HOUSE BILL 487

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

David M. Gallegos

AN ACT

RELATING TO MOTOR VEHICLES; PROVIDING THAT THE DRIVER'S LICENSE OF A PERSON CONVICTED OF POSSESSION, DISTRIBUTION OR MANUFACTURE OF A CONTROLLED SUBSTANCE SHALL BE REVOKED FOR A PERIOD OF SIX MONTHS FROM THE DATE THAT THE CONVICTION IS FINAL.

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

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conviction or adjudication has become final:

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

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

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

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

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

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

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

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Licensing Act and in Subsection C, D, E or F of this section, a person whose driving privilege or driver's license has been revoked [under] pursuant to Subsection A of this section shall not be entitled to apply for or receive a new license until one year from the date that the conviction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

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

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

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

G. 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 for a period

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of six months beginning on the date that the conviction or

adjudication is final and all rights to an appeal have been

exhausted:

           (1) trafficking of controlled substance, as

provided in Section 30-31-20 NMSA 1978;

           (2) distribution to a minor, as provided in

Section 30-31-21 NMSA 1978;

           (3) distribution or possession with intent to

distribute, as provided in Section 30-31-22 NMSA 1978;

           (4) possession of controlled substance, as

provided in Section 30-31-23 NMSA 1978; or

           (5) attempt or conspiracy to possess,

distribute or manufacture a substance the possession of which

is prohibited under the Controlled Substances Act."

    SECTION 2. EFFECTIVE DATE.--The effective date of the

provisions of this act is July 1, 2013.

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