

LFC Requester:	Boerner, Christine
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**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 February 5, 2014
Bill No: HB305-305 Feb 5

Sponsor: Rep. Cathrynn N. Brown **Reviewing** Attorney General's Office
Short Motor Vehicle-Related Records **Person Writing** Lori Chavez
Title: Confidential **Phone:** 505-222-9043 **Email** lchavez@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:

HB 305 amends Section 66-2-7.1 of the New Mexico Motor Vehicle Code to allow licensed auto recyclers to obtain confidential motor vehicle-related information from the motor vehicle department connected with driver’s license or permit titling or registration of vehicles, administration of the Ignition Interlock Licensing Act and the interlock device fund or an identification card for the purpose of providing mandatory notices.

The proposed change states:

(7) for use by a licensed auto recycler to provide notice as required by law.

FISCAL IMPLICATIONS WITH ENACTING THIS BILL

SIGNIFICANT LEGAL ISSUES

Currently the statute permits individuals to obtain motor vehicle-related information from the department for purposes of (6) providing notice to owners of towed or impounded vehicles; ... or (11) obtaining the names and addresses of all lienholders and owners of record of abandoned vehicles to storage facilities or wrecker yards for the purpose of providing notice as required in Section 66-3-121.

If a vehicle comes into the auto recycler’s possession and is not owned by the auto recycler, it appears that they are currently permitted to obtain the necessary information from the department in order to provide notice to the vehicle’s owner that they are in possession of the impounded vehicle.

Section 66-4-1.1 of the New Mexico Motor Vehicle Code defines “Auto Recycler” as a person desiring to engage in the business of wrecking or dismantling vehicles for the purpose of reselling parts or scrap material and shall apply to the department for an auto recycler license. Therefore, auto recyclers fall under Sub-section 11 of Section 66-2-7.1 as a wrecker yard and are currently permitted to obtain the necessary information from the department to comply with notice requirements.

Auto recyclers are already covered by Section 66-2-7.1 making the amendment unnecessary.

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

AMENDMENTS NEEDED TO IMPROVE THIS BILL