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FISCAL IMPACT REPORT

SPONSOR <u>SCORC</u>	ORIGINAL DATE <u>3/08/07</u>	LAST UPDATED <u>3/17/07</u>	HB <u>905/SCORCS/aSCORC/</u>
SHORT TITLE <u>Motor Vehicle Code Amendments</u>			SB <u>aHHGAC</u>
ANALYST <u>Woods</u>			

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Corrections Department (CD)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of HHGAC Amendment

House Health and Government Affairs Committee amendment reflects the following language:

1. On page 92, line 15, strike "or" and insert in lieu thereof a comma.
2. On page 92, line 15, after "E" insert "or F".
3. On page 93, between lines 15 and 16, insert the following new subsection:

"D. The division shall apply the license revocation provisions of Subsection C of this section and the provisions of Subsection D of Section 66-5-5 NMSA 1978 to a person who was three or more times convicted of driving a motor vehicle under the influence of intoxicating liquor or drugs and who has a driver's license revocation pursuant to the law in effect prior to June 17, 2005, upon the request of the person and if the person has had an ignition interlock license for three years or more and has proof from the ignition interlock vendor of no violations of the ignition interlock device in the previous six months."

4. Reletter the succeeding subsections accordingly.,

The amendment adds no appropriation language to the legislation.

Synopsis of SCORC Amendment

The Senate Corporations and Transportation Committee (SCORC) amendment changes the penalty for the fraudulent issuance of drivers' licenses and other document to a fourth degree felony from a third degree felony.

Synopsis of Substitute Bill

The Senate Corporations and Transportation Committee substitute for Senate Bill 905, in addition to technical and other changes, enacts new sections of the Motor Vehicle Code to require licensed auto dealers to acquire a temporary permit for off-site sales; to provide for recovery of erroneous disbursements from the motor vehicle suspense fund; to require background check of Motor Vehicle Division (MVD) employees; and creates a new third degree felony crime for individuals who engage in fraud to obtain documents issued by the Motor Vehicle Division. The bill also exempts persons with disabilities, including those disabled while serving in the US Armed Forces, from registration fees.

TRD identifies the following as the most important changes in the bill and provides the attached summary.

- Preventing fraud in the issuance of driver's licenses by making it a third-degree felony to fraudulently issue a driver's license, I.D. Card or registration or accepting a bribe to do so.
- Requiring background checks for MVD employees.
- Correct internal inconsistencies in the MVC.
- Provide a mechanism for correcting errors in distributions from the motor vehicle suspense fund.
- Update the language and establish one standard for disabled persons to obtain parking plates and placards.
- Establish authority for MVD to copy birth certificates, create a new permit for off-site sales, and
- Clarify that VIN inspections are not required for manufactured homes.

FISCAL IMPLICATIONS

By creating a new third degree felony, the Corrections Department notes the bill may have some, although minimal, impact on the department. The number of new convictions caused by the bill is likely to be few. However, as with any "new crime" bill, it is difficult to predict the number of new convictions with any accuracy.

TRD estimates to no fiscal impacts on state or local revenues. The provisions of the bill clarify that TRD has the authority to correct errors in distributions, and that, where necessary, funds required to make these corrections will be drawn from the general fund distribution. This language is consistent with current practice and with the approach used for other tax revenues collected by the state.

SIGNIFICANT ISSUES

The bill reconciles multiple sections of the Motor Vehicle Code and enacts the new sections summarize above. The attached summary provided by TRD examines each change. Of note in the substitution is the requirement of background checks of MVD employees. At least one high profile case of fraud by an MVD employee was uncovered last year, and the department has been actively reviewing hiring and other processes in the division.

ADMINISTRATIVE IMPLICATIONS

No significant administrative implications were identified. The Corrections Department finds that it can probably absorb any increased workload caused by any new convictions resulting from this bill with current staff levels.

TRD estimates that the bill will enable MVD to streamline and improve administrative practices. Specific changes include revising permit forms, establishing unique tracking numbers for demonstration permits, and creating an off-site sales application and permit. In addition, MVD will have to coordinate with the Governor's Commission on Disability on the revisions to the disabled persons placards and registration provisions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The bill conflicts with SB 289 and HB 1055, which amend language on disability. Several other pieces of legislation, including HB 774, HB 125, and SB 437, amend statute regarding interlock laws (Sections 66-5-29, 66-5-35, 66-5-502, and 66-5-503)

