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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/23/13  
 SPONSOR Rue \_\_\_\_\_ LAST UPDATED 02/14/13 HB \_\_\_\_\_  
 SHORT TITLE Protective & Undercover License Plates SB 51/aSJC \_\_\_\_\_  
 ANALYST Boerner \_\_\_\_\_

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)  
 Taxation and Revenue Department (TRD)  
 Attorney General’s Office (AGO)  
 General Services Department (GSD)

### SUMMARY

#### Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 51 defines “sensitive activities,” as recommended by the AGO, regarding protective license plates issued to a state vehicle in the custody of a state agency or to issued to an Indian nation, tribe or pueblo located wholly or partly in this state or a government entity that can be traced to an Indian nation, tribe or pueblo.

#### Synopsis of Original Bill

Senate Bill 51 amends NMSA 1978 §15-8-3 to define “protective license plate” as a regular passenger plate issued to a state vehicle that is traceable to the state agency and the vehicle is being used for sensitive activities. The bill also defines an “undercover license plate” as a regular passenger license plate issued to a state vehicle that is returned to a fictitious name and address and cannot be traced to the agency and is to be used only for legitimate law enforcement purposes.

This bill also amends NMSA 1978 §15-8-6 to add exceptions for state vehicles used for legitimate undercover purposes and state vehicles used for sensitive activities. These vehicles would now be exempt from the requirements that a state or government license plate issued to them. The standards for the issuance of a protective license plate pursuant to this section will be determined by rules promulgated jointly by the Motor Vehicle Division (MVD) of the Taxation and Revenue Department (TRD) and the Transportation Services Division (TSD) of the General Services Department (GSD).

Finally, the bill amends NMSA 1978, §66-6-15 regarding plates issued to an Indian nation, tribe or pueblo, and enacts the same provisions referenced above regarding undercover plates and protective license plates.

The bill contains an emergency clause providing that the bill take effect immediately upon signature of the governor.

### **FISCAL IMPLICATIONS**

None noted.

### **SIGNIFICANT LEGAL ISSUES**

The AGO notes the following significant legal issue:

Pursuant to the proposed bill's new language, issuance of a protective license plate shall be determined by rule jointly promulgated by the TSD of the GSD and the MVD of the TRD. However, the bill is silent as the standards of issuance for an undercover license plate.

Section 66-8-1, NMSA 1978 provides:

“Any person who fraudulently uses a false or fictitious name in any application for the registration of a vehicle or a certificate of title, or knowingly makes a false statement, or knowingly conceals a material fact or otherwise commits a fraud in any such application shall upon conviction be punished by a fine of not more than one thousand dollars (\$ 1,000) or by imprisonment for not more than one year or both.”

As such, the proposed bill must reconcile the registration of undercover license plates with the conflicting statute currently in place.

### **ADMINISTRATIVE IMPLICATIONS**

The TRD notes that the MVD and the TSD already issue undercover and protective license plates; however, this bill formally authorizes the issuance these types of plates and provides for further clarification in rule.

Implementation of this bill will have no impact on the MVD except for the requirement that the MVD work with the TSD to develop standards in rule for the issuance of protective plates.

### **TECHNICAL ISSUES**

On page 8, line12 “government entity” is unclear or not intended. The paragraph states “a government entity ‘traced’ to an Indian nation, tribe, or pueblo...” On line 12 then it is not clear if the drafter has intended an Indian nation government entity.

**AMENDMENTS NEEDED TO IMPROVE THIS BILL**

Addressed by SJC Amendment: [The AGO notes that vehicles “used for sensitive activities other than legitimate undercover law enforcement purposes” are subject to this bill. Therefore, it may be prudent to provide a definition for “sensitive activities.”]

**OTHER SUBSTANTIVE ISSUES**

The GSD states that the ability to issue undercover and protective plates is needed to protect both the employees and the agency that they work for. Protective plates will allow employees such as probation and parole officers, and other safety sensitive positions that are not law enforcement certified the ability to conduct necessary activities in state vehicles without having to worry about their safety as they travel through various neighborhoods and areas of the state.

Further, requiring both the TSD and the MVD to establish standards for the issuance of protective plates will ensure that these plates are regulated and only issued to entities that require them as part of their jobs. This bill provides for a quality assurance aspect on the issuance of plates while still requiring accountability by the using agency.

CEB/bm:svb