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FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/09

SPONSOR Cravens LAST UPDATED _____ HB _____

SHORT TITLE Immobilization and Interlocks on DWI Vehicles SB 270

ANALYST Lucero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Substantial			Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB275, SB307
Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)
Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Bill 270 proposes new legislation directing that upon the arrest of a person driving under the influence of alcohol or drugs, the vehicle driven by that person shall be immobilized at a location specified by the vehicle's owner.

If the person arrested is the owner of the vehicle, it will remain immobilized until an ignition interlock device is installed or until final adjudication of the charges.

If the person arrested is not the owner of the vehicle, the owner may obtain the vehicle without installation of an ignition interlock device upon submission of an affidavit to the motor vehicle division affirming that the owner will not allow the person arrested to drive the vehicle while that person's driver's license is revoked. If the person arrested is later found driving the vehicle without a valid driver's license, the vehicle shall be subject to forfeiture to the state pursuant to the provisions of the Forfeiture Act.

FISCAL IMPLICATIONS

The administrative impact on the Motor Vehicle Division (MVD) could be quite substantial, but at this time it is unclear how MVD would approach implementation of the new records-keeping requirements. Computer system changes associated with linking the use of a vehicle by a DWI

violator other than the owner of the vehicle could be quite extensive. The major impact to the bill will occur the first year of implementation.

A police officer would presumably have to accompany a towed vehicle to the location designated by the vehicle owner in order to immobilize the vehicle.

SIGNIFICANT ISSUES

Presumably all ignition interlock providers would be forced to offer mobile installation services.

Presumably it would become the towing company's responsibility to hold certain vehicles until the MVD affidavit is completed.

If a vehicle owner can designate the location for the vehicle's immobilization, it is unclear what leverage the towing company would have to insure payment of towing charges.

When the vehicle owner is other than the person arrested, the owner signs an affidavit that the defendant will not drive the vehicle again while the license is revoked for the DWI. There would have to be a notation on the vehicle's registration so that officers have the affidavit information should the vehicle be involved in a traffic stop. Otherwise, none of the parties involved will know that the vehicle is now subject to forfeiture.

PERFORMANCE IMPLICATIONS

Seizure, and possible forfeiture, of a vehicle driven by an individual arrested for DWI may serve as an effective additional deterrent to driving under the influence of alcohol or drugs.

ADMINISTRATIVE IMPLICATIONS

Redesign of the New Mexico Law Enforcement Telecommunications System (NMLETS) response to law enforcement inquiries of vehicle registration will need to be done. MVD will need to record driver restrictions on vehicle registration records and/or vehicle information on the driver's record; so that the arresting officer will know if a vehicle seizure is called for. MVD will have to create and publish the affidavit and establish a mechanism for keeping the affidavit with the vehicle's registration records.

MVD will need to develop the form of affidavit the owner will fill out and also develop some type of form to give the owner that will allow the vehicle to be released once the affidavit is received.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to SB275, SB-307

TECHNICAL ISSUES

It is unclear whether the new material proposed in Section 1 of the bill should be labeled “[NEW MATERIAL]”.