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AN ACT

RELATING TO MOTOR VEHICLES; CLARIFYING PROVISIONS IN THE  
MOTOR VEHICLE CODE RELATING TO THE SUSPENSION AND REVOCATION  
OF A DRIVER'S LICENSE.

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

SECTION 1. Section 66-5-32 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 254, as amended by Laws 2005, Chapter  
241, Section 3 and by Laws 2005, Chapter 269, Section 3) is  
amended to read:

"66-5-32. PERIOD OF SUSPENSION OR REVOCATION.--

A. The division shall not suspend a driver's  
license or privilege to drive a motor vehicle on the public  
highways for a period of more than one year except as  
permitted under Subsection C of this section and Sections  
60-7B-1, 66-5-5, 66-5-39 and 66-5-39.1 NMSA 1978.

B. Except as provided in the Ignition Interlock  
Licensing Act, a person whose license or privilege to drive a  
motor vehicle on the public highways has been revoked shall  
not be entitled to have the license or privilege renewed or  
restored unless the revocation was for a cause that has been  
removed, except that after the expiration of the periods  
specified in Subsections B and C of Section 66-5-29 NMSA 1978  
from the date on which the revoked license was surrendered to  
and received by the division, the person may make application

1 for a new license as provided by law.

2 C. The suspension period for failure to appear or  
3 failure to remit the penalty assessment shall, at the  
4 discretion of the director, be extended indefinitely subject  
5 to the provisions of Subsection B of Section 66-5-30  
6 NMSA 1978."

7 SECTION 2. Section 66-5-39 NMSA 1978 (being Laws 1978,  
8 Chapter 35, Section 261, as amended) is amended to read:

9 "66-5-39. DRIVING WHILE LICENSE SUSPENDED--PENALTIES.--

10 A. Any person who drives a motor vehicle on any  
11 public highway of this state at a time when the person's  
12 privilege to do so is suspended and who knows or should have  
13 known that the person's license was suspended is guilty of a  
14 misdemeanor and shall be charged with a violation of this  
15 section. Upon conviction, the person shall be punished,  
16 notwithstanding the provisions of Section 31-18-13 NMSA 1978,  
17 by imprisonment for not less than four days or more than  
18 three hundred sixty-four days or participation for an  
19 equivalent period of time in a certified alternative  
20 sentencing program, and there may be imposed in addition a  
21 fine of not more than one thousand dollars (\$1,000). When a  
22 person pays any or all of the cost of participating in a  
23 certified alternative sentencing program, the court may apply  
24 that payment as a deduction to any fine imposed by the court.  
25 Any municipal ordinance prohibiting driving with a suspended

1 license shall provide penalties no less stringent than  
2 provided in this section.

3 B. In addition to any other penalties imposed  
4 pursuant to the provisions of this section, when a person is  
5 convicted pursuant to the provisions of this section or a  
6 municipal ordinance that prohibits driving on a suspended  
7 license, the motor vehicle the person was driving may be  
8 immobilized by an immobilization device for thirty days,  
9 unless immobilization of the motor vehicle poses an imminent  
10 danger to the health, safety or employment of the convicted  
11 person's immediate family or the family of the owner of the  
12 motor vehicle. The convicted person shall bear the cost of  
13 immobilizing the motor vehicle.

14 C. The division, upon receiving a record of the  
15 conviction of any person under this section, shall extend the  
16 period of suspension for an additional like period."

17 SECTION 3. A new Section 66-5-39.1 NMSA 1978 is enacted  
18 to read:

19 "66-5-39.1. DRIVING WHILE LICENSE REVOKED--PENALTIES.--

20 A. A person who drives a motor vehicle on a public  
21 highway of this state at a time when the person's privilege  
22 to do so is revoked and who knows or should have known that  
23 the person's license was revoked is guilty of a misdemeanor  
24 and shall be charged with a violation of this section. Upon  
25 conviction, the person shall be punished, notwithstanding the

1 provisions of Section 31-18-13 NMSA 1978, by imprisonment for  
2 not less than four days or more than three hundred sixty-four  
3 days or by participation for an equivalent period of time in  
4 a certified alternative sentencing program, and there may be  
5 imposed in addition a fine of not more than one thousand  
6 dollars (\$1,000). When a person pays any or all of the cost  
7 of participating in a certified alternative sentencing  
8 program, the court may apply that payment as a deduction to  
9 any fine imposed by the court.

10 B. Notwithstanding any other provision of law for  
11 suspension or deferment of execution of a sentence, if the  
12 person's privilege to drive was revoked for driving under the  
13 influence of intoxicating liquor or drugs or a violation of  
14 the Implied Consent Act, upon conviction pursuant to this  
15 section, the person shall be punished by imprisonment for not  
16 less than seven consecutive days and shall be fined not less  
17 than three hundred dollars (\$300) and not more than one  
18 thousand dollars (\$1,000) and the fine and imprisonment shall  
19 not be suspended, deferred or taken under advisement. No  
20 other disposition by plea of guilty to any other charge in  
21 satisfaction of a charge under this section shall be  
22 authorized if the person's privilege to drive was revoked for  
23 driving under the influence of intoxicating liquor or drugs  
24 or a violation of the Implied Consent Act. Any municipal  
25 ordinance prohibiting driving with a revoked license shall

1 provide penalties no less stringent than provided in this  
2 section.

3 C. In addition to any other penalties imposed  
4 pursuant to this section, when a person is convicted pursuant  
5 to the provisions of this section or a municipal ordinance  
6 that prohibits driving on a revoked license, the motor  
7 vehicle the person was driving shall be immobilized by an  
8 immobilization device for thirty days, unless immobilization  
9 of the motor vehicle poses an imminent danger to the health,  
10 safety or employment of the convicted person's immediate  
11 family or the family of the owner of the motor vehicle. The  
12 convicted person shall bear the cost of immobilizing the  
13 motor vehicle.

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

19 SECTION 4. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2013. \_\_\_\_\_

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