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FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/15
 SPONSOR HJC LAST UPDATED _____ HB CS/30/HJCS
 SHORT TITLE Alcohol Sales to Interlock Licensees SB _____
 ANALYST Malone

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$50.0-\$100.0		\$50.0- \$100.0	Nonrecurring	TRD-MVD Operating Budget
	\$15.0			\$15.0	Nonrecurring	TRD-ITD Operating Budget

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
 Regulation and Licensing Department (RLD)
 Taxation and Revenue Department (TRD)
 Department of Health (DOH)
 Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute for House Bill 30 adds three new sections to the Motor Vehicle Code and amends three statutes, all related to prohibiting the purchase of alcohol by individuals with ignition interlock licenses.

The three new sections in the Motor Vehicle Code clarify that:

- 1) Vertical license's for individuals under the age of twenty-one have legends to indicate that the person is under twenty-one and prohibited from purchasing alcohol (Section one);

- 2) Ignition interlock licenses issued shall be printed vertically and have a legend indicating that the person is prohibited from purchasing alcohol (Section two); and,
- 3) It is not a violation of the Liquor Control Act for a person, including a person licensed pursuant to the provisions of the Liquor Control Act, or an employee, agent of lessee of that person, to sell, serve or give alcoholic beverages to a person, other than a minor, who has been issued an ignition interlock license or identification card (section six).

The three amended statutes are amended as follows:

- 1) Section 66-5-405 NMSA 1978 would be amended to provide for:
 - a. IDs for persons under twenty one to be printed vertically and have a legend indicating that the person is under twenty-one.
 - b. “[A]n identification card of person whose driver’s license is revoked for driving under the influence of intoxicating liquor or drugs or for a violation of the Implied Consent Act shall have a printed legend, displayed in such a manner as to be easily read by any person inspecting the license, indicating that the person is prohibited from purchasing alcoholic beverages.” The ID shall also be printed vertically.
- 2) The ignition interlock requirements in Section 66-5-503 NMSA 1978 would be amended to require that an ignition interlock license be clearly marked, in a manner that would mirror the proposed changes in section 66-5-405.
- 3) Section 66-8-102 NMSA 1978 would be amended to include a new provision “O” which states: “A person required to obtain an ignition interlock device is prohibited from purchasing alcoholic beverages for the period the person is required to use an ignition interlock license.”

FISCAL IMPLICATIONS

According to the AOC, this bill may impact the courts by requiring modification or addition to forms and databases to address the addition of the no alcohol sales to dispositions of DWI charges although the impact on the operating budget is unknown.

The TRD stated that the bill would require design changes to the affected interlock licenses and IDs. Redesign cost is roughly estimated at \$50 thousand to \$100 thousand. Additionally, implementation of the bill would have an impact on TRD IT at a cost of about \$15 thousand.

SIGNIFICANT ISSUES

RLD and DPS both note that in this bill the burden seems to be on the individual to not purchase, rather than on a liquor establishment or the alcohol server to not make the sale, since the bill does not amend any part of the Liquor Control Act.

AOC expressed concerns that due process issues may be raised by allowing the MVD to make a decision as to whether a person can be restricted from buying alcohol.

On a similar bill, the Attorney General's Office noted that to prohibit a group of people from purchasing alcohol raises due process and equal protection concerns. The offenders may argue that they are being discriminated against and that it is not possible to prove that they are not purchasing alcohol for someone else as a gift, for example.

RELATIONSHIP

House Bill 86 and House Bill 131 relate to expanding ignition interlock requirements.

HB 86 (DWI Interlock Removal Requirements) proposes to increase the requirements to be met for removal of an ignition interlock device before reinstatement of a driver's license. In addition to current requirements, the following would be required to remove a device: evidence that the ignition interlock device has recorded no more than two tests at a level greater than five one hundredths alcohol concentration during the six months prior to reinstatement of the unrestricted driver's license, and evidence of at least one ignition interlock test during each of twenty-four weeks during the six months prior to reinstatement. HB 86 also proposes requiring home Breathalyzer devices and electronic monitoring devices for offenders while under house arrest.

HB 131 (DWI Tests & Interlock Time Requirements) proposes to increase the time required for ignition interlock based on the person's blood or breath alcohol concentration. HB 131 also proposes to provide that persons who do not obtain an ignition interlock shall be required to maintain sobriety.

CEM/bb/aml