

1 AN ACT

2 RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING  
3 LIQUOR OR DRUGS; AMENDING THE IGNITION INTERLOCK LICENSING  
4 REQUIREMENT TO PROVIDE THAT A PERSON WITH ONLY ONE PRIOR  
5 CONVICTION FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING  
6 LIQUOR OR DRUGS IN ANOTHER JURISDICTION MAY OBTAIN A NEW  
7 MEXICO DRIVER'S LICENSE UPON PROOF OF COMPLETION OF ALL  
8 CONDITIONS OF THE PERSON'S SENTENCE.

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 66-5-5 NMSA 1978 (being Laws 1978,  
12 Chapter 35, Section 227, as amended) is amended to read:

13 "66-5-5. PERSONS NOT TO BE LICENSED.--The division  
14 shall not issue a driver's license under the Motor Vehicle  
15 Code to any person:

16 A. who is under the age of eighteen years, except  
17 the division may, in its discretion, issue:

18 (1) an instruction permit to a person  
19 fifteen years of age or older who is enrolled in and  
20 attending or has completed a driver education course approved  
21 by the bureau that includes a DWI education and prevention  
22 component;

23 (2) a provisional license to a person  
24 fifteen years and six months of age or older:

25 (a) who has completed a driver

1 education course approved by the bureau or offered by a  
2 public school that includes a DWI education and prevention  
3 component and has had an instruction permit for at least six  
4 months as provided in Section 66-5-8 NMSA 1978; and

5 (b) who has successfully completed a  
6 practice driving component;

7 (3) a driver's license to a person sixteen  
8 years and six months of age or older:

9 (a) who has had a provisional license  
10 for at least a twelve-month period immediately preceding the  
11 date of the application for the driver's license as provided  
12 in Section 66-5-9 NMSA 1978;

13 (b) who has complied with restrictions  
14 on that license; and

15 (c) who has not been adjudicated for an  
16 offense involving the use of alcohol or drugs during the  
17 twelve-month period immediately preceding the application for  
18 the driver's license and who has no pending adjudications  
19 alleging an offense involving the use of alcohol or drugs at  
20 the time of application; and

21 (4) to a person thirteen years of age or  
22 older who passes an examination prescribed by the division, a  
23 license restricted to the operation of a motorcycle; provided  
24 that:

25 (a) the motorcycle is not in excess of

1 one hundred cubic centimeters displacement;

2 (b) no holder of an initial license may  
3 carry any other passenger while driving a motorcycle; and

4 (c) the director approves and certifies  
5 motorcycles as not in excess of one hundred cubic centimeters  
6 displacement and by rule provides for a method of  
7 identification of such motorcycles by all law enforcement  
8 officers;

9 B. whose license or driving privilege has been  
10 suspended or denied, during the period of suspension or  
11 denial, or to any person whose license has been revoked,  
12 except as provided in Section 66-5-32 NMSA 1978 and the  
13 Ignition Interlock Licensing Act;

14 C. who is an habitual user of narcotic drugs or  
15 alcohol or an habitual user of any drug to a degree that  
16 renders the person incapable of safely driving a motor  
17 vehicle;

18 D. who is four or more times convicted of driving  
19 a motor vehicle while under the influence of intoxicating  
20 liquor or narcotic drug regardless of whether the convictions  
21 are under the laws or ordinances of this state or any  
22 municipality or county of this state or under the laws or  
23 ordinances of any other state, the District of Columbia or  
24 any governmental subdivision thereof, except as provided in  
25 the Ignition Interlock Licensing Act. Five years from the

1 date of the fourth conviction and every five years  
2 thereafter, the person may apply to any district court of  
3 this state for restoration of the license, and the court,  
4 upon good cause being shown, may order restoration of the  
5 license applied for; provided that the person has not been  
6 subsequently convicted of driving a motor vehicle while under  
7 the influence of intoxicating liquor or drugs. Upon issuance  
8 of the order of restoration, a certified copy shall  
9 immediately be forwarded to the division, and if the person  
10 is otherwise qualified for the license applied for, the four  
11 previous convictions shall not prohibit issuance of the  
12 license;

13 E. who was convicted on or after June 17, 2005 of  
14 driving a motor vehicle while under the influence of  
15 intoxicating liquor or drugs pursuant to the laws or  
16 ordinances of any other state, the District of Columbia or  
17 any governmental subdivision thereof, unless the person  
18 obtains an ignition interlock license as provided in the  
19 Ignition Interlock Licensing Act for a period of one year for  
20 a first conviction; a period of two years for a second  
21 conviction; a period of three years for a third conviction;  
22 or the remainder of the offender's life for a fourth or  
23 subsequent conviction, subject to a five-year review as  
24 provided in Subsection D of this section. Upon presentation  
25 of proof satisfactory to the division, the division may

1 credit time spent by a person operating a motor vehicle with  
2 an ignition interlock or comparable device, as a condition of  
3 the person's sentence for a conviction in another  
4 jurisdiction, against the ignition interlock time  
5 requirements imposed by this subsection. The division shall  
6 promulgate rules necessary for granting credit to persons who  
7 participate in comparable out-of-state programs following a  
8 conviction for driving a motor vehicle while under the  
9 influence of intoxicating liquor or drugs. The requirements  
10 of this subsection shall not apply to a person who:

11 (1) has only one conviction for driving a  
12 motor vehicle while under the influence of intoxicating  
13 liquor or drugs and that conviction is pursuant to the laws  
14 or ordinances of any other state or any governmental  
15 subdivision thereof and who presents proof satisfactory to  
16 the division that the person completed all conditions of the  
17 person's sentence for the conviction in the other  
18 jurisdiction, whether or not installation of an ignition  
19 interlock device was a condition of the sentence; or

20 (2) applies for a driver's license ten years  
21 or more from the date of the person's last conviction, except  
22 for a person who is subject to lifetime driver's license  
23 revocation for a conviction in another jurisdiction pursuant  
24 to this subsection;

25 F. who has previously been afflicted with or who

1 is suffering from any mental disability or disease that would  
2 render the person unable to drive a motor vehicle with safety  
3 upon the highways and who has not, at the time of  
4 application, been restored to health;

5 G. who is required by the Motor Vehicle Code to  
6 take an examination, unless the person has successfully  
7 passed the examination;

8 H. who is required under the laws of this state to  
9 deposit proof of financial responsibility and who has not  
10 deposited the proof;

11 I. when the director has good cause to believe  
12 that the operation of a motor vehicle on the highways by the  
13 person would be inimical to public safety or welfare; or

14 J. as a motorcycle driver who is less than  
15 eighteen years of age and who has not presented a certificate  
16 or other evidence of having successfully completed a  
17 motorcycle driver education program licensed or offered in  
18 conformance with rules of the bureau."

19 SECTION 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2017. \_\_\_\_\_