

DWI Interlocks: What to know & Where to go





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Basics to Ignition Interlock



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How to Obtain an Interlock



Out State Transfers



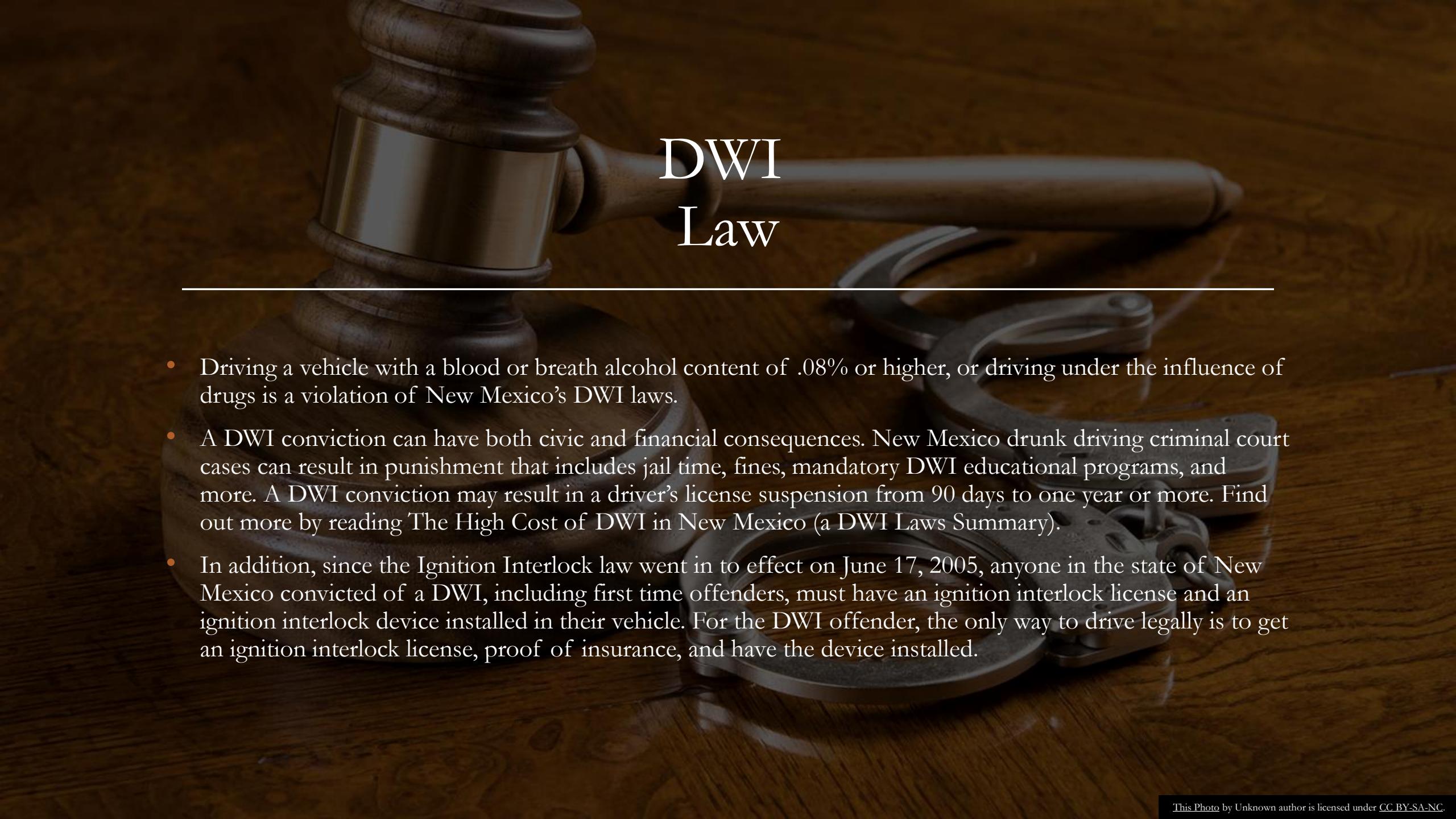
Reinstatement



FAQ

What is DWI?

