

LFC Requester:	Kludt, Kelly
-----------------------	---------------------

**AGENCY BILL ANALYSIS
2014 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

And

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 31, 2014
Bill No: HB200-305 Jan 31

Sponsor: Sharon Clahchischilliage **Reviewing** Attorney General's Office
Short RELATING TO MOTOR **Person Writing** Lawrence Otero
Title: VEHICLES **Phone:** 505-827-6704 **Email** lotero@nmag.gov

SECTION II: FISCAL IMPACT **FOR LFC OFFICIAL PURPOSES******
AGO STAFF SHOULD LEAVE SHADED AREAS BLANK

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY14	FY15		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY14	FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Summary Synopsis:

House Bill 200 amends existing NMSA 1978, Section 66-3-10.1. Particularly, the Bill is permitting the sale or conveyance of a salvaged or non-repairable motor vehicle without a title to a licensed wrecker of motor vehicles. The Motor Vehicle Code Section 66-4-1 gives the MVD the authority to license, in part, wreckers. Section 66-4-1.1 clarifies “wrecker” to mean auto recycler under the Motor Vehicle Code.

House Bill 200 amends section 1 to read as follows:

“A. It is unlawful for a person to sell or otherwise convey ownership of a salvaged or non-repairable vehicle unless:

- (1) the certificate of title or ownership is branded or a comparable title, certificate or ownership document has been issued by another state or jurisdiction; or
- (2) the sale or conveyance is to a licensed wrecker of vehicles.”

FISCAL IMPLICATIONS WITH ENACTING THIS BILL
NA

SIGNIFICANT LEGAL ISSUES

The Amendment uses the term “wrecker” rather than “auto recycler.” This may cause confusion as to potentially including wreckers/tow trucks which are regulated by the NM Public Regulation Commission rather than the Department of Motor Vehicles. Thus the term “auto recycler” should be used rather than wrecker.

In addition to the ambiguity of the term “wrecker,” there is a potential problem in allowing the conveyance of motor vehicles without title or some sort of ownership document in that auto recyclers will not know if any given motor vehicle is stolen.

PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL

ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS
INTRODUCED THIS SESSION**

TECHNICAL ISSUES OR DRAFTING ERROR

OTHER SUBSTANTIVE LEGAL ISSUES

ALTERNATIVES TO ENACTING THIS BILL

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL
Status quo.

AMENDMENTS NEEDED TO IMPROVE THIS BILL