

1 HOUSE BILL 263

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

3 INTRODUCED BY

4 William "Bill" R. Rehm

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10 AN ACT

11 RELATING TO MOTOR VEHICLES; PROVIDING THAT THE DRIVER'S LICENSE  
12 OF A PERSON CONVICTED OF POSSESSION, DISTRIBUTION OR  
13 MANUFACTURE OF A CONTROLLED SUBSTANCE SHALL BE REVOKED FOR A  
14 PERIOD OF SIX MONTHS FROM THE DATE THAT THE CONVICTION IS  
15 FINAL.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. Section 66-5-29 NMSA 1978 (being Laws 1978,  
19 Chapter 35, Section 251, as amended) is amended to read:

20 "66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

21 A. The division shall immediately revoke the  
22 driving privilege or driver's license of a driver upon  
23 receiving a record of the driver's adjudication as a delinquent  
24 for or conviction of any of the following offenses, whether the  
25 offense is under any state law or local ordinance, when the

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1 conviction or adjudication has become final:

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

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

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

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

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

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

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

20 B. Except as provided in the Ignition Interlock  
21 Licensing Act and in Subsection C, D, E or F of this section, a  
22 person whose driving privilege or driver's license has been  
23 revoked [~~under~~] pursuant to Subsection A of this section shall  
24 not be entitled to apply for or receive a new license until one  
25 year from the date that the conviction is final and all rights

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1 to an appeal have been exhausted.

2 C. A person who upon adjudication as a delinquent  
3 for driving while under the influence of intoxicating liquor or  
4 drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is  
5 subject to revocation of the driving privilege or driver's  
6 license under this section for an offense pursuant to which the  
7 person was also subject to revocation of the driving privilege  
8 or driver's license pursuant to Section 66-8-111 NMSA 1978  
9 shall have the person's driving privilege or driver's license  
10 revoked for that offense for a combined period of time equal  
11 to:

12 (1) one year for a first offender; or

13 (2) for a subsequent offender:

14 (a) two years for a second conviction;

15 (b) three years for a third conviction;

16 or

17 (c) the remainder of the offender's life  
18 for a fourth or subsequent conviction, subject to a five-year  
19 review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

20 D. The division shall apply the license revocation  
21 provisions of Subsection C of this section and the provisions  
22 of Subsection D of Section 66-5-5 NMSA 1978 to a person who was  
23 three or more times convicted of driving a motor vehicle under  
24 the influence of intoxicating liquor or drugs and who has a  
25 driver's license revocation pursuant to the law in effect prior

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1 to June 17, 2005, upon the request of the person and if the  
2 person has had an ignition interlock license for three years or  
3 more and has proof from the ignition interlock vendor of no  
4 violations of the ignition interlock device in the previous six  
5 months.

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

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

22 G. The division shall immediately revoke the  
23 driving privilege or driver's license of a driver upon  
24 receiving a record of the driver's adjudication as a delinquent  
25 for or conviction of any of the following offenses for a period

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1 of six months beginning on the date that the conviction or  
2 adjudication is final and all rights to an appeal have been  
3 exhausted:

4 (1) trafficking of controlled substance, as  
5 provided in Section 30-31-20 NMSA 1978;

6 (2) distribution to a minor, as provided in  
7 Section 30-31-21 NMSA 1978;

8 (3) distribution or possession with intent to  
9 distribute, as provided in Section 30-31-22 NMSA 1978;

10 (4) possession of controlled substance, as  
11 provided in Section 30-31-23 NMSA 1978; or

12 (5) attempt or conspiracy to possess,  
13 distribute or manufacture a substance the possession of which  
14 is prohibited under the Controlled Substances Act."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2012.