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## FISCAL IMPACT REPORT

SPONSOR Cravens DATE TYPED 01/25/05 HB \_\_\_\_\_

SHORT TITLE Eliminate Limited DWI License Overlap SB 187

ANALYST Ford

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Minimal	Non-recurring	General Fund

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 Department of Public Safety (DPS)  
 Department of Transportation (DOT)

### SUMMARY

Senate Bill 187 requires the Motor Vehicle Division to revoke the driver's license of any person convicted of DWI, thereby eliminating the current exemption for first-time offenders who attend DWI School.

In addition, Senate Bill 187 removes the eligibility of first-time offenders to receive a limited license. Instead, an ignition interlock license would be the only available license to these individuals.

#### Significant Issues

This bill would strengthen the penalties for first-time DWI offenders in two ways: first, by eliminating their ability to avoid the one-year license revocation, and second, by eliminating their eligibility to apply for a limited license. Thus, SB 187 requires **all** drivers convicted of DWI will have their licenses revoked for 1 year and be eligible for only an ignition interlock license.

Limited licenses restrict drivers to uses allowing them to engage in gainful employment, attend school, or attend a court-ordered treatment program. They are issued to drivers who have been convicted of a variety of traffic laws. Ignition interlock licenses restrict the driver to driving only those vehicles that have been equipped with an ignition interlock device, but they do not restrict the drivers to specific uses.

### **PERFORMANCE IMPLICATIONS**

Both DPS and DOT have performance measures related to lowering alcohol-involved crashes. To the extent that the harsher penalties on first-time offenders serve as a deterrent to DWI and/or reduce recidivism, this bill could have a positive impact on those performance measures.

### **FISCAL IMPLICATIONS**

AOC notes minimal costs for statewide update, distribution, and documentation of statutory changes. There may be indeterminate, but minor, fiscal impacts related to changes in the number of individuals paying various fees associated with the limited licenses and the ignition interlock licenses.

### **OTHER SUBSTANTIVE ISSUES**

According to DOT, approximately 2,500 ignition interlock devices are installed each year in New Mexico and preliminary data shows that the devices reduce recidivism rates. DOT also notes that there are approximately 6000 first time DWI convictions, many of whom attend DWI school and therefore have their licenses revoked for less than one year. Because this bill would require the revocation of first time offenders' licenses for a full year, there would likely be an increase in the number of ignition interlock licenses issued and devices installed.

**EF/rs**