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HOUSE BILL 530

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Antonio "Moe" Maestas

AN ACT

RELATING TO MOTOR VEHICLES; PERMITTING THE ISSUANCE OF AN  
IGNITION INTERLOCK LICENSE BASED ON PENDING REVOCATION OR  
DENIAL OF A DRIVER'S LICENSE; ADDING OPTIONAL EXTENDED VALIDITY  
PERIODS FOR IGNITION INTERLOCK LICENSES; ALLOWING FOR REMOVAL  
OF AN IGNITION INTERLOCK LICENSE UPON REQUEST OF THE VEHICLE  
OWNER.

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

**SECTION 1.** Section 66-5-35 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 257, as amended) is amended to read:

"66-5-35. LIMITED DRIVING PRIVILEGE UPON SUSPENSION OR  
REVOCATION.--

A. Upon suspension or revocation of a person's  
driving privilege or driver's license following conviction or  
adjudication as a delinquent under any law, ordinance or rule

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1 relating to motor vehicles, the person may apply to the  
2 department for a driver's license, provisional license or  
3 instruction permit to drive, limited to use allowing the person  
4 to engage in gainful employment, to attend school or to attend  
5 a court-ordered treatment program, except that the person shall  
6 not be eligible to apply:

7 (1) for a limited commercial driver's license  
8 or an ignition interlock license in lieu of a revoked or  
9 suspended commercial driver's license;

10 (2) for a limited license when the person's  
11 driver's license was revoked pursuant to the provisions of the  
12 Implied Consent Act, except as provided in the Ignition  
13 Interlock Licensing Act;

14 (3) for a limited license when the person's  
15 driver's license was revoked pursuant to the provisions of  
16 Section 66-8-102 NMSA 1978, except as provided in the Ignition  
17 Interlock Licensing Act;

18 (4) for a limited license when the person's  
19 driver's license is denied pursuant to the provisions of  
20 Subsection D of Section 66-5-5 NMSA 1978, except as provided in  
21 the Ignition Interlock Licensing Act; or

22 (5) for a limited license when the person's  
23 driver's license was revoked pursuant to a conviction for  
24 committing homicide by vehicle, great bodily harm by vehicle or  
25 homicide by vehicle or great bodily harm by vehicle while under

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1 the influence of intoxicating liquor or drugs, as provided in  
2 Section 66-8-101 NMSA 1978, except as provided in the Ignition  
3 Interlock Licensing Act.

4 B. Upon receipt of a fully completed application  
5 that complies with statutes and rules for a limited license or  
6 an ignition interlock license and payment of the fee specified  
7 in this subsection, the department shall issue a limited  
8 license, ignition interlock license or permit to the applicant  
9 showing the limitations specified in the approved application.  
10 For each limited license [~~ignition interlock license~~] or permit  
11 to drive, the applicant shall pay to the department a fee of  
12 forty-five dollars (\$45.00), which shall be transferred to the  
13 department of transportation. All money collected under this  
14 subsection shall be used for DWI prevention and education  
15 programs for elementary and secondary school students. The  
16 department of transportation shall coordinate with the  
17 department of health to ensure that there is no program  
18 duplication. The limited license, ignition interlock license  
19 or permit to drive may be suspended as provided in Section  
20 66-5-30 NMSA 1978."

21 SECTION 2. Section 66-5-502 NMSA 1978 (being Laws 2003,  
22 Chapter 239, Section 2, as amended) is amended to read:

23 "66-5-502. DEFINITIONS.--As used in the Ignition  
24 Interlock Licensing Act:

25 A. "denied" means the division has refused to issue

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1 an instruction permit, driver's license or provisional license  
2 pursuant to the provisions of Subsection D or E of Section  
3 66-5-5 NMSA 1978;

4 B. "ignition interlock device" means a device,  
5 approved by the [~~traffic safety~~] bureau, that prevents the  
6 operation of a motor vehicle by an intoxicated or impaired  
7 person;

8 C. "ignition interlock license" means a driver's  
9 license issued to a person by the division that allows that  
10 person to operate a motor vehicle with an ignition interlock  
11 device after that person's driving privilege or driver's  
12 license has been revoked or denied or is pending revocation or  
13 denial. The division shall clearly mark an ignition interlock  
14 license to distinguish it from other driver's licenses; and

15 D. "revoked" means the division, pursuant to the  
16 provisions of Section 66-5-29 or 66-8-111 NMSA 1978, has  
17 terminated a person's driving privilege or driver's license  
18 for:

19 (1) driving while under the influence of  
20 intoxicating liquor or drugs; or

21 (2) a conviction of homicide by vehicle or  
22 great bodily harm by vehicle while under the influence of  
23 intoxicating liquor or drugs."

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

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1 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--

2 DURATION.--

3 A. A person whose driving privilege or driver's  
4 license has been revoked or denied or is pending revocation or  
5 denial or who has not met the ignition interlock license  
6 requirement as a condition of reinstatement pursuant to Section  
7 66-5-33.1 NMSA 1978 may apply for an ignition interlock license  
8 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 device  
18 is subject to penalties for driving with a revoked license;

19 (b) tampering or interfering with the  
20 proper and intended operation of an ignition interlock device  
21 may subject the applicant to penalties for driving with a  
22 license that was revoked for driving under the influence of  
23 intoxicating liquor or drugs or a violation of the Implied  
24 Consent Act; and

25 (c) the applicant shall maintain the

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1 ignition interlock device and keep up-to-date records in the  
2 motor vehicle showing required service and calibrations and be  
3 able to provide the records upon request.

4 C. An interlock ignition device shall be removed  
5 from a motor vehicle by a licensed service center of ignition  
6 interlock devices upon the request of the person who owns or  
7 leases the motor vehicle.

8 D. At the option of the applicant for an ignition  
9 interlock license, a card may be issued for a period of one  
10 year, two years or three years; provided that the applicant  
11 pays the amount required for an ignition interlock license  
12 issued for the term requested. The ignition interlock license  
13 may be renewed within ninety days prior to its expiration.

14 [~~G-~~] E. A person who has been convicted of homicide  
15 by vehicle or great bodily harm by vehicle while under the  
16 influence of intoxicating liquor or drugs, as provided in  
17 Section 66-8-101 NMSA 1978, shall not be issued an ignition  
18 interlock license unless the person has completed serving the  
19 sentence for that crime, including any period of probation and  
20 parole."

21 **SECTION 4. EFFECTIVE DATE.**--The effective date of the  
22 provisions of this act is July 1, 2015.