- In New Mexico, it is illegal to drive with a breath or blood alcohol concentration of .08 or more if you're 21 or over, or .02 if you're under 21, or .04 if you drive a commercial vehicle.
- If your breath or blood test is at or above the legal limit, or if you refuse to take the breath or blood test, you will lose your license, in most cases for a year.
- You can be convicted of DWI even if the breath or blood test is below the legal limit if it is proven that your ability to drive was impaired to the slightest degree by drugs or alcohol.
- People who drive after drinking risk heavy fines, higher insurance rates, loss of license and jail sentences.

A dark wood gavel and a pair of silver handcuffs are resting on a dark wood surface. The gavel is positioned on the left, with its head pointing towards the top left and its handle extending towards the bottom right. The handcuffs are on the right, with their shanks crossed and the keys attached. The lighting is dramatic, highlighting the textures of the wood and the metallic surfaces of the tools.

DWI Law

- Driving a vehicle with a blood or breath alcohol content of .08% or higher, or driving under the influence of drugs is a violation of New Mexico's DWI laws.
- A DWI conviction can have both civic and financial consequences. New Mexico drunk driving criminal court cases can result in punishment that includes jail time, fines, mandatory DWI educational programs, and more. A DWI conviction may result in a driver's license suspension from 90 days to one year or more. Find out more by reading [The High Cost of DWI in New Mexico \(a DWI Laws Summary\)](#).
- In addition, since the Ignition Interlock law went in to effect on June 17, 2005, anyone in the state of New Mexico convicted of a DWI, including first time offenders, must have an ignition interlock license and an ignition interlock device installed in their vehicle. For the DWI offender, the only way to drive legally is to get an ignition interlock license, proof of insurance, and have the device installed.

Basics of Interlock (§66-5-503)

The Ignition Interlock License authorized by [§66-5-503](#) is available to an individual whose driving permit or license has been revoked or denied for DWI. With an Ignition Interlock License an individual can drive anytime and anywhere as long as the vehicle is equipped with an ignition interlock device. An Ignition Interlock License is identified on the front of the card as an “INTERLOCK LICENSE” with the I (interlock system) restriction.

An Ignition Interlock License is not available to 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.



Every DWI has two sides:

- The civil side, which is the MVD administrative action.
- The criminal conviction which is through the courts.

A person has 10 days to request a hearing with the following form. Please note the red notice on the form: the request **MUST** be submitted or postmarked within 10 days from the date of receipt of notice of revocation. The receipt of notice of revocation is the form law enforcement gives the customer when they are pulled over. A Request for Hearing form ([MVD-10792](#)) is available from any MVD office and on the Internet – or you may simply submit a letter requesting a hearing. Include a copy of the citation or notice of revocation; information such as the driver's name, date of birth and social security number; and (unless you can provide a letter of indigence) a \$25 check or money order. Indicate that you are contesting the administrative revocation of your license. If the request for hearing is not complete, you will receive a denial letter. You may appeal the denial of a request for hearing to a district court.

MVD - 10792
REV. 01/02

Taxation & Revenue Department - Motor Vehicle Division

REQUEST FOR HEARING

Seal of the State of New Mexico

If name has changed since any of the actions below were taken, give former name first, then current name.

Requestor Information

Name	State	Zip Code
Mailing Address		
City		
Email Address	Primary Phone Number	DOB
Driver License Number	Driver's License Number	Arrest Date
	State	

Reason for Hearing Request

I hereby request a hearing for the purpose of: (check one or more)

IMPLIED CONSENT ACT - Contesting the revocation of my driver's license and/or driving privileges based on violation of the Implied Consent Act: Refusal to submit to the breath/blood test; failure of breath/blood test; blood alcohol content (BAC) at or above .08 (or BAC at or above .02 for persons less than 21 years of age, or at or above .04 if the person was driving a commercial motor vehicle).

Request must be submitted or postmarked within ten (10) days from the date of receipt of notice of revocation and must include an Administrative Hearing Fee of \$25.00 or a sworn form MVD-10813 Statement of Indigency.

If you want the officer to be a witness at your hearing, you must so indicate by checking the box below. If you do not check the box below the police officer will not be required to attend the hearing, and the hearing officer will instead rely on an affidavit submitted by the officer.

I want the officer to be a witness at my hearing.

CHILD SUPPORT - Contesting the suspension of my driver license for failure to comply with child support payments under the Parental Responsibility Act. (No hearing fee required.)

OTHER - Please state the specific action taken by MVD that you are contesting and the basis of your protest.

Signature **Date**

Hand Deliver or Mail this completed and signed Request for Hearing to:
MOTOR VEHICLE DIVISION
DRIVER SERVICES BUREAU
1100 SOUTH SAN JUAN DR., Rm. 8700, P.O. BOX 4340
SANTA FE, NEW MEXICO 87505-4340

In the administrative hearing, the law enforcement officer has only 4 points to prove:

- That the law enforcement officer had reasonable grounds to believe the driver was driving a motor vehicle while under the influence of intoxicating liquor
- Whether the person was arrested
- Whether the administrative hearing was held no later than 90 days after the notice of revocation
- Either: a) the person refused to submit to the test upon request of the law enforcement officer; or b) a chemical test was administered and the test results indicated an alcohol concentration of .08 or more for a person 21 years of age or older, .04 or more if the person is a Commercial Driver License holder of .02 or more if the person is less than 21 years of age.



A man with short brown hair and a beard is driving a car. He is looking down at a white breathalyzer device held to his mouth with his right hand. His left hand is on the steering wheel. The car's interior and a blurred view of trees through the windshield are visible in the background.

How to Obtain an Interlock License

Interlock Guidelines & Requirements

The fee for the ignition interlock license is \$113.00. (See Slide 13 for Indigent Fund information)

- A customer getting his or her ignition interlock driver's license must present a copy of the current contract with the ignition interlock provider or Certificate of installation (both are not required), evidence of insurance showing that the individual is a covered driver of the vehicle, and notarized Ignition Interlock Affidavit (MVD-10456) is also required.
 - A receipt from the ignition interlock provider is not sufficient. A copy of the actual ignition interlock provider contract must be provided. That interlock provider contract must:
 - be in effect and current on the date that the ignition interlock license is renewed;
 - must be complete, including both the vehicle identification number (VIN) and the signature of the interlock provider.

*If a customer has not been revoked yet, but does in fact need to get an interlock license, the customer will need to provide their judgement and & sentencing (they can get that from either the court or the attorney that represented them. J&S can be emailed to Nathalie Shelley (nathalie.shelley@tax.nm.gov) or the DWI Manager, Liza Bernal-Aguirre (liza.bernal-aguirre@tax.nm.gov) for revocations only. All other DWI related questions, please email dwi.reinstate@tax.nm.gov

Restrictions : B

NCL : Valid

CDL : N/A

Example: **Valid NCL**

NCL : Val-Revoked

CDL : Inv-Revoked

Balance : 102.00

Example: **Valid Revoked NCL**

NCL : Inv-Revoked

CDL : Inv-Revoked

Balance : 102.00

MVD-10456
REV. 10/15

New Mexico Taxation & Revenue Department - Motor Vehicle Division

AFFIDAVIT FOR IGNITION INTERLOCK LICENSE



AFFIDAVIT OF _____
(Printed Name of Applicant)

STATE OF NEW MEXICO _____
COUNTY OF _____ ss. _____

I, _____, being first duly sworn, state upon oath:

- I am _____ years of age. My date of birth is _____ mm/dd/yyyy.
- I have applied for an ignition interlock license.
- I acknowledge that any vehicle I operate must be equipped with an ignition interlock device.
- I acknowledge that if I drive a vehicle without an ignition interlock device I am subject to the provisions for driving with a revoked license. Those sanctions include, but are not limited to:
 - a minimum of seven consecutive days in jail up to 364 days in jail;
 - fine of up to \$1,000.00;
 - immobilization of the motor vehicle;
 - additional license revocation action.
- I acknowledge that I must maintain the ignition interlock device, including:
 - keeping the maintenance records up-to-date;
 - having the required service and calibration done;
 - having the log book of the maintenance records in the motor vehicle;
 - having the ignition interlock device and license for a minimum of six (6) consecutive months with no break in driving status.
- I acknowledge that I will provide the maintenance records upon request.

