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HOUSE BILL 122

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO THE INTERLOCK DEVICE FUND; CHANGING THE
ADMINISTRATIVE AUTHORITY FOR THE INTERLOCK DEVICE FUND;
EXEMPTING INDIGENTS FROM A FEE; REQUIRING QUARTERLY REMISSION
OF FEES; DECLARING AN EMERGENCY.

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

Section 1. Section 66-8-102.3 NMSA 1978 (being Laws 2002,
Chapter 82, Section 2, as amended) is amended to read:

"66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

A. A fee is imposed on a person convicted of
driving while under the influence of intoxicating liquor or
drugs pursuant to Section 66-8-102 NMSA 1978 or adjudicated as
a delinquent on the basis of Subparagraph (a) of Paragraph (1)
of Subsection A of Section 32A-2-3 NMSA 1978 or a person whose
driver's license is revoked pursuant to the provisions of the

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underscoring material = new
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1 Implied Consent Act, in an amount determined by rule of the
2 [~~department of finance and administration~~] traffic safety
3 bureau of the department of transportation not to exceed one
4 hundred dollars (\$100) but not less than fifty dollars (\$50.00)
5 for each year the person is required to operate only vehicles
6 equipped with an ignition interlock device in order to ensure
7 the solvency of the interlock device fund. The fee shall not
8 be imposed on an indigent person. The fee imposed by this
9 subsection shall be collected by the vendor who provides an
10 ignition interlock device to the person. [~~and~~] The vendor
11 shall remit the fees collected on a [~~monthly~~] quarterly basis
12 to the [~~local government division of the department of finance~~
13 ~~and administration~~] traffic safety bureau of the department of
14 transportation.

15 B. The "interlock device fund" is created in the
16 state treasury. The fee imposed pursuant to Subsection A of
17 this section shall be distributed to the fund by the [~~local~~
18 ~~government division of the department of finance and~~
19 ~~administration~~] traffic safety bureau of the department of
20 transportation.

21 C. All money in the interlock device fund is
22 appropriated to the [~~local government division of the~~
23 ~~department of finance and administration~~] traffic safety bureau
24 of the department of transportation to cover the costs of
25 installing and removing and one-half of the cost of leasing

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1 ignition interlock devices for indigent people who are
2 required, pursuant to convictions under Section 66-8-102 NMSA
3 1978 or adjudications on the basis of Subparagraph (a) of
4 Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or
5 driver's license revocations pursuant to the provisions of the
6 Implied Consent Act, to install those devices in their
7 vehicles. Indigency shall be determined by the sentencing
8 court.

9 D. Any balance remaining in the interlock device
10 fund shall not revert to the general fund at the end of any
11 fiscal year.

12 E. The interlock device fund shall be administered
13 by the [~~local government division of the department of finance~~
14 ~~and administration~~] traffic safety bureau of the department of
15 transportation. No more than five percent of the money in the
16 interlock device fund in any fiscal year shall be expended by
17 the [~~local government division of the department of finance and~~
18 ~~administration~~] traffic safety bureau of the department of
19 transportation for the purpose of administering the fund."

20 Section 2. EMERGENCY.--It is necessary for the public
21 peace, health and safety that this act take effect immediately.

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