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SENATE BILL 770

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Phil A. Griego

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR  
OR DRUGS; PROVIDING FOR SEIZURE OF VEHICLE UPON ARREST;  
REQUIRING INSTALLATION OF AN IGNITION INTERLOCK DEVICE FOR  
RELEASE OF OWNED VEHICLES; REQUIRING STATEMENT BY OWNER OF  
VEHICLE; PROVIDING FOR FORFEITURE OF VEHICLE IN CERTAIN  
CIRCUMSTANCES.

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

Section 1. SEIZURE OF VEHICLE UPON DWI ARREST--  
REQUIREMENTS FOR RELEASE OF VEHICLE.--

A. Upon the arrest of a person driving under the  
influence of intoxicating liquor or drugs in violation of the  
provisions of Section 66-8-102 NMSA 1978 or similar municipal  
or county ordinances, the vehicle driven by that person shall  
be seized and towed to an appropriate towing facility or

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1 immobilized at a location specified by the owner of the  
2 vehicle. The vehicle shall not be released except as provided  
3 in this section.

4 B. If the person arrested is the owner of the  
5 vehicle, the vehicle shall not be released to that person  
6 unless an ignition interlock device is installed on the  
7 vehicle. If no ignition interlock device is installed within  
8 sixty days, the vehicle shall be forfeited to the state  
9 pursuant to the provisions of the Forfeiture Act.

10 C. If the person arrested is not the owner of the  
11 vehicle, the owner may obtain the vehicle without installation  
12 of an ignition interlock device upon submission of a statement  
13 affirming that the owner will not allow the person arrested for  
14 driving under the influence of intoxicating liquor or drugs to  
15 drive the vehicle. The towing facility shall forward the  
16 statement to the motor vehicle division of the taxation and  
17 revenue department, which shall keep the statement with the  
18 vehicle's registration records, and if the person arrested is  
19 thereafter found driving the vehicle, the vehicle shall be  
20 forfeited to the state pursuant to the provisions of the  
21 Forfeiture Act.

22 Section 2. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2007.