

LFC Requester:	Caroline Malone
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**AGENCY BILL ANALYSIS
2016 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original	<input checked="" type="checkbox"/>	Amendment	<input type="checkbox"/>	Date	<u>2/4/16</u>
Correction	<input type="checkbox"/>	Substitute	<input type="checkbox"/>	Bill No:	<u>HB 329</u>

Sponsor:	<u>Rep. Yvette Herrell</u>	Agency Code:	<u>305</u>
Short Title:	<u>Licenses for Completion of DWI Requirements</u>	Person Writing	<u>Jeres S. Rael, AAG</u>
		Phone:	<u>505-629-9131</u>
		Email	<u>jrael@nmag.gov</u>

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY16	FY17	FY18	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: HB 74
HB 258

Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

Synopsis:

HB 329 relates amends the ignition interlock licensing requirement to provide that a person with only one prior conviction for driving under the influence of intoxicating liquor or drugs in another jurisdiction may obtain a New Mexico driver’s license upon proof of completion of all conditions of the person’s sentence.

The amendment in §66-5-5(E) adds “of the person’s most recent offense.”

HB 329 adds new a new subsection (E)(1) that allows someone with one conviction for DWI in another state that presents proof that they have completed all conditions of the sentence in the other state, even if the other state does not require an ignition interlock license, to obtain a valid New Mexico driver’s license, without an ignition interlock.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

HB 329 adds the language “of the person’s most recent offense” to the first sentence of §66-5-5(E) NMSA. This insert may not be necessary to effectuate the intent of HB 329 and instead may cause unforeseen consequences and litigation. For example: if the person’s most recent offense is not also the person’s most recent conviction – in such circumstance, §66-5-5(E) NMSA may be ambiguous and deemed inapplicable, based on the current language of HB 329; possibly creating an unintended loophole in New Mexico’s interlock laws.

Further HB 329 may allow for another loophole in current ignition interlock laws. For instance, if a New Mexico resident leaves to attend college in a number of surrounding states, that college student with a New Mexico driver’s license could get convicted for DWI in the other state which may not require an ignition interlock. That college student could complete all conditions of their

sentence in the other state, but there would be no consequence to their New Mexico driver's license.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HB 74 and HB 258

TECHNICAL ISSUES

See significant issues.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS

N/A