

Ignition Interlock Program Comparison Chart

| MADD's Recommendations¹ | New Mexico Model² | HB19 | Recommended Action to Strengthen HB19 |
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| <p>Administrative and Judicial structures should exist</p> | <p>Yes.</p> <p>Administrative- Interlock license is <i>voluntary</i> for those with revoked licenses during revocation period of 1-10 years for <i>all</i> offenders with alcohol related offenses (DUI, Refusal and Driving Without a License)</p> <p>Judicial –Interlock is <i>required</i> for one year or more depending upon number of priors.</p> | <p>Yes.</p> <p>Administrative: Ignition Interlock Limited License is voluntary for those misdemeanor offenders for DUI only (<i>not</i> for refusal or DWLR/S during period of license revocation for DUI)</p> <p>Judicial: Ignition Interlock Limited License is required for a set time <i>following</i> period of license revocation and <i>during</i> period of probation</p> | <p>Administrative: <i>Amend to include felons, and those convicted of refusal and those convicted of DWLR/S during period of license revocation due to DUI or Refusal.</i></p> <p>Judicial: <i>Amend to delete “during period of probation.”</i></p> |
| <p>No “waiting out” judicial sanction before regaining full driver license privileges</p> | <p>Yes.</p> <p>New Mexico law stipulates a period of time rather than a specific time-frame for mandatory use of an ignition interlock before license reinstatement An offender cannot apply for full driver license privileges until this requirement is met.</p> | <p>No.</p> <p>The judicial requirement for an Ignition Interlock Limited License is limited to the set time <i>following</i> period of license revocation and <i>during</i> period of probation</p> | <p>Judicial: <i>Amend to delete “during period of probation.”</i></p> |
| <p>If no judicial sanction, an administrative sanction kicks in</p> | <p>Yes.</p> <p>A DWI arrest initiates an administrative license revocation that is either upheld or denied following a hearing. Additionally, the arrest may lead to criminal charges and is dealt with through the courts.</p> | <p>Yes, in part.</p> <p>Only misdemeanor DUI offenders with license revocations are eligible to apply for an Ignition Interlock Limited License. Again, felons or offenders convicted of refusal or DWLR/S as a consequence of a DUI are eligible to apply.</p> | <p>Administrative: <i>Amend to include felons, and those convicted of refusal and those convicted of DWLR/S during period of license revocation due to DUI or Refusal.</i></p> |

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| <p>Recommended penalties:</p> <p>First offense, no aggravators— 180 day license suspension, 30 days hard, 150 with IID; First offense with >15 BAC – full year suspension, 60 days hard, 305 with IID</p> <p>Repeat offense – two year suspension, 60 days hard, 670 with IID</p> <p>Third offense and beyond – vehicle forfeiture, lookback periods for repeat offenses at least ten years</p> <p>Drivers under 21 with any measurable BAC required to get IID</p> | <p>Yes., in part. New Mexico meets or exceeds many of the penalties recommended by MADD.</p> <p>First offense – mandatory one year interlock license. New Mexico has minimized hard revocation periods due to the finding that compliance increases with decreased time between arrest and installation of device³.</p> <p>Second offense – mandatory two years interlock license</p> <p>Third offense – mandatory three years interlock license Fourth offense and beyond – mandatory lifetime interlock with five year reviews</p> <p>Offenders under 21 are subject to a setback of graduated driving privileges for at least 90 days.</p> | <p>Yes and no. While the judicial mandate for an ignition interlock meets MADD’s recommendations, it is limited by the requirement for a non-mandated period of probation. Please see the chart: “Judicial Implications of HB19”</p> <p>First offense – 12 months during period of probation after period of revocation</p> <p>Second offense - 24 months during period of probation after period of revocation</p> <p>Third offense - 36 months during period of probation after period of revocation; Fourth offense and beyond - Throughout period of probation following period of revocation; may require vehicle forfeiture</p> <p>No specific IID requirement</p> | <p>Judicial: Amend to delete “during period of probation.”</p> |
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¹Mothers Against Drunk Driving. “Stopping Drunk Driving Before It Starts: A Technological Solution”, 2007.

<www.madd.org/getdoc/c5b095d2-53b7-4497-beaa-87f2c0acaf72/InterlocksforAllOffendersFINAL.aspx>

²Institute of Public Law, University of New Mexico School of Law. New Mexico Department of Transportation, Traffic Safety Bureau. “New Mexico Motor Vehicle Laws 2006-2007”, 2007. <<http://ipl.unm.edu/traf/pubs/NMMVLaws8x11.pdf>>

³ Voas, R. B.; Roth, J.; and Marques, P. R. “The hard suspension barrier: Does New Mexico's interlock licensing law solve the problem?” *Alcohol Ignition Interlock Devices, Volume II: Research, Policy, and Program Status 2005* pgs. 62-73 , (2005).