Applicant Full Name Printed/Typed	Applicant Signature	Date
State of New Mexico		
County of _____		
Acknowledgement: On the _____ day of _____ (month) of _____, the above named person, either personally known to me or identified through satisfactory evidence, appeared to me and indicated that he/she signed the foregoing document voluntarily for the purposes herein.		
Signature of Notarial Official My Commission Expires _____	Place Notary Seal or Stamp Here	

THE FOLLOWING PAGES CONTAIN FREQUENTLY ASKED DWI QUESTIONS

- It is not necessary that the current contract extend through the license renewal period, only that it be current when the license is renewed.
- Evidence of insurance must be in the form of an original insurance company document (not a photocopy) that clearly identifies the driver as an insured driver of the same vehicle that is covered by the ignition interlock contract.
- A completed and notarized Affidavit For Ignition Interlock License ([MVD-10456](#)) is also required. Available on the MVD intranet and public TRD-MVD internet forms pages

Applicants for Replacement or No-Fee Correction Interlock credentials are NOT required to provide the Affidavit.

Chapter 1, Section D. Interlock and Limited License

Requirements for Issuance of an Ignition Interlock License:

1. Positive proof of identification.
2. Proof of financial responsibility consisting of:
 - a) vehicle liability insurance policy or insurance certification;
 - b) insurance binder;
 - c) state Treasurer's Certificate of Deposit; or
 - d) Surety Bond Certificate issued by MVD's Mandatory Insurance Section

Insurance documentation must name the applicant as the insured or as a covered driver; and must include the name of the insurance company, policy number, effective date and expiration date of coverage.
3. Proof that each motor vehicle to be operated by the applicant is equipped with an ignition interlock device (current contract or certificate of installation).
4. Properly completed and notarized form [MVD-10456](#), "Affidavit For Ignition Interlock License" available on the MVD intranet and public TRD-MVD internet forms pages
5. \$63.00 (Ignition Interlock License Fee) – Payable only if the application is approved and the license is issued (Class D, E or M only).
6. Legislation enacted in the 2010 Legislative Session and effective July 1, 2010 requires a \$50.00 ignition interlock fee to be collected by MVD as an add-on fee when we issue an Ignition Interlock license. The fee will be charged as part of the Tapestry issuance process, to every Ignition Interlock license applicant who has not been qualified as indigent with the Traffic Safety Bureau (TSB). Every customer who qualifies as indigent with TSB is placed on a list that is communicated to TRD-MVD and reflected in Tapestry. If the customer is on the TSB indigent list, the \$50.00 fee will not be charged. If the customer is charged the \$50.00 fee, but claims that he or she is in fact indigent, the transaction should not be completed, and the customer should be directed to contact the TSB to pursue indigent qualification.



Indigent Fund

Ignition Interlock Program | NMDOT

(right click to open links in orange)

TSD also administers a legislatively mandated ignition interlock indigent fund to provide a subsidy to indigent offenders required to install an interlock device in their vehicles. If indigency is granted and provided that money is available in the Interlock Device Fund, the NMDOT Traffic Safety Division shall pay for one vehicle per offender, up to: \$50.00 for the cost of installation; \$30.00 monthly for verified active usage of the interlock device, and up to \$50.00 for the cost of removal. The offender is responsible for all other charges associated with the installation, servicing and removal of the ignition interlock device.

To view, download and/or see if you qualify for the Ignition Interlock Indigent Fund, please click on the application link below.

[English Instructions & Application for Applying for Ignition Interlock Indigent Fund Assistance
\(rtsclients.com\)](http://rtsclients.com)

[Spanish Instructions & Application for Ignition Interlock Indigent Fund \(rtsclients.com\)](http://rtsclients.com)

Ignition Interlock License Renewal:

- The customer is required to re-submit current documentation for renewal of an Ignition Interlock License. Field offices are authorized to renew the Interlock license after verifying the following information.
 - Make sure that the customer has a current contract or certificate of installation for the interlock device.
 - Ensure the customer has a current notarized Ignition Interlock Affidavit ([MVD-10456](#)).
 - Verify that the customer has current insurance.

*Applicants for Replacements or No-Fee Correction Interlock credentials are NOT required to provide the Affidavit.

Out of State Applicants

- 66-5-5 Persons not to be licensed

The division shall not issue a driver's license under the Motor Vehicle Code [66-1-1 NMSA 1978] to any person:

 - E. ... who was convicted on or after June 17, 2005 of driving a motor vehicle while under the influence of intoxication liquor or drugs pursuant to the laws or ordinances of any other state, the District of Columbia or any governmental subdivision thereof, unless the person obtains an ignition interlock license as provided

Prior DWI during transaction

When a customer has any prior DWIs in other states the results will appear in the **AAMVA** section of the Registration case. Customers with prior DWIs on their accounts will be ineligible for credentials until they are approved by the Compliance unit.

Results for prior DWIs will display in a table. The message that Tapestry is awaiting results will appear in red. If the results do not immediately appear select the **Waiting for DWI / Withdrawal Pending Response. Click to Refresh** hyperlink.

The DWI table will show beneath a message letting the user know that there was a prior out of state DWI. The table will inform the user the **AAMVA Key** code for the conviction or withdrawal, the **SSN** of the customer, the jurisdiction, the customer's DLN, their name, and whether the offense is pending or a conviction.

Send email to DWI compliance with customer name and credential number and the words **Customer In Office** in the subject line..

AAMVA Checks						
AAMVA						
CDLIS/PDPS Results						
Failed NCL Check						
Driver has a prior DWI Conviction or Withdrawal, must be sent to compliance unit						
AAMVA Conviction Key	2056938672	***-**-8872	Jurisdiction	Indiana	DLN	BAWI ZA
	110681616	***-**-8872		Indiana	3460317221	
2 Rows						

Reinstatement of Driver License

According to New Mexico statute [**66-5-33.1B**](#), any individual whose license was revoked for DWI must meet the following requirements: the license revocation period must be completed; all court ordered ignition interlock requirements must be satisfied; and the driver must have completed a minimum of 6 months of driving with an interlock device and an ignition interlock license with no attempts to circumvent or tamper with the ignition interlock device, and no more than two lockouts for high breath alcohol content. These requirements must be met in the six months immediately prior to requesting reinstatement.

Customers will email DWI.Reinstate@tax.nm.gov with their full name, license number, DOB, and phone number and ask the compliance unit if they are eligible for reinstatement.

* Inform your customer DWI Compliance Unit will respond to their request in the order it was received and not to send multiple requests.

Once they receive a response (approval or denial) from the compliance unit, they can make an appointment at MVDonline.com to either renew (denial) their interlock license or reinstate (approval) their NCL.

The reinstatement fee is \$102, plus the cost of their Class D license and they will need an Affidavit of Reinstatement [MVD-10236](#).

MVD - 10236
REV. 08/19

MVD
NEW MEXICO

Taxation & Revenue Department - Motor Vehicle Division

**AFFIDAVIT FOR REINSTATEMENT
OF DRIVER LICENSE**



Note: In order to qualify to reinstate driving privileges, a driver MUST have an ignition interlock device AND an ignition interlock license (at the same time) for at least 6 months. For example, if an ignition interlock device is installed on your vehicle on 4/10 but you don't get an ignition interlock license until 4/15, the earliest date on which you may be eligible to reinstate your driving privileges is 10/15. If you apply to reinstate your driving privileges before you are eligible, you will be required to reinstall the ignition interlock device at your own expense.

