TAXATION AND REVENUE DEPARTMENT IN ADDRESSING RESTRICTED LICENSES; REPEALING A SECTION OF THE NMSA 1978.

RELATING TO DRIVER'S LICENSES; PROVIDING FOR REPORTS BY

EXPERTS TO BE USED BY THE MOTOR VEHICLE DIVISION OF THE

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 license, may, whenever good cause appears, impose restrictions, including the shortening of the licensure period suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle that the licensee may operate or such other restrictions applicable to the licensee as the division determines to be appropriate to ensure the safe operation of a motor vehicle by the licensee.
- B. At age seventy-nine and thereafter, the applicant shall renew the applicant's license on a yearly basis at no cost to the applicant.
- C. The division may either issue a special restricted license or may set forth such restrictions upon the usual license form.

- D. The division may issue a restricted license or a restricted provisional license for driving during daylight hours only to some visually impaired persons who fail the usual eyesight test. The division shall evaluate the extent of the visual impairment and the impairment's effect on the driving ability of the applicant and the director may issue a restricted license under the following conditions:
- (1) the applicant has no record of moving violations;
- (2) the necessity of the license is shown to the satisfaction of the director; and
- (3) the applicant satisfies the provisions of Section 66-5-206 NMSA 1978 relating to proof of financial responsibility.
- E. The division may seek the advice of experts necessary to advise the division on physical and mental criteria and vision standards relating to the licensing of drivers pursuant to the Motor Vehicle Code.
- F. The division, having cause to believe that a licensed driver or applicant may not be physically, visually or mentally qualified to be licensed, may request a written report on a form prescribed by the division from a health care provider of the driver's or applicant's choice for consideration after the licensed driver or applicant has again undergone an on-the-road examination and any physical,

visual or mental tests required by the division. These examinations and tests shall not be waived by the division.

- G. Reports received by the division for the purpose of assisting the division in determining whether a person is qualified to be licensed are confidential and shall be used only by the division and shall not be divulged to any person or used as evidence in a trial.
- H. The division may, upon receiving satisfactory evidence of any violation of the restrictions of the license, suspend the license, but the licensee is entitled to a hearing as upon a suspension under Sections 66-5-1.1 through 66-5-47 NMSA 1978 and as provided in the Administrative Hearings Office Act.
- I. It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to the person."
- SECTION 2. REPEAL.--Section 66-5-6 NMSA 1978 (being

 Laws 1978, Chapter 35, Section 228, as amended) is repealed.

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