

FIFTY-THIRD LEGISLATURE
SECOND SESSION, 2018

January 30, 2018

Mr. Speaker:

Your **CONSUMER & PUBLIC AFFAIRS COMMITTEE**, to whom
has been referred

HOUSE BILL 71

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 15, line 3 through page 16, line 5, strike Section
3 in its entirety and insert the following new section:

"SECTION 3. Section 66-8-111.1 NMSA 1978 (being Laws 1984,
Chapter 72, Section 7, as amended) is amended to read:

"66-8-111.1. LAW ENFORCEMENT OFFICER AGENT FOR
DEPARTMENT--WRITTEN NOTICE OF REVOCATION AND OF RIGHT TO A
HEARING.--

A. On behalf of the department, a law enforcement
officer requesting a chemical test or directing the administration
of a chemical test pursuant to [~~Section~~] Sections 66-8-107 and
66-8-111 NMSA 1978 shall serve immediate written notice of
revocation and of right to a hearing before the administrative
hearings office pursuant to the Implied Consent Act on a person who:

(1) refuses to permit chemical testing; or [~~on a~~
~~person who~~]

(2) submits to a chemical test the results of
which indicate an alcohol concentration in the person's blood or
breath of:

(a) eight one hundredths or more if the
person is twenty-one years of age or older;

(b) four one hundredths or more if the person
is driving a commercial motor vehicle; or

(c) two one hundredths or more if the person
is less than twenty-one years of age. [~~Upon serving~~]

B. The written notice of revocation [~~the law enforcement~~

FIFTY-THIRD LEGISLATURE
SECOND SESSION, 2018

HCPAC/HB 71

Page 2

~~officer shall take the license or permit of the driver, if any, and issue] and of right to a hearing served on the driver shall be a temporary license valid for twenty days or, if the driver requests a hearing pursuant to Section 66-8-112 NMSA 1978, valid until the date the administrative hearings office issues the order following that hearing; provided that a written notice of revocation and of right to a hearing shall not be a temporary license [shall not be issued to] for a driver without [a valid license or permit] any otherwise valid driving privileges in this state.~~

C. The law enforcement officer shall send ~~[the person's driver's license]~~ to the department ~~[along with]~~ the signed statement required pursuant to Section 66-8-111 NMSA 1978."",

and thence referred to the **JUDICIARY COMMITTEE**.

Respectfully submitted,

Eliseo Alcon, Chair

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5
No: 0
Excused: None
Absent: None

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