

NOTICE OF PROPOSED RULEMAKING

The New Mexico Department of Transportation (NMDOT) is proposing to repeal and replace rule 18.20.11 NMAC, Ignition Interlock Program Rule.

Approval of the initial rulemaking action for the proposed repeal and replacement of rule 18.20.11 NMAC was granted to NMDOT by the New Mexico State Transportation Commission on March 24, 2022, pursuant to Sections 9-1-5, 67-3-8 and 67-3-11, NMSA 1978. The legal authority authorizing this rulemaking is Sections 67-3-8 and Sections 66-5-35, 66-5-501 et seq., 66-7-506, 66-8-102 and 66-8-102.3NMSA 1978.

Summary of Full Text: The NMDOT is statutorily responsible for oversight and regulation of the use of ignition interlock devices, as well as oversight and regulation of ignition interlock device manufacturers, service center operators, installers, and service technicians in New Mexico, pursuant to NMSA 1978 §§ 66-5-35 and 66-8-102. The proposed rule replaces the outdated existing rule, thereby aligning the regulatory framework with currently available technology and practices regarding ignition interlock devices. The proposed rule includes rules regulating the licensing of ignition interlock device manufacturers; the licensing of ignition interlock device service centers; the certification of installers and service technicians; the training of certain employees of ignition interlock device service centers, including installers and service technicians; the use, maintenance, and reporting requirements for ignition interlock devices; and the availability of and criteria for assisting indigent drivers required to use an ignition interlock device.

Purpose: The purpose for this proposed repeal and replacement of rule 18.20.11 NMAC is to make appropriate updates since the ignition interlock program rule has not been updated since 2003. In the intervening years, major changes in technologies and program delivery have occurred; as a consequence, certain modifications to the rule are required at this time.

Full Text of the Proposed Rule: A copy of the full text of the proposed replacement rule 18.20.11 NMAC may be found on the NMDOT website at the following Internet link, under the *Public Notices* tab: <https://dot.state.nm.us/content/nmdot/en/public-notice.html>. To obtain a printed copy of the proposed replacement rule, contact Leann Adams at: Telephone (505) 629-2948 or Email: Leann.Adams@dot.nm.gov. A reasonable fee may be charged for printed copies.

Rulemaking Hearing: NMDOT will hold one statewide public hearing for the purpose of receiving oral and written public comment from interested parties on the proposed replacement rule, 18.20.11 NMAC. The hearing is scheduled on **Friday, January 27, 2023, from 1:00 PM to 3:00 PM** at New Mexico Department of Transportation General Office, Training rooms #1 and #2, 1120 Cerrillos Rd., Santa Fe, New Mexico 87504.

Written Comments: To submit written comments on or before date of hearing, please send to: Leann Adams, New Mexico Department of Transportation, P.O. Box 1149, Santa Fe, New Mexico 87504, at Telephone: (505) 629-2948 or Email: Leann.Adams@dot.nm.gov. Written comments will be accepted from the date this notice is published in the New Mexico Register, December 27, 2022, until the close of the hearing scheduled in this rulemaking. If you plan to submit written comments, argument or data, please make sure any documentation contains your name, phone number and email address. If submitting written comments by email, please indicate the rule number in the subject line. Oral comments will only be accepted at the public hearing, and may be subject to time limitations. After the close of the final hearing scheduled in this rulemaking, the rulemaking record will be closed and no other comments will be accepted. All written comments will be posted on the department's website within three days of receipt.

Accommodations: Any individual with a disability who is in need of an auxiliary aid or service to attend or participate in the hearing, or who needs copies of the proposed rule revisions in an accessible form may contact Leann Adams at Telephone: (505) 629-2948, or Email: Leann.Adams@dot.nm.gov at least ten days before the hearing.