



## **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