

HOUSE BILL 81

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Paul A. Pacheco

This document incorporates committee amendments adopted during standing committee(s) consideration of this measure. It is a tool to show the amendments in context and is not to be used for introduction, amendment or substitution.

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; INCREASING PENALTIES FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS WHILE A LICENSE IS SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; CLARIFYING WHO MAY BE CHARGED FOR PERMITTING AN UNAUTHORIZED PERSON TO DRIVE; PROVIDING PENALTIES.

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

SECTION 1. A new Section 66-5-39.2 NMSA 1978 is enacted to read:

"66-5-39.2. [NEW MATERIAL] DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS WHILE LICENSE SUSPENDED OR REVOKED FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS.--A person is guilty of a fourth degree felony and shall

.202821.1 Amendments in Context

underscoring material = new  
[bracketed material] = delete  
language deleted = deleted by amendment  
New amended language = new by amendment

underscoring material = new  
[bracketed material] = delete  
language deleted = deleted by amendment  
New amended language = new by amendment

be sentenced pursuant to the provisions of Section 31-18-15 NMSA 1978 if:

A. the person's privilege to drive was revoked or suspended for driving while under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act; and

B. the person is subsequently convicted of driving while under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act together with a conviction for driving with a suspended license pursuant to Section 66-5-39 NMSA 1978 or with a revoked license pursuant to Section 66-5-39.1 NMSA 1978."

SECTION 2. Section 66-5-41 NMSA 1978 (being Laws 1978, Chapter 35, Section 263) is amended to read:

"66-5-41. PERMITTING UNAUTHORIZED PERSON TO DRIVE.--

A. No person shall authorize or knowingly permit a motor vehicle owned by ~~[him]~~ the person or under ~~[his]~~ the person's control to be driven upon any highway by ~~[any person]~~ another who the person knows or should have known is not authorized ~~[hereunder or is in violation of any of the provisions of this article]~~ pursuant to the Motor Vehicle Code.

B. If a person knowingly authorizes or knowingly permits a motor vehicle owned by the person or under the person's control to be driven upon any highway by another whom the person reasonably should have known has a license that, at the time the authorization or permission is given, was revoked

underscoring material = new  
[~~bracketed material~~] = delete  
~~language~~ = deleted by amendment  
New amended language = new by amendment

for driving under the influence of intoxicating liquor or drugs, and if the person to whom authorization or permission was given is arrested for driving under the influence of intoxicating liquor or drugs, the person who ~~gave the authorization~~ knowingly authorized or ~~permission~~ knowingly permitted the use of the vehicle may be charged as a party to the crime of driving with a revoked license pursuant to Sections 66-5-39.1 and 66-8-120 NMSA 1978."

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2016.

- 3 -