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AN ACT

RELATING TO DRIVER'S LICENSES; REQUIRING THE MOTOR VEHICLE
DIVISION OF THE TAXATION AND REVENUE DEPARTMENT TO USE
REPORTS FROM THE FEDERAL COMMERCIAL DRIVER'S LICENSE DRUG AND
ALCOHOL CLEARINGHOUSE IN ISSUING, RENEWING, UPGRADING,
DOWNGRADING AND TRANSFERRING COMMERCIAL DRIVER'S LICENSES OR
COMMERCIAL LEARNER'S PERMITS; PROVIDING CONTENT TO BE
INCLUDED ON COMMERCIAL LEARNER'S PERMITS AND COMMERCIAL
DRIVER'S LICENSES.

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

SECTION 1. A new section of the New Mexico Commercial
Driver's License Act is enacted to read:

"COMMERCIAL DRIVER'S LICENSE, COMMERCIAL LEARNER'S
PERMIT AND COMMERCIAL DRIVER'S PERMIT ELIGIBILITY--DIVISION
TO RECEIVE RECORDS FROM THE FEDERAL COMMERCIAL DRIVER'S
LICENSE DRUG AND ALCOHOL CLEARINGHOUSE--COMMERCIAL DRIVER'S
LICENSE DOWNGRADE PROCEDURES.--

A. As used in this section:

(1) "commercial driver's license downgrade"
means the division's removal of the commercial driver's
license or commercial driver's permit privilege from a
driver's license;

(2) "commercial driver's license drug and
alcohol clearinghouse" means the federal motor carrier safety

1 administration database that requires employers and service
2 agents to report information to and to query regarding
3 drivers who are subject to United States department of
4 transportation controlled substance and alcohol testing
5 regulations;

6 (3) "qualified" means the passage of the
7 drug or alcohol test; and

8 (4) "not qualified" means a failure or
9 refusal of the drug or alcohol test.

10 B. The division shall request all commercial
11 driver's drug test results from the commercial driver's
12 license drug and alcohol clearinghouse that determine whether
13 the commercial driver is qualified or not qualified as
14 required by the federal motor carrier safety administration.
15 Pursuant to this section, if a commercial driver's drug or
16 alcohol test results indicate that the commercial driver is
17 prohibited from operating a commercial motor vehicle, the
18 division shall refuse a request for:

19 (1) issuance or renewal of a commercial
20 learner's permit or a commercial driver's license;

21 (2) an upgrade of a commercial learner's
22 permit to a commercial driver's license; and

23 (3) transfer of an out-of-state commercial
24 driver's license to this state.

25 C. The division shall request commercial driver's

1 license drug and alcohol clearinghouse records of an
2 applicant for a commercial driver's license at the time of
3 application. Pursuant to this subsection, if the records
4 indicate that the commercial driver's license applicant is
5 prohibited from operating a commercial motor vehicle, the
6 division shall refuse to:

7 (1) renew the commercial driver's license or
8 H endorsement;

9 (2) advance a commercial driver's permit;

10 (3) issue an upgrade of the commercial
11 driver's license to include an H endorsement; and

12 (4) issue, renew, transfer or upgrade a
13 non-domiciled commercial driver's permit or commercial
14 driver's license.

15 D. The division shall downgrade a commercial
16 driver's license or commercial driver's permit to a class D
17 noncommercial license upon receiving a commercial driver's
18 license drug and alcohol clearinghouse record that indicates
19 that a commercial driver's license or commercial driver's
20 permit holder is prohibited from operating a commercial motor
21 vehicle. The division shall complete the downgrade and enter
22 it on the commercial driver's license information system
23 driver record within sixty days of the division's receipt of
24 the drug and alcohol clearinghouse record.