Attachment

BE/mt

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Changes in terminology throughout the bill	Eliminate obsolete terminology and excess verbiage	<p>Change “wrecker” and /or “dismantler” to “auto recycler”.</p> <p>Change “regulation” to “rule”.</p> <p>Change “administrative service fee” to “administrative fee”.</p>
New material	Making it a felony for any person to accept fraudulent proof or issue fraudulent MVD documents.	Current statutes limit the penalty for providing a license illegally to a misdemeanor.
New material	Requiring criminal background checks of employees and applicants for employment who have access to driver’s licenses.	To curtail fraud in the issuance of driver’s licenses.
66-6-22.1, 66-6-22.2 (new material)	TRD, not DFA, disburses funds from the motor vehicle suspense fund pursuant to DFA procedures; to create a statutory mechanism for correcting errors in disbursements from the motor vehicle suspense fund.	Clarifies statute to conform with current practices and conforms treatment with distribution statutes for other state revenues.
66-3-1004, 66-3-1004.1	Replacing incorrect references to the New Mexico clean and beautiful program with references to the correct fund: “litter control and beautification fund”.	These 2 statutes contain references to nonexistent funds.
66-2-15, 66-2-16, 66-3-6, 66-12-5	Resolving the conflict between the \$0.50 and \$2.00 administrative fees.	The \$2.00 fee was implemented subsequent to the \$0.50 fee but the latter was never repealed.
66-2-3	Establishing authority for the division to copy birth certificates.	The new federal law on real ID requires copies of birth certificates and Section 24-14-27A prohibits the copying of any vital statistics records, including birth certificates, except as authorized by law. This change will provide such authorization.

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<p>66-1-4.1, 66-1-4.4, 66-3-16, 66-3-16.1, 66-5-19, 66-7-352.2, 66-7-352.4, 66-7-352.5, 66-7-513, 66-8-124</p>	<p>Changing the standard for obtaining disabled persons parking plates and placards to “having a significant mobility limitation”;</p> <p>Changing the phrase “designated disabled parking space” to “designated accessible parking space for persons with significant mobility limitation”;</p> <p>Making parking placards difficult to counterfeit by requiring a hologram and full-face photograph of the holder;</p> <p>Reducing fraudulent use of such parking plates and placards by permitting MVD to issue identification cards to eligible persons that contain the disabled person’s photograph;</p> <p>Changing “handicapped” to “impairment”.</p>	<p>There are currently different standards for plates and placards for persons with mobility limitations when logic requires one consistent standard.</p> <p>Only those persons with a significant mobility limitation need easy access to buildings, rather than all disabled persons.</p> <p>Upon the advice of the Governor’s Commission on Disability, updated terminology to be less offensive.</p>
<p>7-14-6</p>	<p>Limiting the Motor Vehicle Excise Tax exemption to persons with a disability who purchase vehicles that have been modified to accommodate their disability.</p>	<p>Upon the advice of the Governor’s Commission on Disability, we recommend changing the standard for exemption from the motor vehicle excise tax due to disability. The current standard provides exemption from the tax for all persons who have suffered the “loss, or the complete and total loss of use of, one or both legs at or above the ankle or of one or both arms at or above the wrist.” This standard both includes and excludes some persons who need to modify their vehicles to enable them to drive or be transported, which was the original intent of the tax exemption for disabled persons. We have retained the “amputee” exemption for armed forces veterans.</p>
<p>66-3-2.10, 66-3-6, 66-3-18, 66-3-104, 66-3-401, 66-4-3</p>	<p>Adopting names for permits that better describe their use.</p>	<p>There are 22 different names of permits in the Code, which is very confusing to employees and customers.</p>
<p>66-3-18</p>	<p>Eliminating duplicate terms for validating stickers.</p>	<p>There are currently two terms for one thing.</p>

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<p>66-3-6, 66-3-401, 66-3-401.1, 66-3-402, 66-3-403, 66-3-404, 66-6-17</p>	<p>Deleting the word “special” from the name of dealer plates;</p> <p>Eliminating auto recyclers from eligibility for dealer plates;</p> <p>Changing special vehicle-business plate to dealer plate;</p> <p>Clarifying that dealer plates are not transferable between dealers;</p> <p>Requiring dealer plates to be registered to a particular vehicle; to require a demonstration permit to have a unique tracking number assigned to a particular vehicle;</p> <p>Requiring dealers or agents who print demonstration permits to keep specific records of the permits they issue.</p>	<p>Auto recyclers do not get “dealer” plates; if they sell cars, they are required to get a dealer’s license that makes them eligible for dealer plates.</p> <p>One section in the statutes applies only to dealer plates but misleadingly named them “vehicle-business” plates.</p> <p>The statute prohibits transfer of plates but does not state to or between whom.</p> <p>Dealers have been using a dealer plate from a car that has been sold on another car without reporting that to MVD, which interferes with MVD’s control over plates it has issued.</p>
<p>66-3-24</p>	<p>Eliminating redundant language.</p>	<p>The statute permits MVD to issue substitute registrations; MVD does not issue substitutes, it only issues duplicate or new registrations.</p>
<p>66-3-1</p>	<p>Clarifying that manufactured homes and off-highway motor vehicles are subject to registration and that mopeds and electric personal assistive mobility devices are not subject to registration.</p>	<p>Requirements for registration are scattered throughout the code. Consolidating the types of vehicles requiring and exempt from registration in one place will assist MVD employees and customers.</p>
<p>66-5-2</p>	<p>Clarifying that a person must be licensed to drive a neighborhood electric car.</p>	<p>Requirements for licensure are scattered throughout the code. Consolidating the types of vehicles requiring a driver to be licensed in one place will assist MVD employees, law enforcement, and customers.</p>
<p>66-3-2, 66-3-302, 66-7-505</p>	<p>Deleting or adding, as appropriate, references to the MTD of the DPS.</p>	<p>MTD used to be a part of TRD; it is now a part of DPS, but several statutes still refer to TRD. Other sections referred to MTD without reference to its department. We cleaned these up.</p>

