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FISCAL IMPACT REPORT

ORIGINAL DATE 2/10/17

SPONSOR Thomson LAST UPDATED _____ HB 283

SHORT TITLE Car Nontraditional Communication Registry SB _____

ANALYST Romero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$60.2	\$60.2	\$120.4	Recurring	MVD

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)

Commission for the Deaf and Hard-of-Hearing Persons (CDHH)

Governor’s Commission on Disabilities (GCD)

Responses Not Received From

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

House Bill 283 adds a new section to the Motor Vehicle Code requiring the creation and maintenance of a statewide “nontraditional communication or disability registry” to identify motor vehicles that may be driven or occupied by a person who has a medical diagnosis of a condition or disability that may cause the person to be unable to communicate with a law enforcement officer or respond appropriately to their commands. The Taxation and Revenue Department (TRD) must provide online access to the registry only to members of law enforcement agencies that enforce traffic laws. The bill also amends Section 66-3-4 NMSA 1978 to applications for registration and certificate of title contain a space to allow the applicant to add their vehicle to the registry. The bill also adds a new Section to Chapter 29, Article 1 NMSA 1978 to require all law enforcement personnel to consult the registry when possible prior to interacting with a person inside a motor vehicle.

FISCAL IMPLICATIONS

MVD, will need at least one additional MVD operations resource FTE to implement, support, and maintain the registry.

Implementation of this bill will have a moderate impact on the Information Technology Division. Total time to complete, test and implement changes is approximately 480 hours (3 months) or \$133,600 (\$33,600 state resources & \$100,000 for FAST contractual resources).

- The MVD systems currently do not capture autism, brain injury, and intellectual disability. Implementation of this bill will require changing the medical report to capture these conditions.
- Implementation of this bill requires asking additional questions on the registration and titling of the vehicle regarding medical information, and adding new database field to create the registry.
- Additionally, it requires changes to the medical application and approval process on driver and medical transactions, as well as changes to interfaces.
- Work will also need to be done by our interface vendor, New Mexico Interactive, for communication with the law enforcement agencies.

These costs can be absorbed by the current MVD operating budget.

SIGNIFICANT ISSUES

A registry that an individual opts into would mean that law enforcement officers may interact with a person who qualifies for the registry but is not listed. The person may not register due to privacy concerns or because they were not directly responsible for registration after purchasing a new vehicle.

Privacy issues may arise if any agency uses fleet or multipurpose vehicles to transport individuals with nontraditional communication/disabilities. There is no clear process for how a transport agency would include occupants/drivers on the registry. This may create difficulties in both privacy and application of the registry.

Medical documents for hearing loss such as audiograms are not always done by a licensed health care practitioner. They are sometimes done by hearing aid dispensers. These individuals are licensed but not considered health care practitioners.

The bill improves the likelihood of recognition of a disability but it does not clarify who will advise or train the law enforcement officers on the best practices for the communication barriers. Many state agencies are available to communicate and work with law enforcement but have not been contacted. The agencies that focus on nontraditional communication barriers may already have best practices guidelines which will expedite the training process.

ADMINISTRATIVE IMPLICATIONS

Adding driver information pertaining to an individual's health to a vehicle record is risky.

Implementation of MVD's Tapestry system has been very successful; however, despite extensive data cleansing there are occasions when MVD did not have sufficient data in the legacy system

to completely link a customer's driver and vehicle information in the new system. As a result, it is possible that data is either on the wrong record, no longer pertains to that record, or is not linked. It would be preferential to have the registry pertain to the driver record so that MVD will have sufficient unique identifying information and can establish the relationship to any vehicle(s) they may be driving and link the records. Doing this may require a change to the registration renewal notice to allow vehicle owners to write in a condition and submit a medical document. This would also require additional FTE resources at MVD to administer the program.

TECHNICAL ISSUES

In consideration of the effort noted above, an effective date of July 1, 2017 is not feasible. An amended effective date of January 1, 2018 is recommended.

Language on page 4, line 13 is vague; it is uncertain what would constitute "evidence satisfactory" that a vehicle will regularly be driven or occupied by one a person with such conditions or how the Motor Vehicle Division (MVD) would document that.

IR/sb