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## FISCAL IMPACT REPORT

SPONSOR: Sanchez, M DATE TYPED: 2/20/01 HB \_\_\_\_\_  
 SHORT TITLE: Clarify Use of Limited Driver's License SB 251  
 ANALYST: Rael

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
No Fiscal Impact					

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Administrative Office of the Courts (AOC)  
 State Highway and Transportation Department (SHTD)  
 Taxation and Revenue Department (TRD)  
 Department of Public Safety (DPS)  
 23 U.S.C. §§ 408, 410

### SUMMARY

#### Synopsis of Bill

The Clarify Use a Limited Driver's License bill amends Section 66-5-35 by allowing a person whose driver's license was suspended or revoked to apply to the Motor Vehicles Department for a limited use license to attend a court-ordered treatment program. This person must show proof that he is enrolled in a court-ordered treatment program and needs a limited license to travel to and from the treatment program.

#### Significant Issues

Federal law encourages states to adopt laws that would mandate a driver's license relocation for not less than one year for repeat offenders.

### FISCAL IMPLICATIONS

This bill has no fiscal impact.

The State Highway and Transportation Department correctly notes that federal law encourages states to pass laws that mandate a one year driver's license revocation for repeat offenders. In the 1980s, the federal

government required that states pass these laws in order to be eligible for certain federal highway grants. While the federal law encouraging states to pass repeat DWI offender laws currently does not offer grants as incentives, it is possible that it will do so again in the future.

### **TECHNICAL ISSUES**

In order to comply with federal recommendations, the SHTD recommends the following amendments:

1. Section 1.A.(3), delete "except that a person who is convicted a second or third time for driving under the influence of intoxicating liquor or drugs may apply for and shall receive a limited license if he complies with the requirements set forth in Subsections C and D of this section"
2. Section 1.B., delete "or for the second or third time pursuant to the provisions of Paragraph (3) of Subsection C of Section 66-8-111 NMSA 1978"
3. Section 1.B.(3), delete the entire subsection.
4. Section 1.C. and D., delete both subsections entirely.

### **OTHER SUBSTANTIVE ISSUES**

The Public Defender reports that rehabilitation may prevent recidivism. Without the clarifying language of this statute, the offender who has been ordered to attend a treatment program may not be able to accomplish this essential step toward rehabilitation if he can not drive on a suspended license. In a vast majority of the cases, not having vehicular transportation will simply prevent the offender from complying with the courts' orders. Untreated substance abuse offenders will only remain a peril to society and continue to tax the public coffers with repeat offenses.

FAR/njw