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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/23/15

SPONSOR Lewis LAST UPDATED \_\_\_\_\_ HB 404

SHORT TITLE Driver's License For Some With Only 1 DWI SB \_\_\_\_\_

ANALYST Malone

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

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$5.3	\$0.0	\$0.0	\$5.3	Nonrecurring	TRD-ITD Operating Budget

(Parenthesis ( ) Indicate Expenditure Decreases)

Relationship – HB 86; HB 120; HB 131; HB 355; HB 359; HB 364  
 Conflict – HB 131 and HB 355

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)  
 Attorney General's Office (AGO)  
 Department of Health (DOH)

### SUMMARY

#### Synopsis of Bill

House Bill 404 amends a section of the Motor Vehicle Code, Section 66-5-5 NMSA 1978, to change the ignition interlock licensing requirement to provide that a person with only one prior conviction of driving under the influence of intoxicating liquor or drugs in another state or the District of Columbia may obtain a regular New Mexico driver's license upon proof of completion of all conditions of the person's sentence, whether or not installation of an ignition interlock device was a condition of the person's sentence.

### FISCAL IMPLICATIONS

TRD anticipates that implementation of this bill will have minimal fiscal impact on the department's IT division. Necessary changes include:

- Tapestry Development Hours: 70
- Tapestry Testing Hours: 35
- Total 105 hours at \$50/hour = \$5,250

## **SIGNIFICANT ISSUES**

In 2007 the Legislature amended Section 66-5-5 NMSA 1978 to add paragraph E, which requires a person moving to New Mexico from another state, with their latest DWI conviction on or after June 17, 2005, to obtain an ignition interlock license for a term commensurate with the nature of the conviction.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Relationship – HB 86; HB 120; HB 131; HB 355; HB 359; HB 364

Conflict – HB 131 and HB 355

## **TECHNICAL ISSUES**

The new MVD IT system, Tapestry, will be in production beginning May 25, 2015. Since the effective date of this bill is July 1, 2015, there is a possibility that the changes cannot be implemented into production by the effective date.

## **OTHER SUBSTANTIVE ISSUES**

DOH reports that requiring the use of ignition interlocks for all people convicted of alcohol-impaired driving is recommended as an evidence-based strategy by the Community Guide for Preventive Services (which is supported by the Centers for Disease Control and Prevention). In multiple studies ([www.thecommunityguide.org/mvoi/AID/ignitioninterlocks.html](http://www.thecommunityguide.org/mvoi/AID/ignitioninterlocks.html)), the required use of ignition interlocks resulted in a 67 percent median decrease in re-arrest rates among those convicted of alcohol-impaired driving. But, DOH acknowledges that it is unknown whether requiring a person convicted of a single DWI offense in another jurisdiction, who has completed the conditions of their sentence pursuant to the laws of that jurisdiction, to also meet the Ignition Interlock Licensing Act requirements has additional impact on the person's likelihood of a repeat DWI conviction.

The AGO notes that this legislation might allow for a loophole in current ignition interlock requirements. For instance, if a New Mexico resident leaves to attend college in a number of surrounding states, that college student with a New Mexico driver's license could get convicted for DWI in the other state which may not require an ignition interlock. That college student could complete all conditions of their sentence in the other state, but there would be no consequence to their New Mexico driver's license.