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HOUSE BILL 202

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Al Park

AN ACT

RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; PROHIBITING A STATE EMPLOYEE FROM DRIVING A STATE VEHICLE WHEN THE EMPLOYEE IS CONVICTED FOR DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR DRUGS; ENACTING A NEW SECTION OF THE NMSA 1978.

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

Section 1. A new section of the Transportation Services Act is enacted to read:

"[NEW MATERIAL] PROHIBITIONS. --

A. A state employee shall not operate a state vehicle if the employee is convicted two or more times for driving while under the influence of intoxicating liquor or drugs or once for aggravated driving while under the influence of intoxicating liquor or drugs.

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B. A conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory or possession of the United States or of a tribe that is equivalent to New Mexico law for driving while under the influence of intoxicating liquor or drugs or for aggravated driving while under the influence of intoxicating liquor or drugs is a conviction for the purpose of determining whether a conviction is a second or subsequent conviction.

C. As used in this section, "conviction" means the alleged violator has entered a plea of guilty or nolo contendere or has been found guilty in a trial court and has waived or exhausted all rights to an appeal."

Section 2. APPLICABILITY.--The provisions of this act apply to convictions that occur on or after July 1, 2004.

Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2004.