

MVD Procedural Quick Update

#91

RE: New DWI Revocation Reinstatement Requirements
Effective date: July 1, 2009

Date: June 30, 2009
To: All MVD
From: Mac Lewis, MVD Policy and Procedures Manager

[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]

Effective July 1, 2009, a minimum of six months of driving with an ignition interlock device is required to reinstate a driver's license that has been revoked for DWI.

The new requirement is required by Senate Bill 275 (2009) which amends the reinstatement requirements under Section 66-5-33.1 NMSA 1978, effective July 1, 2009.

Beginning July 1, 2009, in addition to paying a \$100 reinstatement fee, anyone reinstating a license after a DWI-related revocation must have the following information verified:

1. completion of the license revocation period;
2. satisfaction of any court-ordered ignition interlock requirements; and
3. a minimum of six months of driving with an ignition interlock license, after the date of revocation, with no attempts to circumvent or tamper with the ignition interlock device.

If the applicant for reinstatement was ordered by the court to install an ignition interlock device, he or she must also provide a signed and notarized affidavit that he or she has complied with all court-ordered requirements. The affidavit form is available on the MVD Internet and intranet as MVD-10236 Affidavit for Reinstatement of Driver's License.

These requirements must be met even if the DWI revocation period has passed.

The expiration of a DWI revocation period is no longer the sole requirement for reinstatement of a driver's license. For example, if the DWI revocation period runs from January 1, 2008 through January 1, 2009, the fact that the applicant may not have a vehicle during that time period, or may have an affidavit from the criminal court specifying that he or she does not have a vehicle, is irrelevant. There is no exemption from the new requirements.

MVD's driver licensing systems have been updated to prevent issuance of any license other than an ignition interlock license until the reinstatement requirements have been met and a reinstatement date entered.

These requirements relate to both Implied Consent revocations (driving record action codes BA1, BA2, BA3, BA4, BA5, BA6, BA7, BA8 and DI3) and court conviction revocations (driving record action codes DIO and DI1).

Exception for out-of-state residents:

The department may reinstate the driving privileges of an out-of-state resident without the requirement that the person obtain an ignition interlock license for a minimum of six months, if all of the following conditions are met:

1. the license revocation period is completed;
2. satisfactory proof is presented that the person is no longer a resident of New Mexico;
and
3. the license reinstatement fee is paid.

As proof that the applicant is no longer a resident of New Mexico, we will accept a single document showing residency in another state. That document should be of a type that we routinely accept as proof of residency for issuance of a New Mexico license or ID.

The DWI/Compliance Unit must be contacted to verify that all reinstatement requirements have been met.

Ignition Interlock reinstatement paperwork presented by the applicant at the time of reinstatement will not be accepted at face value.

The field office must call the DWI/Compliance Unit with the applicant's information (name, date of birth, telephone number, license number, and the name and telephone number of the ignition interlock vendor).

The Compliance Unit, once it has received confirmation of applicant's full compliance with the reinstatement requirements, will contact the customer and instruct him or her to visit the field office to complete the reinstatement. At that time, the Compliance Unit will send an email to the field office authorizing the reinstatement and issuance (if applicable) of a regular driver's license. The authorizing email should be scanned by the field office into the applicant's portfolio with any other reinstatement paperwork.

Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to mac.lewis@state.nm.us. Others are encouraged to direct comments or questions directly to Mac Lewis.
