

1 AN ACT

2 RELATING TO IGNITION INTERLOCK; ALLOWING THE ISSUANCE OF AN
3 IGNITION INTERLOCK LICENSE TO A PERSON CONVICTED OF HOMICIDE
4 BY VEHICLE OR GREAT BODILY HARM BY VEHICLE WHILE UNDER THE
5 INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AFTER COMPLETION OF
6 THE SENTENCE FOR THAT CRIME, INCLUDING PROBATION AND PAROLE,
7 OR WITH THE APPROVAL OF A PROBATION AND PAROLE OFFICER WHILE
8 ON PROBATION OR PAROLE; RECONCILING MULTIPLE AMENDMENTS TO
9 THE SAME SECTION OF LAW IN LAWS 2007.

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

12 SECTION 1. Section 66-5-35 NMSA 1978 (being Laws 1978,
13 Chapter 35, Section 257, as amended) is amended to read:

14 "66-5-35. LIMITED DRIVING PRIVILEGE UPON SUSPENSION OR
15 REVOCATION.--

16 A. Upon suspension or revocation of a person's
17 driving privilege or driver's license following conviction or
18 adjudication as a delinquent under any law, ordinance or rule
19 relating to motor vehicles, the person may apply to the
20 department for a driver's license, provisional license or
21 instruction permit to drive, limited to use allowing the
22 person to engage in gainful employment, to attend school or
23 to attend a court-ordered treatment program, except that the
24 person shall not be eligible to apply:

25 (1) for a limited commercial driver's

1 license or an ignition interlock license in lieu of a revoked
2 or suspended commercial driver's license;

3 (2) for a limited license when the person's
4 driver's license was revoked pursuant to the provisions of
5 the Implied Consent Act, except as provided in the Ignition
6 Interlock Licensing Act;

7 (3) for a limited license when the person's
8 driver's license was revoked pursuant to the provisions of
9 Section 66-8-102 NMSA 1978, except as provided in the
10 Ignition Interlock Licensing Act;

11 (4) for a limited license when the person's
12 driver's license is denied pursuant to the provisions of
13 Subsection D of Section 66-5-5 NMSA 1978, except as provided
14 in the Ignition Interlock Licensing Act; or

15 (5) for a limited license when the person's
16 driver's license was revoked pursuant to a conviction for
17 committing homicide by vehicle or great bodily harm by
18 vehicle while under the influence of intoxicating liquor or
19 drugs, as provided in Section 66-8-101 NMSA 1978, except as
20 provided in the Ignition Interlock Licensing Act.

21 B. Upon receipt of a fully completed application
22 that complies with statutes and rules for a limited license
23 or an ignition interlock license and payment of the fee
24 specified in this subsection, the department shall issue a
25 limited license, ignition interlock license or permit to the

1 applicant showing the limitations specified in the approved
2 application. For each limited license, ignition interlock
3 license or permit to drive, the applicant shall pay to the
4 department a fee of forty-five dollars (\$45.00), which shall
5 be transferred to the department of transportation. All
6 money collected under this subsection shall be used for DWI
7 prevention and education programs for elementary and
8 secondary school students. The department of transportation
9 shall coordinate with the department of health to ensure that
10 there is no program duplication. The limited license or
11 permit to drive may be suspended as provided in Section
12 66-5-30 NMSA 1978."

13 SECTION 2. Section 66-5-502 NMSA 1978 (being Laws 2003,
14 Chapter 239, Section 2, as amended by Laws 2007, Chapter 316,
15 Section 2 and by Laws 2007, Chapter 317, Section 3 and also
16 by Laws 2007, Chapter 319, Section 48) is amended to read:

17 "66-5-502. DEFINITIONS.--As used in the Ignition
18 Interlock Licensing Act:

19 A. "denied" means the division has refused to
20 issue an instruction permit, driver's license or provisional
21 license pursuant to the provisions of Subsection D or E of
22 Section 66-5-5 NMSA 1978;

23 B. "ignition interlock device" means a device,
24 approved by the traffic safety bureau, that prevents the
25 operation of a motor vehicle by an intoxicated or impaired

1 person;

2 C. "ignition interlock license" means a driver's
3 license issued to a person by the division that allows that
4 person to operate a motor vehicle with an ignition interlock
5 device after that person's driving privilege or driver's
6 license has been revoked or denied. The division shall
7 clearly mark an ignition interlock license to distinguish it
8 from other driver's licenses; and

9 D. "revoked" means the division, pursuant to the
10 provisions of Section 66-5-29 or 66-8-111 NMSA 1978, has
11 terminated a person's driving privilege or driver's license
12 for:

13 (1) driving while under the influence of
14 intoxicating liquor or drugs; or

15 (2) a conviction of homicide by vehicle or
16 great bodily harm by vehicle while under the influence of
17 intoxicating liquor or drugs."

18 SECTION 3. Section 66-5-503 NMSA 1978 (being Laws 2003,
19 Chapter 239, Section 3, as amended) is amended to read:

20 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS.--

21 A. A person whose driving privilege or driver's
22 license has been revoked or denied or who has not met the
23 ignition interlock license requirement as a condition of
24 reinstatement pursuant to Section 66-5-33.1 NMSA 1978 may
25 apply for an ignition interlock license from the division.

1 B. An applicant for an ignition interlock license
2 shall:

3 (1) provide proof of installation of the
4 ignition interlock device by a traffic safety bureau-approved
5 ignition interlock installer on any vehicle the applicant
6 drives; and

7 (2) sign an affidavit acknowledging that:

8 (a) operation by the applicant of any
9 vehicle that is not equipped with an ignition interlock
10 device is subject to penalties for driving with a revoked
11 license;

12 (b) tampering or interfering with the
13 proper and intended operation of an ignition interlock device
14 may subject the applicant to penalties for driving with a
15 license that was revoked for driving under the influence of
16 intoxicating liquor or drugs or a violation of the Implied
17 Consent Act; and

18 (c) the applicant shall maintain the
19 ignition interlock device and keep up-to-date records in the
20 motor vehicle showing required service and calibrations and
21 be able to provide the records upon request.

22 C. A person who has been convicted of homicide by
23 vehicle or great bodily harm by vehicle while under the
24 influence of intoxicating liquor or drugs, as provided in
25 Section 66-8-101 NMSA 1978, shall not be issued an ignition

1 interlock license unless:

2 (1) the person has completed serving the
3 sentence for that crime, including any period of probation
4 and parole; or

5 (2) the person's probation and parole
6 officer has approved a driving privilege during the
7 probationary or parole period."

8 SECTION 4. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2012. _____

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