

BILL ANALYSIS AND FISCAL IMPACT REPORT
Taxation and Revenue Department

January 30, 2025

Bill: SB-40

Sponsor: Senator Antonio Maestas

Short Title: Interlock for Driving on Revoked License

Description: This bill amends Metrocourt rules and the Motor Vehicle Code related to ignition interlocks.

Section 34-8A-6 is amended to provide that cases involving driving on a revoked license are “on record” when heard in Metrocourt.

Section 66-5-39.1 NMSA 1978 is amended to require that a person convicted of driving on a revoked license (regardless of whether the license was revoked because of driving under the influence) shall obtain an ignition interlock and an ignition interlock license within ten days of conviction.

Section 66-5-503 NMSA 1978 is amended to provide that a person whose license has been revoked or will soon be revoked may apply for an ignition interlock license from the Motor Vehicle Division (MVD) by providing proof of installation of an ignition interlock device. Further, the bill allows anyone – whether required by law or not – to apply for an interlock license after installing an ignition interlock device.

While current law allows ignition interlock licenses to be valid for one year, this bill allows ignition interlock licenses to be valid for four or eight years.

The bill allows that an ignition interlock device may be removed by a traffic safety bureau-approved installer without a court order at the request of the applicant.

Section 66-8-102.3 NMSA 1978 is amended to double the amount the traffic safety bureau will pay towards the cost of installation of an interlock device, the cost of removal, or monthly for verified active usage by an indigent individual, provided that money is available in the interlock device fund

The bill amends eligibility criteria to prove indigence for purposes of accessing the interlock device fund. Any person who is represented by a public defender will be considered indigent.

Effective Date: Not specified; 90 days following adjournment (June 20, 2025).

Taxation and Revenue Department Analyst: Htet Gonzales and Sean Bulian – Motor Vehicle Division

Estimated Revenue Impact*					R or NR**	Fund(s) Affected
FY2025	FY2026	FY2027	FY2028	FY2029		
(125.6)	(125.6)	(125.6)	(125.6)	(125.6)	R	MVD Suspense Fund
MVD defers to DOT					R	Interlock Devie Fund

* In thousands of dollars. Parentheses () indicate a revenue loss. ** Recurring (R) or Non-Recurring (NR).

Methodology for Estimated Revenue Impact: MVD retains a fee of \$18 for each interlock license issued. This bill will reduce MVD Suspense Fund revenue attributable to those fees by allowing interlock licenses to be issued for four and eight years, compared to one-year issuances in current law. Issuing 4- and 8-year interlock licenses will reduce MVD suspense fund revenue by an estimated \$125,600 per year.

The past 10 calendar years of interlock license revenue was divided by ten to calculate the average annual revenue loss.

Policy Issues: Under current law, cases of driving on a revoked licenses are off record when heard in Metrocourt. As a result, if a driver is convicted of driving on a revoked license in Metrocourt, if they appeal that conviction in district court there is no record to appeal, and the driver in effect receives an entirely new trial. This bill will put driving on a revoked license cases on record in Metrocourt so that appeals to district court have a record for appellate review.

Currently, MVD revokes a driver's license upon receiving a record of the driver's adjudication as a delinquent for or conviction of offenses such as committing a felony while in use of a motor vehicle, manslaughter or negligent homicide resulting from the operation of a motor vehicle, or driving while under the influence.

The bill provides that an ignition interlock device may be removed without a court order at the request of the applicant. In a circumstance where an individual's license is revoked by MVD but they are not convicted of DWI in their criminal proceeding, it can be difficult to obtain a court order to provide to the ignition interlock provider and to MVD. This provision will prevent this problem, but may result in some individuals having their ignition interlock removed when they have not met the requirements to do so.

Section 66-8-102.3 NMSA 1978 doubles the amount the traffic safety bureau shall pay to cover costs for indigent people from \$50 to \$100 for installation or removal and from \$30 to \$60 monthly for verifying active usage of an interlock device. This is dependent on money being available in the interlock device fund. Tax & Rev defers to the Department of Transportation on issues related to this fund's balance.

The bill allows a person who does not have a revoked license to apply for an ignition interlock device. This may be intended to allow drivers who are in recovery but who may drive under the influence of alcohol in the future to proactively install an ignition interlock and restrict their driving.

Allowing ignition interlock licenses to be valid for 4 or 8 years, rather than the current one-year period, will reduce the number of trips ignition interlock drivers will make to the MVD, and as a result may reduce the risk of their license expiring.

Ignition interlock devices are designed to prevent the operation of a motor vehicle if the driver's breath test indicates a positive blood alcohol content. It is unclear whether installing an ignition interlock device as a consequence of driving with a revoked license (unrelated to DWI) will be an effective deterrent to driving with a revoked license. For example, a driver convicted of driving on a revoked license, whose revocation was due to vehicular homicide, will then be required to install an ignition interlock.

By adding representation by a public defender to be proof of indigence, the bill will streamline the process for some individuals to prove indigence and gain access to using the interlock device fund.

Technical Issues: Because the intent of the bill is for ANY person to be eligible to apply for an ignition interlock license, the language on page 6, lines 2 – 13 could be simplified for clarity. It may not be necessary to state that paragraph B applies to a person whose driver's license is revoked or will soon be revoked, for example.

Considering the effort required for MVD to implement this bill, the effective due date of 6/20/2025 will not be feasible. A more feasible effective date would be 1/1/2026.

Other Issues: None.

Administrative & Compliance Impact: This bill will require MVD’s Tapestry system to be updated to allow interlock licenses to be issued for a valid period of 4 or 8 years. MVD will need to make system changes allowing interlock licenses to be issued to individuals whose licenses are not currently revoked for DWI or Implied Consent Act Violations. MVD employees will require training on the updated changes this bill sets forth.

Implementation of this bill will have a high impact on Tax & Rev’s Information Technology Division (ITD). The estimated time to develop, test and implement the changes is approximately 1,200 hours or 7.5 months and approximately \$355,968 (\$276,000 contractual resources including GRT and staff workload of \$79,968).

This bill requires the following changes to Tapestry

- Application and configuration changes to issue an interlock license within ten days of conviction for individuals convicted of driving on a revoked license.
- Allowing an interlock license for four or eight years, instead of the current one-year limitation.
- Internal Tapestry system updates and changes to e-Services renewals.
- Removal of the requirement for a one-year delay before a license can be issued following a conviction for driving on a revoked license.
- Application and configuration changes for interlock license fees and revised distribution processes.

Considering the effort, the effective due date of 6/20/2025 will not be feasible. A more feasible effective date would be 1/1/2026.

Estimated Additional Operating Budget Impact*				R or NR**	Fund(s) or Agency Affected
FY2025	FY2026	FY2027	3 Year Total Cost		
\$276				NR	MVD Suspense Fund – Contractual Resources
\$80				NR	MVD Suspense Fund – Staff Workload Cost

* In thousands of dollars. Parentheses () indicate a cost saving. ** Recurring (R) or Non-Recurring (NR).

Related Bills: