

DWI Campaigns

Working to Protect New Mexico Families through *Operation DWI and You Drink & Drive. You Lose Campaigns.*

Law enforcement agencies throughout New Mexico are *Working to Protect New Mexico Families* in the fight against DWI by implementing both state and national programs-*Operation DWI and You Drink & Drive. You Lose* campaigns.

Law enforcement agencies conduct sobriety checkpoints and saturation patrols every month. These coordinated efforts to combat drunk driving is in addition to the routine DWI enforcement activities of each state, city, county, tribal, and campus police agency.

Research indicates that public education, combined with highly visible law enforcement, is a powerful tool in decreasing the number of people who drink and drive.



DWI Penalties

Minimum Blood Alcohol Levels at Which Driver License is Revoked

UNDER 21 ▶	.02% BAC
COMMERCIAL DRIVER LICENSE ▶	.04% BAC
21 AND OVER ▶	.08% BAC

First Offense	MISDEMEANOR	<ul style="list-style-type: none"> 6 months to 1 year license revocation (1 year if under 21). Up to 90 days jail. Mandatory: DWI school, alcohol evaluation, ignition interlock for 1 year, community service. Other: treatment.
Second Offense	MISDEMEANOR	<ul style="list-style-type: none"> 2-year license revocation. Up to 364 days jail, 96 hours mandatory. Up to \$1,000 fine, \$500 mandatory. Other Mandatory Penalties: Alcohol evaluation, community service, treatment, ignition interlock for 2 years. Other: Up to 5 years probation.
Third Offense	MISDEMEANOR	<ul style="list-style-type: none"> 3-year license revocation. Up to 364 days jail, mandatory 30 days. Up to \$1,000 fine, \$750 mandatory. Other Mandatory Penalties: Alcohol evaluation, community service, treatment, ignition interlock for 3 years. Other: Up to 5 years probation.
Fourth Offense	FELONY-FOURTH DEGREE	<ul style="list-style-type: none"> Lifetime license revocation, with 5-year court review. Up to 18 months prison, 6 months mandatory. Up to \$5,000 fine. Other Mandatory Penalties: Alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
Fifth Offense	FELONY-FOURTH DEGREE	<ul style="list-style-type: none"> Lifetime license revocation, with 5-year court review. Up to 2 years prison, 1 year mandatory. Up to \$5,000 fine. Other Mandatory Penalties: Alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
Sixth Offense	FELONY-THIRD DEGREE	<ul style="list-style-type: none"> Lifetime license revocation, with 5-year court review. Up to 30 months prison, 18 months mandatory. Up to \$5,000 fine. Other Mandatory Penalties: Alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
Seventh or Subsequent Offense	FELONY-THIRD DEGREE	<ul style="list-style-type: none"> Lifetime license revocation, with 5-year court review. Up to 3 years prison, 2 years mandatory. Up to \$5,000 fine. Other Mandatory Penalties: Alcohol evaluation, treatment, lifetime ignition interlock with 5-year court review.
Aggravated DWI	.16 BAC or above, refusal to take BAC test, or cause bodily injury while DWI	<ul style="list-style-type: none"> 1st Offense, Mandatory: Additional 2 days jail. 2nd Offense, Mandatory: Additional 4 days jail. 3rd Offense, Mandatory: Additional 60 days jail.
Driving While Revoked for DWI	MISDEMEANOR	<ul style="list-style-type: none"> 1-year revocation added to current revocation period. Up to one year in jail, 7 days mandatory. Up to \$1,000 fine; \$300 mandatory. Other: 30 days immobilization of vehicle driven by offender. Driving without an interlock when it's required by an interlock license is driving while revoked.
Selling or Giving Alcohol to a Minor	FELONY-FOURTH DEGREE	<ul style="list-style-type: none"> To knowingly sell, serve or give alcoholic beverages to a minor, or to permit a minor to consume alcoholic beverages, or to assist a minor to buy alcoholic beverages. Does not apply to parents serving their own children in their home, to an adult spouse of a minor, or to the use of alcohol in religious services. Minor here means someone under 21 years of age.

Contact Information

- ▶ **New Mexico Department of Transportation**
(505) 827-5100
www.nmshtd.state.nm.us
- ▶ **Traffic Safety Bureau**
1-800-541-7952
www.unm.edu/~dgrint/tsb.html
- ▶ **Safer New Mexico Now**
Administrative Office-Albuquerque
(505) 332-7707
www.safernm.org

For additional brochures, please call:
Resource Center-Santa Fe
1-800-231-6145 or (505) 471-3965
- ▶ **University of New Mexico, Division of Government Research**
(505) 277-3305
www.unm.edu/~dgrint
- ▶ **Institute of Public Law, University of New Mexico School of Law**
(505) 277-5006
<http://ipl.unm.edu/traf>

“Do Your Part.
Don’t Drink
and Drive.
You Drink.
You Drive.
You Lose.”

Governor
Bill Richardson



SAFER
NEW MEXICO NOW

DWI Penalties in New Mexico



Compiled by: The
New Mexico Department
of Transportation,
Traffic Safety Bureau and
Safer New Mexico Now