AFFIDAVIT OF _____
Print Name Legibly _____ Date _____

STATE OF NEW MEXICO)
) ss.
COUNTY OF _____

I, _____, affirm that:

1. I have applied for reinstatement of my driver license # _____.
2. I was convicted of DWI on _____.
3. The court ordered me (or MVD required me as a condition of reinstatement) to install an interlock device and obtain an interlock license for _____ years _____ months.
4. I have satisfied the court-ordered requirement.
5. I had the interlock device installed on _____ (date) and had it on my vehicle for _____ years, _____ months, and _____ days.
6. I obtained the interlock driver license on _____ (date) and have had it for _____ years, _____ months, and _____ days.
7. I have had the interlock device AND interlock license simultaneously for a minimum of 6 months.
8. There have been no instances of tampering with, and no more than two lockouts of, the interlock device within the last six months.
9. I have actively used the interlock device during the last six months.
10. The interlock device was installed and maintained by _____.
11. The interlock vendor/company's phone number is _____.
12. I understand that the reinstatement fee is for the application and that, if it is later determined I have not satisfied all court-ordered and MVD requirements and am not eligible for reinstatement, the fee will not be refunded and I will be solely responsible for any additional interlock device installation costs.

FURTHER, AFFIANT SAYETH NOT.

Signature of Applicant for Reinstatement

Warning: Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter required by the Motor Vehicle Code is guilty of perjury, which is a fourth degree felony (Sections 66-5-38 and 30-25-1 NMSA 1978).

Reinstatement continued

- 66-5-33.1

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

1. The license revocation period is completed;
2. Satisfactory proof is presented to the department that the person is no longer a resident of New Mexico, and
3. The license reinstatement is paid.



STATE OF NEW MEXICO

Taxation and Revenue Department

An Equal Opportunity Employer

Non-New Mexico Resident Reinstatement Requirements

The New Mexico Motor Vehicle Division has received your inquiry to clear your current hold out of our state. You are currently revoked due to a prior DWI received in our state. Since your revocation period is over, you may reinstate by submitting two proofs of your residency to TRDoutof.state@state.nm.us to reinstate as an out-of-state resident. You may also mail your residency documents and a \$102.00 reinstatement fee (check or money order) to the address provided below.

Below is a list of acceptable documents. Your Out-of-State Residency documents must match your current legal name and must list your physical residential address. HC and P.O. boxes will not be accepted. Printed paperless bill statements are acceptable.

Documents Must be no be older than 60 Days

- Utility Bill, (no cell phone bill statements)
- Bank or Credit Card Statement
- Pay Stub
- Education Institution Document (Transcript, Report Card or Enrollment)

Documents Dated within the past 6 Months

- Insurance Bill, Card, or Binder

Documents with Current Date (not expired)

- Real Property Rental or Purchase Agreement
- Local Property Tax Statement
- City, County, State, Tribal or Federal

Disclaimer Notice: This out-of-state reinstatement only allows you to get your driving credential in another jurisdiction. If you later apply to purchase a driver's license in New Mexico, you will be required to purchase an interlock license and device to comply with normal reinstatement requirements.

New Mexico MVD
OOS Reinstatement
PO BOX 4340
Santa Fe, NM 87505

Michelle Lujan
Grisham
Governor

Stephanie Schardin
Clarke
Cabinet Secretary

Marcos Martinez
Acting MVD Director

DIVISIONS

Office of the
Secretary
(505) 827-0341

Administrative
Services
(505) 827-0369

Audit and
Compliance
(505) 827-0900

Motor Vehicle
Division
(505) 827-4636

Property Tax
(505) 827-0870

Revenue Processing
(505) 827-0800

Tax Fraud
Investigations
(505) 841-6544



Chapter 13 Section H (manual) /General Questions Answered:

What if the customer has not been revoked yet but does need an interlock?

