

Veto

HOUSE BILL 63

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY

V. H. Hiley
Ben Lujan
Fred Luna
Donald L. Matley

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING FOR SUSPENSION OF A DRIVER'S LICENSE FOR FAILURE TO PAY DAMAGES OWED FROM AN ACCIDENT DUE TO THE LICENSEE'S FAULT; AMENDING CERTAIN SECTIONS OF THE NMSA 1978.

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

Section 1. Section 66-5-28 NMSA 1978 (being Laws 1978, Chapter 35, Section 250, as amended) is amended to read:

"66-5-28. COURT TO FORWARD LICENSE TO DIVISION--
DEFINITIONS OF "CONVICTED", [~~AND~~] "CONVICTION" AND "GUILT".--

A. Whenever any person is convicted of any offense for which the Motor Vehicle Code or the New Mexico Commercial Driver's License Act requires mandatory revocation of the driver's license of that person by the division, the court in which the conviction is had shall require the surrender to it

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1 of the driver's license or commercial driver's license then
2 held by the person so convicted, and the court shall forward
3 the driver's license or commercial driver's license to the
4 division, together with the abstract of the conviction.

5 B. For the purposes of Subsection A of this
6 section, Paragraph (11) of Subsection A of Section 66-5-30
7 NMSA 1978 and Sections 66-5-29, 66-8-102 and 66-8-117 NMSA
8 1978, the terms "conviction", [~~and~~] "convicted" and "guilt"
9 mean that the alleged violator has entered a plea of guilty or
10 nolo contendere or been found guilty in the trial court and
11 has waived or exhausted all of his rights to an appeal. For
12 the purposes of any other provisions of the Motor Vehicle
13 Code, the terms "conviction" and "convicted" mean a final
14 conviction in the trial court. For the purposes of the Motor
15 Vehicle Code, a forfeiture of bail or collateral deposited to
16 secure a defendant's appearance in court or promise to mail
17 payment on a penalty assessment when unvacated is equivalent
18 to a conviction."

19 Section 2. Section 66-5-30 NMSA 1978 (being Laws 1978,
20 Chapter 35, Section 252, as amended) is amended to read:

21 "66-5-30. AUTHORITY OF DIVISION TO SUSPEND OR REVOKE
22 LICENSE.--

23 A. The division is authorized to suspend the
24 license of a driver without preliminary hearing upon a showing
25 by its records or other sufficient evidence that the licensee:

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1 (1) has been convicted of an offense for
2 which mandatory revocation of license is required upon
3 conviction;

4 (2) has been convicted as a driver in any
5 accident resulting in the death or personal injury of another
6 or serious property damage;

7 (3) has been convicted with such frequency of
8 offenses against traffic laws or regulations governing motor
9 vehicles as to indicate a disrespect for traffic laws and a
10 disregard for the safety of other persons on the highways;

11 (4) is an habitually reckless or negligent
12 driver of a motor vehicle;

13 (5) is incompetent to drive a motor vehicle;

14 (6) has permitted an unlawful or fraudulent
15 use of the license;

16 (7) has been convicted of an offense in
17 another state [~~which~~] that if committed in this state would be
18 grounds for suspension or revocation;

19 (8) has violated provisions stipulated by a
20 district court in limitation of certain driving privileges;

21 (9) has failed to fulfill a signed promise to
22 appear or notice to appear in court as evidenced by notice
23 from a court, whenever appearance is required by law or by the
24 court as a consequence of any charge or conviction under the
25 Motor Vehicle Code;

1 (10) has failed to pay a penalty assessment
2 within thirty days of the date of issuance; [~~or~~]

3 (11) has failed to pay damages owed as the
4 result of a motor vehicle accident that was the licensee's
5 fault, provided the licensee's fault has been determined by a
6 court order or conviction; or

7 [~~(11)~~] (12) has accumulated seven points, but
8 less than eleven points, and [~~when~~] the division has received
9 a recommendation from a municipal or magistrate judge that the
10 [~~licensee~~] license be suspended for a period not to exceed
11 three months.

12 B. Upon suspending the license of any person as
13 authorized in this section, the division shall immediately
14 notify the licensee in writing and upon his request shall
15 afford him an opportunity for a hearing as early as
16 practicable within and not to exceed twenty days, not counting
17 Saturdays, Sundays and legal holidays, after receipt of the
18 request in the county wherein the licensee resides unless the
19 division and the licensee agree that the hearing may be held
20 in some other county; provided that the hearing request is
21 received within twenty days from the date that the suspension
22 was deposited in the United States mail. The director may, in
23 his discretion, extend the twenty-day period. Upon the
24 hearing, the director or his duly authorized agent may
25 administer oaths and may issue subpoenas for the attendance of

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1 witnesses and the production of relevant books and papers and
2 may require a reexamination of the licensee. Upon the
3 hearing, the division shall either rescind its order of
4 suspension or, good cause appearing therefor, may continue,
5 modify or extend the suspension of the license or revoke the
6 license."

7 Section 3. Section 66-5-32 NMSA 1978 (being Laws 1978,
8 Chapter 35, Section 254, as amended) is amended to read:

9 "66-5-32. PERIOD OF SUSPENSION OR REVOCATION.--

10 A. The division shall not suspend a driver's
11 license or privilege to drive a motor vehicle on the public
12 highways for a period of more than one year except as
13 permitted under Subsection C of this section and Sections
14 66-5-5 and 66-5-39 NMSA 1978.

15 B. Any person whose license or privilege to drive a
16 motor vehicle on the public highways has been revoked shall
17 not be entitled to have the license or privilege renewed or
18 restored unless the revocation was for a cause that has been
19 removed, except that after the expiration of the period
20 specified in Subsection B of Section 66-5-29 NMSA 1978 from
21 the date on which the revoked license was surrendered to and
22 received by the division, the person may make application for
23 a new license as provided by law.

24 C. The suspension period for failure to appear or
25 failure to remit the penalty assessment shall, at the

1 discretion of the director, be extended indefinitely subject
 2 to the provisions of Subsection B of Section 66-5-30 NMSA
 3 1978. The suspension period for the failure to pay damages
 4 owed as the result of a motor vehicle accident that was the
 5 licensee's fault, as provided in Paragraph (11) of Subsection
 6 A of Section 66-5-30 NMSA 1978, shall extend until the damages
 7 owed are paid in full."

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
FIRST SESSION, 1995

February 6, 1995

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
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has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, strike lines 17 through 25 and on page 2, strike lines 1 through 18.
2. Renumber the succeeding sections accordingly.
3. On page 4, line 6, strike "court order or conviction" and insert in lieu thereof "certified copy of a judgment as defined in Section 66-5-209 NMSA 1978".
4. On page 6, lines 6 and 7, strike "damages owed are paid in full" and insert in lieu thereof "enforceable judgment on which the suspension was based is satisfied".

Respectfully submitted,

Adopted *[Signature]* Not Adopted *R. David Pederson*
(Chief Clerk) Cisco McSorley, Chairman
R. David Pederson, Vice Chairman

Date 2/7/95

The roll call vote was 7 For 0 Against
Yes: 7
Excused: Luna, Sanchez, RG
Absent: Baca, Gubbels, King, Larranaga