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SENATE BILL 686

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

INTRODUCED BY

Richard C. Martinez

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
OR DRUGS; REMOVING THE THREE-YEAR IGNITION INTERLOCK LICENSE
REQUIREMENT FOR OFFENDERS WHO REQUEST THAT CURRENT LAW BE
APPLIED TO THEIR LICENSE REVOCATION.

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

Section 1. Section 66-5-29 NMSA 1978 (being Laws 1978,
Chapter 35, Section 251, as amended) is amended to read:

"66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

A. The division shall immediately revoke the
driving privilege or driver's license of a driver upon
receiving a record of the driver's adjudication as a delinquent
for or conviction of any of the following offenses, whether the
offense is under any state law or local ordinance, when the
conviction or adjudication has become final:

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1 (1) manslaughter or negligent homicide
2 resulting from the operation of a motor vehicle;

3 (2) any offense rendering a person a "first
4 offender" as defined in the Motor Vehicle Code;

5 (3) any offense rendering a person a
6 "subsequent offender" as defined in the Motor Vehicle Code;

7 (4) any felony in the commission of which a
8 motor vehicle is used;

9 (5) failure to stop and render aid as required
10 under the laws of this state in the event of a motor vehicle
11 accident resulting in the death or personal injury of another;

12 (6) perjury or the making of a false affidavit
13 or statement under oath to the division under the Motor Vehicle
14 Code or under any other law relating to the ownership or
15 operation of motor vehicles; or

16 (7) conviction or forfeiture of bail not
17 vacated upon three charges of reckless driving committed within
18 a period of twelve months.

19 B. Except as provided in the Ignition Interlock
20 Licensing Act and in Subsection C, D, E or F of this section, a
21 person whose driving privilege or driver's license has been
22 revoked under this section shall not be entitled to apply for
23 or receive a new license until one year from the date that the
24 conviction is final and all rights to an appeal have been
25 exhausted.

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1 C. A person who upon adjudication as a delinquent
2 for driving while under the influence of intoxicating liquor or
3 drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is
4 subject to revocation of the driving privilege or driver's
5 license under this section for an offense pursuant to which the
6 person was also subject to revocation of the driving privilege
7 or driver's license pursuant to Section 66-8-111 NMSA 1978
8 shall have the person's driving privilege or driver's license
9 revoked for that offense for a combined period of time equal
10 to:

11 (1) one year for a first offender; or

12 (2) for a subsequent offender:

13 (a) two years for a second conviction;

14 (b) three years for a third conviction;

15 or

16 (c) the remainder of the offender's life
17 for a fourth or subsequent conviction, subject to a five-year
18 review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

19 D. The division shall apply the license revocation
20 provisions of Subsection C of this section and the provisions
21 of Subsection D of Section 66-5-5 NMSA 1978 to a person who was
22 three or more times convicted of driving a motor vehicle under
23 the influence of intoxicating liquor or drugs and who has a
24 driver's license revocation pursuant to the law in effect prior
25 to June 17, 2005, upon the request of the person [~~and if the~~

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1 ~~person has had an ignition interlock license for three years or~~
2 ~~more and has proof from the ignition interlock vendor of no~~
3 ~~violations of the ignition interlock device in the previous six~~
4 ~~months].~~

5 E. Upon receipt of an order from a court pursuant
6 to Section 32A-2-19 NMSA 1978 or Subsection G of Section
7 32A-2-22 NMSA 1978, the division shall revoke the driver's
8 license or driving privileges for a period of time in
9 accordance with these provisions.

10 F. Upon receipt from a district court of a record
11 of conviction for the offense of shooting at or from a motor
12 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978 or
13 of a conviction for a conspiracy or an attempt to commit that
14 offense, the division shall revoke the driver's license or
15 driving privileges of the convicted person. A person whose
16 driver's license or driving privilege has been revoked pursuant
17 to the provisions of this subsection shall not be entitled to
18 apply for or receive any new driver's license or driving
19 privilege until one year from the date that the conviction is
20 final and all rights to an appeal have been exhausted."