

MVD Procedural Quick Update

#129

RE: GDL - Extension of Minimum Period for Permit and Provisional License
Effective date: June 17, 2011

Date: June 15, 2011
To: All MVD
From: Mac Lewis, MVD Policy and Procedures Manager

[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]

Effective Friday, June 17, 2011, the minimum period that an Applicant must hold an instruction permit before obtaining a provisional license, or a provisional license before obtaining a regular license, may be extended by 30 days or more based on traffic violations committed while driving with the permit or provisional license.

Effective June 17, Senate Bill 9, enacted by the 2011 Legislature, amends Sections 66-5-8 and 66-5-9 NMSA 1978 to provide that:

- The six-month minimum period for which an individual is required to hold an instruction permit before obtaining a provisional license is extended by 30 days for each traffic violation, committed during the time the individual was driving with the instruction permit, for which the individual was convicted or adjudicated delinquent.
- The 12-month minimum period for which an individual is required to hold a provisional license before obtaining a regular driver's license is also extended by 30 days for each traffic violation, committed during the time the individual was driving with the provisional license, for which the individual was convicted or adjudicated delinquent.

SB-9 also expands the Section 66-5-1.1 definition of "traffic violation" to include: child not in restraint device or seat belt; failure to properly fasten safety belt; using a mobile communication device while driving a motor vehicle (unless the driver holds a valid, FCC-issued amateur radio operator license and is operating an amateur radio); and buying, attempting to buy, receiving, possessing or permitting oneself to be served alcoholic beverages.

How will you know if the Applicant has been convicted or adjudicated delinquent for a traffic violation committed during the time the individual was driving with an instruction permit or provisional license?

1. First, the Applicant to whom these provisions applies should so indicate on his or her driver application. An Applicant who has been convicted or adjudicated delinquent and does not so indicate risks cancellation of the license, or worse, when the violation subsequently comes to the attention of the MVD Compliance Unit.
2. Second, the violation should be there for you to see on the individual's driver record. We will be working with the courts and with TRD-ITD to increase the dependability with which such violations do in fact appear on the driver record, or on a duplicate record that may appear when the driver's information is entered into MVD 2.0.

Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to mac.lewis@state.nm.us. Others are encouraged to direct comments or questions directly to Mac Lewis, MVD Policy and Procedure Manager, at mac.lewis@state.nm.us.
