

LFC Requester:	Joseph Simon
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**NMDOT BILL ANALYSIS
2025 REGULAR SESSION**

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 2/24/2025
Bill No. SB 40

Sponsor: Antonio Maestas

Agency/ Code: NMDOT - 805 - OGC

Short Title Interlock For Driving
on Revoked License

Person Writing Analysis: Sam Roybal, Asst. General Counsel

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Not applicable.

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
Indeterminate	Indeterminate	Indeterminate	Recurring	Interlock Device Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to:

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	Interlock Device Fund

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 40 (SB 40) primarily seeks to amend the Ignition Interlock Device program to expand the requirement of interlock devices to include drivers who have been convicted of driving on a revoked driver's license. The bill also seeks to allow any driver to apply for an Interlock License, allow for an Interlock License to be limited for 4 or eight years, allow a Traffic Safety Bureau ("TSB") approved installer to remove the interlock device without a court order, increase the amount TSB must pay for the installation and removal of interlock devices of indigent people, and to allow TSB to consider additional evidence when determining indigency.

Specifically, SB 40 seeks to amend:

- 1) NMSA 1978, Section 34-8A-6 to expand the jurisdiction of the metro court to include the crime of driving on a revoked license;
- 2) NMSA 1978, Section 66-5-39.1 to amend the penalty for conviction for driving while license revoked to require an interlock device within 10 days of conviction instead of immobilization device on the vehicle;
- 3) NMSA 1978, Section 66-5-503 to:
 - a. allow any driver to apply for ignition interlock license;
 - b. allow a driver who has driving privileges revoked, or will be revoked, who has not met the conditions of reinstatement NMSA 1978, Section 66-5-3 to apply for an interlock license by providing proof of installation of the device;
 - c. allow for the limitation of the validity of an interlock license for 4 or eight years; and
 - d. allow TRB to remove interlock device without court order at request of applicant.
- 4) NMSA 1978, Section 66-8-102.3 to:
 - a. Increase the fees TRB will pay for the installation and removal of interlock device for indigent persons; and
 - b. Expand what is considered when TRB determines who is indigent.

FISCAL IMPLICATIONS

SB 40 will have an indeterminate fiscal impact on NMDOT. Including all drivers who are convicted of driving on a revoked license as eligible for an interlock device will increase the number of fees paid to the Interlock Device Fund which is offset in an indeterminate amount by the increase TRB will have to pay for indigent drivers.

While the exact financial impact is indeterminate, currently, the average cost of an install is between \$100-\$150, the monthly device fee is between \$50-\$80, and the removal is between \$100-\$140. If the bill is passed, TSB would be basically paying the entire costs for these indigent clients. The indigent numbers would grow exponentially and TSB expects more drivers will apply as indigent. For example, if a client receives \$1 in Supplemental Nutrition Assistance Program (SNAP) support a month, the client would qualify as indigent. As proposed, TSB expects the indigent fund to be over subscribed, and an inadequate amount of funding in the Interlock Fund to cover the increase in requests for support and to sustain the program.

Also TSB expects that if the amounts of what TSB pays for the indigent clients, the service centers

will increase their prices for the installations, monthly fees, and removals of devices, which will result in non-indigent clients incurring higher costs for an interlock device.

SIGNIFICANT ISSUES

See Other Substantive Issues below.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

SB 40 will increase the administration of the interlock device program administered by TSB based on the increase of drivers who will be required to have interlock devices installed. See NMSA 1978, Section 30-3-8.2, making revocation of license required from conviction for shooting at or from a motor vehicle. See also NMSA 1978, Section 66-5-29 listing other offenses where revocation is required upon conviction.

There will be an increase in installers, who are regulated by TSB, because of the increased number of drivers subject to interlock devices.

Currently, the burden of proof for indigent fund eligibility is on the applicant. TSB does not presently have access to court records to confirm eligibility to receive support from the indigent fund.

SB 40 also conflicts with TSB's rule (Rule 18.20.11.22 NMAC) with regards to the requirements that must be met to remove an interlock device, in that the bill allows the installers to remove the device only upon the request of the applicant.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

See Administrative Implications above.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

SB 40 will also increase the administration of the program because now TSB must also monitor the removal of interlock devices without court orders. The bill will likely lead to substantial abuse by both installer and applicants because it does not limit when an approved installer can remove a device without a court order, except when requested by the applicant. The potential for abuse will require TRB to increase inspection of installers operation.

ALTERNATIVES

A portion SB 40 can be accomplished by amending TSB's rules regarding the requirements that must be met to remove an interlock device.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Unknown.

AMENDMENTS

None.