- The customer will need to provide their judgement and sentencing (they can get that from either the court or the attorney that represented them. The J&S can be emailed to Nathalie Shelley (nathalie.shelley@tax.nm.gov) or the DWI Manager, Liza Bernal-Aguirre (liza.bernal-aguirre@tax.nm.gov) for revocations only. All other DWI related questions, please email dwi.reinstate@tax.nm.gov

How long is the DWI license revocation period?

Effective June 17, 2005:

- Implied consent:
 - Adult Refusal – One Year
 - Adult 1st Offense – Six Months
 - Adult 2nd and Subsequent Offense – One Year
 - Juvenile – One Year
- Criminal:
 - 1st Offense – One Year
 - 2nd Offense – Two Years
 - 3rd Offense – Three Years
 - 4th and Subsequent Offense – Lifetime





How long does a DWI stay on my record?

A DWI will stay on the driving record according to the date the citation was issued:

A DWI issued on	Will stay on the driver's record for
1953 through June 30, 1961	5 years
July 1, 1961 through June 30, 1969	lifetime
July 1, 1969 through June 30, 1975	5 years
July 1, 1975 through June 30, 1990	lifetime
July 1, 1990 through June 16, 2005	25 years
June 17, 2005 through present	55 years

What do I need to do to reinstate my driver's license once my revocation period is over? (§66-5-33.1 (B) (4))

The driver must have “a minimum of six months of driving with an ignition interlock license with no attempts to circumvent or tamper with the ignition interlock device.” The New Mexico Motor Vehicle Division interprets this to mean a consecutive six months with no break in service or license status. After the interlock license is issued, if a failure to appear in court violation, a parental responsibility violation, an unpaid citation violation or any other offense that would invalidate the driving privileges is placed on the driving record, the six month period would restart again on the date the driving privileges are restored.

You will need to provide proof of your identity, pay a \$102 reinstatement fee, and take the written and road exams, if you have been revoked for more than a five year period.

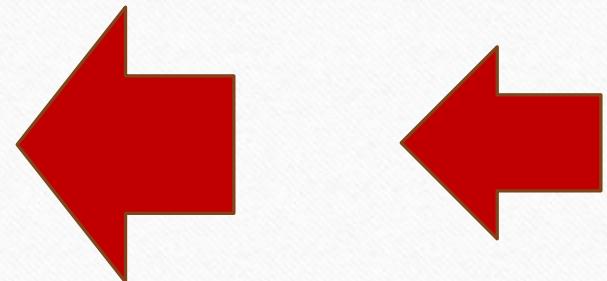
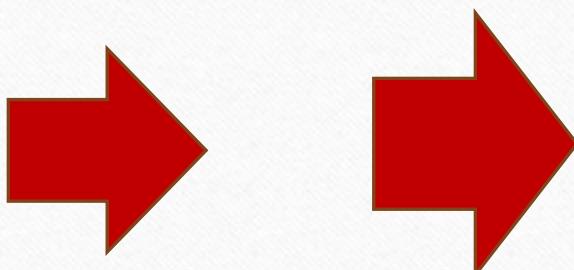
If you were under a five-year or a 10-year denial period, you must petition a district court in your county of residence to restore your driving privileges. A Restoration Packet will be provided by any local MVD office along with a copy of your driving history.

Exception: MVD field offices may not provide restoration packets to residents of Bernalillo County. The Bernalillo County restoration packet is available only from the Second Judicial District Court at 400 Lomas NW in Albuquerque. If you are under a current lifetime revocation, you are eligible to apply to a district court for removal of the ignition interlock device requirement and restoration of the license five years from the date of conviction and every five years thereafter.

Anyone on revocation for a DWI offense is eligible to apply for and receive an Ignition Interlock License upon providing proof of insurance and the installation of an Ignition Interlock Device in any car the individual drives.

