SENATE BILL

58TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2027

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO MOTOR VEHICLES; REQUIRING THE INSTALLATION OF AN IGNITION INTERLOCK DEVICE AND THE OBTAINING OF AN IGNITION INTERLOCK LICENSE UPON CONVICTION OF DRIVING ON A REVOKED LICENSE; MAKING DRIVING ON A REVOKED LICENSE A CASE OF RECORD IN METROPOLITAN COURT; PROVIDING THAT AN IGNITION INTERLOCK LICENSE IS VALID FOR FOUR OR EIGHT YEARS; PROVIDING THAT AN IGNITION INTERLOCK MAY BE REMOVED WITHOUT A COURT ORDER; AMENDING ELEMENTS TO QUALIFY FOR THE INTERLOCK DEVICE FUND.

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

SECTION 1. Section 34-8A-6 NMSA 1978 (being Laws 1979, Chapter 346, Section 6, as amended) is amended to read:

"34-8A-6. METROPOLITAN COURT--RULES--APPEAL.--

A. The supreme court shall adopt separate rules of procedure for the metropolitan courts. The rules shall provide

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simple procedures for the just, speedy and inexpensive determination of any metropolitan court action.

B. Other than for actions brought pursuant to the Uniform Owner-Resident Relations Act, the metropolitan court is a court of record for civil actions. Any party aggrieved by a judgment rendered by the metropolitan court in a civil action may appeal to the court of appeals. The manner and method for the appeal shall be set forth by supreme court rule.

C. The metropolitan court is not a court of record for civil actions brought pursuant to the Uniform Owner-Resident Relations Act. Any party aggrieved by a judgment rendered by the metropolitan court in a civil action brought pursuant to the Uniform Owner-Resident Relations Act may appeal to the district court of the county in which the metropolitan court is located within fifteen days after the judgment was rendered. The appeal shall be de novo.

D. The metropolitan court is a court of record for criminal actions involving driving while under the influence of intoxicating liquor or drugs, involving driving on a revoked license or involving domestic violence. A criminal action involving domestic violence means an assault or battery under any state law or municipal or county ordinance in which the alleged victim is a household member as defined in the Family Violence Protection Act. Any party aggrieved by a judgment rendered by the metropolitan court in a criminal action

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involving driving while under the influence of intoxicating liquor or drugs, involving driving on a revoked license or involving domestic violence may appeal to the court of appeals. The manner and method of appeal shall be set forth by supreme court rule.

E. The metropolitan court is not a court of record for criminal actions other than driving while under the influence of intoxicating liquor or drugs, driving on a revoked license or domestic violence actions. Any party aggrieved by a judgment rendered by the metropolitan court in a criminal action, other than driving while under the influence of intoxicating liquor or drugs, driving on a revoked license or domestic violence action, may appeal to the district court of the county in which the metropolitan court is located within fifteen days after the judgment was rendered. The appeal shall be de novo.

F. All judgments rendered in civil actions in the metropolitan court shall be subject to the same provisions of law as those rendered in district court."

SECTION 2. Section 66-5-39.1 NMSA 1978 (being Laws 2013, Chapter 163, Section 3) is amended to read:

"66-5-39.1. DRIVING WHILE LICENSE REVOKED--PENALTIES.--

A. A person who drives a motor vehicle on a public highway of this state at a time when the person's privilege to do so is revoked and who knows or should have known that the

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person's license was revoked is guilty of a misdemeanor and shall be charged with a violation of this section. Upon conviction, the person shall be punished, notwithstanding the provisions of Section 31-18-13 NMSA 1978, by imprisonment for not less than four days or more than three hundred sixty-four days or by participation for an equivalent period of time in a certified alternative sentencing program, and there may be imposed in addition a fine of not more than one thousand dollars ($1,000). When a person pays any or all of the cost of participating in a certified alternative sentencing program, the court may apply that payment as a deduction to any fine imposed by the court.

B. Notwithstanding any other provision of law for suspension or deferment of execution of a sentence, if the person's privilege to drive was revoked for driving under the influence of intoxicating liquor or drugs or a violation of the Implied Consent Act, upon conviction pursuant to this section, the person shall be punished by imprisonment for not less than seven consecutive days and shall be fined not less than three hundred dollars ($300) and not more than one thousand dollars ($1,000) and the fine and imprisonment shall not be suspended, deferred or taken under advisement. No other disposition by plea of guilty to any other charge in satisfaction of a charge under this section shall be authorized if the person's privilege to drive was revoked for driving under the influence

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of intoxicating liquor or drugs or a violation of the Implied Consent Act. Any municipal ordinance prohibiting driving with a revoked license shall provide penalties no less stringent than provided in this section.

