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SECRETARY OF STATE

State of New Mexico
April 8, 2011

Susana Martinez
Governor

SENATE EXECUTIVE MESSAGE NO. 52

The Honorable Timothy Z. Jennings, President Pro Tempore
And Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

Dear President Pro Tempore Jennings and Members of the Senate:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and am returning SENATE BILL 509, with emergency clause, enacted by the Fiftieth Legislature, First Session, 2011.

This bill amends New Mexico's Ignition Interlock License Act to remove a section that prohibits the State's Motor Vehicle Division from issuing an interlock license to anyone convicted of a homicide by vehicle or a DUI resulting in great bodily injury.

I understand that this bill seeks to correct penalties that were not envisioned but were inadvertently adopted in previous legislation. Nevertheless, I am concerned that the consequence of this new measure would be to put on equal footing traditional DUI offenses with DUI offenses that result in a loss of life.

Under this legislation, individuals convicted of a DUI resulting in great bodily injury or homicide would be allowed to drive so long as their vehicle is equipped with an ignition interlock device. This is the same privilege extended to individuals who have been charged with a misdemeanor DUI. I would support legislation that allows for restored driving privileges with an ignition interlock, but only after successful completion of probation and or parole. Absent this condition, I cannot support this legislation.

Respectfully yours,

Susana Martinez
Governor

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April 8, 2011
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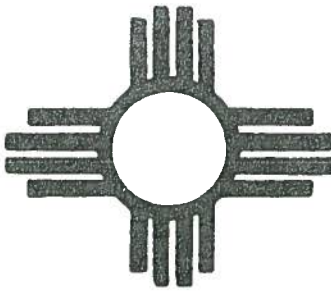
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Time: 8:48 a.m. p.m.
Date: April 8 2011

By Billy Va
Secretary of State

Time: _____ a.m. p.m.
Date: _____ 2011

By _____
Chief Clerk of the Senate



The Legislature
of the
State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER _____

SENATE BILL 509,

with emergency clause

Introduced by

SENATOR KENT L. CRAVENS

SENATOR MICHAEL S. SANCHEZ



VETOED

1 AN ACT

2 RELATING TO IGNITION INTERLOCK; REMOVING THE PROHIBITION
3 AGAINST ISSUING AN IGNITION INTERLOCK LICENSE TO A PERSON
4 CONVICTED OF HOMICIDE BY VEHICLE WHILE UNDER THE INFLUENCE OF
5 INTOXICATING LIQUOR OR DRUGS; DECLARING AN EMERGENCY.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. Section 66-5-503 NMSA 1978 (being Laws 2003,
9 Chapter 239, Section 3, as amended) is amended to read:

10 "66-5-503. IGNITION INTERLOCK LICENSE--REQUIREMENTS--
11 EXCLUSIONS.--

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

17 B. An applicant for an ignition interlock license
18 shall:

19 (1) provide proof of installation of the
20 ignition interlock device by a traffic safety bureau-approved
21 ignition interlock installer on any vehicle the applicant
22 drives; and

23 (2) sign an affidavit acknowledging that:

24 (a) operation by the applicant of any
25 vehicle that is not equipped with an ignition interlock

1 device is subject to penalties for driving with a revoked
2 license;

3 (b) tampering or interfering with the
4 proper and intended operation of an ignition interlock device
5 may subject the applicant to penalties for driving with a
6 license that was revoked for driving under the influence of
7 intoxicating liquor or drugs or a violation of the Implied
8 Consent Act; and

9 (c) the applicant shall maintain the
10 ignition interlock device and keep up-to-date records in the
11 motor vehicle showing required service and calibrations and
12 be able to provide the records upon request."

13 SECTION 2. EMERGENCY.--It is necessary for the public
14 peace, health and safety that this act take effect
15 immediately.

SB 509
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s/John A. Sanchez
John A. Sanchez, President
Senate

s/Lenore M. Naranjo
Lenore M. Naranjo, Chief Clerk
Senate

s/Ben Lujan
Ben Lujan, Speaker
House of Representatives

s/Stephen R. Arias
Stephen R. Arias, Chief Clerk
House of Representatives

Approved by me this _____ day of _____, 2011

s/Governor Susana Martinez
Governor Susana Martinez
State of New Mexico