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SENATE BILL

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO CREDENTIALS; ALLOWING THE TAXATION AND REVENUE DEPARTMENT TO ISSUE ELECTRONIC CREDENTIALS FOR DRIVER'S LICENSES AND IDENTIFICATION CARDS AND TO CREATE A VERIFICATION SYSTEM.

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

SECTION 1. Section 66-1-4.3 NMSA 1978 (being Laws 1990, Chapter 120, Section 4, as amended) is amended to read:

"66-1-4.3. DEFINITIONS.--As used in the Motor Vehicle Code:

A. "camping body" means a vehicle body primarily designed or converted for use as temporary living quarters for recreational, camping or travel activities excluding recreational vehicles unless used in commerce;

B. "camping trailer" means a camping body, mounted

1 on a chassis, or frame with wheels, designed to be drawn by  
2 another vehicle and that has collapsible partial side walls  
3 that fold for towing and unfold at the campsite;

4 C. "cancellation" means that a driver's license is  
5 annulled and terminated because of some error or defect or  
6 because the licensee is no longer entitled to the license, but  
7 cancellation of a license is without prejudice, and application  
8 for a new license may be made at any time after cancellation;

9 D. "casual sale" means the sale of a motor vehicle  
10 by the registered owner of the vehicle if the owner has not  
11 sold more than four vehicles in that calendar year;

12 E. "chassis" means the complete motor vehicle,  
13 including standard factory equipment, exclusive of the body and  
14 cab;

15 F. "collector" means a person who is the owner of  
16 one or more vehicles of historic or special interest who  
17 collects, purchases, acquires, trades or disposes of these  
18 vehicles or parts thereof for the person's own use in order to  
19 preserve, restore and maintain a similar vehicle for hobby  
20 purposes;

21 G. "combination" means any connected assemblage of  
22 a motor vehicle and one or more semitrailers, trailers or  
23 semitrailers converted to trailers by means of a converter  
24 gear;

25 H. "combination gross vehicle weight" means the sum  
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1 total of the gross vehicle weights of all units of a  
2 combination;

3 I. "commerce" means the transportation of persons,  
4 property or merchandise for hire, compensation, profit or in  
5 the furtherance of a commercial enterprise in this state or  
6 between New Mexico and a place outside New Mexico, including a  
7 place outside the United States;

8 J. "commercial motor vehicle" means a self-  
9 propelled or towed vehicle, other than special mobile  
10 equipment, used on public highways in commerce to transport  
11 passengers or property when the vehicle:

12 (1) is operated interstate and has a gross  
13 vehicle weight rating or gross combination weight rating, or  
14 gross vehicle weight or gross combination weight, of four  
15 thousand five hundred thirty-six kilograms, or ten thousand one  
16 pounds or more; or is operated only in intrastate commerce and  
17 has a gross vehicle weight rating or gross combination weight  
18 rating, or gross vehicle weight or gross combination weight, of  
19 twenty-six thousand one or more pounds;

20 (2) is designed or used to transport more than  
21 eight passengers, including the driver, and is used to  
22 transport passengers for compensation;

23 (3) is designed or used to transport sixteen  
24 or more passengers, including the driver, and is not used to  
25 transport passengers for compensation; or

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1 (4) is used to transport hazardous materials  
2 of the type or quantity requiring placarding under rules  
3 prescribed by applicable federal or state law;

4 K. "controlled-access highway" means every highway,  
5 street or roadway in respect to which owners or occupants of  
6 abutting lands and other persons have no legal right of access  
7 to or from the highway, street or roadway except at those  
8 points only and in the manner as may be determined by the  
9 public authority having jurisdiction over the highway, street  
10 or roadway;

11 L. "controlled substance" means any substance  
12 defined in Section 30-31-2 NMSA 1978 as a controlled substance;

13 M. "converter gear" means any assemblage of one or  
14 more axles with a fifth wheel mounted thereon, designed for use  
15 in a combination to support the front end of a semitrailer but  
16 not permanently attached thereto. A converter gear shall not  
17 be considered a vehicle, as that term is defined in Section  
18 66-1-4.19 NMSA 1978, but weight attributable thereto shall be  
19 included in declared gross weight;

20 N. "conviction":

21 (1) means:

22 (a) a finding of guilt in the trial  
23 court in regard to which the violator has waived or exhausted  
24 all rights to appeal;

