

1 SENATE BILL 442

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Ron Griggs

5
6
7
8
9
10 AN ACT

11 RELATING TO IGNITION INTERLOCK; ALLOWING THE ISSUANCE OF AN
12 IGNITION INTERLOCK LICENSE TO A PERSON CONVICTED OF HOMICIDE BY
13 VEHICLE OR GREAT BODILY HARM BY VEHICLE WHILE UNDER THE
14 INFLUENCE OF INTOXICATING LIQUOR OR DRUGS AFTER COMPLETION OF
15 THE SENTENCE FOR THAT CRIME, INCLUDING PROBATION AND PAROLE;
16 RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN
17 LAWS 2007.

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

22 "66-5-35. LIMITED DRIVING PRIVILEGE UPON SUSPENSION OR
23 REVOCATION.--

24 A. Upon suspension or revocation of a person's
25 driving privilege or driver's license following conviction or

.191666.2

underscored material = new
~~[bracketed material]~~ = delete

underscoring material = new
~~[bracketed material] = delete~~

1 adjudication as a delinquent under any law, ordinance or rule
2 relating to motor vehicles, the person may apply to the
3 department for a driver's license, provisional license or
4 instruction permit to drive, limited to use allowing the person
5 to engage in gainful employment, to attend school or to attend
6 a court-ordered treatment program, except that the person shall
7 not be eligible to apply:

8 (1) for a limited commercial driver's license
9 or an ignition interlock license in lieu of a revoked or
10 suspended commercial driver's license;

11 (2) for a limited license when the person's
12 driver's license was revoked pursuant to the provisions of the
13 Implied Consent Act, except as provided in the Ignition
14 Interlock Licensing Act;

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16 driver's license was revoked pursuant to the provisions of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

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

23 (5) for a limited license when the person's
24 driver's license was revoked pursuant to a conviction for
25 committing homicide by vehicle, ~~[or]~~ great bodily ~~[injury]~~ harm

.191666.2

underscored material = new
[bracketed material] = delete

1 by vehicle, or homicide by vehicle or great bodily harm by
2 vehicle while under the influence of intoxicating liquor or
3 drugs, as provided in Section 66-8-101 NMSA 1978, except as
4 provided in the Ignition Interlock Licensing Act.

5 B. Upon receipt of a fully completed application
6 that complies with statutes and rules for a limited license or
7 an ignition interlock license and payment of the fee specified
8 in this subsection, the department shall issue a limited
9 license, ignition interlock license or permit to the applicant
10 showing the limitations specified in the approved application.
11 For each limited license, ignition interlock license or permit
12 to drive, the applicant shall pay to the department a fee of
13 forty-five dollars (\$45.00), which shall be transferred to the
14 department of transportation. All money collected under this
15 subsection shall be used for DWI prevention and education
16 programs for elementary and secondary school students. The
17 department of transportation shall coordinate with the
18 department of health to ensure that there is no program
19 duplication. The limited license or permit to drive may be
20 suspended as provided in Section 66-5-30 NMSA 1978."

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

25 "66-5-502. DEFINITIONS.--As used in the Ignition

.191666.2

underscored material = new
[bracketed material] = delete

1 Interlock Licensing Act:

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

6 B. "ignition interlock device" means a device,
7 approved by the traffic safety bureau, that prevents the
8 operation of a motor vehicle by an intoxicated or impaired
9 person;

10 C. "ignition interlock license" means a driver's
11 license issued to a person by the division that allows that
12 person to operate a motor vehicle with an ignition interlock
13 device after that person's driving privilege or driver's
14 license has been revoked or denied. The division shall clearly
15 mark an ignition interlock license to distinguish it from other
16 driver's licenses; and

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

21 (1) driving while under the influence of
22 intoxicating liquor or drugs; or

23 (2) a conviction of homicide by vehicle or
24 great bodily harm by vehicle while under the influence of
25 intoxicating liquor or drugs."

.191666.2

underscored material = new
[bracketed material] = delete

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

3 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS
4 [~~EXCLUSIONS~~].--

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

10 B. An applicant for an ignition interlock license
11 shall:

12 (1) provide proof of installation of the
13 ignition interlock device by a traffic safety bureau-approved
14 ignition interlock installer on any vehicle the applicant
15 drives; and

16 (2) sign an affidavit acknowledging that:

17 (a) operation by the applicant of any
18 vehicle that is not equipped with an ignition interlock device
19 is subject to penalties for driving with a revoked license;

20 (b) tampering or interfering with the
21 proper and intended operation of an ignition interlock device
22 may subject the applicant to penalties for driving with a
23 license that was revoked for driving under the influence of
24 intoxicating liquor or drugs or a violation of the Implied
25 Consent Act; and

.191666.2

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

C. A person who has been convicted of homicide by vehicle or great bodily ~~[injury]~~ harm by vehicle while under the influence of intoxicating liquor or drugs, as provided in Section 66-8-101 NMSA 1978, shall not be issued an ignition interlock license unless the person has completed serving the sentence for that crime, including any period of probation and parole."

SECTION 4. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2013.