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HOUSE BILL 81

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Paul A. Pacheco

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; INCREASING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS WHILE A LICENSE IS SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; CLARIFYING WHO MAY BE CHARGED FOR PERMITTING AN UNAUTHORIZED PERSON TO DRIVE; PROVIDING PENALTIES.

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

SECTION 1. A new Section 66-5-39.2 NMSA 1978 is enacted to read:

"66-5-39.2. [NEW MATERIAL] DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS WHILE LICENSE SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.--A person is guilty of a fourth degree felony and shall be sentenced pursuant to the provisions of Section 31-18-15

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1 NMSA 1978 if:

2 A. the person's privilege to drive was revoked or  
3 suspended for driving while under the influence of intoxicating  
4 liquor or drugs or a violation of the Implied Consent Act; and

5 B. the person is subsequently convicted of driving  
6 while under the influence of intoxicating liquor or drugs or a  
7 violation of the Implied Consent Act together with a conviction  
8 for driving with a suspended license pursuant to Section  
9 66-5-39 NMSA 1978 or with a revoked license pursuant to Section  
10 66-5-39.1 NMSA 1978."

11 SECTION 2. Section 66-5-41 NMSA 1978 (being Laws 1978,  
12 Chapter 35, Section 263) is amended to read:

13 "66-5-41. PERMITTING UNAUTHORIZED PERSON TO DRIVE.--

14 A. No person shall authorize or knowingly permit a  
15 motor vehicle owned by ~~[him]~~ the person or under ~~[his]~~ the  
16 person's control to be driven upon any highway by ~~[any person]~~  
17 another who the person knows or should have known is not  
18 authorized ~~[hereunder or is in violation of any of the~~  
19 ~~provisions of this article]~~ pursuant to the Motor Vehicle Code.

20 B. If a person authorizes or knowingly permits a  
21 motor vehicle owned by the person or under the person's control  
22 to be driven upon any highway by another whom the person  
23 reasonably should have known has a license that, at the time  
24 the authorization or permission is given, was revoked for  
25 driving under the influence of intoxicating liquor or drugs,

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1 and if the person to whom authorization or permission was given  
2 is arrested for driving under the influence of intoxicating  
3 liquor or drugs, the person who gave the authorization or  
4 permission may be charged as a party to the crime of driving  
5 with a revoked license pursuant to Sections 66-5-39.1 and  
6 66-8-120 NMSA 1978."

7 SECTION 3. EFFECTIVE DATE.--The effective date of the  
8 provisions of this act is July 1, 2016.

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