

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 275

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
OR DRUGS; REQUIRING A MINIMUM OF SIX MONTHS OF DRIVING WITH AN
IGNITION INTERLOCK DEVICE BEFORE REINSTATEMENT OF A DRIVER'S
LICENSE; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF
LAW IN LAWS 2007.

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

Section 1. Section 66-5-33.1 NMSA 1978 (being Laws 1985,
Chapter 47, Section 1, as amended) is amended to read:

"66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
REGISTRATION--IGNITION INTERLOCK--FEE.--

A. Whenever a driver's license or registration is
suspended or revoked and an application has been made for its
reinstatement, compliance with all appropriate provisions of
the Motor Vehicle Code and the payment of a fee of twenty-five
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underscoring material = new
[bracketed material] = delete

1 dollars (\$25.00) is a prerequisite to the reinstatement of any
2 license or registration.

3 B. If a driver's license was [~~suspended or~~] revoked
4 for driving while under the influence of intoxicating liquor or
5 drugs, for aggravated driving while under the influence of
6 intoxicating liquor or drugs or [~~for a violation of~~] pursuant
7 to the Implied Consent Act, [an additional fee of seventy-five
8 dollars (\$75.00) is] the following are required [to be paid] to
9 reinstate the driver's license:

10 (1) an additional fee of seventy-five dollars
11 (\$75.00); and

12 (2) a minimum of six months of driving with an
13 ignition interlock license with no attempts to circumvent or
14 tamper with the ignition interlock device.

15 C. The department may reinstate the driving
16 privileges of an out-of-state resident without the requirement
17 that the person obtain an ignition interlock license for a
18 minimum of six months, if the following conditions are met:

19 (1) the license revocation period is
20 completed;

21 (2) satisfactory proof is presented to the
22 department that the person is no longer a resident of New
23 Mexico; and

24 (3) the license reinstatement fee is paid.

25 D. Fees collected pursuant to [this] Subsection B

1 of this section are appropriated to the local governments road
 2 fund. The department shall maintain an accounting of the fees
 3 collected [~~pursuant to this subsection~~] and shall report that
 4 amount upon request to the legislature."

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

7 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--
 8 EXCLUSIONS.--

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

14 B. An applicant for an ignition interlock license
 15 shall:

16 (1) provide proof of installation of the
 17 ignition interlock device by a traffic safety bureau-approved
 18 ignition interlock installer on any vehicle the applicant
 19 drives; and

20 (2) sign an affidavit acknowledging that:

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

24 (b) tampering or interfering with the
 25 proper and intended operation of an ignition interlock device

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1 may subject the applicant to penalties for driving with a
2 license that was revoked for driving under the influence of
3 intoxicating liquor or drugs or a violation of the Implied
4 Consent Act; and

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

9 C. A person who has been convicted of homicide by
10 vehicle or great bodily injury by vehicle while under the
11 influence of intoxicating liquor or drugs, as provided in
12 Section 66-8-101 NMSA 1978, shall not be issued an ignition
13 interlock license."

14 Section 3. EFFECTIVE DATE.--The effective date of the
15 provisions of this act is July 1, 2009.