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

B. If a driver's license was revoked for driving while under the influence of intoxicating liquor or drugs, for aggravated driving while under the influence of intoxicating liquor or drugs or pursuant to the Implied Consent Act, the following are required to reinstate the driver's license:

- (1) an additional fee of seventy-five

1 dollars (\$75.00);

2 (2) completion of the license revocation
3 period;

4 (3) satisfaction of any court-ordered
5 ignition interlock requirements; and

6 (4) a minimum of six months of driving with
7 an ignition interlock license with no attempts to circumvent
8 or tamper with the ignition interlock device.

9 C. The department may reinstate the driving
10 privileges of an out-of-state resident without the
11 requirement that the person obtain an ignition interlock
12 license for a minimum of six months, if the following
13 conditions are met:

14 (1) the license revocation period is
15 completed;

16 (2) satisfactory proof is presented to the
17 department that the person is no longer a resident of New
18 Mexico; and

19 (3) the license reinstatement fee is paid.

20 D. Fees collected pursuant to Subsection B of this
21 section are appropriated to the local governments road fund.
22 The department shall maintain an accounting of the fees
23 collected and shall report that amount upon request to the
24 legislature."

1 Chapter 239, Section 3, as amended) is amended to read:

2 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--
3 EXCLUSIONS.--

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5 license has been revoked or denied or who has not met the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

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

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

15 (2) sign an affidavit acknowledging that:

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

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

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

10 Section 3. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2009. _____

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