25 (b) a plea of guilty or nolo contendere

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1 accepted by the court;

2 (c) an unvacated forfeiture of bail or  
3 collateral deposited to secure a person's appearance in court;  
4 or

5 (d) the promise to mail a payment on a  
6 penalty assessment; and

7 (2) does not include a conditional discharge  
8 as provided in Section 31-20-13 NMSA 1978 or a deferred  
9 sentence when the terms of the deferred sentence are met;

10 O. "credential holder" means the individual to whom  
11 an electronic credential is issued;

12 [~~Ø-~~] P. "crosswalk" means:

13 (1) that part of a roadway at an intersection  
14 included within the connections of the lateral lines of the  
15 sidewalks on opposite sides of the highway measured from the  
16 curbs or, in the absence of curbs, from the edges of the  
17 traversable roadway; and

18 (2) any portion of a roadway at an  
19 intersection or elsewhere distinctly indicated for pedestrian  
20 crossing by lines or other markings on the surface; and

21 [~~P-~~] Q. "curb cut" means a short ramp through a  
22 curb or built up to the curb."

23 SECTION 2. Section 66-1-4.4 NMSA 1978 (being Laws 1990,  
24 Chapter 120, Section 5, as amended) is amended to read:

25 "66-1-4.4. DEFINITIONS.--As used in the Motor Vehicle  
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1 Code:

2 A. "data field" means a discrete piece of  
3 information printed or otherwise appearing on a driver's  
4 license or identification card;

5 ~~[A.]~~ B. "day" means calendar day, unless otherwise  
6 provided in the Motor Vehicle Code;

7 ~~[B.]~~ C. "dealer", except as specifically excluded,  
8 means any person who sells or solicits or advertises the sale  
9 of new or used motor vehicles, manufactured homes or trailers  
10 subject to registration in this state; "dealer" does not  
11 include:

12 (1) receivers, trustees, administrators,  
13 executors, guardians or other persons appointed by or acting  
14 under judgment, decree or order of any court;

15 (2) public officers while performing their  
16 duties as such officers;

17 (3) persons making casual sales of their own  
18 vehicles;

19 (4) finance companies, banks and other lending  
20 institutions making sales of repossessed vehicles; or

21 (5) licensed brokers under the Manufactured  
22 Housing Act who, for a fee, commission or other valuable  
23 consideration, engage in brokerage activities related to the  
24 sale, exchange or lease purchase of pre-owned manufactured  
25 homes on a site installed for a consumer;

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1           ~~[G.]~~ D. "declared gross weight" means the maximum  
2 gross vehicle weight or gross combination vehicle weight at  
3 which a vehicle or combination will be operated during the  
4 registration period, as declared by the registrant for  
5 registration and fee purposes; the vehicle or combination shall  
6 have only one declared gross weight for all operating  
7 considerations;

8           ~~[D.]~~ E. "department" means the taxation and revenue  
9 department, the secretary of taxation and revenue or any  
10 employee of the department exercising authority lawfully  
11 delegated to that employee by the secretary;

12           ~~[E.]~~ F. "designated accessible parking space for  
13 persons with significant mobility limitation" means any space,  
14 including an access aisle, that is marked and reserved for the  
15 parking of a passenger vehicle that carries registration plates  
16 or a parking placard with the international symbol of access  
17 issued in accordance with Section 66-3-16 NMSA 1978 and that is  
18 designated by a conspicuously posted sign bearing the  
19 international symbol of access and, if the parking space is  
20 paved, by a clearly visible depiction of this symbol painted in  
21 blue on the pavement of the space;

22           ~~[F.]~~ G. "director" means the secretary;

23           ~~[G.]~~ H. "disqualification" means a prohibition  
24 against driving a commercial motor vehicle;

25           ~~[H.]~~ I. "distinguishing number" means the number

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1 assigned by the department to a vehicle whose identifying  
2 number has been destroyed or obliterated or the number assigned  
3 by the department to a vehicle that has never had an  
4 identifying number;

5 ~~[I.]~~ J. "distributor" means a person who  
6 distributes or sells new or used motor vehicles to dealers and  
7 who is not a manufacturer;

8 ~~[J.]~~ K. "division", without further specification,  
9 "division of motor vehicles" or "motor vehicle division" means  
10 the department;

