

66-5-66. Applicant record information; information exchange.

- A. Before issuing a commercial driver's license, the department shall obtain pertinent driving record information from each state where the applicant has been licensed, through a multistate database, or from each state.
- B. The department has the authority to exchange commercial driver's license information as it deems necessary to carry out the provisions of the New Mexico Commercial Driver's License Act [[66-5-52](#) to [66-5-72](#) NMSA 1978], except that the results of a background check conducted pursuant to federal department of homeland security requirements shall be:
 - 1) confidential and not disseminated except to the subject of the background check and the division;
 - 2) used only for the purpose authorized by this section; and
 - 3) subject to protest, appeal or consideration of mitigating circumstances if used as a basis to disqualify a driver who held a commercial driver's license under rules promulgated by the transportation security administration of the department of homeland security.
- C. The department shall provide to the commercial driver's license information system information on a conviction, disqualification, change in applicant status, change in the state of record or any other information concerning a holder of a commercial driver's license within ten days of receipt of that information. The secretary may adopt regulations to administer the requirement set forth pursuant to this subsection.
- D. In determining whether a violation of law has occurred for the purpose of issuance, administration or revocation of a commercial driver's license, the department shall use information received from the commercial driver's license information system in the same manner as information received from the state or any of its agencies, instrumentalities or political subdivisions.

History: Laws 1989, ch. 14, § 15; [2005, ch. 310, § 2](#); [2005, ch. 312, § 6](#).