

RE: XC4 Citation Errors - Suspension and Clearance
Effective date: Immediate

Date: December 20, 2007
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.]

MVD has begun to receive complaints from customers who have received letters of suspension for XC4 “Failure to Appear” citations that the customers say were resolved and cleared (sometimes years ago) by the court.

Field offices should clear the records of those customers who can provide proof of clearance. If there are no other suspension issues, the \$25 reinstatement fee should also be waived. Those customers who do not have proof of clearance should be directed to contact the MVD Call Center at (888) 683-4636.

The MVD Error Resolution Unit has been working hard to clear a backlog of citations dating back several years by sending suspension letters for XC4 citations (Failure to Appear in Court). There have, however, been problems in this process. For example, MVD recently learned that some courts were not including the complete citation number in the Notice to Clear, so that we were unable to match the citation clearance with the citation in the driver's record.

For those drivers who never properly cleared an XC4 Failure to Appear citation, the letters are appropriate. Those individuals now need to take the appropriate steps to deal with and clear their citations. For some customers who satisfied the citation requirements, but failed to do so timely, the suspension is appropriate and the \$25 reinstatement fee is still due.

Some drivers, though, who took every action necessary to clear their citations years ago, have no record of the clearance in our systems, because we could not match the citation numbers to the court records. Those drivers may appear at field offices to complain, understandably upset by receiving suspension letters for XC4 citations they have already cleared. As noted above, field offices should clear the XC4 citations of those drivers who have proof of clearance by the court, and should waive the \$25 fee for those who have no other suspension issues.

Those customers who do not have proof of clearance should be directed, with our apology for the inconvenience, to contact the MVD Call Center at (888) 683-4636. Call Center staff will review the drivers' records, clear the XC4 citations, and, if there are no other suspension issues, waive the \$25 reinstatement fee. A detailed record will be kept of each driver's name, DOB and DL number in case further action is required in the future.

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.
