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FISCAL IMPACT REPORT

SPONSOR:	Rawson	DATE TYPED:	01/29/02	НВ	
SHORT TITLE	E: Cancellation of Dec	eased Driver's Lice	nses	SB	147
ANALY				YST:	Hayes

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB339

SOURCES OF INFORMATION

Taxation and Revenue Department (TRD) Department of Health (DOH)

SUMMARY

Synopsis of Bill

Senate Bill 147 adds a new section to the Motor Vehicle Code requiring the State Registrar of Vital Statistics to file monthly certified lists of deceased New Mexico residents over the age of fifteen with the Secretary of the Taxation and Revenue Department. Upon receipt of such list, the Secretary will cancel any deceased resident's driver's license.

Significant Issues

Canceling a deceased person's driver's license in a timely manner may help prevent identity fraud. According to the Federal Bureau of Investigation, identity fraud is one of the fastest growing white-collar crimes in the nation.

FISCAL IMPLICATIONS

There is no fiscal impact associated with this bill.

ADMINISTRATIVE IMPLICATIONS

According to TRD, this bill would have a favorable administrative impact on the Department. Currently, there is no requirement that Vital Statistics send a list of deceased residents to the Motor Vehicle Division (MVD). Currently, when MVD receives a death certificate, it cancels the license, enters the appropriate code on the driving record and then microfilms the certificate. As part of ongoing system changes and upgrades, a software program is being designed to confirm information entered for a traffic citation against the record of cancelled-deceased licenses and to flag any discrepancies. It would be beneficial to MVD if the Office of Vital Records and Health Statistics transmitted pertinent information on a monthly basis so that MVD could complete the records in a timely fashion.

RELATIONSHIP

House Bill 339 amends certain sections of the criminal code that relate to theft of identity.

TECHNICAL ISSUES

In responding to this bill, DOH believed that the reference to the "Secretary" in the bill was the Secretary of Transportation, Motor Vehicle Division. TRD assumed "Secretary" referred to the Secretary of Taxation and Revenue. This needs to be clarified in this bill.

On Page 2, line 9, after the word "license," include the language: "and shall not use or permit the use of the certified list of deceased residents over the age of fifteen for any other purpose."

OTHER SUBSTANTIVE ISSUE

In 1998, the United States Congress passed the Identity Theft and Assumption Deterrence Act which made it illegal to knowingly use another person's identification with the attempt to commit, aid, or abet any illegal activity. SB147 would help New Mexico prevent the crime of identity theft.

The Vital Statistics Act protects the privacy of decedents and their families by not permitting secondary use (or use for any other purpose) of this data. Secondary use of this data can create a fraud problem wherein other persons assume the identity of the decedent.

CMH/njw:ar