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HOUSE BILL 182

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING THE TIME THAT CONVICTIONS ARE KEPT ON RECORD FOR HOLDERS OF COMMERCIAL DRIVER'S LICENSES TO BE DOUBLE THE TIME REQUIRED FOR OTHER DRIVER'S LICENSE HOLDERS.

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

SECTION 1. Section 66-8-135 NMSA 1978 (being Laws 1978, Chapter 35, Section 543, as amended) is amended to read:

"66-8-135. RECORD OF TRAFFIC CASES.--

A. Every trial court judge shall keep a record of every traffic complaint, uniform traffic citation and other form of traffic charge filed in the judge's court or its traffic violations bureau and every official action and disposition of the charge by that court.

B. The court shall notify the department if a

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1 defendant fails to appear on a charge of violating the Motor
2 Vehicle Code or other law or ordinance relating to motor
3 vehicles.

4 C. Within ten days of the later of entry of a final
5 disposition on a conviction for violation of the Motor Vehicle
6 Code or other law or ordinance relating to motor vehicles or
7 the final decision of any higher court that reviews the matter
8 and from which no appeal or review is successfully taken, every
9 trial court judge, including children's court judges, or the
10 clerk of the court in which the entry of the final disposition
11 occurred shall prepare and forward to the department an
12 abstract of the record containing:

- 13 (1) the name and address of the defendant;
- 14 (2) the specific section number and common
15 name of the provision of the NMSA 1978 or local law, ordinance
16 or regulation under which the defendant was tried;
- 17 (3) the plea, finding of the court and
18 disposition of the charge, including a fine or jail sentence or
19 both;
- 20 (4) total costs assessed to the defendant;
- 21 (5) the date of the hearing;
- 22 (6) the court's name and address;
- 23 (7) whether the defendant was a first or
24 subsequent offender; and
- 25 (8) whether the defendant was represented by

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1 counsel or waived the right to counsel and, if represented, the
2 name and address of counsel.

3 D. The abstract of record prepared and forwarded
4 under Subsection C of this section shall be certified as
5 correct by the person required to prepare it. With the prior
6 approval of the department, the information required by
7 Subsection C of this section may be transmitted electronically
8 to the department. A report need not be made of any
9 disposition of a charge of illegal parking or standing of a
10 vehicle except when the uniform traffic citation is used.

11 E. When the uniform traffic citation is used, the
12 court shall provide the information required by Subsection C of
13 this section in the manner prescribed by the department.

14 F. Every court of record shall also forward a like
15 report to the department upon conviction of any person of any
16 felony if a motor vehicle was used in the commission. With the
17 prior approval of the department, the information required by
18 this subsection may be submitted electronically to the
19 department. The report shall be forwarded to the department
20 within ten days of the final decision of the court or of any
21 higher court that reviews the matter and from which the
22 decision of no appeal or review is successfully taken.

23 G. The willful failure or refusal of any judicial
24 officer to comply with this section is misconduct in office and
25 grounds for removal.

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1 H. Except as set forth in Subsection I of this
2 section for records of a person holding a commercial driver's
3 license, the department shall keep records received on
4 motorists licensed in this state at its main office. Records
5 showing a record of conviction by a court of law shall be open
6 to public inspection during business hours for three years from
7 the date of their receipt, after which they shall be destroyed
8 by the department, except for records of convictions under
9 Sections 66-8-101 through 66-8-112 NMSA 1978, which may not be
10 destroyed until fifty-five years from the date of their
11 receipt. Any record received on a motorist licensed in another
12 state or country shall be forwarded to the licensing authority
13 of that state or country.

14 I. The department shall keep records received on a
15 person holding a commercial driver's license or an individual
16 driving a commercial motor vehicle who was required to have a
17 commercial driver's license but was driving a commercial motor
18 vehicle without the appropriate license in its main office.
19 Records showing a record of conviction by a court of law shall
20 be open to public inspection during business hours for [~~fifty-~~
21 ~~five years~~] six years from the date of their receipt, except
22 for a record of conviction required to be retained for a longer
23 period under federal law, which shall be retained as provided
24 in federal law, or a record of conviction under Sections
25 66-8-101 through 66-8-112, which shall be retained for fifty-

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1 five years from the date of receipt. After the department has
2 held a record of a conviction for the time period required
3 under this subsection, that record shall be destroyed. Any
4 record received on a person holding a commercial driver's
5 license licensed in another state or country shall be forwarded
6 to the licensing authority of that state or country."

7 SECTION 2. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2018.

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