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FISCAL IMPACT REPORT

ORIGINAL DATE 1/23/07
 LAST UPDATED 3/14/07 HB CS/126/aHAFC/aHF1#1

SPONSOR HJC

SHORT TITLE Interlock for Certain Out-of-State Drivers SB _____

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$1,100.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$600.0	\$600.0	Recurring	Indigent Interlock Fund

1 (Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Department of Transportation (DOT)
 Public Defender Department (PDD)

SUMMARY

Synopsis of HF1 Amendment #1

The House Floor #1 amendment to the House Judiciary Committee substitute for House Bill 126 moves the appropriation to the final section of the bill.

Synopsis of HAFC Amendment

The House Appropriation and Finance Committee amendment to the House Judiciary Committee substitute for House Bill 126 appropriates \$1,100,000 from the general fund to the Taxation and

Revenue Department (TRD) for expenditure in fiscal year 2008 for expenses related to verifying qualifications for driver's licenses and issuing ignition interlock licenses. Any unexpended or unencumbered balance remaining at the end of fiscal year 2008 shall revert to the general fund.

In addition the amendment allows TRD to charge a fee of no more than \$15.00 to a person who holds a driver's license from another state and is applying for a New Mexico driver's license for the first time. The fee is appropriated to TRD to defray the expense of determining whether the driver has been convicted of driving a motor vehicle while under the influence of intoxicating liquor or drugs, or equivalent crime, and determining if the person qualifies for a driver's license in this state.

Synopsis of Original Bill

The House Judiciary Committee Substitute for House Bill 126 amends Section 66-5-5 NMSA 1978 so that a driver's license will not be issued by the Motor Vehicles Department (MVD) to people who were convicted on or after June 17, 2005 of driving a motor vehicle while under the influence of liquor or drugs pursuant to the laws of any other state, unless the person obtains an ignition interlock license as provided in the Ignition Interlock Licensing Act.

The device must be installed and remain installed for one, two or three years for a first, second or third conviction, respectively. Fourth or subsequent convictions require the device to remain installed for the duration of the offender's life, subject to a five-year review.

The bill requires the MVD to promulgate rules for the five-year review which shall include who is eligible and what proof must be provided. MVD may credit time spent by a person operating a motor vehicle with an ignition interlock or comparable device, as a condition of the person's sentence for a conviction in another jurisdiction against the ignition interlock time requirements imposed by this bill.

FISCAL IMPLICATIONS

According to MVD records, approximately 60,000 applicants from out-of-state apply for licensure in New Mexico each year. MVD estimates that up to 6,000 individuals may have prior convictions. The DOT Traffic Safety Bureau (TSB) has oversight of the interlock program. They will have to collect the \$100 ignition interlock indigent fee from these individuals as they do from NM offenders.

DOT does not know how many of the out-of- state license applicants will be required to have an interlock device, but if 6000 out-of state individuals are required to pay the \$100 fee, there will be a revenue increase to the Indigent Interlock Fund of up to \$600,000.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The AOC notes there could be a possible increase in the number of people driving without a license.

DOT notes there is no mechanism in place to give individuals from out- of- state access to the indigent fund

ADMINISTRATIVE IMPLICATIONS

This bill will increase the number of interlocks installed and tracked by the DOT. However, there is already a system in place for installation and tracking. Therefore, there will not be a significant administrative impact to the DOT.

POSSIBLE QUESTIONS

What impact does this bill have on persons who have a New Mexico driver's license but were convicted post June 17, 2005, of DWI in another state?

DW/mt:csd