

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 1146

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
OR DRUGS; ALLOWING THE APPLICATION OF CURRENT DRIVER'S LICENSE
REVOCAION LAWS TO OFFENDERS WITH A LICENSE REVOCATION UNDER
PRIOR LAW.

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 by Laws 2005, Chapter 241,
Section 2 and by Laws 2005, Chapter 269, Section 2) is amended
to read:

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

A. The division shall immediately revoke the
instruction permit, driver's license or provisional license of
a driver upon receiving a record of the driver's adjudication
as a delinquent for or conviction of any of the following

.168303.1

underscored material = new
[bracketed material] = delete

1 offenses, whether the offense is under any state law or local
2 ordinance, when the conviction or adjudication has become
3 final:

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

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

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

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

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

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

19 (7) conviction or forfeiture of bail not
20 vacated upon three charges of reckless driving committed within
21 a period of twelve months.

22 B. Except as provided in the Ignition Interlock
23 Licensing Act and in Subsection C, D [~~or~~], E or F of this
24 section, a person whose license has been revoked under this
25 section shall not be entitled to apply for or receive a new

1 license until one year from the date that the conviction is
2 final and all rights to an appeal have been exhausted.

3 C. A person who upon adjudication as a delinquent
4 for driving while under the influence of intoxicating liquor or
5 drugs or conviction pursuant to Section 66-8-102 NMSA 1978 is
6 subject to license revocation under this section for an offense
7 pursuant to which the person was also subject to license
8 revocation pursuant to Section 66-8-111 NMSA 1978 shall have
9 ~~[his]~~ the person's license revoked for that offense for a
10 combined period of time equal 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. A person who was adjudicated as a delinquent for
20 driving under the influence of intoxicating liquor or drugs or
21 who was convicted pursuant to Section 66-8-102 NMSA 1978 and
22 who has a driver's license revocation pursuant to the law in
23 effect prior to June 17, 2005 may request the division to apply
24 the revocation provisions of Subsection C of this section to
25 that person. The division shall apply the provisions of

1 Subsection C of this section to that person if the person has
2 had an ignition interlock license for three years or more and
3 has proof from the ignition interlock vendor of no violations
4 of the ignition interlock device in the previous six months.

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

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