

# ALBUQUERQUE CRIMINAL LAWYER BLOG

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## **Out of State Drivers May Face Driver's License Issues on New Mexico DWI**

Though New Mexico Motor Vehicle Division has no authority to revoke an out of state drivers license, a New Mexico DWI may still impact an out of state license. Many states such as Arizona will give the New Mexico order of license revocation full faith and credit for the period of revocation. As a result, an out of state driver may lose driving privileges in his or her own state as result of a New Mexico DWI.

New Mexico MVD will often, though not always, report the DWI to those states that recognize its orders of revocation. As a result, the out of state driver though still in possession of his or her license may find that their driving privileges have been revoked or suspended in their own state. The issue most often comes up when the driver has to renew his or license.

In order to reinstate their license in their home state, they must jump through some hurdles at the New Mexico MVD. However, the hurdles are substantially less for out of state drivers than New Mexico drivers. Under New Mexico DWI laws, a revocation carries a mandatory 6 month interlock license and interlock device on the driver's vehicle. The interlock laws do not typically apply to other states as most other states have no comparable laws. This is changing with National Ignition Interlock legislation gaining support.

Since the interlock laws do not apply to most other states at this time, once the 6 month revocation period has expired, the out of state driver need not prove the 6 month interlock requirement has been met as is required of New Mexico drivers. The driver need only provide proof to New Mexico MVD that he or she is a resident of another state and pay a \$100.00 reinstatement fee to New Mexico MVD. This should provide clearance of the out of state license so that it will be unrestricted in the home state.

Keep in mind that the MVD hearing and license revocation is completely separate from the DWI criminal case. Therefore, even if the driver wins his or her criminal case or the case gets dismissed, the MVD penalties still fully apply. This comes as a great disappointment to many no matter how many times it is explained as it just seems manifestly unfair and unjust that the MVD revocation stands despite the dismissal of the underlying DWI. Unfortunately, it is simply the way the law works.

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