11 ~~[K.]~~ L. "driveaway-towaway operation" means an  
12 operation in which any motor vehicle, new or used, is the item  
13 being transported when one set or more of wheels of any such  
14 motor vehicle is on the roadway during the course of  
15 transportation, whether or not the motor vehicle furnishes the  
16 motive power;

17 ~~[L.]~~ M. "driver" means every person who drives or  
18 is in actual physical control of a motor vehicle, including a  
19 motorcycle, upon a highway, who is exercising control over or  
20 steering a vehicle being towed by a motor vehicle or who  
21 operates or is in actual physical control of an off-highway  
22 motor vehicle;

23 ~~[M.]~~ N. "driver-assisted platoon" means a series of  
24 motor vehicles platooning with a driver in each vehicle;

25 ~~[N.]~~ O. "driver's license" means any license,

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1 permit or driving authorization card issued by a state or other  
2 jurisdiction recognized under the laws of New Mexico pertaining  
3 to the authorizing of persons to operate motor vehicles and  
4 includes a REAL ID-compliant driver's license and a standard  
5 driver's license; and

6 ~~[0-]~~ P. "dynamic driving task" means all of the  
7 real-time operational and tactical functions required to  
8 operate a vehicle in on-road traffic, excluding the strategic  
9 functions such as trip scheduling and selection of destinations  
10 and waypoints."

11 SECTION 3. Section 66-1-4.5 NMSA 1978 (being Laws 1990,  
12 Chapter 120, Section 6, as amended) is amended to read:

13 "66-1-4.5. DEFINITIONS.--As used in the Motor Vehicle  
14 Code:

15 A. "electric-assisted bicycle" means a vehicle  
16 having two or three wheels, fully operable pedals and an  
17 electric motor. Electric-assisted bicycles are classified as  
18 follows:

19 (1) "class 1 electric-assisted bicycle" means  
20 an electric-assisted bicycle equipped with a motor not  
21 exceeding seven hundred fifty watts of power that provides  
22 assistance only when the rider is pedaling and that ceases to  
23 provide assistance when the bicycle reaches a speed of twenty  
24 miles per hour;

25 (2) "class 2 electric-assisted bicycle" means

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1 an electric-assisted bicycle equipped with a motor not  
2 exceeding seven hundred fifty watts of power that provides  
3 assistance regardless of whether the rider is pedaling but  
4 ceases to provide assistance when the bicycle reaches a speed  
5 of twenty miles per hour; and

6 (3) "class 3 electric-assisted bicycle" means  
7 an electric-assisted bicycle equipped with a motor not  
8 exceeding seven hundred fifty watts of power that provides  
9 assistance only when the rider is pedaling and that ceases to  
10 provide assistance when the bicycle reaches a speed of twenty-  
11 eight miles per hour;

12 B. "electric mobility device" means a two- or  
13 three-wheel vehicle with an electric motor for propulsion that  
14 does not meet the definition of an electric-assisted bicycle  
15 and is capable of exceeding a speed of twenty miles per hour on  
16 motor power alone;

17 C. "electric personal assistive mobility device"  
18 means a self-balancing device having two nontandem wheels  
19 designed to transport a single person by means of an electric  
20 propulsion system with an average power of one horsepower and  
21 with a maximum speed on a paved level surface of less than  
22 twenty miles per hour when powered solely by its propulsion  
23 system and while being ridden by an operator who weighs one  
24 hundred seventy pounds;

25 D. "electronic credential" means an electronic

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1 representation of a driver's license, identification card or  
2 data field that is capable of being electronically accessed and  
3 maintained by the department;

4 ~~[D-]~~ E. "essential parts" means all integral and  
5 body parts of a vehicle of a type required to be registered by  
6 the provisions of the Motor Vehicle Code, the removal,  
7 alteration or substitution of which would tend to conceal the  
8 identity of the vehicle or substantially alter its appearance,  
9 model, type or mode of operation;

10 ~~[E-]~~ F. "established place of business", for a  
11 dealer or auto recycler, means a place:

12 (1) devoted exclusively to the business for  
13 which the dealer or auto recycler is licensed and related  
14 business;

15 (2) identified by a prominently displayed sign  
16 giving the dealer's or auto recycler's trade name used by the  
17 business;

