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SENATE BILL 308

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Kent L. Cravens

AN ACT

RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR  
OR DRUGS; PROVIDING FOR IMMOBILIZATION OF VEHICLE UPON ARREST;  
REQUIRING INSTALLATION OF AN IGNITION INTERLOCK DEVICE FOR  
RELEASE OF VEHICLE; REQUIRING AFFIDAVIT BY OWNER OF VEHICLE;  
PROVIDING FOR FORFEITURE OF VEHICLE IN CERTAIN CIRCUMSTANCES.

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

**SECTION 1. IMMOBILIZATION OF VEHICLE UPON DWI ARREST--  
REQUIREMENTS FOR RELEASE OF VEHICLE--FORFEITURE.--**

A. Upon the arrest of a person driving under the  
influence of intoxicating liquor or drugs in violation of the  
provisions of Section 66-8-102 NMSA 1978 or similar municipal  
or county ordinances, the vehicle driven by that person shall  
be immobilized at a location specified by the owner of the  
vehicle. The vehicle shall not be released except as provided

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1 in this section.

2 B. If the person arrested is the owner of the  
3 vehicle, the vehicle shall remain immobilized until an ignition  
4 interlock device is installed on the vehicle or until final  
5 adjudication of the charges.

6 C. If the person arrested is not the owner of the  
7 vehicle, the owner may obtain the vehicle without installation  
8 of an ignition interlock device upon submission of an affidavit  
9 to the motor vehicle division of the taxation and revenue  
10 department affirming that the owner will not allow the person  
11 arrested for driving under the influence of intoxicating liquor  
12 or drugs to drive the vehicle while that person's driver's  
13 license is revoked. The motor vehicle division shall keep the  
14 affidavit with the vehicle's registration records, and if the  
15 person arrested is thereafter found driving the vehicle without  
16 a valid driver's license, the vehicle shall be subject to  
17 forfeiture pursuant to the provisions of the Forfeiture Act.

18 SECTION 2. EFFECTIVE DATE.--The effective date of the  
19 provisions of this act is July 1, 2011.