

MVD Procedural Quick Update

#65

RE: Signature by Parent, Guardian or Responsible Adult
Effective date: Immediate

Date: May 20, 2008
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 immediately, if a parent or legal guardian is not available to sign the application of a minor, the application may only be signed by another responsible adult who: a) is specifically designated in writing by the parent or legal guardian; and b) explicitly accepts the responsibility and liability imposed by statute for the minor's actions when the minor is driving a motor vehicle.

Sec. 66-5-11(A) NMSA 1978, regarding application of minors, says that, "The application of any person under the age of 18 years for an instruction permit, provisional license or driver's license shall be signed and verified by the father, mother or guardian or, in the event there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under this article upon a person signing the application of a minor."

Sec. 66-5-11(B) adds that, "Any negligence or willful misconduct of a minor under the age of 18 years when driving a motor vehicle upon a highway shall be imputed to the person who has signed the application of the minor for a permit or license, which person shall be jointly and severally liable with the minor for any damages"

Effective immediately, anyone signing for a minor in the role of "another responsible adult":

- must be specifically designated in writing by the parent or legal guardian; and
- must explicitly accept the responsibility and liability imposed by statute for the minor's actions when the minor is driving a motor vehicle.

When taking a signature from "another responsible adult" on a minor's application, the field office agent should always ask the adult signer to confirm his or her understanding that by doing so he or she accepts liability for the minor's negligence or willful misconduct when driving a motor vehicle.

For additional information about applications of minors, please refer to Chapter 2, Section I of the Driver Procedures Manual.

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.
