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FISCAL IMPACT REPORT

SPONSOR Black/Terrazas/Dow/ Garratt **ORIGINAL DATE** 01/31/21 **LAST UPDATED** 03/02/21 **HB** 172/aHTPWC

SHORT TITLE Motor Vehicle Emergency Contact Database **SB** _____

ANALYST Graeser

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$200.0	--	--	\$200.0	nonrecurring	TRD/MVD operating (ITD – Contractual Costs)
	\$99.2	--	--	\$99.2	nonrecurring	TRD/MVD operating (ITD – Staff Workload)

Parenthesis () indicate expenditure decreases

Note: These estimates are for activities that are currently budgeted.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Taxation and Revenue Department Motor Vehicle Division (MVD)

SUMMARY

Synopsis of HTPWC amendment

The House Transportation, Public Works and Capital Improvements Committee amendment to House Bill 172 moves the effective date to January 1, 2022.

Synopsis of Original Bill

House Bill 172 requires the Taxation and Revenue Department (TRD) to create and maintain a database with emergency contact information for all individuals who choose to provide that information to the Motor Vehicle Division (MVD) at the time of motor vehicle registration or issuance of a motor vehicle title or driver's license. TRD would be required to ask the individual to voluntarily provide, update, or remove the individual's emergency contact information. TRD would only allow TRD personnel adding or updating the information and law enforcement personnel access to the emergency contact information.

There is no effective date of this bill. It is assumed the effective date is 90 days after this session ends (June 18, 2021). MVD notes that, because of the complexity of this proposal and the need to work with other agencies, MVD requests consideration to make the provisions of the bill effective January 1, 2022.

FISCAL IMPLICATIONS

This bill has no fiscal impact on revenues. However, the provisions would require significant changes to the MVD Tapestry system. See “Administrative Impact” for detail.

SIGNIFICANT ISSUES

TRD notes the following:

Providing law enforcement agencies access to an individual’s emergency contact information may benefit the public in that it can reduce the time taken by law enforcement agencies to reach out to next of kin during or after an emergency. More importantly, quick access to an emergency contact in a situation where the individual is in danger or is unable to communicate could mean the difference between life and death.

However, attaching more personally identifiable information (PII) to a vehicle record potentially adds risk for the public by increasing both the quantity of PII in the system and the number of people who have access to it. While there are strict security measures and certification requirements for all individuals who access MVD’s Tapestry system, there are some private businesses including vehicle dealerships that exclusively process vehicle transactions. MVD recommends limiting the potential exposure of PII by limiting the submission of emergency contact information in a State-run MVD office or in credential-issuance transactions only. This suggested change would eliminate the possibility of PII being shared through dealerships.

TRD also notes a potential problem and recommends an amendment.

MVD agents will need to offer and explain the service to every customer. Here, MVD cannot automatically pass address or other contact information as it will often be different than what is contained on the actual record. This would add two to three minutes or more to each vehicle registration transaction, although it should be limited mostly to first time participants. Field offices will see an average wait time increase, while MVD currently struggles to meet its current Key Performance Indicator average wait time of 15 minutes.

To further mitigate both the risk of exposure of PII and increased wait times in field offices, New Mexico MVD also suggests an amendment to the bill instead requiring that MVD create and maintain an electronic form on the MVD website whereby a citizen may enter their emergency contact information. The citizen would be provided with a statement explaining how access to that information is limited as paragraph C specifies.

PERFORMANCE IMPLICATIONS

Because this will add a two to three minutes per transaction for first time respondents, MVD will struggle even more to meet its current key performance indicator average wait time of 15 minutes.

ADMINISTRATIVE IMPLICATIONS

TRD notes significant complexity in implementing this emergency contact database.

MVD will create an emergency contact information form for voluntary submission to MVD. Implementation of this bill requires Tapestry system changes for both Vehicle and Driver Service transactions and other interfaces such as the keying, Online, IVR and Kiosk interfaces. This bill will require significant changes to MVD's interface with the Department of Public Safety. It would also be important to allow this data to be available in the National Law Enforcement Telecommunications System (NLETS). Resources and testing would be needed from the TRD Information Technology Division (ITD), as well as contract resources from FAST, New Mexico Interactive, and DPS. The estimated time to develop, test and implement the changes is approximately 960 hours or 6 months, and approximately \$299,149 (\$200 thousand contractual resources and staff workload costs of \$99.1 thousand for two state ITD resources).

Considering the effort, the effective due date of June 18, 2021 will not be feasible. A more feasible effective date would be January 1, 2022.

MVD also recommends limiting the potential exposure of personal identifying information by limiting the submission of emergency contact information in a state-run MVD office or in credential-issuance transactions only.

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