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FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/08

SPONSOR Barela LAST UPDATED _____ HB 330

SHORT TITLE Surrender Out-Of-State Driver's License SB _____

ANALYST Earnest

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department (TRD)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of the Bill

House Bill 330 amends Section 66-5-2 to specify that an out-of-state driver's license must be surrendered within thirty days after a person begins to reside in New Mexico. Current law specifies that driver's licenses issued by any other state must be surrendered to the New Mexico Motor Vehicle Division, but with out a time frame.

FISCAL IMPLICATIONS

No significant fiscal impact was identified. The AOC states that there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

According to TRD:

The lack of a specific time requirement allows a driver moving here with a DWI record in another state to continue to drive with his out-of-state license for an indeterminate period of time, and thus to avoid imposition of New Mexico’s ignition interlock requirements.

The method to enforce this provision is unclear. MVD has no way to track when a person moves to New Mexico and then follow-up with whether the person applies for a license. The people who move from out-of-state and are required to obtain an interlock can be tracked if MVD keeps applications on file.

When an individual moving from out-of-state is found to have a DWI record and is required to have an ignition interlock installed, it is up to him to satisfy that requirement before returning for an ignition interlock license. By imposing a 30-day time limit, this bill encourages timely return to obtain the ignition interlock license. This bill makes completely clear that the individual will be in violation of New Mexico law if he continues to drive with his old out-of-state license.

Clarification may be needed as to what constitutes “beginning to reside in New Mexico,” especially as regards part-time and seasonal residents of the state.

ADMINISTRATIVE IMPLICATIONS

Effective enforcement may depend on follow-up by MVD’s Compliance Unit to encourage compliance, identification of drivers who fail to comply within 30 days, and coordination with law enforcement for any appropriate action with regard to those drivers who do not comply.

OTHER SUBSTANTIVE ISSUES

AOC reports that it is not clear how this statute is currently being enforced, nor if any citations are being issued regarding failure to comply. It is possible that, given the newly restrictive time frame, citations could increase and disputes of such citations could involve the courts. But it is not clear what agency will be responsible for tracking when a person newly moved to New Mexico begins to “reside in New Mexico,” nor how they will track the thirty day window, nor what actions or sanctions they will be able to implement or impose if it is determined that the new resident has failed to comply.

BE/mt