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SENATE BILL 269

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO DRIVER'S LICENSES; RAISING THE AGE FOR MANDATORY RENEWALS OF DRIVER'S LICENSES; CHANGING THE TIME PERIOD FOR REQUIRED RENEWALS OF CERTAIN DRIVER'S LICENSES; INCREASING THE AGE AT WHICH DRIVER'S LICENSE RENEWALS ARE FREE OF CHARGE; INCREASING THE AGE AT WHICH IDENTIFICATION CARD ISSUANCE IS FREE OF CHARGE.

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

**SECTION 1.** Section 66-5-19 NMSA 1978 (being Laws 1978, Chapter 35, Section 241, as amended) is amended to read:

"66-5-19. RESTRICTED LICENSES.--

A. The division, upon issuing a driver's license or a provisional license, has authority, whenever good cause appears, to impose restrictions, including the shortening of the licensure period suitable to the licensee's driving ability

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1 with respect to the type of or special mechanical control  
2 devices required on a motor vehicle that the licensee may  
3 operate or such other restrictions applicable to the licensee  
4 as the division determines to be appropriate to ensure the safe  
5 operation of a motor vehicle by the licensee.

6 B. At age [~~seventy-five~~] seventy-nine and  
7 thereafter, the applicant shall renew the applicant's license  
8 on a [~~yearly~~] biennial basis at no cost to the applicant.

9 C. The division may either issue a special  
10 restricted license or may set forth such restrictions upon the  
11 usual license form.

12 D. The division may issue a restricted license or a  
13 restricted provisional license for driving during daylight  
14 hours only to some visually impaired persons who fail the usual  
15 eyesight test. The health standards advisory board created  
16 pursuant to the provisions of Section 66-5-6 NMSA 1978 shall  
17 evaluate the extent of the visual impairment and [~~its~~] the  
18 impairment's effect on the driving ability of the applicant  
19 and, based on [~~its~~] the board's recommendations, the director  
20 may issue a restricted license under the following conditions:

21 (1) the applicant has no record of moving  
22 violations;

23 (2) the necessity of the license is shown to  
24 the satisfaction of the director; and

25 (3) the applicant satisfies the provisions of

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1 Section 66-5-206 NMSA 1978 relating to proof of financial  
2 responsibility.

3 E. The division may, upon receiving satisfactory  
4 evidence of any violation of the restrictions of the license,  
5 suspend the license, but the licensee is entitled to a hearing  
6 as upon a suspension under Sections [~~66-5-1~~] 66-5-1.1 through  
7 66-5-47 NMSA 1978.

8 F. It is a misdemeanor for any person to operate a  
9 motor vehicle in any manner in violation of the restrictions  
10 imposed in a restricted license issued to the person."

11 SECTION 2. Section 66-5-21 NMSA 1978 (being Laws 1978,  
12 Chapter 35, Section 243, as amended by Laws 2010, Chapter 42,  
13 Section 2 and by Laws 2010, Chapter 70, Section 2) is amended  
14 to read:

15 "66-5-21. EXPIRATION OF LICENSE--FOUR-YEAR ISSUANCE  
16 PERIOD--EIGHT-YEAR ISSUANCE PERIOD--RENEWAL.--

17 A. Except as provided in Subsection B or D of this  
18 section, Section 66-5-19 NMSA 1978 and Section 66-5-67 NMSA  
19 1978, all driver's licenses shall be issued for a period of  
20 four years, and each license shall expire thirty days after the  
21 applicant's birthday in the fourth year after the effective  
22 date of the license or shall expire thirty days after the  
23 applicant's [~~seventy-fifth~~] seventy-ninth birthday. A license  
24 issued pursuant to Section 66-5-19 NMSA 1978 shall expire  
25 thirty days after the applicant's birthday in the year in which

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1 the license expires. Each license is renewable within ninety  
2 days prior to its expiration or at an earlier date approved by  
3 the department. The fee for the license shall be as provided  
4 in Section 66-5-44 NMSA 1978. The department may provide for  
5 renewal by mail or telephonic or electronic means of a driver's  
6 license issued pursuant to the provisions of this subsection,  
7 pursuant to regulations adopted by the department that ensure  
8 adequate security measures to safeguard personal information  
9 that is obtained in the issuance of a driver's license. The  
10 department may require an examination upon renewal of the  
11 driver's license.

