

FORTY- SEVENTH LEGISLATURE
FIRST SESSION, 2005

SB 109/a

February 8, 2005

Madam President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

SENATE BILL 109

has had it under consideration and reports same WITHOUT
RECOMMENDATION, amended as follows:

1. On page 1, line 14, after the semicolon insert "ALLOWING
ASSISTANCE FROM THE INTERLOCK DEVICE FUND;".

2. On page 6, line 11, strike the semicolon and insert in lieu
thereof a period and strike the remainder of the line.

3. On page 6, strike lines 12 and 13 in their entirety and
strike line 14 through the period.

4. On page 7, between lines 2 and 3, insert the following new
section:

"Section 2. 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--CREATING A FUND.--

A. A fee is imposed on all persons who provide ignition
interlock devices to a person adjudicated as a delinquent on the
basis of Subparagraph (a) of Paragraph (1) or Paragraph (2), (4) or
(5) of Subsection A of Section 32A-2-3 NMSA 1978 or convicted of
driving while under the influence of intoxicating liquor or drugs
pursuant to Section 66-8-102 NMSA 1978 or a person whose driver's
license is revoked pursuant to the provisions of the Implied Consent
Act, in the amount of ten percent of the amount charged to lease,
install, service and remove each ignition interlock device for a
person adjudicated as a delinquent on the basis of Subparagraph (a)

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of Paragraph (1) or Paragraph (2), (4) or (5) of Subsection A of Section 32A-2-3 NMSA 1978 or convicted pursuant to Section 66-8-102 NMSA 1978 or whose driver's license is revoked pursuant to the provisions of the Implied Consent Act and shall be paid monthly to the local government division of the department of finance and administration.

B. The "interlock device fund" is created in the state treasury. The fee imposed pursuant to Subsection A of this section shall be distributed to the fund by the local government division of the department of finance and administration.

C. All money in the interlock device fund is appropriated to the local government division of the department of finance and administration to cover the costs of installing, leasing for the initial four months and removing ignition interlock devices for indigent people who are required, pursuant to adjudications on the basis of Subparagraph (a) of Paragraph (1) or Paragraph (2), (4) or (5) of Subsection A of Section 32A-2-3 NMSA 1978 or convictions under Section 66-8-102 NMSA 1978 or driver's license revocations pursuant to the provisions of the Implied Consent Act, to install those devices in their vehicles. Indigency shall be determined by the sentencing court.

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

E. The interlock device fund shall be administered by the local government division of the department of finance and administration. "".,

and thence referred to the SENATE JUDICIARY COMMITTEE.

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Respectfully submi tted,

Dede Fel dman, Chai rman

Adopted _____ Not Adopted _____
(Chi ef Clerk) (Chi ef Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Komadi na

Absent: None

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