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FISCAL IMPACT REPORT

ORIGINAL DATE 3/12/07

SPONSOR SPAC LAST UPDATED _____ HB _____

SHORT TITLE Application of DWI Revocation Laws SB 1146/SPACS

ANALYST Earnest

APPROPRIATION (dollars in thousands)

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

(Parenthesis () Indicate Expenditure Decreases)

Relates to and conflicts with Senate Bill 905

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

The Senate Corporations and Transportation Committee (SCORC) Substitute for Senate Bill 1146 would add a new subsection to Section 66-5-29 of the Motor Vehicle Code regarding the Mandatory Revocations of Licenses. The bill would allow the Motor Vehicle Division (MVD) to use the same revocation process in current law for a driver with three or more DWI convictions before June 17, 2005. Under current statute, the revocation period for persons with 3 or more DWI convictions before June 17, 2005, is 10 years and interlock license and devices are optional. The bill would give an individual the option of a shorter revocation period as long as they agree to a mandatory interlock license and device. Those who have met the requirements of the current statutes are eligible to apply for reinstatement of their license.

FISCAL IMPLICATIONS

No significant impact identified, but TRD estimates a substantial administrative impact to implement the bill, in particular changes to the MVD database.

SIGNIFICANT ISSUES

According to TRD, the intent of the SCORC substitute for SB 1146 is to reconcile previous amendments to the Motor Vehicle Code regarding license revocation and the interlock license law. Current provisions require a person to have an interlock license for at least 3 years and no violations of the interlock device in the previous six months for license reinstatement. Also under current statutes the revocation period for persons with 3 or more DWI convictions before June 17, 2005, is 10 years and interlock license and devices are optional.

Specifically, TRD states:

This bill is designed to deal with a legal issue that arose from the 2005 amendments to § 66-5-29 and § 66-5-5(D). In 2005, the legislature amended § 66-5-29 to provide that a third DWI conviction causes a mandatory three-year license revocation and § 66-8-102 requires that an offender be ordered to install an interlock device and obtain an interlock license for three years. It also amended § 66-5-5(D) to provide that a fourth conviction causes a lifetime revocation. Prior to the 2005 amendment, § 66-5-5(D) stated that anyone with three DWI convictions in a ten-year time period would not be eligible for a license for ten years from the date of the last conviction. In 2003, the legislature enacted the interlock license law, §§ 66-5-501 through 504 to allow anyone with an alcohol-related revocation to obtain an interlock license, if the person chose to do so. The problem is that the legislature never made any provision for the 2005 amendments to apply retroactively. The result is that offenders with three convictions within a ten-year time period prior to June 17, 2005, are unable to obtain a full license for ten years, while offenders with a third DWI after June 17, 2005, only have a three-year revocation. According to MVD over 13,000 people fall into this category. The bill would give the persons with the pre-June 17, 2005, convictions the option of deciding whether they want to continue with the ten-year revocation or take steps to get an interlock license and be subject to the shorter revocation.

ADMINISTRATIVE IMPLICATIONS

TRD estimates that significant changes to MVD's computer systems and processes would be needed to implement this bill. The necessary changes, including modifications to current mainframe system to reflect the new license revocation provisions would require a total of 640 hours of programming time.

TRD does not indicate whether the changes could be performed with current resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TRD reports that Senate Corporations and Transportation Committee Substitute for Senate Bill 905 also amends Section 66-5-29. The amendments in SCORC Sub for SB 905 clarify that the provisions of the section apply to revoking a person's "driving privileges" as well as their driver's license. Those changes could easily be integrated into this bill to eliminate the conflict.

TECHNICAL ISSUES

TRD notes the following technical issue:

- Page 3, paragraph C starting at line3: for consistency with the rest of the Motor Vehicle Code, the reference to “offender” should be replaced with the word “conviction” in several places.

C. A person who upon adjudication as a delinquent for driving while under the influence of intoxicating liquor or drugs or conviction pursuant to Section 66-8-102 NMSA 1978 is subject to license revocation under this section for an offense pursuant to which the person was also subject to license revocation pursuant to Section 66-8-111 NMSA 1978 shall have the person’s license revoked for that offense for a combined period of time equal to:

- (1) one year for a first conviction ~~offender~~; or
- ~~(2) for a subsequent offender;~~
- (2) ~~(a)~~ two years for a second conviction;
- (3) ~~(b)~~ three years for a third conviction; or
- (4) the remainder of

BE/csd