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FISCAL IMPACT REPORT

ORIGINAL DATE 2/21/07

SPONSOR Cravens LAST UPDATED _____ HB _____

SHORT TITLE DWI Offender Interlock Driving for 6 Months SB 941

ANALYST Earnest

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 774

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 941 amends Section 66-5-33.1 NMSA 1978 to require a minimum of six months of alcohol-free driving with an ignition interlock device before reinstatement of a driver's license.

“Six months of alcohol-free driving” is defined as driving a vehicle equipped with an ignition interlock device on at least 150 days out of a 182-day period, during which time the ignition interlock device does not record an alcohol concentration of more than .05 in the driver's breath.

FISCAL IMPLICATIONS

None identified.

SIGNIFICANT ISSUES

DFA is concerned about the stricter requirements in this bill. According to DFA: “Six months of ‘alcohol-free driving’ will be difficult for most individuals because they will need to comply with stricter standards. If the driver exceeds the breath alcohol limit, the time period begins again. There is a possibility that some offenders may never have six months of alcohol-free driving, and therefore would never be driving without an ignition interlock. The restriction could also increase the number of DWI offenders driving on a revoked or suspended license, which is currently at 50%.”

ADMINISTRATIVE IMPLICATIONS

DFA also indicates that the Motor Vehicle Division (MVD) of the Taxation and Revenue Department finds that the mandated six months of “alcohol-free driving” could increase their administrative costs. They would need a system in place to verify with the ignition interlock providers whether an offender was “alcohol-free” for six-months.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 941 relates to Senate Bill 774.

ALTERNATIVES

DFA provides the following alternatives:

- Mandate that all DWI offenders must install an ignition interlock in a vehicle as part of their probation.
- Keep the six month requirement but remove the “alcohol-free driving” as one of the requirements.
- Shorten the time period to make it more reasonable for offenders to comply.

BE/mt