of financial responsibility and who has not  
24 deposited the proof;

25 I. when the director has good cause to believe that

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1 the operation of a motor vehicle on the highways by the person  
2 would be inimical to public safety or welfare; or

3 J. as a motorcycle driver who is less than eighteen  
4 years of age and who has not presented a certificate or other  
5 evidence of having successfully completed a motorcycle driver  
6 education program licensed or offered in conformance with rules  
7 of the bureau."

8 SECTION 2. Section 66-5-208 NMSA 1978 (being Laws 1978,  
9 Chapter 35, Section 282, as amended) is amended to read:

10 "66-5-208. EVIDENCE OF FINANCIAL RESPONSIBILITY--AMOUNTS  
11 AND CONDITIONS.--

12 A. "Evidence of financial responsibility", as used  
13 in the Mandatory Financial Responsibility Act, means [~~evidence~~  
14 ~~of the ability to respond in damages for liability, on account~~  
15 ~~of accidents occurring subsequent to the effective date of the~~  
16 ~~evidence, arising out of the ownership, maintenance or use of a~~  
17 ~~vehicle of a type subject to registration under the laws of New~~  
18 ~~Mexico~~] a filing with the department of a written certificate  
19 from an insurance carrier duly authorized to do business in New  
20 Mexico certifying that a motor vehicle liability insurance  
21 policy for the benefit of a person is in effect, in the  
22 following amounts:

23 [A.] (1) twenty-five thousand dollars  
24 (\$25,000) because of bodily injury to or death of one person in  
25 any one accident;

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1            [B-] (2) subject to this limit for one person,  
2 fifty thousand dollars (\$50,000) because of bodily injury to or  
3 death of two or more persons in any one accident;

4            [C-] (3) ten thousand dollars (\$10,000)  
5 because of injury to or destruction of property of others in  
6 any one accident; and

7            [D-] (4) if evidence is in the form of a  
8 surety bond or a cash deposit, the total amount shall be sixty  
9 thousand dollars (\$60,000).

10            B. "Evidence of personal financial responsibility"  
11 means a filing with the department of a written certificate  
12 from an insurance carrier duly authorized to do business in New  
13 Mexico certifying that a liability insurance policy for the  
14 benefit of a person is in effect that provides insurance in  
15 case of a motor vehicle accident when the person drives a  
16 vehicle, regardless of the vehicle the person operates, that is  
17 sufficient to meet the financial requirements of Subsection A  
18 of this section."

19            SECTION 3. REPEAL.--Laws 2017, Chapter 17, Section 1 is  
20 repealed.

21            SECTION 4. EFFECTIVE DATE.--The effective date of the  
22 provisions of this act is July 1, 2023.