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HOUSE BILL 203

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Patricio Ruiloba

AN ACT

RELATING TO THE INTERLOCK DEVICE FUND; INCREASING THE AMOUNT THAT THE TRAFFIC SAFETY BUREAU SHALL PAY FOR AN INDIGENT PERSON'S USE OF AN INTERLOCK DEVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-8-102.3 NMSA 1978 (being Laws 2002, Chapter 82, Section 2, as amended) is amended to read:

"66-8-102.3. IMPOSING A FEE--INTERLOCK DEVICE FUND CREATED.--

A. A fee is imposed on a person convicted of driving under the influence of intoxicating liquor or drugs in violation of Section 66-8-102 NMSA 1978 or adjudicated as a delinquent on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 NMSA 1978 or a person whose driver's license is revoked pursuant to the provisions of the

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1 Implied Consent Act, in an amount determined by rule of the
2 traffic safety bureau of the department of transportation not
3 to exceed one hundred dollars (\$100) but not less than fifty
4 dollars (\$50.00) for each year the person is required to
5 operate only vehicles equipped with an ignition interlock
6 device in order to ensure the solvency of the interlock device
7 fund. The fee shall not be imposed on an indigent person.

8 B. The "interlock device fund" is created in the
9 state treasury. The fee imposed pursuant to Subsection A of
10 this section shall be collected by the motor vehicle division
11 of the taxation and revenue department and deposited in the
12 interlock device fund.

13 C. All money in the interlock device fund is
14 appropriated to the traffic safety bureau of the department of
15 transportation to cover part of the costs of installing,
16 removing and leasing ignition interlock devices for indigent
17 people who are required, pursuant to convictions under Section
18 66-8-102 NMSA 1978 or adjudications on the basis of
19 Subparagraph (a) of Paragraph (1) of Subsection A of Section
20 32A-2-3 NMSA 1978 or driver's license revocations pursuant to
21 the provisions of the Implied Consent Act or as a condition of
22 parole, to install those devices in their vehicles. Provided
23 that money is available in the interlock device fund, the
24 traffic safety bureau shall pay, for one vehicle per offender,
25 up to fifty dollars (\$50.00) for the cost of installation, up

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1 to fifty dollars (\$50.00) for the cost of removal and up to
2 [~~thirty dollars (\$30.00)~~] fifty dollars (\$50.00) monthly for
3 verified active usage of the interlock device. The traffic
4 safety bureau shall not pay any amount above what an offender
5 would be required to pay for the installation, removal or usage
6 of an interlock device.

7 D. Indigency shall be determined by the traffic
8 safety bureau based on proof of enrollment in one or more of
9 the following types of public assistance:

- 10 (1) temporary assistance for needy families;
- 11 (2) general assistance;
- 12 (3) the supplemental [~~nutritional~~] nutrition
13 assistance program, also known as "food stamps";
- 14 (4) supplemental security income;
- 15 (5) the federal food distribution program on
16 Indian reservations; or
- 17 (6) other criteria approved by the traffic
18 safety bureau.

19 E. Any balance remaining in the interlock device
20 fund shall not revert to the general fund at the end of any
21 fiscal year.

22 F. The interlock device fund shall be administered
23 by the traffic safety bureau of the department of
24 transportation. No more than ten percent of the money in the
25 interlock device fund in any fiscal year shall be expended by

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1 the traffic safety bureau of the department of transportation
2 for the purpose of administering the fund."

3 SECTION 2. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2016.

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FIFTY-SECOND LEGISLATURE
SECOND SESSION, 2016

February 4, 2016

Mr. Speaker:

Your **SAFETY AND CIVIL AFFAIRS COMMITTEE**, to whom
has been referred

HOUSE BILL 203

has had it under consideration and reports same with
recommendation that it **DO PASS**, amended as follows:

1. On page 1, line 13, after "DEVICE", insert "; INCREASING
THE AMOUNT OF MONEY IN THE INTERLOCK DEVICE FUND THAT MAY BE USED IN
ANY FISCAL YEAR; PROVIDING THAT MONEY IN THE INTERLOCK DEVICE FUND
MAY BE USED FOR ADMINISTRATION OF THE IGNITION INTERLOCK DEVICE
PROGRAM".

