

MVD Procedural Quick Update

#92

RE: FOs do not have discretionary authority to waive road tests.
Effective date: Immediate

Date: July 14, 2009
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.]

Field Offices do not have the authority to waive the motorcycle road test or any other skills test, either by statute or by MVD policy or procedure, except as may be explicitly provided in the Driver Procedures Manual or a PQU.

It has come to the attention of MVD management that some field offices may have independently established procedures for waiver of the motorcycle road test requirement if certain requirements are met.

The justification given for such waivers is Sec. 66-5-7 NMSA 1978, which says in part, "The division, in issuing the driver's license for certain types or general classes of vehicles, may waive any on-the-road examination for applicants" This does not give managers the authority to waive road tests without approval from the Directors Office.

How then, might a motorcycle or other road test be waived, as provided for in the statute? There are three ways:

1. A test might be waived, based on special circumstances, by the Directors' Office of MVD.
2. A test may also be waived at the field office level, but only if such waiver is explicitly authorized in writing by rule (NMAC) or by published MVD policy and procedure (MVD Procedures Manual or PQU).
3. A test may be waived if the applicant's license has not been expired, suspended, or revoked for over 5 years (Drivers Manual Chapter 11).

The only such provision for waiver of the motorcycle road test applies exclusively to drivers who have completed the Motorcycle Safety Foundation's BasicRider Course, as stated in the Driver Procedures Manual, Chapter 2 Section C: "The applicant's certificate of completion of the MSF BasicRider Course is sufficient to waive both the written and the road test requirement, assuming the endorsement requested is consistent with the motorcycle on which the applicant qualified."

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.