18 (3) of sufficient size or space to permit the  
19 display of one or more vehicles or to permit the parking or  
20 storing of vehicles to be dismantled or wrecked for recycling;

21 (4) on which there is located an enclosed  
22 building on a permanent foundation, which building meets the  
23 building requirements of the community and is large enough to  
24 accommodate the office or offices of the dealer or auto  
25 recycler and large enough to provide a safe place to keep the

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1 books and records of the dealer or auto recycler;

2 (5) where the principal portion of the  
3 business of the dealer or auto recycler is conducted and where  
4 the books and records of the business are kept and maintained;  
5 and

6 (6) where vehicle sales are of new vehicles  
7 only, such as a department store or a franchisee of a  
8 department store, as long as the department store or franchisee  
9 keeps the books and records of its vehicle business in a  
10 general office location at its place of business; as used in  
11 this paragraph, "department store" means a business that offers  
12 a variety of merchandise other than vehicles, and sales of the  
13 merchandise other than vehicles constitute at least eighty  
14 percent of the gross sales of the business; and

15 ~~[F.]~~ G. "explosives" means any chemical compound or  
16 mechanical mixture that is commonly used or intended for the  
17 purpose of producing an explosion and that contains any  
18 oxidizing and combustive units or other ingredients in such  
19 proportions, quantities or packing that an ignition by fire,  
20 friction, concussion, percussion or detonator of any part of  
21 the compound or mixture may cause such a sudden generation of  
22 highly heated gases that the resultant gaseous pressures are  
23 capable of producing destructive effects on contiguous objects  
24 or of destroying life or limb."

25 SECTION 4. Section 66-1-4.6 NMSA 1978 (being Laws 1990,  
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1 Chapter 120, Section 7, as amended) is amended to read:

2 "66-1-4.6. DEFINITIONS.--As used in the Motor Vehicle  
3 Code:

4 A. "farm tractor" means every motor vehicle  
5 designed and used primarily as a farm implement for drawing  
6 plows, mowing machines and other implements of husbandry;

7 B. "financial responsibility" means the ability to  
8 respond in damages for liability resulting from traffic  
9 accidents arising out of the ownership, maintenance or use of a  
10 motor vehicle of a type subject to registration under the laws  
11 of New Mexico, in amounts not less than specified in the  
12 Mandatory Financial Responsibility Act or having in effect a  
13 motor vehicle insurance policy. "Financial responsibility"  
14 includes a motor vehicle insurance policy, a surety bond or  
15 evidence of a sufficient cash deposit with the state treasurer;

16 C. "first offender" means a person who for the  
17 first time under state or federal law or a municipal ordinance  
18 or a tribal law has been adjudicated guilty of the charge of  
19 driving a motor vehicle while under the influence of  
20 intoxicating liquor or any other drug that renders the person  
21 incapable of safely driving a motor vehicle, regardless of  
22 whether the person's sentence was suspended or deferred;

23 D. "flammable liquid" means any liquid that has a  
24 flash point of seventy degrees Fahrenheit or less, as  
25 determined by a tagliabue or equivalent closed-cup test device;

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1 E. "foreign jurisdiction" means any jurisdiction  
2 other than a state of the United States or the District of  
3 Columbia;

4 F. "foreign vehicle" means every vehicle of a type  
5 required to be registered under the provisions of the Motor  
6 Vehicle Code brought into this state from another state,  
7 territory or country; [~~and~~]

8 G. "freight trailer" means any trailer, semitrailer  
9 or pole trailer drawn by a truck tractor or road tractor, and  
10 any trailer, semitrailer or pole trailer drawn by a truck that  
11 has a gross vehicle weight of more than twenty-six thousand  
12 pounds, but "freight trailer" does not include manufactured  
13 homes, trailers of less than one-ton carrying capacity used to  
14 transport animals or fertilizer trailers of less than three  
15 thousand five hundred pounds empty weight; and

16 H. "full profile" means all of the information  
17 provided on a driver's license or identification card."

18 SECTION 5. Section 66-1-4.10 NMSA 1978 (being Laws 1990,  
19 Chapter 120, Section 11, as amended) is amended to read:

20 "66-1-4.10. DEFINITIONS.--As used in the Motor Vehicle  
21 Code:

