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The Perils of Driving on a Revoked or Suspended License in New Mexico

Driving privileges can be revoked or suspended in New Mexico for a variety of reasons. The two most common are DWI/DUI and non-payment of child support. A DWI/DUI arrest almost inevitably results in the revocation of a DWI/DUI offender's New Mexico driving privileges. The revocation is virtually automatic with minimal requirements of the state at the MVD License Revocation Hearing. In the case of first time DWI/DUI, the MVD driver's license revocation is for 6 months. For subsequent DWI/DUI offenses, the revocation is for 1 year. Suspension for non-payment of child support is not as common but used frequently in cases of habitual child support delinquency.

Driving on a Revoked or Suspended License is taken very seriously in New Mexico no matter what the basis for the revocation or suspension. By way of example, a first time DWI/DUI conviction carries a maximum of 90 days in jail. There are no mandatory jail times so that a simple non-aggravated first time DWI/DUI almost always results in First Offender Program with no jail time. By contrast, a first time conviction for Driving on a Revoked or Suspended License carries up to 1 year in jail. In addition, there is a mandatory jail time of 4 days. The mandatory jail time goes up to 7 days if the revocation or suspension was the result of a DWI/DUI. The mandatory jail time is prescribed by statute. The sentence may not be suspended, deferred or taken under advisement. The judge is not allowed to deviate below the minimum sentence no matter what the circumstances. In other words, it is does not matter how or why it happened, nor does it matter that the person is a model citizen in every other way. Upon conviction, the offender is going to jail for the statutory minimum.

Parents whose license are suspended for non-payment of child support often fail to fully appreciate the seriousness of their situation. Consequently, they are very surprised when criminal charges for driving on a revoked or suspended license are brought against them. They are even more shocked to learn that they are facing up to one year in jail and a 4 day minimum jail sentence for conviction. In case of license suspension for non-payment of child support, it is critical that the person work out a compromise with Child Support Enforcement for the reinstatement of driving privileges. A New Mexico divorce and family law attorney will be able to work through that process.

In cases where the license is revoked as the result of a DWI/DUI, it is critical that the person obtain an interlock license and an interlock device on his or her vehicle. The person should not drive any other vehicle during the period of revocation. Should the revoked driver be pulled over for any reason, the officer will check the driver's license status and a revocation will be shown. A failure to present a valid interlock driver's license and/or the absence of an interlock

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device will result in immediate arrest and charges for Driving on a Revoked License. Due to severity of these charges for a DWI/DUI revoked driver, it important to seek the guidance of a New Mexico DWI/DUI Attorney.

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