2. On page 3, line 24, strike "ten" and insert in lieu
thereof "fifteen".

3. On page 4, line 2, strike "fund" and insert in lieu
thereof "fund or ignition interlock device program".,

and thence referred to the **APPROPRIATIONS AND FINANCE
COMMITTEE**.

Respectfully submitted,

William "Bill" R. Rehm, Chairman

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____

March 9, 2016

HOUSE EXECUTIVE MESSAGE NO. 155

The Honorable Don L. Tripp, Speaker of the House and
Members of the House of Representatives
State Capitol Building
Santa Fe, NM 87501

Honorable Speaker Tripp and Members of the House:

Pursuant to the Constitution of the State of New Mexico, Article IV, Section 22, I hereby VETO and return HOUSE BILL 203, as amended, enacted by the Fifty-Second Legislature, Second Session, 2016.

I believe that the current amount of financial assistance that indigent DWI offenders receive to purchase and use an ignition interlock device is sufficient. A presence of money in the ignition interlock fund is not a justification for increasing the monthly amount given to DWI offenders. If these individuals could afford a car, fuel, and alcohol when they were caught driving drunk, then they can afford the various, reasonable consequences of a DWI offense.

Respectfully yours,

Susana Martinez
Governor



NMDOT TRAFFIC SAFETY DIVISION (TSD)

INSTRUCTIONS FOR COMPLETING APPLICATION FOR SUBSIDY

IGNITION INTERLOCK INDIGENT DEVICE FUND * UNDER SEC. 66-8-102.3 & 66-2-7.1 NMSA 1978
P.O. BOX 1149; SANTA FE, NM 87504 * (505) 827-0427 OR 1-800-541-7952

IF APPROVED, WHAT ARE THE IGNITION INTERLOCK DEVICE FUND BENEFITS?

If indigency is granted and provided that money is available in the Interlock Device Fund, the NMDOT Traffic Safety Bureau shall pay for one vehicle per offender, up to: \$50.00 for the cost of installation; \$30.00 monthly for verified active usage of the interlock device, and up to \$50.00 for the cost of removal. The offender is responsible for all other charges associated with the installation, servicing and removal of the ignition interlock device. The interlock device fund fee collected by MVD shall not be imposed on an indigent person.

WHO QUALIFIES FOR BENEFITS FROM THE IGNITION INTERLOCK INDIGENT DEVICE FUND?

Individuals who are required, pursuant to convictions under Section 66-8-102 NMSA 1978 or adjudications on the basis of 32A-2-3 NMSA 1978 or NM driver's license revocations pursuant to the Provisions of the Implied Consent Act or as a Condition of Parole, to drive interlocked.



- If applicant has been convicted in New Mexico for Driving While Intoxicated (DWI) and have been court ordered to a period of interlock.
- If driver's license is revoked by the Motor Vehicle Division because of a DWI arrest and you can not drive legally without an Ignition Interlock.
- If applicant has been ordered to drive interlocked as a condition of parole.

HOW DOES APPLICANT APPLY FOR ASSISTANCE?

Complete and submit the NMDOT Traffic Safety Division Application For Subsidy and provide proof of enrollment document (see below). Incomplete applications will be returned to applicant. Also, TSD will not accept faxed or emailed applications. See below for address information.

STEP 1 - INSTRUCTIONS

INITIAL - FIRST TIME APPLICANT

If a first time applicant, complete and submit the NMDOT Traffic Safety Division Application For Subsidy. Have signature on application notarized by a notary public and attach relevant documents as required to avoid benefit denial or delays. If benefits are approved, the application will stay on file for 1 year. If need to extend benefits after initial approval, see STEP 2.

STEP 2 - INSTRUCTIONS

RECERTIFICATION - SECOND OR SUBSEQUENT APPLICANT

If recertifying indigent status which means applicant was previously approved based on an application submitted less than one year ago, then applicant will **not** need to fill out a new application. Applicant will instead submit a copy of the current proof of enrollment document (see below). **If the approved application on file with TSD is over 1 year, a new application will be required. If unsure, call TSD to determine if new application is needed.**

WHAT ASSISTANCE DOCUMENT MUST BE PROVIDED WITH APPLICATION?

Indigency shall be determined by the Traffic Safety Division based on applicant's proof of enrollment in one or more of the public assistance programs. Applicant will be denied if current proof of enrollment document is not provided.

PUBLIC ASSISTANCE PROGRAMS:

PROOF OF ENROLLMENT DOCUMENT:

TANF	Temporary Assistance for Needy Families →
GA	General Assistance →
SNAP	Supplemental Nutritional Assistance Program (Food Stamps) →
SSI	Supplemental Security Income →
FDPIR	Food Distribution Program on Indian Reservations →
OI	Indigency Determination prior to 2010 from a NM Court, Probation or Parole specifically for Ignition Interlock Purposes if relates to current license revocation →

Notice of Approved Case Action, Form # ISDB003 or other benefit verification from Income Support Division
Benefit Verification Letter from the Social Security Office <i>Note: SSI is not Social Security Disability</i>
TSD (FDPIR) Verification Form from FDPIR office
Valid Indigency Order from a NM Court, Probation or Parole dated prior to July 1, 2010. Applicant must also complete the NMDOT Traffic Safety Division Application for Subsidy. A valid indigency order must have client's name, be signed and dated by Judge, Probation or Parole and indicate indigency is for Ignition Interlock.

WHERE DOES APPLICANT SEND COMPLETED APPLICATION?

MAILING ▾

Web Link to Application and Instruction Page

DROPPING OFF ▾

Traffic Safety Division Ignition Interlock Fund
P.O. Box 1149
Santa Fe, NM 87504

<http://dot.state.nm.us>
Select Traffic Safety under News & Information
(505) 827-0427 or 1-800-541-7952

The office that serves all areas is located at:
1122 Cerrillos Road (SB1-N)
Santa Fe, NM 87505

HOW WILL APPLICANT KNOW IF THEY WERE APPROVED FOR BENEFITS?

TSD will send a notice to the mailing address listed on application that informs applicant if indigency was approved, or if application was denied or was incomplete

IF APPROVED

IF DENIED OR INCOMPLETE



- The notice will indicate benefit effective dates. Eligibility for subsidy benefits will only apply during effective dates listed on letter.
- TSD will notify MVD of the indigency status. As long as applicant obtains an ignition interlock license between the effective dates, MVD will not charge the interlock device fund fee.
- Applicant will provide a copy of the notice to the Interlock Provider to obtain the eligible approved benefits. Applicant tracks indigency effective dates on notice as it is the applicant's responsibility to reapply in a timely manner so there is not a lapse in coverage.



- If incomplete, the notice will list the reason(s) application is incomplete. If information is requested by TSD the notice will identify what is missing. Once obtained applicant may resubmit for consideration.
- If denied, the letter will list the reason(s) for denial. Applicant may reapply if later meets the statutory requirements.

TSD USE ONLY		Date Stamp	Rev 03.21.17
LAST VALID APPL DATE:	No.		Refund: <input type="checkbox"/>
PREV IIDF APVL DATES:	No.		Apvd By:
MVD REVOCATION PERIOD:	J&S		From:
INTERLOCK LICENSE DATES:	Amt PD:		To:
PUBLIC ASST TYPE: TANF - GA - SNAP - SSI - FDPIR - OI	Verified with:		<input type="checkbox"/> A <input type="checkbox"/> D <input type="checkbox"/> I
PREV ASST TYPE/APVL DATES:	Filed w/No.		No.



**NMDOT TRAFFIC SAFETY DIVISION (TSD)
APPLICATION FOR SUBSIDY**

IGNITION INTERLOCK INDIGENT DEVICE FUND * UNDER SEC. 66-8-102.3 & 66-2-7.1 NMSA 1978
P.O. BOX 1149 * SANTA FE, NM 87504 * (505) 827-0427 OR 1-800-541-7952

PART A: APPLICANT INFORMATION *Please print clearly or type / all items each section must be completed*

(1) Applicant Full Name (First, MI, Last, Suffix (i.e., Jr., Sr.))		(2) Date of Birth	(3) Social Security Number
(4) Driver License Number or State ID Number	(5) Issuing State	(6) Primary Telephone Number	
(7) Mailing Address		(8) Secondary Telephone Number	
(9) City	(10) State	(11) Zip Code	

PART B: INDICATE IF DRIVER LICENSE HAS BEEN REVOKED AND IF REQUIRED TO BE INTERLOCKED BY PAROLE

(12) Date of MVD Revocation:	(13) Date of Court Conviction:	
(14) Court Name	(15) Court City	(16) Court Case Number

ATTACH A COPY OF THE JUDGEMENT & SENTENCE (J&S) FROM THE SENTENCING COURT FOR CURRENT DUI CONVICTION

(17) Have you been ordered as a condition of *parole* to drive with an interlock? Yes No

ATTACH A COPY OF THE CERTIFICATE OF PAROLE IF REQUIRED TO BE INTERLOCKED AS A CONDITION OF PAROLE

PART C: INDICATE QUALIFYING PUBLIC ASSISTANCE PROGRAM(S) AND SPECIFY ELIGIBILITY DATES

(18) TANF GA SNAP SSI (Supplemental Security Income) FDPIR

(19) Eligibility From Date: _____ (20) Eligibility To Date: _____

MUST ATTACH PROOF OF ENROLLMENT IN ONE OF THE QUALIFYING PUBLIC ASSISTANCE PROGRAM(S)

PART D: INDICATE IF A COURT, PROBATION OR PAROLE DETERMINED CLIENT INDIGENT FOR INTERLOCK

(21) INDIGENT BY A NM COURT, PROBATION OR PAROLE PRIOR TO 7/1/2010 FOR INTERLOCK PURPOSES

(22) Case # on Court Order: _____ (23) Date on Court Order: _____

MUST ATTACH A COPY OF THE COURT ORDER SPECIFYING INDIGENCY, IF DETERMINED INDIGENT PRIOR TO 7/1/10

PART E: INDICATE WHETHER THE IGNITION INTERLOCK DEVICE IS CURRENTLY INSTALLED IN VEHICLE(S)?

(24) Date Interlock Installed: _____ (25) Ignition Interlock Company Name / City: _____

PART F: AGREEMENT, SIGNATURE AND NOTARIZATION

I understand that false and misleading information in this application can be the basis for denial of this Application.

If this Application is approved, I understand that I must install and maintain the ignition interlock device according to Sec. 66-5-503 NMSA 2003 ignition interlock license requirements and Sec. 66-8-102.3 NMSA 2010 Interlock Device Fund. The Division may consider any deviation to be a breach of the agreement which could result in revocation of assistance from the Interlock Device Fund.

I agree to notify the Division within ten (10) business days of any change to any information in this application.

By signing this form, I hereby acknowledge acceptance and understanding of the above statements. Additionally, I certify under penalties of perjury that all information in this Application is true, correct and complete to the best of my knowledge and belief.

(26) _____
Applicant Signature

(27) _____
Date

NOTARIAL
SEAL

Applicant signature must be notarized or application will not be considered

The foregoing instrument was acknowledged before me this _____ day of _____ 20____ by _____
Notary - PRINT NAME

Notary Public Signature

My Commission Expires: _____