

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 87

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

AN ACT

RELATING TO ALCOHOLIC BEVERAGE SALES; PROHIBITING THE POSSESSOR  
OF AN IGNITION INTERLOCK LICENSE FROM PURCHASING ALCOHOL;  
REQUIRING IGNITION INTERLOCK LICENSES AND CERTAIN  
IDENTIFICATION CARDS TO INDICATE THAT THE PURCHASE OF ALCOHOLIC  
BEVERAGES IS PROHIBITED; 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.** Section 66-5-405 NMSA 1978 (being Laws 1978,  
Chapter 35, Section 332, as amended) is amended to read:

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

A. The identification card shall adequately  
describe the registrant and bear ~~[his]~~ the registrant's picture  
that shall show a full face or front view for all registrants  
and indicate donor status. ~~[All identification cards of~~

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1 ~~persons under the age of twenty-one years shall have a printed~~  
2 ~~legend indicating that the person is under twenty-one.]~~ The  
3 identification card shall bear the following statement:

4 "STATE OF NEW MEXICO IDENTIFICATION

5 CARD NO. \_\_\_\_\_

6 This card is provided solely for the purpose of establishing  
7 that the bearer described on the card was not the holder of a  
8 New Mexico driver's license as of the date of issuance of this  
9 card. This identification card is not a license. ISSUED FOR  
10 IDENTIFICATION PURPOSES ONLY".

11 B. An identification card of a person under the age  
12 of twenty-one years shall have a printed legend indicating that  
13 the person is under twenty-one.

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

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

25 "66-5-502. DEFINITIONS.--As used in the Ignition

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1 Interlock Licensing Act:

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

6 B. "ignition interlock device" means a device,  
7 approved by the traffic safety bureau, that prevents the  
8 operation of a motor vehicle by an intoxicated or impaired  
9 person;

10 C. "ignition interlock license" means a driver's  
11 license issued to a person by the division that allows that  
12 person to operate a motor vehicle with an ignition interlock  
13 device after that person's driving privilege or driver's  
14 license has been revoked or denied [~~The division shall clearly  
15 mark an ignition interlock license to distinguish it from other  
16 driver's licenses~~] but prohibits the person from purchasing  
17 alcohol; and

18 D. "revoked" means the division, pursuant to the  
19 provisions of Section 66-5-29 or 66-8-111 NMSA 1978, has  
20 terminated a person's driving privilege or driver's license for  
21 driving while under the influence of intoxicating liquor or  
22 drugs."

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

25 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--

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1 EXCLUSIONS.--

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

7 B. An applicant for an ignition interlock license  
8 shall:

9 (1) provide proof of installation of the  
10 ignition interlock device by a traffic safety bureau-approved  
11 ignition interlock installer on any vehicle the applicant  
12 drives; and

13 (2) sign an affidavit acknowledging that:

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

17 (b) tampering or interfering with the  
18 proper and intended operation of an ignition interlock device  
19 may subject the applicant to penalties for driving with a  
20 license that was revoked for driving under the influence of  
21 intoxicating liquor or drugs or a violation of the Implied  
22 Consent Act; and

23 (c) the applicant shall maintain the  
24 ignition interlock device and keep up-to-date records in the  
25 motor vehicle showing required service and calibrations and be

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1 able to provide the records upon request.

2 C. A person driving with an ignition interlock  
 3 license is prohibited from purchasing alcoholic beverages. An  
 4 ignition interlock license shall be clearly marked to  
 5 distinguish it from other driver's licenses and shall have a  
 6 printed legend, displayed in such a manner as to be easily read  
 7 upon inspection of the license, indicating that the person is  
 8 prohibited from purchasing alcoholic beverages.

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

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

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