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66-1-4.11, 66-3-118,	Amending the definition of manufacturer’s certificate of origin (MCO) to include boats.	MVD requires an MCO for a new vessel title and the code did not include such a requirement in the definition of MCO.
66-5-29, 66-5-35,66-5-502, 66-5-503	Clarifying that the sections on ignition interlock licenses apply to persons who never had a driver’s license; to amend the definitions of “denied” and revoked”.	<p>The language in these sections referred only to persons whose licenses had been revoked. In many cases, drivers who have never been licensed at all become eligible for ignition interlock licenses.</p> <p>The definitions of denied and revoked were confusing and inaccurate; we rewrote them in active voice to fix the inaccuracies.</p>
74-4F-1 through 74-4F-8	Repealing the Hazardous Materials Transportation Act.	The federal government has taken over issuing hazardous materials transportation permits. No state agency, including TRD, DPS, or NMED, issues them. In 2004, the section on issuing permits was repealed. We propose repeal of the remaining obsolete sections.
66-3-20.1, 66-3-101, 66-3-104, 66-3-107	Changing phrase “extended registration” to “two-year registration”; to eliminate quarterly registration; to eliminate transfer of title and registration; to create a refund of fees for unused second year of registration; to consolidate the duplicative provisions of 66-3-101 and 66-3-104.	In practice, MVD does not “transfer” registrations and plates, nor does it register vehicles by quarters. Instead MVD charges a new registration when an owner keeps a plate for use on a newly acquired vehicle and refunds the unused balance of the first registration fee. These sections are amended to reflect MVD’s actual practice. Section 66-3-104 has been deleted because its provisions are included in 66-3-101 as amended.
66-1-4.17, 66-4-2, 66-4-2.2	Creating a definition of temporary off-site location to permit auto dealers to legally conduct tent sales; to add a new section requiring an off-site permit for tent sales; to prohibit licensees from allowing others to use their licenses.	The code now provides only for additional places of business; the requirements for these are not appropriate for tent sales, so we need to create a new category.

Section:	Description:	Examples/Purpose:
66-1-4.11, 66-3-847	Deleting the definition of metal tire; to describe the types of tires not permitted on highways in NM.	Metal tire is only used in one place in the Code so we don't need a definition; we can incorporate the substance in the substantive provision.
66-1-4.12	Correcting the definition of nonresident commercial driver's license (CDL)	We have 2 definitions of nonresident CDL in the code now. We only need one.
66-1-4.17	Defining transaction.	This term is used as the basis of payments to municipalities but has never been defined in the Code.
66-1-4.15, 66-1-4.17	Clarifying the definitions of road tractor and truck tractor.	The wording of these terms is currently very confusing.
66-1-4.1, 66-1-4.4, 66-1-4.7, 66-3-21, 66-3-840, 66-6-3, 66-6-4, 66-6-11, 66-7-410	Eliminating duplicate weight terms; to define actual empty weight and gross factory shipping weight; to clarify how fees are determined for certain types of trailers.	We have definitions of weight terms that are confusing and out of synch with the federal definitions, which apply to all commercial motor vehicles. We also have some weight terms that are used only in NM and are undefined. Since fees are based on different types of weight, we need to be sure these are correct and understandable.
66-6-16	Clarifying that the exemption from registration fees applies to certain veterans of all wars.	The current exemption was interpreted to apply only to veterans of WWII and Korea. We want to expand the exemption to include veterans who served in the armed forces in all conflicts.
66-6-19	Clarifying that the vehicle transaction fee applies to only the initial, but not subsequent, issuance, transfer, or revocation of a title or registration.	Some employees have been applying the vehicle transaction fee to registration renewal. We want to make it clear that it should apply only to initial titles.
66-4-5	Requiring auto recyclers to maintain certain information about vehicles in their possession.	Section 66-4-5 currently requires dealers to maintain certain information in their records about the purchase and sale of vehicles. The proposed amendment requires auto recyclers to maintain the same information in their records.

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66-3-4	Clarifying that VIN inspections are not required for manufactured homes.	It is not feasible for MVD employees to go to trailer parks to check the VIN numbers of manufactured homes.
66-3-408	Allowing recreational vehicles to use special registration plates including a plates available to armed forces veterans.	There is no reason to exclude recreational vehicles from using veteran's plates.

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