

1 HOUSE BILL 355

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Elizabeth "Liz" Thomson

5
6
7
8
9
10 AN ACT

11 RELATING TO MOTOR VEHICLES; CHANGING THE REQUIREMENTS FOR
12 REMOVAL OF AN IGNITION INTERLOCK DEVICE BEFORE REINSTATEMENT OF
13 A DRIVER'S LICENSE.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 66-5-33.1 NMSA 1978 (being Laws 1985,
17 Chapter 47, Section 1, as amended) is amended to read:

18 "66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
19 REGISTRATION--IGNITION INTERLOCK--FEE.--

20 A. Whenever a driver's license or registration is
21 suspended or revoked and an application has been made for its
22 reinstatement, compliance with all appropriate provisions of
23 the Motor Vehicle Code and the payment of a fee of twenty-five
24 dollars (\$25.00) is a prerequisite to the reinstatement of any
25 license or registration.

.212091.2

underscoring material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 B. If a driver's license was revoked for driving
2 while under the influence of intoxicating liquor or drugs, for
3 aggravated driving while under the influence of intoxicating
4 liquor or drugs or pursuant to the Implied Consent Act, the
5 following are required to reinstate the driver's license:

6 (1) an additional fee of seventy-five dollars
7 (\$75.00);

8 (2) completion of the license revocation
9 period;

10 (3) satisfaction of any court-ordered ignition
11 interlock requirements;

12 (4) a minimum of six months of driving with an
13 ignition interlock license with no attempts to circumvent,
14 remove or tamper with the ignition interlock device;

15 (5) evidence that the ignition interlock
16 device has not recorded ~~[two]~~ any vehicle lockouts in the six
17 months prior to the application for reinstatement; and

18 (6) evidence of verified active usage as that
19 phrase is defined by the bureau.

20 C. A person whose driver's license reinstatement is
21 denied may file an appeal pursuant to the provisions of Section
22 39-3-1.1 NMSA 1978.

23 D. The department may reinstate the driving
24 privileges of an out-of-state resident without the requirement
25 that the person obtain an ignition interlock license for a

.212091.2

underscoring material = new
~~[bracketed material] = delete~~

1 minimum of six months, if the following conditions are met:

2 (1) the license revocation period is
3 completed;

4 (2) satisfactory proof is presented to the
5 department that the person is no longer a resident of New
6 Mexico; and

7 (3) the license reinstatement fee is paid.

8 E. Fees collected pursuant to Subsection B of this
9 section are appropriated to the local governments road fund.
10 The department shall maintain an accounting of the fees
11 collected and shall report that amount upon request to the
12 legislature.

13 F. For the purposes of this section, "vehicle
14 lockout" means a driver has failed:

15 (1) a breath test six times within a period of
16 three hours; or

17 (2) initial breath tests or random breath re-
18 tests ten times within a period of thirty days."