



POINT SYSTEM REGULATIONS AND SCHEDULE



Point System Statute and Regulations

New Mexico Statute (Sec. 66-5-30 NMSA 1978) and Rule (18.19.5.50-57 NMAC) authorize 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.

However, Sec. 66-7-302.2 NMSA 1978 prohibits the assignment of points for convictions for speeding on rural highways except in Bernalillo County. A "rural highway" is that part of a highway that is located at least two miles outside of the boundaries of an incorporated city, town or village. Exceptions: The point system shall apply on rural highways for vehicles weighing 12,000 pounds and more and for speeding convictions if excessive speed of the motorist cited was a factor in an accident.

18.19.5.52 NMAC - 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.

Commercial vehicle violation code	Non-commercial vehicle violation code	New Mexico Statute	Definition
A) Eight (8) points for violations of the following sections:			
S-92	S-92	66-7-301	Speeding 26 mph or more over the posted limit on any trafficway if the limit is 15, 30, or 75 mph.
S-92	S-92	66-7-301	Speeding 26 mph or more over the posted 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:			
M-75	M-75	66-7-347	Passing school bus taking on or discharging passengers or displaying warning not to pass;
M84	M84	66-8-113	Reckless driving.
S95	S95	66-8-115	Contest racing on trafficway.
C) Five (5) points for violations of the following sections:			
S-92	S-92	66-7-301	Speeding 16-25 mph over the posted limit on any trafficway if the limit is 15, 30, or 75 mph.
S-92	S-92	66-7-301	Speeding 16-25 mph over the posted 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 sections:			
N04	N04	66-7-332	Failure to yield right of way to an authorized emergency vehicle.

E) Three (3) points for violations of the following sections:

M81	M81	66-8-114	Careless driving.
M10	M10	66-7-104	Failure to obey traffic instructions stated on traffic sign or shown by traffic control device.
		66-7-341	
		66-7-342	
M34	M34	66-7-318	Following the vehicle ahead too closely.
N25	N25	66-7-328	Failure to yield right of way in manner required.
N51	N51	66-7-329	Vehicle turning left at intersection.
N01-N26	N01-N26	66-7-330	Failure to yield right of way at yield sign after stop or when emerging from private trafficway.
		66-7-331	
		66-7-345 C&D	
		66-7-346	
M22	M22	66-7-343	Certain vehicles must stop at railroad grade crossings.
N82	N82	66-7-354	Improper backing.
N50	N50	66-7-322	Making improper turn.
		66-7-323	
M40	M40	66-7-308	Failure to drive on right side of roadway when required
M72	M72	66-7-309	Passing vehicles proceeding in opposite directions.
M70	M70	66-7-311	
M40	M40	66-7-313	Driving to the left of center of roadway when prohibited.
M76	M76	66-7-315	Passing where prohibited by posted signs, pavement markings, or hill or curve.
M77	M77	66-7-312	Passing with insufficient distance allowed for other vehicles or with inadequate visibility.
S92	S92	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.
S92	S92	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 section

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	66-7-840	Operating with defective brakes.
N40	N40	66-7-325	Failure to signal intention to change vehicle direction or to reduce speed suddenly.
N44	N44	66-7-326	Giving wrong signal.
EM2	EM2	66-7-357	Overloading vehicle with passengers or cargo.
FO2	F02	66-7-369	Failure to restrain child passenger properly.
F04	F04	66-7-372	Failure to use seatbelt properly.

18.19.5.53 NMAC - 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.

18.19.5.54 NMAC - 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.

18.19.5.55 NMAC - 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 18.19.5.55 NMAC, the beginning date of the suspension and the driver's right to a hearing under the provisions of Section 66-5-30 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.

18.19.5.57 NMAC - 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 18.19.5.55 NMAC unless the conditions specified in 18.19.5.57 NMAC 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 New Mexico Department of Transportation. Completion of the course must have occurred within 90 days immediately preceding the application for reinstatement.
2. The driver pays 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 reinstatement of the driver's license.