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HOUSE BILL 87

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

INTRODUCED BY

Brian F. Egolf

AN ACT

RELATING TO ALCOHOLIC BEVERAGE SALES; PROHIBITING CERTAIN  
RETAIL SALES; REQUIRING IGNITION INTERLOCK LICENSES AND CERTAIN  
IDENTIFICATION CARDS TO INDICATE THAT THE PURCHASE OF ALCOHOLIC  
BEVERAGES IS PROHIBITED; PROVIDING PENALTIES; RECONCILING  
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2007.

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

SECTION 1. A new section of the Liquor Control Act is  
enacted to read:

"[NEW MATERIAL] PERSONS WITH IGNITION INTERLOCK LICENSES  
OR CERTAIN IDENTIFICATION CARDS--ALCOHOL PURCHASES  
PROHIBITED--PENALTIES.--

A. A retailer or retailer's employee or agent shall  
not sell alcoholic beverages to a person who has an ignition  
interlock license or an identification card that indicates that

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1 the person is prohibited from purchasing alcohol.

2 B. A violation of the provisions of Subsection A of  
3 this section is a misdemeanor, and the offender shall be  
4 sentenced pursuant to Section 31-19-1 NMSA 1978. A third or  
5 subsequent violation of the provisions of Subsection A of this  
6 section is a fourth degree felony, and the offender shall be  
7 sentenced pursuant to Section 31-18-15 NMSA 1978.

8 C. It is an affirmative defense to a criminal  
9 prosecution brought pursuant to this section that, before  
10 selling any alcoholic beverages, the accused in good faith  
11 demanded and was shown documentary evidence of age and identity  
12 containing a picture and issued by a federal, state, county or  
13 municipal government."

14 SECTION 2. Section 66-5-405 NMSA 1978 (being Laws 1978,  
15 Chapter 35, Section 332, as amended) is amended to read:

16 "66-5-405. CONTENTS OF CARD.--

17 A. The identification card shall adequately  
18 describe the registrant and bear ~~[his]~~ the registrant's picture  
19 that shall show a full face or front view for all registrants  
20 and indicate donor status. ~~[All identification cards of~~  
21 ~~persons under the age of twenty-one years shall have a printed~~  
22 ~~legend indicating that the person is under twenty-one.]~~ The  
23 identification card shall bear the following statement:

24 "STATE OF NEW MEXICO IDENTIFICATION

25 CARD NO. \_\_\_\_\_

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1 This card is provided solely for the purpose of establishing  
2 that the bearer described on the card was not the holder of a  
3 New Mexico driver's license as of the date of issuance of this  
4 card. This identification card is not a license. ISSUED FOR  
5 IDENTIFICATION PURPOSES ONLY".

6 B. An identification card of a person under the age  
7 of twenty-one years shall have a printed legend indicating that  
8 the person is under twenty-one.

9 C. An identification card of a person whose  
10 driver's license is revoked for driving under the influence of  
11 intoxicating liquor or drugs or for a violation of the Implied  
12 Consent Act shall have a printed legend, displayed in such a  
13 manner as to be easily read by any person inspecting the  
14 license, indicating that the person is prohibited from  
15 purchasing alcoholic beverages."

16 SECTION 3. Section 66-5-502 NMSA 1978 (being Laws 2003,  
17 Chapter 239, Section 2, as amended by Laws 2007, Chapter 316,  
18 Section 2 and by Laws 2007, Chapter 317, Section 3 and also by  
19 Laws 2007, Chapter 319, Section 48) is amended to read:

20 "66-5-502. DEFINITIONS.--As used in the Ignition  
21 Interlock Licensing Act:

22 A. "denied" means the division has refused to issue  
23 an instruction permit, driver's license or provisional license  
24 pursuant to the provisions of Subsection D or E of Section  
25 66-5-5 NMSA 1978;

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1           B. "ignition interlock device" means a device,  
2 approved by the traffic safety bureau, that prevents the  
3 operation of a motor vehicle by an intoxicated or impaired  
4 person;

5           C. "ignition interlock license" means a driver's  
6 license issued to a person by the division that allows that  
7 person to operate a motor vehicle with an ignition interlock  
8 device after that person's driving privilege or driver's  
9 license has been revoked or denied [~~The division shall clearly~~  
10 ~~mark an ignition interlock license to distinguish it from other~~  
11 ~~driver's licenses~~]; and

12           D. "revoked" means the division, pursuant to the  
13 provisions of Section 66-5-29 or 66-8-111 NMSA 1978, has  
14 terminated a person's driving privilege or driver's license for  
15 driving while under the influence of intoxicating liquor or  
16 drugs."

17           SECTION 4. Section 66-5-503 NMSA 1978 (being Laws 2003,  
18 Chapter 239, Section 3, as amended) is amended to read:

19           "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--  
20 EXCLUSIONS.--

21           A. A person whose driving privilege or driver's  
22 license has been revoked or denied or who has not met the  
23 ignition interlock license requirement as a condition of  
24 reinstatement pursuant to Section 66-5-33.1 NMSA 1978 may apply  
25 for an ignition interlock license from the division.

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1           B. An applicant for an ignition interlock license  
2 shall:

3                   (1) provide proof of installation of the  
4 ignition interlock device by a traffic safety bureau-approved  
5 ignition interlock installer on any vehicle the applicant  
6 drives; and

7                   (2) sign an affidavit acknowledging that:

8                           (a) operation by the applicant of any  
9 vehicle that is not equipped with an ignition interlock device  
10 is subject to penalties for driving with a revoked license;

11                           (b) tampering or interfering with the  
12 proper and intended operation of an ignition interlock device  
13 may subject the applicant to penalties for driving with a  
14 license that was revoked for driving under the influence of  
15 intoxicating liquor or drugs or a violation of the Implied  
16 Consent Act; and

17                           (c) the applicant shall maintain the  
18 ignition interlock device and keep up-to-date records in the  
19 motor vehicle showing required service and calibrations and be  
20 able to provide the records upon request.

21           C. An ignition interlock license shall be clearly  
22 marked to distinguish it from other driver's licenses and shall  
23 have a printed legend, displayed in such a manner as to be  
24 easily read upon inspection of the license, indicating that the  
25 person is prohibited from purchasing alcoholic beverages.

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[~~G-~~] D. A person who has been convicted of homicide by vehicle or great bodily injury by vehicle while under the influence of intoxicating liquor or drugs, as provided in Section 66-8-101 NMSA 1978, shall not be issued an ignition interlock license."

**SECTION 5. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2013.