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SENATE BILL 538

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Manny M Aragon

AN ACT

RELATING TO GAME AND FISH; PROVIDING PENALTIES, INCLUDING DRIVER' S LICENSE REVOCATION, FOR FAILURE TO TIMELY PAY PENALTY ASSESSMENTS.

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

Section 1. A new Section 17-2-10.5 NMSA 1978 is enacted to read:

"17-2-10.5. [NEW MATERIAL] FAILURE TO PAY GAME AND FISH PENALTY ASSESSMENT-- DRIVER' S LICENSE REVOCATION. --

A. A person who fails to pay a game and fish penalty assessment within the time prescribed by Subsection B of Section 17-2-10.2 NMSA 1978 is guilty of a misdemeanor, punishable pursuant to Section 31-19-1 NMSA 1978.

B. Upon conviction of a person pursuant to Subsection A of this section, if the game and fish penalty

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1 assessment remains unpaid, within twenty-four hours of the
2 conviction, the court shall send a copy of the judgment to the
3 motor vehicle division of the taxation and revenue department.
4 Upon receipt of the copy the director of the motor vehicle
5 division shall revoke or deny the person's driver's license or
6 privilege until the court notifies the director of the motor
7 vehicle division that the assessment has been paid."

8 Section 2. Section 66-5-29 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 251, as amended by Laws 1993, Chapter 66,
10 Section 4 and also by Laws 1993, Chapter 78, Section 4) is
11 amended to read:

12 "66-5-29. MANDATORY REVOCATION OF LICENSE BY [~~DIVISION~~]
13 DEPARTMENT. --

14 A. The [~~division~~] department shall immediately
15 revoke the license of any driver upon receiving a record of
16 the driver's adjudication as a delinquent for or conviction of
17 any of the following offenses, whether the offense is under
18 any state law or local ordinance, when the conviction or
19 adjudication has become final:

- 20 (1) manslaughter or negligent homicide
21 resulting from the operation of a motor vehicle;
- 22 (2) any offense rendering a person a "first
23 offender" as defined in the Motor Vehicle Code, if that person
24 does not attend a driver rehabilitation program pursuant to
25 Subsection [~~H~~] E of Section 66-8-102 NMSA 1978;

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

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

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

9 (6) perjury or the making of a false
10 affidavit or statement under oath to the [~~division~~] department
11 under the Motor Vehicle Code or under any other law relating
12 to the ownership or operation of motor vehicles; or

13 (7) conviction or forfeiture of bail not
14 vacated upon three charges of reckless driving committed
15 within a period of twelve months.

16 B. Any person whose license has been revoked under
17 this section, except as provided in Subsection C, D, [~~or~~] E or
18 F of this section, shall not be entitled to apply for or
19 receive any new license until the expiration of one year from
20 the date of the last application on which the revoked license
21 was surrendered to and received by the [~~division~~] department,
22 if no appeal is filed, or one year from the date that the
23 revocation is final and he has exhausted his rights to an
24 appeal.

25 C. Any person who upon adjudication as a

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1 delinquent or conviction is subject to license revocation
2 under this section for an offense pursuant to which he was
3 also subject to license revocation pursuant to Section
4 66-8-111 NMSA 1978 shall have his license revoked for that
5 offense for a combined period of time equal to one year.

6 D. Upon receipt of an order from a court pursuant
7 to Subsection [F] G of Section [~~32-1-34~~] 32A-2-19 NMSA 1978 or
8 Subsection G of Section [~~32-1-36~~] 32A-2-22 NMSA 1978, the
9 [~~division~~] department shall revoke the driver's license or
10 driving privileges for a period of time in accordance with
11 these provisions.

12 E. Upon receipt from a district court of a record
13 of conviction for the offense of shooting at or from a motor
14 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978
15 or of a conviction for a conspiracy or an attempt to commit
16 that offense, the [~~division~~] department shall revoke the
17 driver's licenses or driving privileges of the convicted
18 person. Any person whose license or privilege has been
19 revoked pursuant to the provisions of this subsection shall
20 not be entitled to apply for or receive any new license or
21 privilege until the expiration of one year from the date of
22 the last application on which the revoked license was
23 surrendered to and received by the [~~division~~] department, if
24 no appeal is filed, or one year from the date that the
25 revocation is final and [~~he~~] the person has exhausted his

1 rights to an appeal.

2 F. Upon receipt of a judgment from a court
3 pursuant to Section 17-2-10.5 NMSA 1978, the department shall
4 revoke the driver's license or driving privileges until the
5 court notifies the department that the penalty assessment has
6 been paid pursuant to that section. "

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1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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5 February 27, 1999

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7 Mr. President:

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9 Your JUDICIARY COMMITTEE, to whom has been referred

10
11 SENATE BILL 538

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13 has had it under consideration and reports same with
14 recommendation that it DO PASS, and thence referred to the
15 CONSERVATION COMMITTEE.
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18 Respectfully submitted,

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24 _____
25 Michael S. Sanchez, Chairman

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1 Adopted _____ Not

2 Adopted _____

3 (Chief Clerk)

(Chief Clerk)

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6 Date _____

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9 The roll call vote was 3 For 2 Against

10 Yes: 3

11 No: Davis, McSorley

12 Excused: Lopez, Sanchez, Tsosie

13 Absent: None

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