

AN ACT

RELATING TO THE INTERLOCK DEVICE FUND; CHANGING THE ADMINISTRATIVE AUTHORITY FOR THE INTERLOCK DEVICE FUND; EXEMPTING INDIGENTS FROM A FEE; REQUIRING QUARTERLY REMISSION OF FEES; DECLARING AN EMERGENCY.

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--CREATING A FUND.--

A. A fee is imposed on a person convicted of driving while under the influence of intoxicating liquor or drugs pursuant to 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 Implied Consent Act, in an amount determined by rule of the traffic safety bureau of the department of transportation not to exceed one hundred dollars (\$100) but not less than fifty dollars (\$50.00) for each year the person is required to operate only vehicles equipped with an ignition interlock device in order to ensure the solvency of the interlock device fund. The fee shall not be imposed on an indigent person. The fee imposed by this subsection shall be collected by the vendor who provides an ignition interlock device to the

person. The vendor shall remit the fees collected on a quarterly basis to the traffic safety bureau of the department of transportation.

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 traffic safety bureau of the department of transportation.

C. All money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover the costs of installing and removing and one-half of the cost of leasing ignition interlock devices for indigent people who are required, pursuant to convictions under Section 66-8-102 NMSA 1978 or adjudications on the basis of Subparagraph (a) of Paragraph (1) of Subsection A of Section 32A-2-3 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 traffic safety bureau of the department of transportation. No more than five percent of the money in the interlock device fund in any fiscal year shall be expended by

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

Section 2. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect
immediately.