22 A. "laned roadway" means a roadway that is divided  
23 into two or more clearly marked lanes for vehicular traffic;

24 B. "law enforcement agency designated by the  
25 division" means the law enforcement agency indicated on the

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1 dismantler's notification form as the appropriate agency for  
2 the receipt of the appropriate copy of that form;

3 C. "lawful status" means the legal right to be  
4 present in the United States, as that phrase is used in the  
5 federal REAL ID Act of 2005;

6 D. "license", without modification, means any  
7 license, permit or driving authorization card issued by a state  
8 or other jurisdiction recognized under the laws of New Mexico  
9 pertaining to the authorizing of persons to operate motor  
10 vehicles and includes a REAL ID-compliant driver's license and  
11 a standard driver's license;

12 E. "lien" or "encumbrance" means every chattel  
13 mortgage, conditional sales contract, lease, purchase lease,  
14 sales lease, contract, security interest under the Uniform  
15 Commercial Code or other instrument in writing having the  
16 effect of a mortgage or lien or encumbrance upon, or intended  
17 to hold, the title to any vehicle in the former owner,  
18 possessor or grantor; ~~and~~

19 F. "limited profile" means a portion of the  
20 information provided on a driver's license or identification  
21 card; and

22 ~~[F.]~~ G. "local authorities" means every county,  
23 municipality and any local board or body having authority to  
24 enact laws relating to traffic under the constitution and laws  
25 of this state."

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1           SECTION 6. Section 66-5-16 NMSA 1978 (being Laws 1978,  
2 Chapter 35, Section 238, as amended) is amended to read:

3           "66-5-16. PHYSICAL LICENSE TO BE CARRIED AND EXHIBITED ON  
4 DEMAND.--Every licensee shall have the licensee's driver's  
5 license in its physical form in the licensee's immediate  
6 possession at all times when operating a motor vehicle and  
7 shall display the license in its physical form upon demand of a  
8 magistrate, a peace officer or a field deputy or inspector of  
9 the division. A person who violates the provisions of this  
10 section is guilty of a penalty assessment misdemeanor; however,  
11 a person charged with violating this section shall not be  
12 convicted if the person produces in court a driver's license in  
13 its physical form issued to the person and valid at the time of  
14 the person's citation."

15           SECTION 7. A new section of Chapter 66, Article 5 NMSA  
16 1978 is enacted to read:

17           "[NEW MATERIAL] ELECTRONIC CREDENTIALS--DESIGN AND  
18 ISSUANCE--VALIDITY--VERIFICATION.--

19           A. The department may issue an electronic  
20 credential to an individual in addition to a physical driver's  
21 license card or a physical identification card if the  
22 department has issued to the individual a physical driver's  
23 license card or a physical identification card. An electronic  
24 credential shall:

25                           (1) be issued via download from a state-

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1 approved application;

2 (2) be capable of producing a full profile and  
3 limited profile;

4 (3) be designed in a way to allow the  
5 credential holder to maintain physical possession of the device  
6 on which the electronic credential is accessed during  
7 verification; and

8 (4) satisfy the purpose for which the profile  
9 is being presented.

10 B. A digital copy, photograph or image of an  
11 electronic credential that is not downloaded through a state-  
12 approved application shall not be considered a valid electronic  
13 credential or data field.

14 C. The department may create and operate a  
15 verification system for electronic credentials.

16 D. The department may charge a fee for issuance of  
17 an electronic credential or for use of a verification system.

18 E. Access to the verification system or a data  
19 field of an electronic credential by a person presented with an  
20 electronic credential shall require the credential holder's  
21 consent. If this consent is granted, the department may  
22 release through the verification system:

23 (1) for a full profile, all data fields that  
24 appear on the physical credential that correspond with the  
25 electronic credential that is being verified; and

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1 (2) for a limited profile, only the data  
2 fields represented in the limited profile for the physical  
3 credential that corresponds with the electronic credential that  
4 is being verified.

5 F. A third party may administer on behalf of the  
6 department any system developed to facilitate the issuance,  
7 verification or use of electronic credentials.

8 G. The department may enter into agreements with an  
9 agency of the state, another state or the United States to  
10 facilitate the issuance, use and verification of electronic  
11 credentials issued by the department or another state.

12 H. The department shall adopt rules it deems  
13 necessary or appropriate to implement the provisions of this  
14 section."