

1 AN ACT  
2 RELATING TO DRIVING WHILE UNDER THE INFLUENCE OF  
3 INTOXICATING LIQUOR OR DRUGS; MAKING CHANGES TO THE  
4 ADMINISTRATION OF THE INTERLOCK DEVICE FUND; AMENDING A  
5 SECTION OF THE NMSA 1978; DECLARING AN EMERGENCY.  
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7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 Section 1. Section 66-8-102.3 NMSA 1978 (being Laws  
9 2002, Chapter 82, Section 2) is amended to read:

10 "66-8-102.3. IMPOSING A FEE--CREATING A FUND.--

11 A. A fee is imposed on all persons who provide  
12 ignition interlock devices to a person convicted of driving  
13 while under the influence of intoxicating liquor or drugs  
14 pursuant to Section 66-8-102 NMSA 1978 or a person whose  
15 driver's license is revoked pursuant to the provisions of  
16 the Implied Consent Act, in the amount of ten percent of the  
17 amount charged to lease, install, service and remove each  
18 ignition interlock device for a person convicted pursuant to  
19 Section 66-8-102 NMSA 1978 or whose driver's license is  
20 revoked pursuant to the provisions of the Implied Consent  
21 Act and shall be paid monthly to the local government  
22 division of the department of finance and administration.

23 B. The "interlock device fund" is created in the  
24 state treasury. The fee imposed pursuant to Subsection A of  
25 this section shall be distributed to the fund by the local

1 government division of the department of finance and  
2 administration.

3 C. All money in the interlock device fund is  
4 appropriated to the local government division of the  
5 department of finance and administration to cover the costs  
6 of installing, leasing for the initial four months and  
7 removing ignition interlock devices for indigent people who  
8 are required, pursuant to convictions under Section 66-8-102  
9 NMSA 1978 or driver's license revocations pursuant to the  
10 provisions of the Implied Consent Act, to install those  
11 devices in their vehicles. Indigency shall be determined by  
12 the sentencing court.

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

16 E. The interlock device fund shall be  
17 administered by the local government division of the  
18 department of finance and administration."

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

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