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HOUSE BILL 280

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Cathrynn N. Brown

AN ACT

RELATING TO DRIVER'S LICENSES; EXPANDING THE SCOPE OF OFFENSES
THAT CAUSE IMMEDIATE REVOCATION OF A DRIVER'S LICENSE.

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

SECTION 1. Section 66-5-29 NMSA 1978 (being Laws 1978,
Chapter 35, Section 251, as amended) is amended to read:

"66-5-29. MANDATORY REVOCATION OF LICENSE BY DIVISION.--

A. The division shall immediately revoke the
driving privilege or driver's license of a driver upon
receiving a record of the driver's adjudication as a delinquent
for or conviction of any of the following offenses, whether the
offense is under any state law or local ordinance, when the
conviction or adjudication has become final:

(1) manslaughter or negligent homicide
resulting from the operation of a motor vehicle;

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

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

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

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

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

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

17 (8) any offense under the federal Controlled
18 Substances Act or New Mexico's Controlled Substances Act or any
19 other drug offense.

20 B. Except as provided in the Ignition Interlock
21 Licensing Act and in Subsection C, D, E or F of this section, a
22 person whose driving privilege or driver's license has been
23 revoked under this section shall not be entitled to apply for
24 or receive a new license until one year from the date that the
25 conviction is final and all rights to an appeal have been

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1 exhausted.

2 C. A person who upon adjudication as a delinquent
3 for driving while under the influence of intoxicating liquor or
4 drugs or a conviction pursuant to Section 66-8-102 NMSA 1978 is
5 subject to revocation of the driving privilege or driver's
6 license under this section for an offense pursuant to which the
7 person was also subject to revocation of the driving privilege
8 or driver's license pursuant to Section 66-8-111 NMSA 1978
9 shall have the person's driving privilege or driver's license
10 revoked for that offense for a combined period of time equal
11 to:

12 (1) one year for a first offender; or

13 (2) for a subsequent offender:

14 (a) two years for a second conviction;

15 (b) three years for a third conviction;

16 or

17 (c) the remainder of the offender's life
18 for a fourth or subsequent conviction, subject to a five-year
19 review, as provided in Sections 66-5-5 and 66-8-102 NMSA 1978.

20 D. The division shall apply the license revocation
21 provisions of Subsection C of this section and the provisions
22 of Subsection D of Section 66-5-5 NMSA 1978 to a person who was
23 three or more times convicted of driving a motor vehicle under
24 the influence of intoxicating liquor or drugs and who has a
25 driver's license revocation pursuant to the law in effect prior

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1 to June 17, 2005, upon the request of the person and if the
2 person has had an ignition interlock license for three years or
3 more and has proof from the ignition interlock vendor of no
4 violations of the ignition interlock device in the previous six
5 months.

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

11 F. Upon receipt from a district court of a record
12 of conviction for the offense of shooting at or from a motor
13 vehicle pursuant to Subsection B of Section 30-3-8 NMSA 1978 or
14 of a conviction for a conspiracy or an attempt to commit that
15 offense, the division shall revoke the driver's license or
16 driving privileges of the convicted person. A person whose
17 driver's license or driving privilege has been revoked pursuant
18 to the provisions of this subsection shall not be entitled to
19 apply for or receive any new driver's license or driving
20 privilege until one year from the date that the conviction is
21 final and all rights to an appeal have been exhausted."

22 SECTION 2. APPLICABILITY.--The provisions of this act
23 apply to persons who are convicted on or after July 1, 2018.

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2018.

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