

1 SENATE BILL 88

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

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10 AN ACT

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

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "66-1-4.3. DEFINITIONS.--As used in the Motor Vehicle
20 Code:

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

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

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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

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."