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FISCAL IMPACT REPORT



SPONSOR: Crook DATE TYPED: 02/05/02 HB 135

SHORT TITLE: Alternative ID for Driver's License SB _____

ANALYST: Hayes

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

REVENUE

Estimated Revenue**		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY02	FY03			
	8.0	8.0	Recurring	State Road Fund
	6.0	6.0	Recurring	Local Government Road Fund
	2.0	2.0	Recurring	School districts

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Taxation and Revenue Department (TRD)
 New Mexico Highway and Transportation Department (SHTD)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Bill

House Bill 135 amends Section 66-5-9 NMSA 1978 to permit the Taxation and Revenue Secretary to establish regulations that permit the Motor Vehicle Division to accept other documents as a substitute for a social security number when a person applies for a license, temporary license, provisional license or instruction permit.

In addition, the bill makes changes to provisions relating to minors applying for a driver's license. The new provision requires that a minor submit evidence that he/she has not been adjudicated for an offense involving the use of alcohol or drugs during *the preceding twelve-month period immediately preceding the date of the application for the driver's license*. This provision clarifies language in the statute that currently uses the term "that period," meaning it is unclear if the "period" preceding the date of the application for a driver's license refers to a 90-day or a 12-month period.

Significant Issues

1. Under present law, Section 66-5-9B NMSA 1978, application for a New Mexico driver's license must be accompanied by a valid social security number. Some people legally residing in the state are not eligible for a social security number and, therefore, are unable to obtain a driver's license. Examples of people in this situation are exchange students or spouses and children of foreign workers who reside in New Mexico on an L1 visa. Although the worker is eligible for a social security number, his/her spouse and children are not.
2. The proposed amendment would authorize the Secretary of the Taxation and Revenue Department to establish by regulation other documents that may be accepted as a substitute for a social security number. Consequently, the Social Security Administration would not receive repeated requests for social security numbers from individuals who simply want a driver's license.
3. The Motor Vehicle Division (MVD) would be able to issue driver's licenses to foreigners who are lawfully in the United States but not authorized to work.

FISCAL IMPLICATIONS

**TRD does not have precise information on the number of individuals eligible for licenses if alternative documentation is accepted. The revenue estimate in the table shows the potential effects if 1,000 additional licenses are issued per year.

ADMINISTRATIVE IMPLICATIONS

According to the AOC, many magistrate courts statewide deal with cases related to this issue every day. Defendants are caught in a "catch 22" situation; they are not able to obtain a driver's license, which they must have before getting a car registration, which they must have in order to obtain vehicle liability insurance, etc. The courts' caseloads might be lessened if legal aliens were able to obtain a driver's license without first obtaining a social security number, and fewer unlicensed drivers would be on the road.

OTHER SUBSTANTIVE ISSUES

In June 2001, TRD's secretary attempted to address the issue in this bill and declared that MVD would allow foreigners to obtain driver's licenses without a social security number. However, he did not have the statutory authority to implement such a change; hence, this legislation. Also in June 2001, TRD issued a regulation which specified the alternative documentation that would be acceptable as an alternative to a social security number (even though the regulation was unenforceable). This regulation remains in tact and will still be used, apparently, to regulate which documents will be acceptable to MVD when applying for a driver's license. See language below:

18.19.5.12 - ALIENS APPLYING FOR DRIVER'S LICENSES

A. For purposes of applying for and issuing a driver's license, other than a commercial driver's license, the motor vehicle division will consider to be residents those individuals who are not citizens of the United States but who are living in New Mexico. As a means of identifying such individuals, the division will accept passports, visas issued by the United States or the following cards issued by the United States immigration and naturalization service: I-551 "resident alien" card; I-151 "alien registration receipt" card; I-688 "temporary resident" card; I-688A "employment authorization" card; or I-688B "employment authorization" card or the document entitled "matricula consular" issued by the Mexican consulate.

B. Within thirty days of the date the division is authorized by law to do so, the number of the passport, visa, card or matricula consular may be accepted in lieu of the social security number when the alien does not have a social security account number.

C. Any New Mexico driver's license issued to an alien will contain an expiration date not later than the expiration of the visa or card issued by the United States immigration and naturalization service or the expiration date, if any, of the matricula consular issued by the Mexican consulate.

[18.19.5.12 NMAC - N, 6/29/01]

POSSIBLE QUESTIONS

1. What procedures, if any, will be implemented to ensure against fraud or misuse of temporary alien-issued driver's license after it has expired?
2. MVD has received applications and experienced requests for driver's licenses from New Mexico residents (non-alien) who simply do not want to provide their social security number to obtain their license due to privacy issues. Does this legislation allow **residents** to use alternative documentation to obtain a license or is it only for foreigners? (*The TRD regulation above seems to imply that it is for foreigners.*)

CMH/njw