

LFC Requester:

Noah Montano

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** 2/7/2025

*Check all that apply:*

**Bill Number:** SB-40

Original  Correction  
Amendment  Substitute

**Sponsor:** Sen. Antonio Maestas

**Agency Name and Code Number:** 305 – New Mexico Department of Justice

**Person Writing**

**Short Title:** Interlock for Driving on Revoked License

**Analysis:** Henry Chynoweth

**Phone:** 505-537-7676

**Email:** legisfir@nmag.gov

#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

The Act

This bill would make amendments regarding ignition interlock devices and how the justice system will address convictions of driving on a revoked license.

**Section 1** of the bill amends Section 34-8A-6 NMSA 1978 by adding language to include cases involving driving on a revoked license as cases of record in metropolitan courts.

**Section 2** of the bill amends Section 66-5-39.1 NMSA 1978 by replacing language, once regarding immobilization of motor vehicles as a penalty for convictions of driving on a revoked license, to instead require the installation of an ignition interlock device and the obtaining of an ignition interlock license within ten days of a conviction as a penalty for driving on a revoked license.

**Section 3** of the bill amends Section 66-5-503 NMSA 1978 by adding language to establish who may apply for an ignition interlock license, what is required to apply for an ignition interlock license, that such a license may be valid for four to eight years, and that an ignition interlock device does not require a court order to be removed, but may be removed by a traffic safety bureau-approved ignition interlock installer at the request of the applicant.

**Section 4** of the bill amends Section 66-8-102.3 NMSA 1978 by replacing language to increase how much money may be allocated to assisting indigent people required to install an ignition interlock device. Additionally, Section 4 corrects a grammatical error and adds language to allow for indigency to be determined based on proof of the entering of an appearance by the public defender department as the person’s legal representative.

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

Subsection F of Section 3 adds that “[a]n ignition interlock device may be removed by a traffic safety bureau-approved ignition interlock installer without a court order at the request of the applicant.” Other than a request from the applicant, it is unclear what requirements or conditions must be satisfied for the traffic safety bureau to remove an ignition interlock device when there is

no court order. Consider amending to give guidance to the traffic safety bureau for determining whether to approve an applicant's request to remove when there is no court order.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

N/A