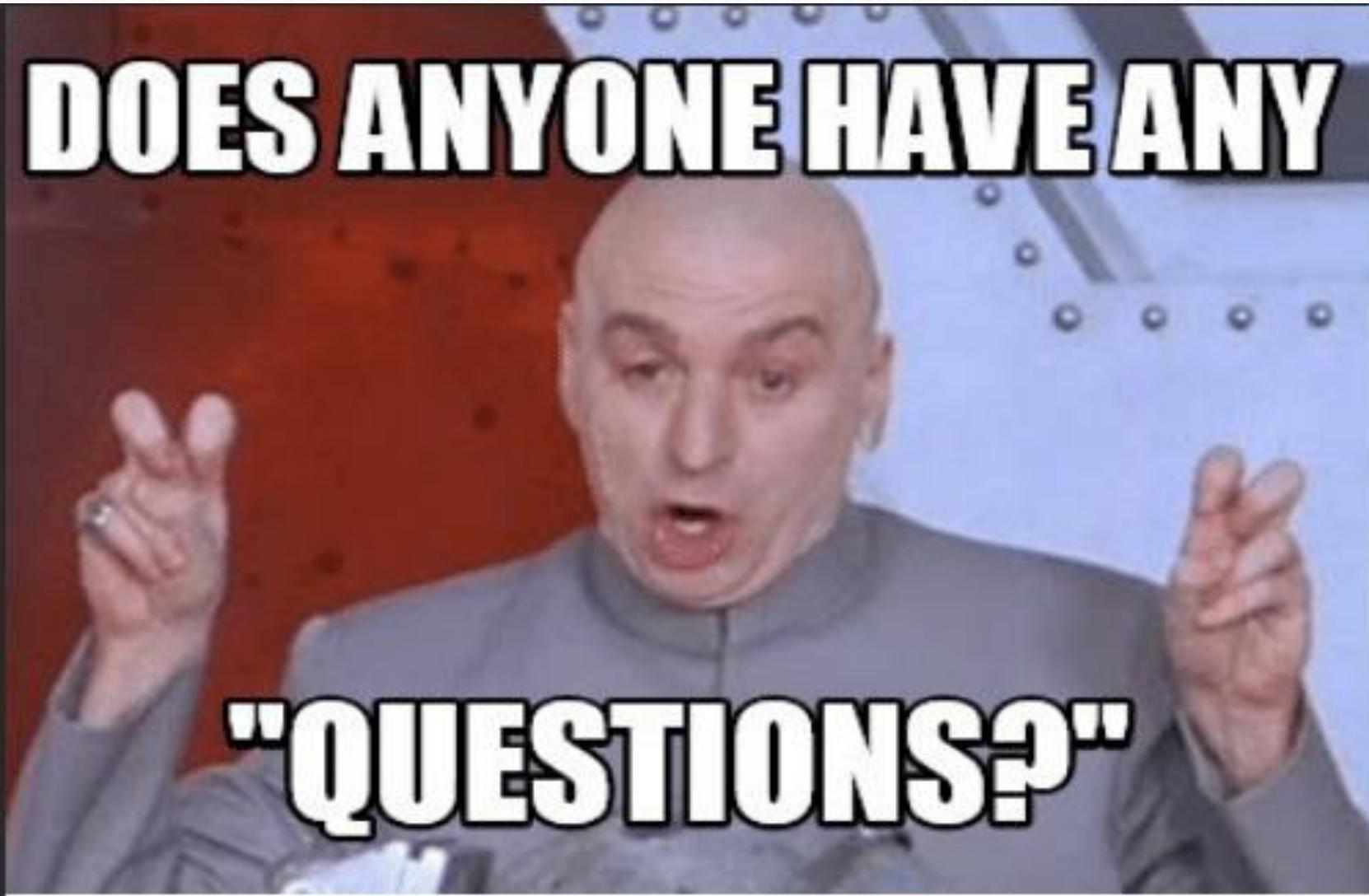
What happens if I downgrade to an ID from an Interlock License?

You will lose the time already accrued on the interlock license and interlock device and will be required to start the consecutive six month period again once you have upgraded back to an interlock license.



DOES ANYONE HAVE ANY

"QUESTIONS?"



Brought to you by: Annette Rodgers- Farmington, Lisa Blazon- Albuquerque, and Kelly Tyler- Los Alamos

