HOUSE BILL 203

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

INTRODUCED BY

Patricio Ruízoboa

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
.203040.1
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.

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

C. All money in the interlock device fund is appropriated to the traffic safety bureau of the department of transportation to cover part of the costs of installing, removing and 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 or as a condition of parole, to install those devices in their vehicles. Provided that money is available in the interlock device fund, the traffic safety bureau shall pay, for one vehicle per offender, up to fifty dollars ($50.00) for the cost of installation, up
to fifty dollars ($50.00) for the cost of removal and up to
thirty dollars ($30.00) fifty dollars ($50.00) monthly for
verified active usage of the interlock device. The traffic
safety bureau shall not pay any amount above what an offender
would be required to pay for the installation, removal or usage
of an interlock device.

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

(1) temporary assistance for needy families;
(2) general assistance;
(3) the supplemental nutritional nutrition
assistance program, also known as "food stamps";
(4) supplemental security income;
(5) the federal food distribution program on
Indian reservations; or
(6) other criteria approved by the traffic
safety bureau.

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

F. The interlock device fund shall be administered
by the traffic safety bureau of the department of
transportation. No more than ten 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

SECTION 2. EFFECTIVE DATE.--The effective date of the
cprovisions of this act is July 1, 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

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 DEVIICE 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?

Applicant must have been convicted of a crime under Section 66-8-102 NMSA 1978 or adjudicated on the basis of 32A:2-3 NMSA 1978 or NM driver's license suspended or revoked under the implied consent act 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 cannot drive legally without an Ignition Interlock.
If applicant has been transferred to serve the balance of a period 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) acceptable 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 delay. 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. Application will be denied if current proof of enrollment document is not provided.

PUBLIC ASSISTANCE PROGRAMS:

 Temporary Assistance for Needy Families
 General Assistance
 SNAP
 Supplemental Nutritional Assistance Program (Food Stamps)
 SSI
 Supplemental Security Income
 FDPIR
 Food Distribution Program on Indian Reservations

INDIGENCY DETERMINATION:

Indigency Determination prior to 2010 from a NM Court, Probation or Parole specifically for Ignition Interlock Purposes if relates to current license revocation

PROOF OF ENROLLMENT DOCUMENT:

Notice of Approved Case Action, Form # ISDB003 or other benefit verification from Income Support Division

Benefit Verification Letter from the Social Security Office

Note: SSI is not Social Security Disability

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 for Ignition Interlock.

WHERE DOES APPLICANT SEND COMPLETED APPLICATION?

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

Mailing Via:

Web Link to Application and Instruction Page
http://dot.state.nm.us
Select Traffic Safety under News & Information
(505) 827-0427 or 1-800-541-7952

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

HOW WILL APPLICANT KNOW IF THEY WERE APPROVED FOR BENEFITS?

NOT APPROVED:

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 this is the applicant's responsibility to inform within a timely manner so there is not a lapse in coverage.

IF DENIED OR INCOMPLETE:

If incomplete, the notice will list the reason(s) application is incomplete. If incomplete, the notice will inform 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 letter meets the statutory requirements.
# 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 11497 SANTA FE, NM 87504**  
* (505) 827-0427 OR 1-800-541-7952

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

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Applicant Full Name</strong></td>
<td>[Insert Name]</td>
</tr>
<tr>
<td><strong>Date of Birth</strong></td>
<td>[Insert Date]</td>
</tr>
<tr>
<td><strong>Social Security Number</strong></td>
<td>[Insert Number]</td>
</tr>
<tr>
<td><strong>Driver License Number</strong></td>
<td>[Insert Number]</td>
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<tr>
<td><strong>State or ID Number</strong></td>
<td>[Insert Number]</td>
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<tr>
<td><strong>Issuing State</strong></td>
<td>[Insert State]</td>
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<tr>
<td><strong>Primary Telephone Number</strong></td>
<td>[Insert Number]</td>
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<td><strong>Secondary Telephone Number</strong></td>
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<td><strong>Mailing Address</strong></td>
<td>[Insert Address]</td>
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<tr>
<td><strong>State</strong></td>
<td>[Insert State]</td>
</tr>
<tr>
<td><strong>Zip Code</strong></td>
<td>[Insert Number]</td>
</tr>
</tbody>
</table>

**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**

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

14. Date of MVD Revocation: [Insert Date]  
15. Court Name: [Insert Name]  
16. Court City: [Insert City]  
17. Court Case Number: [Insert Number]

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

18. Eligibility From Date: [Insert Date]  
19. Eligibility To Date: [Insert Date]

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

20. Indigent by NM Court, Probation or Parole Prior to 7/1/2010 for Interlock Purposes  
21. Date on Court Order: [Insert Date]

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

22. Date Interlock Installed: [Insert Date]  
23. Ignition Interlock Company Name / City: [Insert Name and City]

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**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. 66-8-503 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.

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**Applicant Signature**  
[Signature]

**Date**  
[Date]

**Notarized Seal**

The foregoing instrument was acknowledged before me this ______ day of ______ 20____ by _____________.

**Notary Public Signature**  
[Signature]

**My Commission Expires:**  
[Expiration Date]

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Instructions for completing this application and indigent benefits are on the back of this document or on a separate page depending on printing options.