25 E. The division shall amend a driver's eligibility HB 269/a
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1 to operate a commercial motor vehicle if the division finds
2 that a condition resulting in a restriction on a commercial
3 driver's license or a commercial learner's permit no longer
4 exists or was erroneous. Pursuant to this subsection, the
5 division shall:

6 (1) terminate the commercial driver's
7 license downgrade process without removing the commercial
8 driver's license or commercial learner's permit privilege
9 from the driver's license if the division finds that the
10 commercial driver's license or commercial learner's permit
11 holder is no longer prohibited from operating a commercial
12 motor vehicle;

13 (2) allow reinstatement of a commercial
14 driver's license or commercial learner's permit privilege to
15 the driver's license of a downgraded driver record upon
16 notification from the federal motor carrier safety
17 administration that the driver is no longer prohibited from
18 operating a commercial motor vehicle; or

19 (3) reinstate a commercial driver's license
20 or commercial learner's permit privilege to the driver's
21 license, expunge a commercial driver's license downgrade from
22 the commercial driver's license information system driver
23 record and, if applicable, expunge from the motor vehicle
24 record any reference to prohibited status upon notice from
25 the federal motor carrier safety administration that the

1 driver was erroneously identified as prohibited from
2 operating a commercial motor vehicle."

3 SECTION 2. Section 65-3-14 NMSA 1978 (being Laws 2007,
4 Chapter 151, Section 1, as amended) is amended to read:

5 "65-3-14. DRUG AND ALCOHOL TESTING PROGRAM--REPORT OF
6 POSITIVE TEST.--

7 A. A motor carrier shall have an in-house drug and
8 alcohol testing program that meets the requirements of 49
9 C.F.R. part 382 or be a member of a consortium, as defined in
10 49 C.F.R. part 382.107, that provides testing that meets the
11 requirements of 49 C.F.R. part 382.

12 B. A person or entity specified in 49 C.F.R. part
13 382.103, who is not explicitly excepted by New Mexico law, is
14 subject to the provisions of this section and shall report
15 positive test results or a refusal to submit to a test
16 pursuant to provisions in this section. A refusal to submit
17 to a pre-employment test shall not be considered a violation
18 of this section.

19 C. When a person or entity specified in 49 C.F.R.
20 part 382.103 determines that a positive test result is valid,
21 the person or entity shall report the findings to the motor
22 vehicle division of the taxation and revenue department. The
23 motor vehicle division shall enter the report of a positive
24 test result or refusal to submit to a test on the reported
25 person's motor vehicle record so that it can be contained in

1 the commercial driver's license information system pursuant
2 to the New Mexico Commercial Driver's License Act.

3 D. The division shall keep the report of a
4 positive test result or the refusal to submit to a test in
5 the motor vehicle record of the driver for five years from
6 the time the report was received by the motor vehicle
7 division.

8 E. The division shall seek reports from the
9 federal commercial driver's license drug and alcohol
10 clearinghouse for actions relating to commercial driver's
11 licenses or commercial driver's permits."

12 SECTION 3. Section 66-5-64 NMSA 1978 (being Laws 1989,
13 Chapter 14, Section 13, as amended) is amended to read:

14 "66-5-64. COMMERCIAL DRIVER'S LICENSE AND COMMERCIAL
15 LEARNER'S PERMIT--CONTENT.--The commercial driver's license
16 shall be marked "commercial driver's license" or "CDL". The
17 commercial learner's permit shall be marked "commercial
18 learner's permit" or "CLP", and shall state: "This permit is
19 invalid unless accompanied by a New Mexico driver's
20 license.". A commercial driver's license or commercial
21 learner's permit shall include, but not be limited to, the
22 following information:

23 A. the person's name and current New Mexico
24 physical address;

25 B. the person's full face or front-view color

1 photograph;

2 C. a physical description of the person, including
3 sex, height, weight and eye color;

4 D. the person's date of birth;

5 E. the person's signature;

6 F. the class or type of commercial motor vehicle
7 that the person is authorized to drive, together with any
8 endorsements or restrictions;

9 G. the name of this state; and

10 H. the dates between which the license or permit
11 is valid."

12 SECTION 4. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is January 1, 2024. _____

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