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## FISCAL IMPACT REPORT

SPONSOR Thomson ORIGINAL DATE \_\_\_\_\_ LAST UPDATED \_\_\_\_\_ HB 266

SHORT TITLE Removal of Ignition Interlocks SB \_\_\_\_\_

ANALYST Edwards

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0.0	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 34 and HB 255.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Office of the Attorney General (NMAG)

#### Responses Not Received From

Administrative Office of the District Attorney (AODA)  
Taxation and Revenue Department (TRD)  
Department of Health (DOH)  
New Mexico Corrections Department (NMCD)  
Department of Public Safety (DPS)  
Department of Transportation (DOT)

### SUMMARY

#### Synopsis of Bill

House Bill 266 amends Section 66-5-33.1 NMSA 1978 to add two new requirements for the removal of an ignition interlock and reinstatement of a driver’s license which was revoked for DUI. In addition to the current requirements, HB 266 would require “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.

## FISCAL IMPLICATIONS

TRD, the department housing the Motor Vehicles Department (MVD) did not provide analysis for this bill. However, it can be assumed that the burdens of proof needed to establish whether an interlock has recorded more than two tests at a greater level the .05 percent alcohol concentration during the previous six months and evidence of at least one test during each of the 24 weeks during the six months could be very difficult for TRD to absorb within their current operating budget.

In response HB 49 from 2017 with some similar changes the interlock program, TRD reported “that it will cost \$16.8 thousand for its information technology staff to make and implement the necessary changes to the motor vehicle system. Those changes will take approximately six weeks to complete. It also points out that if the DWI Compliance Unit has to review for additional requirements more staff may be needed. The average salary and benefits of one compliance officer is \$33.4 thousand.”

The AOC explains “HB 266 would have minimal fiscal implications for the courts. HB 266 would only impact the Motor Vehicle Department (MVD) requirements for reinstating an unrestricted driver’s license of someone who had their license revoked for DUI. The criminal sentencing requirements for interlock compliance are found in Section 66-8-102(O) – (Q) NMSA 1978. Those requirements are unaffected by this bill. There will be a minimal fiscal impact due to updated legislation and statewide distribution of new laws.”

## SIGNIFICANT ISSUES

The AOC states “the requirements of Section 66-5-33.1 NMSA 1978 may come to be at odds with Section 66-8-102(P) NMSA 1978. That Section allows a district court to restore the driver’s license of a fourth or subsequent offender after five years from the date of conviction for good cause shown. Therefore, the court could find good cause, even where the person may not have met all the requirements of Section 66-5-33.1 NMSA 1978. This will also undoubtedly have a fiscal and administrative impact on the MVD, because they will have to analyze whether these more onerous conditions have been met before reissuing unrestricted drivers’ licenses.”

The NMAG states sound attempts to improve road safety, especially given the high rate of fatalities related to alcohol, are needed. NMAG believes the particular additional sections contained within this bill serve the goals of traffic safety.

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