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FISCAL IMPACT REPORT

ORIGINAL DATE 01/31/13

SPONSOR HBIC LAST UPDATED 03/07/13 HB CS/87/aHFI#1

SHORT TITLE Alcohol Sales & Interlock Devices SB _____

ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost*	Recurring or Nonrecurring	Fund Affected
Total	\$8.5	\$0.0	\$0.0	\$8.5	Nonrecurring	TRD-IT Division
		\$50.0-\$200.0	\$0.0	\$50.0-\$100.0	Nonrecurring	TRD-MVD Operating

(Parenthesis () Indicate Expenditure Decreases)

* Implementation of this bill will have a low impact for TRD-ITD. Listed are the affected programs and time estimates:

- MVD 2.0 – 80 hours
- License Batch Program – 60 hours

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General’s Office (AGO)

SUMMARY

Synopsis of HFI Amendment #1

The House Floor amendment #1 to House Bill 87 modifies new the bill’s new language in Section 66-5-503 NMSA 1978 regarding requirements for ignition interlock licenses to state that a person *who is under a court order not to drive without* an ignition interlock license is prohibited from purchasing alcoholic beverages.

Synopsis of Original Bill

Section 66-5-405 NMSA 1978 is amended to require that an ID card for a person who has had his or her driver’s license revoked for DUI or for violation of the Implied Consent Act must indicate that the person is prohibited from purchasing alcohol.

Section 66-5-502 NMSA 1978 amends the definition of “ignition interlock license” to indicate that possession of such a license indicates that the person is prohibited from purchasing alcohol.

Finally, a new subsection under Section 66-5-503 NMSA 1978 adds to ignition interlock license requirements, stating that a person driving with an ignition interlock license is prohibited from purchasing alcohol and that the ignition interlock license should clearly indicate that prohibition.

FISCAL IMPLICATIONS

There would minimal administrative cost for statewide implementation of statutory changes. Any additional fiscal impact on the judiciary would 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.

The Taxation and Revenue Department (TRD) stated (on a similar bill) that the bill would require design changes to the affected interlock licenses and IDs. Redesign cost is roughly estimated at \$50 thousand to \$100 thousand but could be as high as \$200 thousand.

SIGNIFICANT LEGAL ISSUES

The AGO notes that to prohibit a group of people from purchasing alcohol raises due process and equal protection concerns. The offenders may argue that they are being discriminated against and that it is not possible to prove that they are not purchasing alcohol for someone else as a gift, for example.

PERFORMANCE IMPLICATIONS

The AGO argues that there are oversight issues with regulation of those liquor establishments, grocery stores, liquor stores, etc. who could sell to offenders, posing the questions of who will be responsible for oversight of sellers of alcohol and who will train the employees of the establishments.

CEB/svb:blm