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FISCAL IMPACT REPORT

SPONSOR Thomson ORIGINAL DATE 02/02/17
LAST UPDATED _____ HB 151
SHORT TITLE DWI Interlock Removal Requirements SB _____
ANALYST Sánchez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		None	None	None		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB31, SB136, HB22, HB49, HB133, HB300

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Hearing Office (AHO)

Department of Transportation (DOT)

Department of Health (DOH)

SUMMARY

Synopsis of Bill

House Bill 151 proposes to amend the Motor Vehicle Code adding two additional requirements to have a driver's license reinstated after having the license revoked for DWI, aggravated DWI or pursuant to the Implied Consent Act. The two additional requirements are (1) no more than two tests of more than 0.05 alcohol concentration and (2) at least one interlock test during each of 24 weeks during the six months when a person must drive with an ignition interlock device.

FISCAL IMPLICATIONS

Agencies report no fiscal impact from this bill.

SIGNIFICANT ISSUES

The Department of Health (DOH) reports the Community Preventive Services Task Force

recommends that ignition interlocks be used for people convicted of alcohol-impaired driving on the basis of strong evidence of their effectiveness in reducing re-arrest rates while the interlocks are installed. When interlocks were removed, re-arrest rates reverted to rates similar to those of persons convicted of DWI who had not used interlocks

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB151 relates to HB31 and SB136 Driver's License for Some With Only 1 DWI, HB22 DWI for Certain Drugs & Interlocks; HB49 DWI Interlock Requirements; HB133 Driver's License Revocation Hearings; HB300 No Alcohol Sales for Persons with Interlocks

OTHER SUBSTANTIVE ISSUES

DOH believes that this bill could have a positive effect on alcohol-related deaths among Native Americans. It also reports that although alcohol-related motor vehicle traffic crash deaths have decreased in New Mexico during the past decade, drivers who are convicted of DWI continue to have a large impact on the safety of other highway users in New Mexico. In 2015, 98 people were killed in alcohol-impaired driving crashes, accounting for almost one third of all traffic-related deaths in New Mexico.

According to the Department of Transportation (DOT), New Mexico has been identified as a national leader in the use and administration of ignition interlock devices as a tool to combat DWI. In FY2016, approximately 13,000 ignition interlocks devices were installed in the state. The same year, 2,143 applications were approved for use of the Ignition Interlock Device Fund, and DOT paid approximately \$360,000 from the fund for eligible participants.

A 2010 report by the National Highway Traffic Safety Administration entitled *Key Features for Ignition Interlock Programs* evaluated ignition interlock programs in the United States, and highlighted programs and features believed to best serve traffic safety interests. Compliance-based removal was identified as key in reinstatement of an offender's license. The report likewise recommended that offenders demonstrate: (1) no alcohol-related lockouts; and (2) continued vehicle use during the final three to six months of the interlock period, prior to license reinstatement.

The Centers for Disease Control and Prevention suggests the following strategies to reduce or prevent drunk driving:

- Laws making it illegal to drive with a BAC at or above 0.08 percent and zero tolerance for individuals under 21 years of age,
- Sobriety checkpoints,
- Ignition interlocks,
- Administrative license revocation or suspension laws,
- Alcohol screening and brief interventions to help change behavior and reduce alcohol-impaired crashes and injuries, and
- Mass media campaigns to spread the message about the physical dangers and legal consequences of drunk driving paired with other impaired driving prevention strategies (e.g., designated driver or Safe Ride program).

ALTERNATIVES

DOT recommends changing the wording “no alcohol measurements of five one hundredths or more recorded by the ignition interlock device” found at what would be NMSA 1978, Section 66-5-33.1(B)(5) to “the driver has failed an initial breath test six (6) times within a period of three (3) hours, or the driver has failed initial breath tests or random retests ten (10) times within a period of thirty (30) days.” See 18.20.11.10 (U)(2) and (3) NMAC.

NMDOT recommends adding the following phrase at the conclusion of the first sentence of the proposed amendment to NMSA 1978, Section 66-5-33.1(B)(6), “provided active usage is verified.”

ABS/jle