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FISCAL IMPACT REPORT

ORIGINAL DATE 2/16/07
 LAST UPDATED 3/05/07 HB _____

SPONSOR SPAC

SHORT TITLE Interlock for Certain Out-of-State Drivers SB CS/437/aSJC

ANALYST Wilson

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$600.0	\$600.0	Recurring	Indigent Interlock Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1	\$0.1	\$0.1	Recurring	Various

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB 126

SOURCES OF INFORMATION

LFC Files

Responses Received From

- Administrative Office of the Courts (AOC)
- Attorney General's Office (AGO)
- Department of Transportation (DOT)
- Public Defender Department (PDD)
- Taxation & Revenue Department (TRD)

SUMMARY

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to the Senate Public Affairs Committee Substitute for Senate Bill 437 is a technical amendment that clears up an incorrect cite.

Synopsis of Original Bill

The Senate Public Affairs Committee Substitute for Senate Bill 437 amends Section 66-5-5 NMSA 1978 so that a driver's license will not be issued by the Motor Vehicles Department (MVD) to people who were convicted on or after June 17, 2005 of driving a motor vehicle while under the influence of liquor or drugs pursuant to the laws of any other state, unless the person obtains an ignition interlock license as provided in the Ignition Interlock Licensing Act.

The device must be installed and remain installed for one, two or three years for a first, second or third conviction, respectively. Fourth or subsequent convictions require the device to remain installed for the duration of the offender's life, subject to a five-year review.

The MVD may credit time spent by a person operating a motor vehicle with an ignition interlock or comparable device, as a condition of the person's sentence for a conviction in another jurisdiction against the ignition interlock time requirements imposed in this bill.

The requirements of this bill shall not apply to a person who applies for a driver's license ten years or more from the date of the person's last conviction, except for a person who is subject to lifetime driver's license revocation for a conviction in another jurisdiction.

FISCAL IMPLICATIONS

According to MVD records, approximately 60,000 applicants from out-of-state apply for licensure in New Mexico each year. MVD estimates that up to 6,000 individuals may have prior convictions. The DOT Traffic Safety Bureau (TSB) has oversight of the interlock program. They will have to collect the \$100 ignition interlock indigent fee from these individuals as they do from NM offenders.

DOT does not know how many of the out-of- state license applicants will be required to have an interlock device, but if 6000 out-of state individuals are required to pay the \$100 fee, there will be a revenue increase to the Indigent Interlock Fund of up to \$600,000.

TRD states that major development, implementation and training will be required in order to accomplish this change. Information system changes will include code changes to the driver system in both the mainframe (320 hrs) and web environment (320 hrs) and ability to accept history information from other states. Total hrs: 640.

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary will be proportional to the enforcement of this law and commenced prosecutions. 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.

SIGNIFICANT ISSUES

The AOC notes there could be a possible increase in the number of people driving without a license.

DOT notes there is no mechanism in place to give individuals from out- of- state access to the indigent fund

ADMINISTRATIVE IMPLICATIONS

The MVD shall promulgate rules necessary for granting credit to persons who participate in comparable out-of-state programs following a conviction for driving a motor vehicle while under the influence of intoxicating liquor or drugs.

This bill will increase the number of interlocks installed and tracked by the DOT. However, there is already a system in place for installation and tracking. Therefore, there will not be a significant administrative impact to the DOT.

POSSIBLE QUESTIONS

What impact does this bill have on persons who have a New Mexico driver's license but were convicted post June 17, 2005, of DWI in another state?

DW/csd