12 B. At the option of an applicant, a driver's  
13 license may be issued for a period of eight years, provided  
14 that the applicant:

15 (1) pays the amount required for a driver's  
16 license issued for a term of eight years;

17 (2) otherwise qualifies for a four-year  
18 driver's license; and

19 (3) will not reach the age of [~~seventy-five~~]  
20 seventy-nine during the last four years of the eight-year  
21 license period or reach the age of twenty-one during any year  
22 within the term of the license.

23 C. A driver's license issued pursuant to the  
24 provisions of Subsection B of this section shall expire thirty  
25 days after the applicant's birthday in the eighth year after

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1 the effective date of the license.

2 D. A driver's license issued prior to an  
3 applicant's twenty-first birthday shall expire thirty days  
4 after the applicant's twenty-first birthday. A driver's  
5 license issued prior to an applicant's twenty-first birthday  
6 may be issued for a period of up to five years.

7 E. The director may adopt regulations providing for  
8 the proration of driver's license fees and commercial driver's  
9 license fees due to shortened licensure periods permitted  
10 pursuant to Subsection A of Section 66-5-19 NMSA 1978 or for  
11 licensure periods authorized pursuant to the provisions of this  
12 section."

13 SECTION 3. Section 66-5-67 NMSA 1978 (being Laws 1989,  
14 Chapter 14, Section 16, as amended) is amended to read:

15 "66-5-67. EXPIRATION AND RENEWAL--STAGGERED LICENSING  
16 DURING IMPLEMENTATION PERIOD.--

17 A. Except as provided in Subsections C and E of  
18 this section, a commercial driver's license issued pursuant to  
19 the provisions of the New Mexico Commercial Driver's License  
20 Act shall expire thirty days after the applicant's birthday in  
21 the fourth year after the effective date of the license.

22 B. The license is renewable within ninety days  
23 prior to its expiration or at an earlier date as approved by  
24 the secretary.

25 C. At the option of an applicant, a commercial

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1 driver's license may be issued for a period of eight years,  
2 provided that the applicant:

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

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

7 (3) will not reach the age of [~~seventy-five~~]  
8 seventy-nine during the last four years of the eight-year  
9 license period.

10 D. A driver's license issued pursuant to the  
11 provisions of Subsection C of this section shall expire thirty  
12 days after the applicant's birthday in the eighth year after  
13 the effective date of the license.

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

16 (1) for an applicant transferring a commercial  
17 driver's license with the hazardous material endorsement, four  
18 years from the date of the last background check and testing  
19 for the hazardous material endorsement; or

20 (2) for an applicant adding endorsements or  
21 other changes to the commercial driver's license, no later than  
22 the expiration date of the commercial driver's license  
23 originally issued with the hazardous material endorsement."

24 SECTION 4. Section 66-5-408 NMSA 1978 (being Laws 1978,  
25 Chapter 35, Section 335, as amended) is amended to read:

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1 "66-5-408. FEES.--

2 A. Upon application for an identification card with  
3 a four-year term, there shall be paid to the department a fee  
4 of five dollars (\$5.00). Upon application for an  
5 identification card with an eight-year term, there shall be  
6 paid to the department a fee of ten dollars (\$10.00). A fee  
7 shall not be charged to an applicant for an identification card  
8 if the applicant is at least [~~seventy-five~~] seventy-nine years  
9 of age.

10 B. The department with the approval of the governor  
11 may increase the amount of the identification card fee by an  
12 amount not to exceed three dollars (\$3.00) for the purpose of  
13 implementing an enhanced licensing system; provided that for an  
14 identification card issued for an eight-year period, the amount  
15 of the fee shall be twice the amount charged for other  
16 identification cards. The additional amounts collected  
17 pursuant to this subsection are appropriated to the department  
18 to defray the expense of the new system of licensing and for  
19 use as set forth in the provisions of Subsection F of Section  
20 66-6-13 NMSA 1978. Unexpended and unencumbered balances from  
21 fees collected pursuant to the provisions of this subsection at  
22 the end of any fiscal year shall not revert to the general fund  
23 but shall be expended by the department in fiscal year 2010 and  
24 subsequent fiscal years."

25 SECTION 5. EFFECTIVE DATE.--The effective date of the

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1 provisions of this act is July 1, 2015.

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