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## FISCAL IMPACT REPORT

SPONSOR Thomson ORIGINAL DATE 2/4/19  
LAST UPDATED \_\_\_\_\_ HB 355  
SHORT TITLE Ignition Interlock Removal Requirements SB \_\_\_\_\_  
ANALYST Edwards

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

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Minimal	Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 317

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Department of Transportation (DOT)  
Law Office of the Public Defender (LOPD)

### SUMMARY

#### Synopsis of Bill

HB 355 amends Section 66-5-33.1 NMSA 1978, which addresses driver's license reinstatement. According to the current Section 66-5-33.1: "If a driver's license was revoked for driving while under the influence of intoxicating liquor or drugs, for aggravated driving while under the influence of intoxicating liquor or drugs or pursuant to the Implied Consent the following are required to reinstate the driver's license:

- (1) an additional fee of seventy-five dollars (\$75.00);
- (2) completion of the license revocation period;
- (3) satisfaction of any court-ordered ignition interlock requirements;
- (4) a minimum of six months of driving with an ignition interlock license with no attempts to circumvent, remove or tamper with the ignition interlock device;
- (5) evidence that the ignition interlock device has not recorded two vehicle lockouts; and
- (6) evidence of verified active usage as that phrase is defined by the bureau."

HB 355 amends (5) to read: "evidence that the ignition interlock device has not recorded any

vehicle lockouts in the six months prior to the application for reinstatement.”

Section 66-5-33.1 (and 18.20.11.10 (U)(2) and (3) NMAC) defines "vehicle lockout" as, “a driver has failed: (1) a breath test six times within a period of three hours; or (2) initial breath tests or random breath re-tests ten times within a period of thirty days.”

### **FISCAL IMPLICATIONS**

The AOC explains “because the bill reduces the number of ‘vehicle lockouts’ allowed from two to one for reinstatement of a revoked driver’s license, there may be an increase in appeals of MVD’s decision not to reinstate to the district court pursuant to Section 39-3-1.1 NMSA 1978. There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.”

LOPD believes that “while any potential, additional collateral consequence could result in more individuals resolving cases through trial instead of plea agreement, additional prosecutions are unlikely to occur due to this modified provision is unlikely to have any fiscal impact on the Law Offices of the Public Defender. LOPD would likely absorb any resulting changes in the ordinary course of business.”

DOT estimates the bill will have no fiscal impact to the department.

### **SIGNIFICANT ISSUES**

DOT explains:

House Bill 355 changes one of the six reinstatement requirements from that of evidence that the ignition interlock device has not recorded two vehicle lock outs to evidence of any lockout in the six months prior to the application for reinstatement. House Bill 355 would assist the state in meeting higher compliance-based removal standards.

According to the National Highway Transportation Safety Administration, alcohol impairment is one of the primary causes of motor vehicle crashes on highways in the United States. In 2015, 29 percent of all motor vehicle traffic fatalities involved alcohol impairment resulting in the loss of 10,265 lives. Ignition interlocks have been shown to reduce driving under the influence (DUI) recidivism of DUI offenders who have ignition interlocks installed on their vehicles. The positive effect of the ignition interlock tends to dissipate once the devices are removed. Compliance based removal addresses those individuals who continue to attempt to drive with alcohol in their systems. It is believed that these are the offenders most likely to recidivate. The requirements in House Bill 355 would result in delaying removal of the interlock for this type of offender.

New Mexico has been identified as a national leader in the use and administration of ignition interlock devices as a tool to combat DWI. In FY18, approximately 12,350 ignition interlocks devices were installed in driver’s vehicles in the state. The same year, 2252 applications were approved for utilization of the Ignition Interlock Device Fund, and DOT

paid approximately \$600 thousand from the Fund for eligible participant expenses.

A 2010 report by the National Highway Traffic Safety Administration entitled *Key Features for Ignition Interlock Programs* evaluated ignition interlock programs in the United States, and highlighted programs and features believed to best serve traffic safety interests. Compliance-based removal was identified as key in reinstatement of an offender's license. The report likewise recommended that offenders demonstrate: (1) no alcohol-related lockouts; and (2) continued vehicle use during the final three to six months of the interlock period, prior to license reinstatement.

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