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## FISCAL IMPACT REPORT

SPONSOR: House Floor DATE TYPED: 03/07/03 HB 278/HFIS

SHORT TITLE: Exchange of Motor Vehicle Offense Information SB \_\_\_\_\_

ANALYST: Hayes

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 237 and SB 175

### SOURCES OF INFORMATION

#### Responses Received From

Office of Indian Affairs

Highway and Transportation Department, Traffic Safety Bureau (SHTD)

Taxation and Revenue Department (TRD)

### SUMMARY

#### Synopsis of Bill

The House Floor Substitute for HB 278 amends and adds new material to the New Mexico Motor Vehicle Code to authorize the Motor Vehicle Division (MVD) of the Taxation and Revenue Department (TRD) to enter into cooperative agreements with New Mexico tribes in order to exchange information regarding state residents who are adjudicated for motor vehicle offenses that occurred within the jurisdiction of the tribal court.

A “tribal court” is defined in Section 66-1-4.17L as a court created by a tribe or a court of Indian offense created by the United States Secretary of the Interior.

A “tribe” is defined in Section 66-1-4.17M as an Indian nation, tribe or pueblo located wholly or partially in New Mexico.

The effective date of the provisions of this legislation is July 1, 2003.

Significant Issues

The intent of this legislation is to bridge the gap between tribes and the State of New Mexico regarding motorists' records so that drivers' history, violations, license revocations and convictions can be shared between both entities and can be properly updated and used when a driver faces another offense. The exchange of information specified in this proposal pertains to all traffic convictions, not just DWI. In order to accomplish this goal, House Floor Substitute for HB 278 makes the following changes to the New Mexico Motor Vehicle Code:

1. Amends Section 66-1-4.6(C) to define a "first offender" as a person who, for the first time under state or federal law or a municipal ordinance or by a tribal court, has been adjudicated guilty of the charge of DWI.
2. Amends Section 66-1-4.16(Q) to define a "subsequent offender" as a person who was previously a first offender and who again, under state law, federal law or a municipal ordinance or by a tribal court has been adjudicated guilty of the charge of DWI.
3. Amends Section 66-5-23 so MVD will file all abstracts of court records of conviction or reports that it receives from courts in this state or from a tribal court which show either that a driver is a first offender or a subsequent offender.
4. Amends Section 66-5-25 to include a new paragraph (C.) which authorizes MVD to forward to a tribal court or other authority, as specified in an applicable intergovernmental agreement, the record of the conviction in this state of a resident driver of a motor vehicle, who is subject to the jurisdiction of the tribe, of any offense under the Motor Vehicle Code or of notice of failure to appear or upon determination by the division of a failure to pay a penalty assessment.
5. Amends Section 66-5-26 to authorize MVD to suspend or revoke a person's driver's license for failure to appear or failure to pay in another state or tribal jurisdiction.
6. Adds a new section, 66-5-27.1A, to authorize TRD to enter into an intergovernmental agreement with the appropriate governmental entity of a tribe to permit the exchange of information between the tribal court and the division regarding persons who are adjudicated for a motor vehicle offense that occurred within the jurisdiction of the tribal court.
7. Adds a new section, 66-5-27.1B, to authorize the Motor Vehicle Division to suspend or revoke a driver's license or driving privilege of a New Mexico resident who has been convicted of a motor vehicle offense by a tribal court providing that: a) TRD has entered into a cooperative agreement with the tribe, and b) MVD has received notice from the tribal court that the driver has been convicted of a motor vehicle offense.
8. Amends Section 66-8-102 so that a conviction pursuant to a municipal or county ordinance in New Mexico or a law of any other jurisdiction, territory or possession of the United States or of a tribe, where that ordinance or law is equivalent to New Mexico law for DWI shall be deemed to be a conviction for purposes of determining whether a conviction is a second or subsequent conviction.

## ADMINISTRATIVE IMPLICATIONS

The House Floor substitute gives MVD the authority to suspend or revoke a driver's license when an offense is committed within the tribal court's jurisdiction that would have been grounds for such action had it occurred within the jurisdiction of the state. Some DWI offenders have multiple convictions, some of which occur within the jurisdiction of the state, some of which occur within tribal jurisdictions. Without the authority granted in this bill, MVD will not be able to properly identify multiple offenders and take appropriate action.

## RELATIONSHIP

HB 237 and SB 175 are similar to HB 278/HFIS except they refer only to the "Navajo Nation tribal court" and limit the exchange of MVD information with the Navajo Nation. HB 278/HFIS is broader in its application; it recognizes convictions for motor vehicle offenses committed on tribal land, authorizes cooperative agreements with tribes and provides for information sharing with tribal courts. Provisions of HB 237 and SB 175 apply only to the Navajo Nation and the Navajo Nation tribal court.

CMH/njw