



POINT SYSTEM REGULATIONS AND SCHEDULE

18 MNAC 19.5.11 TO 18 NMAC 19.5.11.7.4 authorizes the Department to suspend the driver's license of an individual who has been convicted of violations of the traffic laws with such frequency as to show disrespect for those laws or has been found to be an habitually reckless or negligent driver of a motor vehicle.

To provide a reasonable, objective and fair method by which the Department may determine whether an individual shows disrespect for the traffic laws of this state through frequency of conviction for violations or is habitually reckless or negligent and to promote the public safety by removing such drivers from the roads, the Department establishes a "point system" with these regulations.

66-7-302.2. Certain Speeding Convictions to be disregarded in the development or application of a point system. In developing and applying a point system that is used as a basis for suspension or revocation of driving privileges, the division shall not assign points for convictions for speeding on rural highways of the state except Bernalillo County. Rural highway means that part of the highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. The point system shall apply on rural highways for vehicles weighing twelve thousand pounds and more and a conviction for speeding if the citation out of which the conviction arises indicates that excessive speed of the motorist cited was a factor in an accident.

POINT SYSTEM - SCHEDULE OF POINTS FOR VIOLATIONS -

Points to be assessed for conviction of violations of provisions of the Motor Vehicle Code are scheduled in Parts A through F below.

Comm. Veh. Vio.Code	Non-comm. Veh. Vio.Code	State Statute	Definition
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A) EIGHT (8) POINTS FOR VIOLATIONS OF THE FOLLOWING SECTIONS:

XH6	XH6	66-7-301	Speeding 26 or more MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
XH7	XH7	66-7-301	Speeding 26 or more MPH over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 MPH and the speed was at least 76 MPH.

B) SIX (6) POINTS FOR VIOLATIONS OF THE FOLLOWING SECTIONS:

PA4	PA4	66-7-347	Passing school bus taking on or discharging passengers or displaying warning not to pass.
C20	RK1	66-8-113	Reckless driving.
SP1	SP1	66-8-115	Contest racing on trafficway.

C) FIVE (5) POINTS FOR VIOLATIONS OF THE FOLLOWING SECTION:

XH4	XH4	66-7-301	Speeding 16 to 25 MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
XH5	XH5	66-7-301	Speeding 16 to 25 MPH over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 MPH and the speed was at least 76 MPH.

D) FOUR (4) POINTS FOR VIOLATIONS OF THE FOLLOWING SECTION:

RW1	RW1	66-7-332	Failure to yield right of way to an authorized emergency vehicle.
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E) THREE (3) POINTS FOR VIOLATIONS OF THE FOLLOWING SECTIONS:

C19	RK2	66-8-114	Careless driving.
SC2	SC2	66-7-104 66-7-341 66-7-342	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device.
C22	FO1	66-7-318	Following the vehicle ahead too closely.
RW3	RW3	66-7-328	Failure to yield right of way in manner required.
XG6	XG6	66-7-329	Vehicle turning left at intersection.
RW2	RW2	66-7-330 66-7-331 66-7-345C & D 66-7-346	Failure to yield right of way at yield sign after stop or when emerging from private trafficway.

CONTINUED ON BACK

XG7	XG7	66-7-343	Certain vehicles must stop at railroad grade crossings.
MS2	MS2	66-7-354	Improper backing.
TU3	TU3	66-7-322	Making improper turn.
		66-7-323	
XG1	XG1	66-7-308	Failure to drive on right side of roadway when required.
XG2	XG2	66-7-309	Passing vehicles proceeding in opposite directions.
XG3	XG3	66-7-310	Improper overtaking or passing of a vehicle.
		66-7-311	
XG4	XG4	66-7-313	Driving to the left of center of roadway when prohibited.
PA1	PA1	66-7-315	Passing where prohibited by posted signs, pavement markings, or hill or curve.
PA3	PA3	66-7-312	Passing with insufficient distance allowed for other vehicles or with inadequate visibility.
XH2	XH2	66-7-301	Speeding 6 to 15 MPH over the posted speed limit on any trafficway if the limit is 15, 30 or 75 MPH.
XH3	XH3	66-7-301	Speeding 6 to 15 MPH over the posted speed limit on any trafficway if the limit is other than 15, 30 or 75 MPH and the speed is at least 76 MPH.

F) TWO (2) POINTS FOR VIOLATIONS OF THE FOLLOWING SECTIONS:

DE5	DE5	66-3-801	Operating with any defective equipment resulting in inability to control vehicle movement properly.
		66-3-807	
		66-3-901	
DE2	DE2	66-3-840	Operating with defective brakes.
SI1	SI1	66-7-325	Failure to signal intention to change vehicle direction or to reduce speed suddenly.
SI2	SI2	66-7-326	Giving wrong signal.
EM2	EM2	66-7-357	Overloading vehicle with passengers or cargo.
CR1	CR1	66-7-369	Failure to restrain child passenger properly.
SB1	SB1	66-7-372	Failure to use seatbelt properly.

18 NMAC 19.5.11.4 - POINT SYSTEM - WARNING AT 6 POINTS -

Upon the accumulation by the driver of at least six (6) points, the Department may warn the driver of the possibility of suspension of the driver's license.

18 NMAC 19.5.11.5 - POINT SYSTEM - SUSPENSION OF DRIVER'S LICENSE AT 7 TO 10 POINTS -

If a driver has been assessed from seven to ten points for violations occurring within a period of one year and the Department receives a recommendation from a municipal or magistrate judge that the driver's license be suspended for a period not to exceed three months, the Department shall automatically suspend the license for the period recommended by the municipal or magistrate judge up to a period of three months. If the judge does not specify the recommended length of the period of suspension, the Department will presume that the recommendation is for a period of three months. The Department shall notify the driver of the fact of the suspension of the driver's license and of the beginning and ending dates of the suspension.

18 NMAC 19.5.11.6 - POINT SYSTEM - SUSPENSION AT 12 POINTS -

Upon the assessment of points to a driver which causes the total points accumulated by that driver to equal or exceed twelve points for violations occurring within a period of twelve consecutive months, the Department shall suspend the driver's license for a period of twelve months. The department shall notify the driver of the fact of the suspension of the driver's license under this regulation, the beginning date of the suspension and the driver's right to a hearing under the provisions of Section 66-5-30(B) NMSA 1978. The driver shall surrender the driver's license to the Department immediately upon receiving notice of the suspension unless the driver requests a hearing under the provisions of Section 66-5-30(B) NMSA 1978, in which case the license shall be surrendered immediately upon a final decision adverse to the driver.

18 NMAC 19.5.11.12 - REINSTATEMENT OF SUSPENDED LICENSE - CONDITIONS -

The Division shall not reinstate a driver's license and driving privilege to any person who has had that license and driving privilege suspended under the provisions of 18 NMAC 19.5.11.6 unless the conditions specified in this regulation are met.

1. That person presents proof satisfactory to the Division showing successful completion in a timely manner by that person of an approved driver improvement course. The course must be approved by the Traffic Safety Bureau of the State Highway and Transportation Department. Completion of the course must have occurred within 90 days immediately preceding the application for reinstatement.
2. The driver pays, to the Division, a reinstatement fee pursuant to Section 66-5-33.1 NMSA 1978.
3. The driver must also successfully complete any required driver's examination administered by the Division prior to the issuance of the driver's license.