**HIGHLIGHTS**

**OF THE 2013 NEW MEXICO FIFTY-FIRST LEGISLATIVE SESSION**

**Including excerpts from the NEW MEXICO LEGISLATIVE COUNCIL SERVICE**

**Highlights of interest to the traffic safety community from the 2013 New Mexico legislation session include:**

**ALCOHOL**

**House Bill 506 (Chapter 159)** and **Senate Bill 423 (Chapter 150) Bed and Breakfast Beer and Wine License** permit Bed and Breakfast establishmentsto serve limited amounts of beer and wine to guests in conjunction with food. The local public governing body or local option district of the jurisdiction in which a bed andbreakfast is domiciled, however, may disallow the issuance of licenses. Effective July 1, 2013.

**Senate Bill 154 (Chapter 209) Hours of Sunday Alcohol Sales** allows dispensers, restaurant licensees or clubs that are licensed to sell alcoholic beverages on Sundays to start selling alcoholic beverages one hour earlier — at 11:00 a.m. rather than at noon. Effective June 14, 2013.

**Senate Bill 424 (Chapter 148) Alcohol Tasting Permits** allows the director of the Alcohol and Gaming Division of the Regulation and Licensing Department (RLD) to issue fee-based, one-year, renewable permits for alcohol tasting events on licensed premises. Permits allow wine, beer, cider and spirits to be served. Prior to an event, the appropriate authorities must be notified. Effective July 1, 2013.

**Senate Bill 259 (Chapter 213) Increase Alcohol Server Training Frequency** reduces the penalty for a first offense to a misdemeanor but retains the fourth degree penalty for a second or subsequent violation. The bill also reduces the term of a server permit from five years to three years, thereby increasing the frequency required for alcohol server training. Effective June 14, 2013.

**House Bill 178 (Chapter 197) Electronic Criminal Citations and Fees** allows law enforcement officers to use electronic citations for pettymisdemeanors; offenses related to game, fish and outdoor recreation; and violations of the Motor VehicleCode. This change codifies a practice that is reportedly already in place in various jurisdictionsthroughout the state and that will reportedly save significant resources and time. Effective July 1, 2013.

**MOTOR VEHICLES AND TRANSPORTATION**

**Senate Bill 36 (Chapter 205) Penalties for Certain Motor Offenses** provides increasedpenalty assessments for certain motor vehicle violations and requires the courts to notify the Taxation and Revenue Department if a defendant fails to appear on motor vehicle charge. Effective July 1, 2013.

**Senate Bill 37 (Chapter 163) Penalties for Certain Motor Offenses** clarifies provisions in the code concerning suspended or revoked licenses. Effective July 1, 2013.

**Senate Bill 51 (Chapter 66) Protective and Undercover License Plates** allows for the issuance of protective and undercover license plates for state agencies, counties, municipalities, Indian nations, tribes or pueblos and other entities that are not subject to vehicle registration pursuant to Section 66-6-14 NMSA 1978. An undercover license plate is registered with a fictitious name and address so that it cannot be traced back to the entity that has custody of the vehicle, but the vehicle must be used solely for legitimate law enforcement purposes. A protected license plate is registered with the name and address of the entity that has custody of the vehicle, and the vehicle must be used for sensitive activities that would place the entity's employee at a higher risk of personal injury if knowledge of the activity were made public, not including undercover law enforcement activities. Effective June 14, 2013.

**Senate Bill 202 (Chapter 210) Farm-Related Industries Driver's License** provides for the issuance of a restricted commercial driver's license for drivers in certain farm-related service industries, including agriculture-chemical businesses; custom harvesters; farm retail outlets and suppliers; and livestock feeders. The restricted license must meet all of the requirements of the New Mexico Commercial Driver's License Act except for the knowledge and skills test. The driver must have a good driving record and meet other qualifications. The driver is limited to operating Class B and Class C vehicles. The limited tank vehicle endorsement and the hazardous materials endorsement, which are automatic to the license, are the only endorsements allowed. The only placarded hazardous materials that can be carried in a vehicle driven by a driver with a restricted license are limited amounts of diesel fuel, liquid fertilizers and solid fertilizers. Effective June 14, 2013.

**MOTOR VEHICLES AND TRANSPORTATION**

**House Bill 164 (Chapter 31) Clarify Certain Speed Limit Violations** clarifies language in the code regarding the limits on using speeding violations for suspension or revocation of a license or to affect a driver's automobile insurance. Effective July 1, 2013.

**Senate Bill 35 (Chapter 204) No Conviction for Certain Motor Offenses** mandates that a person cited for no vehicle registration, insurance or driver's license shall not be convicted if the person produces evidence of compliance in court. Effective July 1, 2013.

**Senate Bill 248 (Chapter 212) Driver Education Instructor Requirements** removes the requirement that a person hold a valid New Mexico operator’s or chauffeur's license to qualify to be a driver education instructor and allows those with any valid operator's or chauffeur's license to qualify. Effective June 14, 2013.

**Senate Bill 326 (Chapter 145) Enforcement of Railroad Livestock Fencing** improves enforcement of railroad right-of-way fencing by providing a cause of action against a railroad by an adjacent landowner to receive compensation for any costs, including attorney fees, of fencing a railroad right of way abutting that landowner's property. Effective 6/14/2013

**Senate Bill 345 (Chapter 172) Eliminate Some Open Container Exceptions** addresses the two exceptions in New Mexico’s open container law which could result in a loss of Federal Highway Administration funds. Open container laws forbid the operation of a motor vehicle with a container of alcoholic beverage that is open, has the seal broken or is partially consumed and within reach of vehicle occupants. Until now, New Mexico's open container law was noncompliant with federal law because it included exceptions for medicinal or religious purposes. Effective June 14, 2013.

**Senate Bill 442 (Chapter 101) DWI Interlocks for Certain Crimes** amends the Ignition Interlock Licensing Act to allow a person convicted of homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs to apply for an ignition interlock license upon completion of the person's sentence, including any period of probation or parole. Effective July 1, 2013.

**Senate Bill 190 (Chapter 98) DWI Interlock Leasing** addresses the conflict in existing law regarding about how money in the Interlock Device Fund may be spent for indigent persons required to have interlock devices in their vehicles by removing language in Section 11-6A-3 NMSA 1978, thus deferring to Section 66-8-102.3 NMSA 1978, which provides for installing, removing and leasing interlock devices with money in the Interlock Device Fund. Effective June 14, 2013.

**COURTS**

**SB 20 (Chapter 31) Raise Probation Costs for Defendants** allows counties to raise probation costs for defendants from not less than $15 to not more than $50. Participation is limited to persons who have been convicted of a misdemeanor criminal offense specified in the Criminal Code, convicted of driving while under the influence of intoxicating liquor or drugs or convicted of driving while the person's driver's license is suspended or revoked pursuant to the Motor Vehicle Code. Effective June 14, 2013.

**Vetoed Bills of Interest**

**Senate Bill 294 Criminal Record Expungement Act** provides that a person who is a victim of identity theft, wrongfully arrested, or a person released without conviction for a violation of a municipal ordinance, misdemeanor or felony may petition the district court for an order to expunge arrest records and public records one year after dismissal or release.

**Senate Bill 131 Traffic Ticket Payment and Reporting** adds an additional $4.00 citation fee, creates a Citation Administration fund and allows the Magistrate Fund to be dissolved after July 1, 2014 with any monies remaining to be transferred to the Citation Administration Fund. Also allows a person issued a citation the option to pay or appear in court. Citations must be submitted to court by the citing officer within three days or be dismissed with prejudice.

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