

# MVD Procedural Quick Update

#14

**RE: Fail Three Times – How Long Before Retest?**  
**Effective date: Immediate**

Date: September 22, 2006  
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.]*

**An applicant for a non-commercial permit, provisional license or driver's license is allowed no more than three attempts to pass the examination (knowledge or road test) within a period of six months from the date of application.**

**An applicant for a commercial driver's license, who fails a CDL knowledge or skills test three times in any one-year period, may not take the test again until 12 months have passed from the date of the first attempt.**

There is a common misapprehension that an individual must wait six months (non-commercial) or one year (CDL) to retest after the third test failure. That's close, but not quite correct.

1. Non-commercial instruction permit, provisional license or driver's license:

Sec. 66-5-9A provides that, "submission of a complete application with payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of six months from the date of application."

The six-month waiting period to retest for a non-commercial permit, provisional license or license begins on the date of the application, not the date of the third test failure.

Example: An individual who applies for his driver's license on March 10, but then fails the road test on March 12, 19 and 30, may retest no sooner than September 10 of the same year (six months after the application date).

2. Commercial Driver's License (CDL):

Sec. 66-5-60D says, "A commercial driver's license applicant shall not take a test specified in this section more than three times within one year."

The one-year waiting period to retest for a commercial driver's license (CDL) begins on the date of the first attempt, not the date of the third knowledge or skills test failure.

Example: An individual who applies for a CDL on March 10, but then fails his knowledge test on March 12, 19 and 30, may not retest until March 12 of the next year (12 months after the first test failure).

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Please refer any comments or questions regarding this Quick Update to Mac Lewis, Policy and Procedure Manager at [mac.lewis@state.nm.us](mailto:mac.lewis@state.nm.us).

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