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FISCAL IMPACT REPORT

SPONSOR: Tsosie DATE TYPED: 02/05/03 HB _____

SHORT TITLE: Exchange of Motor Vehicle Offense Information SB 175

ANALYST: Hayes

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB237

Relates to HB278

SOURCES OF INFORMATION

Responses Received From

Office of Indian Affairs

Highway and Transportation Department, Traffic Safety Bureau (SHTD)

No Responses Received From

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Bill 175 amends and adds anew 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 the Navajo Nation in order to exchange information regarding state residents who are adjudicated for motor vehicle offenses that occurred within the jurisdiction of the Navajo Nation tribal court.

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 the Navajo Nation 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. In order to accomplish this goal, Senate Bill 175 makes the following changes to the New Mexico Motor Vehicle Code:

1. Amends section 66-1-4.6 to define a "first offender" as a person who, for the first time under state or federal law or a municipal ordinance or by the Navajo Nation tribal court, has been adjudicated guilty of the charge of DWI.
2. Amend section 66-1-4.16 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 the Navajo Nation tribal court has been adjudicated guilty of the charge of DWI.
3. Adds a new section, 66-5-27.1A, to establish recognition of convictions for motor vehicle offenses committed on Navajo Nation tribal land by authorizing TRD to enter into cooperative agreements with the appropriate governmental entity of the Navajo Nation to permit the exchange of information between the Navajo Nation tribal court and the division for state residents found guilty of motor vehicle offenses that occurred within the jurisdiction of the Navajo Nation tribal court.
4. 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 the Navajo Nation tribal court providing that TRD has entered into a cooperative agreement with the Navajo Nation and the division has received notice from the Navajo Nation tribal court that the driver has been convicted of a motor vehicle offense.

DUPLICATION/RELATIONSHIP

HB237 duplicates SB175.

HB278 duplicates the amendments proposed by SB175 except it uses and defines the term "tribal court" and "tribe" for clarification. HB278 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. SB175 applies only to the Navajo Nation and the Navajo Nation tribal court.

TECHNICAL ISSUES

If the "Navajo Nation tribal court" does not include all Native American tribes in New Mexico, it would be more beneficial to include language that would encompass all Native American tribes in New Mexico so that this legislation applies to everyone and accomplishes its original goal.

CMH/njw