

1 AN ACT

2 RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING
3 LIQUOR OR DRUGS; AMENDING THE IGNITION INTERLOCK LICENSING
4 REQUIREMENT TO PROVIDE THAT A PERSON WITH ONLY ONE PRIOR
5 CONVICTION FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING
6 LIQUOR OR DRUGS IN ANOTHER JURISDICTION MAY OBTAIN A
7 NEW MEXICO DRIVER'S LICENSE UPON PROOF OF COMPLETION OF ALL
8 CONDITIONS OF THE PERSON'S SENTENCE.

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

11 SECTION 1. Section 66-5-5 NMSA 1978 (being Laws 1978,
12 Chapter 35, Section 227, as amended) is amended to read:

13 "66-5-5. PERSONS NOT TO BE LICENSED.--The division
14 shall not issue a driver's license under the Motor Vehicle
15 Code to any person:

16 A. who is under the age of eighteen years, except
17 the division may, in its discretion, issue:

18 (1) an instruction permit to a person
19 fifteen years of age or older who is enrolled in and
20 attending or has completed a driver education course approved
21 by the bureau that includes a DWI education and prevention
22 component;

23 (2) a provisional license to a person
24 fifteen years and six months of age or older:

25 (a) who has completed a driver

1 education course approved by the bureau or offered by a
2 public school that includes a DWI education and prevention
3 component and has had an instruction permit for at least six
4 months as provided in Section 66-5-8 NMSA 1978; and

5 (b) who has successfully completed a
6 practice driving component;

7 (3) a driver's license to a person sixteen
8 years and six months of age or older:

9 (a) who has had a provisional license
10 for at least a twelve-month period immediately preceding the
11 date of the application for the driver's license as provided
12 in Section 66-5-9 NMSA 1978;

13 (b) who has complied with restrictions
14 on that license; and

15 (c) who has not been adjudicated for an
16 offense involving the use of alcohol or drugs during the
17 twelve-month period immediately preceding the application for
18 the driver's license and who has no pending adjudications
19 alleging an offense involving the use of alcohol or drugs at
20 the time of application; and

21 (4) to a person thirteen years of age or
22 older who passes an examination prescribed by the division, a
23 license restricted to the operation of a motorcycle; provided
24 that:

25 (a) the motorcycle is not in excess of

1 one hundred cubic centimeters displacement;

2 (b) no holder of an initial license may
3 carry any other passenger while driving a motorcycle; and

4 (c) the director approves and certifies
5 motorcycles as not in excess of one hundred cubic centimeters
6 displacement and by rule provides for a method of
7 identification of such motorcycles by all law enforcement
8 officers;

9 B. whose license or driving privilege has been
10 suspended or denied, during the period of suspension or
11 denial, or to any person whose license has been revoked,
12 except as provided in Section 66-5-32 NMSA 1978 and the
13 Ignition Interlock Licensing Act;

14 C. who is an habitual user of narcotic drugs or
15 alcohol or an habitual user of any drug to a degree that
16 renders the person incapable of safely driving a motor
17 vehicle;

18 D. who is four or more times convicted of driving
19 a motor vehicle while under the influence of intoxicating
20 liquor or narcotic drug regardless of whether the convictions
21 are under the laws or ordinances of this state or any
22 municipality or county of this state or under the laws or
23 ordinances of any other state, the District of Columbia or
24 any governmental subdivision thereof, except as provided in
25 the Ignition Interlock Licensing Act. Five years from the

1 date of the fourth conviction and every five years
2 thereafter, the person may apply to any district court of
3 this state for restoration of the license, and the court,
4 upon good cause being shown, may order restoration of the
5 license applied for; provided that the person has not been
6 subsequently convicted of driving a motor vehicle while under
7 the influence of intoxicating liquor or drugs. Upon issuance
8 of the order of restoration, a certified copy shall
9 immediately be forwarded to the division, and if the person
10 is otherwise qualified for the license applied for, the four
11 previous convictions shall not prohibit issuance of the
12 license;

13 E. who was convicted on or after June 17, 2005 of
14 driving a motor vehicle while under the influence of
15 intoxicating liquor or drugs pursuant to the laws or
16 ordinances of any other state or any governmental subdivision
17 thereof, unless the person obtains an ignition interlock
18 license as provided in the Ignition Interlock Licensing Act
19 for a period of one year for a first conviction; a period of
20 two years for a second conviction; a period of three years
21 for a third conviction; or the remainder of the offender's
22 life for a fourth or subsequent conviction, subject to a
23 five-year review as provided in Subsection D of this section.
24 Upon presentation of proof satisfactory to the division, the
25 division may credit time spent by a person operating a motor

1 vehicle with an ignition interlock or comparable device, as a
2 condition of the person's sentence for a conviction in
3 another jurisdiction, against the ignition interlock time
4 requirements imposed by this subsection. The division shall
5 promulgate rules necessary for granting credit to persons who
6 participate in comparable out-of-state programs following a
7 conviction for driving a motor vehicle while under the
8 influence of intoxicating liquor or drugs. The requirements
9 of this subsection shall not apply to a person who:

10 (1) has only one conviction for driving a
11 motor vehicle while under the influence of intoxicating
12 liquor or drugs that did not result in great bodily harm or
13 death, and that conviction is pursuant to the laws or
14 ordinances of any other state or any governmental subdivision
15 thereof and who presents proof satisfactory to the division
16 that the person completed all conditions of the person's
17 sentence for the conviction in the other jurisdiction,
18 whether or not installation of an ignition interlock device
19 was a condition of the sentence; provided, however, that at
20 least twelve months have passed since the person's
21 conviction; or

22 (2) applies for a driver's license ten years
23 or more from the date of the person's last conviction, except
24 for a person who is subject to lifetime driver's license
25 revocation for a conviction in another jurisdiction pursuant

1 to this subsection;

2 F. who has previously been afflicted with or who
3 is suffering from any mental disability or disease that would
4 render the person unable to drive a motor vehicle with safety
5 upon the highways and who has not, at the time of
6 application, been restored to health;

7 G. who is required by the Motor Vehicle Code to
8 take an examination, unless the person has successfully
9 passed the examination;

10 H. who is required under the laws of this state to
11 deposit proof of financial responsibility and who has not
12 deposited the proof;

13 I. when the director has good cause to believe
14 that the operation of a motor vehicle on the highways by the
15 person would be inimical to public safety or welfare; or

16 J. as a motorcycle driver who is less than
17 eighteen years of age and who has not presented a certificate
18 or other evidence of having successfully completed a
19 motorcycle driver education program licensed or offered in
20 conformance with rules of the bureau."

21 SECTION 2. EFFECTIVE DATE.--The effective date of the
22 provisions of this act is July 1, 2017. _____

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