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SENATE BILL 603

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Phil A. Griego

AN ACT

**RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR
OR DRUGS; EXTENDING THE TIME OF REVOCATION OF A DRIVER'S
LICENSE FOR A FIRST OFFENDER; REQUIRING AN IGNITION INTERLOCK
LICENSE AND COMPLIANCE WITH JUDICIAL INTERLOCK MANDATES BEFORE
REINSTATEMENT OF A DRIVER'S LICENSE.**

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

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

**"66-5-33.1. REINSTATEMENT OF DRIVER'S LICENSE OR
REGISTRATION-- FEE. --**

**A. Whenever a driver's license or registration is
suspended or revoked and an application has been made for its
reinstatement, compliance with all appropriate provisions of
the Motor Vehicle Code and the payment of a fee of twenty-five**

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1 dollars (\$25.00) is a prerequisite to the reinstatement of any
2 license or registration.

3 B. If a driver's license was suspended or revoked
4 for driving while under the influence of intoxicating liquor or
5 drugs, for aggravated driving while under the influence of
6 intoxicating liquor or drugs or for a violation of the Implied
7 Consent Act, [~~an additional fee of seventy-five dollars~~
8 ~~(\$75.00) is required to be paid to reinstate the driver's~~
9 ~~license]~~ the following is required to reinstate the driver's
10 license:

11 (1) payment of an additional fee of seventy-
12 five dollars (\$75.00);

13 (2) the person shall have had an ignition
14 interlock license for at least:

15 (a) six months if the person submitted
16 to a chemical test pursuant to the Implied Consent Act;

17 (b) six months if the person is less
18 than twenty-one years of age;

19 (c) one year if the person's license has
20 previously been revoked pursuant to the Implied Consent Act,
21 notwithstanding the provisions of Subparagraphs (a) and (b) of
22 this paragraph; or

23 (d) one year if the person refused to
24 submit to a chemical test pursuant to the Implied Consent Act;

25 and

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1 (3) the person shall have completed any
2 judicial ignition interlock mandate.

3 C. Fees collected pursuant to [~~this~~] Subsection B
4 of this section are appropriated to the local governments road
5 fund. The department shall maintain an accounting of the fees
6 collected [~~pursuant to this subsection~~] and shall report that
7 amount upon request to the legislature. "

8 Section 2. Section 66-8-111 NMSA 1978 (being Laws 1978,
9 Chapter 35, Section 519, as amended by Laws 2003, Chapter 51,
10 Section 13 and by Laws 2003, Chapter 90, Section 6) is amended
11 to read:

12 "66-8-111. REFUSAL TO SUBMIT TO CHEMICAL TESTS--TESTING--
13 GROUNDS FOR REVOCATION OF LICENSE OR PRIVILEGE TO DRIVE. --

14 A. If a person under arrest for violation of an
15 offense enumerated in the Motor Vehicle Code refuses upon
16 request of a law enforcement officer to submit to chemical
17 tests designated by the law enforcement agency as provided in
18 Section 66-8-107 NMSA 1978, none shall be administered except
19 when a municipal judge, magistrate or district judge issues a
20 search warrant authorizing chemical tests as provided in
21 Section 66-8-107 NMSA 1978 upon his finding in a law
22 enforcement officer's written affidavit that there is probable
23 cause to believe that the person has driven a motor vehicle
24 while under the influence of alcohol or a controlled substance,
25 thereby causing the death or great bodily injury of another

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1 person, or there is probable cause to believe that the person
2 has committed a felony while under the influence of alcohol or
3 a controlled substance and that chemical tests as provided in
4 Section 66-8-107 NMSA 1978 will produce material evidence in a
5 felony prosecution.

6 B. The department, upon receipt of a statement
7 signed under penalty of perjury from a law enforcement officer
8 stating the officer's reasonable grounds to believe the
9 arrested person had been driving a motor vehicle within this
10 state while under the influence of intoxicating liquor or drugs
11 and that, upon his request, the person refused to submit to a
12 chemical test after being advised that failure to submit could
13 result in revocation of his privilege to drive, shall revoke
14 the person's New Mexico driver's license or any nonresident
15 operating privilege for a period of one year or until all
16 conditions for license reinstatement are met, whichever is
17 later.

18 C. The department, upon receipt of a statement
19 signed under penalty of perjury from a law enforcement officer
20 stating the officer's reasonable grounds to believe the
21 arrested person had been driving a motor vehicle within this
22 state while under the influence of intoxicating liquor and that
23 the person submitted to chemical testing pursuant to Section
24 66-8-107 NMSA 1978 and the test results indicated an alcohol
25 concentration in the person's blood or breath of eight one

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1 hundredths or more if the person is twenty-one years of age or
2 older, four one hundredths or more if the person is driving a
3 commercial motor vehicle or two one hundredths or more if the
4 person is less than twenty-one years of age, shall revoke the
5 person's license or permit to drive or his nonresident
6 operating privilege for a period of:

7 (1) [~~ninety days~~] six months or until all
8 conditions for license reinstatement are met, whichever is
9 later, if the person is twenty-one years of age or older;

10 (2) six months or until all conditions for
11 license reinstatement are met, whichever is later, if the
12 person is less than twenty-one years of age and has not
13 previously had his license revoked pursuant to the provisions
14 of this section, notwithstanding any provision of the
15 Children's Code; or

16 (3) one year or until all conditions for
17 license reinstatement are met, whichever is later, if the
18 person has previously had his license revoked pursuant to the
19 provisions of this section, notwithstanding the provisions of
20 Paragraph (1) or (2) of this subsection or any provision of the
21 Children's Code.

22 D. The determination of alcohol concentration shall
23 be based on the grams of alcohol in one hundred milliliters of
24 blood or the grams of alcohol in two hundred ten liters of
25 breath.

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E. If the person subject to the revocation provisions of this section is a resident or will become a resident within one year and is without a license to operate a motor vehicle in this state, the department shall deny the issuance of a license to him for the appropriate period of time as provided in Subsections B and C of this section.

F. A statement signed by a law enforcement officer, pursuant to the provisions of Subsection B or C of this section, shall be sworn to by the officer or shall contain a declaration substantially to the effect: "I hereby declare under penalty of perjury that the information given in this statement is true and correct to the best of my knowledge.". A law enforcement officer who signs a statement, knowing that the statement is untrue in any material issue or matter, is guilty of perjury as provided in Section 66-5-38 NMSA 1978. "