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FISCAL IMPACT REPORT

ORIGINAL DATE 02/10/14
LAST UPDATED 02/19/14 **HB** 305/aHJC
SPONSOR Brown
SHORT TITLE Motor Vehicle Records to Auto Recyclers **SB** _____
ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		None	None			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)

Attorney General’s Office (AGO)

SUMMARY

Synopsis of House Judiciary Committee

The HJC amendment simplifies language by striking page 3, lines 67 “for use by auto recycler to provide notice as required by law” and places “auto recyclers” on page 4 line 6 to include auto recyclers among entities that also provide notice as required in Section 66-3-121 NMSA 1978.

Synopsis of Original Bill

House Bill 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

None noted.

SIGNIFICANT LEGAL ISSUES

The AGO points out that 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.

CB/svb;jl