



**State:**

New Mexico

**Statute/Law:**

Section 66-8-102B: Under the Influence: Incapacity.

**Per Se Law?:**

No

**Statute/Law Language:**

66-8-102. Driving under the influence of intoxicating liquor or drugs; aggravated driving under the influence of intoxicating liquor or drugs; penalties.

A. It is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this state.

B. It is unlawful for a person who is under the influence of any drug to a degree that renders the person incapable of safely driving a vehicle to drive a vehicle within this state.

C. It is unlawful for:

(1) a person to drive a vehicle in this state if the person has an alcohol concentration of eight one hundredths or more in the person's blood or breath within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle; or

(2) a person to drive a commercial motor vehicle in this state if the person has an alcohol concentration of four one hundredths or more in the person's blood or breath within three hours of driving the commercial motor vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle.

**Penalties Following Conviction:**

First offense: Up to 90 days imprisonment, up to \$500 fine, or both; Second offense: Up to 364 days imprisonment, and not more than \$1000 fine. Third offense: Not more than 364 days (30 days mandatory) imprisonment, not more than \$1000 (\$750 mandatory) fine. Fourth or subsequent offense (felony): Up to 18 months (6 months mandatory), up to \$5000 (no mandatory fine for any felony). Fifth offense (felony): Up to 2 years imprisonment (1 year mandatory).

**Discretionary Court-Ordered Penalties:**





The court may order restitution, and must assess fees to defray the costs of the chemical test and to fund DUI community programs. Ignition interlock and screening, community service, and probation may be ordered. Failure to complete any condition of probation or to comply with any portion of a sentence will result in jail time.

**For more information:**

<http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>

*Current as of August 2016*