C. In addition to any other penalties imposed pursuant to this section, when a person is convicted pursuant to the provisions of this section or a municipal ordinance that prohibits driving on a revoked license, the person shall obtain an ignition interlock device pursuant to the provisions of the Ignition Interlock Licensing Act to be installed in all motor [~~vehicle~~] vehicles the person [~~was~~] will be driving [~~shall be immobilized by an immobilization device for thirty days, unless immobilization of the motor vehicle poses an imminent danger to the health, safety or employment of the convicted person's immediate family or the family of the owner of the motor vehicle. The convicted person shall bear the cost of immobilizing the motor vehicle~~] and obtain an ignition interlock license within ten days of conviction.

[~~D. The division, upon receiving a record of the conviction of any person under this section, shall not issue a new license for an additional period of one year from the date the person would otherwise have been entitled to apply for a new license.~~]"

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

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

A. A person whose driving privilege or driver's license will soon be revoked or has been revoked or denied or who has not met the ignition interlock license requirement as a condition of reinstatement pursuant to Section 66-5-33.1 NMSA 1978 may apply for an ignition interlock license from the division by providing proof of installation of the ignition interlock device by a traffic safety bureau-approved ignition interlock installer on all vehicles that the applicant drives.

B. An applicant for an ignition interlock license shall:

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

(2) sign an affidavit acknowledging that:

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

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

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

C. A person who has been convicted of homicide by vehicle or great bodily harm by vehicle while under the influence of intoxicating liquor or drugs, as provided in Section 66-8-101 NMSA 1978, shall not be issued an ignition interlock license unless the person has completed serving the sentence for that crime, including any period of probation and parole.

D. An ignition interlock license may be valid for four or eight years.

E. An ignition interlock device may be removed by a traffic safety bureau-approved ignition interlock installer without a court order at the request of the applicant."

SECTION 4. Section 66-8-102.3 NMSA 1978 (being Laws 2002, Chapter 82, Section 2, as amended) is amended to read:

"66-8-102.3. IMPOSING A FEE--INTERLOCK DEVICE FUND CREATED.--

A. A fee of one hundred dollars ($100) is imposed on a person convicted of driving under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978 or adjudicated as a delinquent on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section

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32A-2-3 NMSA 1978 or a person whose driver's license is revoked pursuant to the provisions of the Implied Consent Act [~~in an amount determined by rule of the traffic safety bureau of the department of transportation not to exceed one hundred dollars ($100) but not less than fifty dollars ($50.00) for each year the person is required to operate only vehicles equipped with an ignition interlock device in order to ensure the solvency of the interlock device fund~~]. The fee shall not be imposed on an indigent person.

B. The "interlock device fund" is created in the state treasury. The fee imposed pursuant to Subsection A of this section shall be collected by the motor vehicle division of the taxation and revenue department and deposited in the interlock device fund.

C. All money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover part of the costs of installing, removing and leasing ignition interlock devices for indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978 or adjudications on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or driver's license revocations pursuant to the provisions of the Implied Consent Act or as a condition of parole, to install those devices in their vehicles. Provided that money is available in the interlock device fund, the

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traffic safety bureau shall pay, for one vehicle per offender, up to [~~fifty dollars ($50.00)~~] one hundred dollars ($100) for the cost of installation, up to [~~fifty dollars ($50.00)~~] one hundred dollars ($100) for the cost of removal and up to [~~thirty dollars ($30.00)~~] sixty dollars ($60.00) monthly for verified active usage of the interlock device. The traffic safety bureau shall not pay any amount above what an offender would be required to pay for the installation, removal or usage of an interlock device.

D. Indigency shall be determined by the traffic safety bureau based on proof of enrollment in one or more of the following types of public assistance:

(1) temporary assistance for needy families;

(2) general assistance;

(3) the supplemental [~~nutritional~~] nutrition assistance program, also known as "food stamps";

(4) supplemental security income;

(5) the federal food distribution program on Indian reservations; [~~or~~]

(6) the entering of an appearance by the public defender department as the person's legal representative under the Indigent Defense Act; or

[~~(6)~~] (7) other criteria approved by the traffic safety bureau.

E. Any balance remaining in the interlock device

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fund shall not revert to the general fund at the end of any fiscal year.

F. The interlock device fund shall be administered by the traffic safety bureau of the department of transportation. No more than ten percent of the money in the interlock device fund in any fiscal year shall be expended by the traffic safety bureau of the department of transportation for the purpose of administering the fund."

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