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HOUSE BILL 203

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO THE INTERLOCK DEVICE FUND; INCREASING THE AMOUNT
THAT THE TRAFFIC SAFETY BUREAU SHALL PAY FOR AN INDIGENT
PERSON'S USE OF AN INTERLOCK DEVICE.

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--INTERLOCK DEVICE FUND
CREATED.--

A. A fee is imposed on a person convicted of
driving under the influence of intoxicating liquor or drugs in
violation of 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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1 Implied Consent Act, in an amount determined by rule of the
2 traffic safety bureau of the department of transportation not
3 to exceed one hundred dollars (\$100) but not less than fifty
4 dollars (\$50.00) for each year the person is required to
5 operate only vehicles equipped with an ignition interlock
6 device in order to ensure the solvency of the interlock device
7 fund. The fee shall not be imposed on an indigent person.

8 B. The "interlock device fund" is created in the
9 state treasury. The fee imposed pursuant to Subsection A of
10 this section shall be collected by the motor vehicle division
11 of the taxation and revenue department and deposited in the
12 interlock device fund.

13 C. All money in the interlock device fund is
14 appropriated to the traffic safety bureau of the department of
15 transportation to cover part of the costs of installing,
16 removing and leasing ignition interlock devices for indigent
17 people who are required, pursuant to convictions under Section
18 66-8-102 NMSA 1978 or adjudications on the basis of
19 Subparagraph (a) of Paragraph (1) of Subsection A of Section
20 32A-2-3 NMSA 1978 or driver's license revocations pursuant to
21 the provisions of the Implied Consent Act or as a condition of
22 parole, to install those devices in their vehicles. Provided
23 that money is available in the interlock device fund, the
24 traffic safety bureau shall pay, for one vehicle per offender,
25 up to fifty dollars (\$50.00) for the cost of installation, up

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1 to fifty dollars (\$50.00) for the cost of removal and up to
2 [~~thirty dollars (\$30.00)] fifty dollars (\$50.00) monthly for
3 verified active usage of the interlock device. The traffic
4 safety bureau shall not pay any amount above what an offender
5 would be required to pay for the installation, removal or usage
6 of an interlock device.~~

7 D. Indigency shall be determined by the traffic
8 safety bureau based on proof of enrollment in one or more of
9 the following types of public assistance:

10 (1) temporary assistance for needy families;

11 (2) general assistance;

12 (3) the supplemental [~~nutritional~~] nutrition
13 assistance program, also known as "food stamps";

14 (4) supplemental security income;

15 (5) the federal food distribution program on
16 Indian reservations; or

17 (6) other criteria approved by the traffic
18 safety bureau.

19 E. Any balance remaining in the interlock device
20 fund shall not revert to the general fund at the end of any
21 fiscal year.

22 F. The interlock device fund shall be administered
23 by the traffic safety bureau of the department of
24 transportation. No more than ten percent of the money in the
25 interlock device fund in any fiscal year shall be expended by

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1 the traffic safety bureau of the department of transportation
2 for the purpose of administering the fund."

3 SECTION 2. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2016.

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