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## FISCAL IMPACT REPORT

**ORIGINAL DATE** 2/9/2016  
**SPONSOR** Ortiz y Pino **LAST UPDATED** \_\_\_\_\_ **HB** \_\_\_\_\_

**SHORT TITLE** You Mean I Have To Pay For Towing? Seriously? **SM** 87

**ANALYST** Rogers

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
NFI	NFI	NFI	NFI

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Not Received From  
 Department of Public Safety (DPS)  
 Attorney General's Office (AGO)

### SUMMARY

#### Synopsis of Bill

Senate Memorial 87 requests that DPS develop a report on the number of stolen vehicles; number of stolen vehicles recovered per year in the state as a whole as well as each county; the average towing and storage fees assessed on vehicle owners to recover their property, as well as if the fees assessed vary according to day or calendar date; the number of recovered vehicles not reclaimed by their owners and sold at auction; a review of stolen vehicle towing and storage fee policies used by other states, including states with a grace period to reclaim recovered vehicles; and an examination of public benefits and costs of requiring vehicles to be towed to a storage area or to the owners residence. The report is due to the appropriate legislative committee before November 15, 2016.

The memorial recognizes the frustrations of victims of car theft who have to pay fees associated with the towing and storage of their stolen vehicles upon recovery, especially to adverse affects to citizens with moderate, low, or fixed incomes, to whom the fees may present an insurmountable obstacle.

## FISCAL IMPLICATIONS

There is no appropriation contained within the memorial. DPS did not provide an estimated cost to perform the study and report to the legislature by November 15, 2016.

DPS does not charge for storage if the vehicle is stored on DPS property. However, if the vehicle is stored on third party lands, then citizens are charged the company's fees as approved by the Public Regulation Commission (PRC).

## SIGNIFICANT ISSUES

The Federal Bureau of Investigations (FBI) defines motor vehicle theft as being the theft or attempted theft of a motor vehicle. A motor vehicle is defined as being self-propelled and running on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

In 2012, the most recent year for which data is available, the FBI estimated that New Mexico was ranked 34<sup>th</sup> in the nation for the most motor vehicle thefts (including the District of Columbia). Regionally, Texas, Arizona, Colorado, Oklahoma, Nevada, and Utah all ranked higher than New Mexico - only Wyoming ranked lower.

<b>2012 FBI Motor Vehicle Theft Data</b>	
<b>State</b>	<b>Number of vehicles stolen</b>
Texas	64,996
Arizona	19,158
Colorado	12,092
Oklahoma	11,564
Nevada	10,018
Utah	5,999
New Mexico	5,463
Wyoming	584

## ALTERNATIVES

The Public Regulation Commission (PRC) may be better suited to perform the study as they are the agency regulating towing companies in the state.

TMR/jo