

MVD Procedural Quick Update

#77rev2

RE: NCIC Check in Background – Field Office Process
Effective date: Immediate

Date: December 31, 2008
To: All MVD
From: Mac Lewis, MVD Policy and Procedures Manager

[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]

NCIC checks are now run in the background (in MVD 2.0) on all vehicle title transactions. This PQU describes the process field offices must follow when the NCIC check returns an "Exception."

1. The MVD agent processing a vehicle title transaction should always collect all documents submitted, verify the documents, and place them in a secure location out of reach of the customer.
2. The NCIC check for vehicles will be run through MVD 2.0 in the background (like PDPS and SSOLV). This change does not apply to boat/vessel transactions.
3. It is very important that the VIN number be entered correctly. Always double check to verify that the VIN as entered in MVD 2.0 matches the VIN on the title work presented and the VIN found on inspection (if an inspection is performed).
4. If for any reason NCIC is unavailable, a message will appear that says, "NCIC is temporarily unavailable – try again." In that case, do not resubmit immediately, but try again in a minute or two. Those offices with 56K connections will need to wait longer before trying again, as each submission attempt will take several minutes.

Do NOT resubmit more than three (3) times.

5. If NCIC continues to be unavailable after three attempts, ask the customer to return later in the day or in a day or two to complete the transaction. You should give the customer a Notice of Additional Requirements (MVD-10282), with the "NCIC Clearance" entered in the "Additional Requirements" section, and mark it as a no-wait return.
6. If the VIN comes back clear, the transaction will be allowed to continue.
7. If the VIN comes back with something other than clear, the transaction will be stopped and one of the following messages will appear on the screen, depending on whether the field office is a state, county/municipal or private retail agent (PRA) office:

In State & County/Municipal Offices:

"An Exception has occurred; please contact a Manager or Supervisor."

In Private Retail Agent (PRA) Offices:

"An Exception has occurred; please call (505) 827-2223 for assistance. If there is no answer at that number, try (505) 827-1003 next, then (505) 476-3120, then call the Field Operations Help Desk at (888) 683-4636 (and press the # key twice)."

Always check first to be sure that the VIN was entered correctly, based on the title paperwork and (if applicable) the VIN inspection. If not, correct the VIN and resubmit.

Process to be followed by Managers & Supervisors after reviewing the record:

1. In State & County/Municipal Offices: If the VIN number is not an exact match to a stolen vehicle VIN the transaction can be run (in state and county/municipal offices) with a Manager/Supervisor override. If no Manager or Supervisor is available, a Manager or Supervisor from another office can be contacted for assistance. The override process is the same as for one-to-one, PDPS and SSOLV overrides.

In some situations a transaction can be run with a Manager/Supervisor override even though the VIN is an exact match to a stolen vehicle VIN. This can only happen if:

- an insurance company is applying for title on the stolen car, or the registered owner or lienholder is applying for a duplicate title; and
- complete documentation, as set forth in the MVD Vehicle Procedures Manual Chapter 8 Section T, is provided (possibly by fax or email from the insurance company or lienholder), and comments recorded in the MVD 2.0 transaction comments.

NCIC VIN overrides (as with other transactions) are subject to audit at any time.

2. In Private Retail Agent (PRA) Offices: When appropriate, an override can be performed by MVD personnel in Santa Fe (contacted by calling one of the numbers listed above).
3. If the NCIC record shows "VIN does not conform," a VIN inspection is required.

- If the actual VIN is different from that shown on the submitted documents, the title will have to be corrected before the transaction can be processed.

If the title was issued by another jurisdiction (it is an out-of-state title), advise the customer to contact the other jurisdiction to resolve the discrepancy.

If it is a New Mexico title, advise the customer that there is a problem with the title that we will need to research, and that you will get back to the customer when the issue has been resolved. Be sure to get the customer's daytime phone number.

Then send an email to nm.ncic@state.nm.us with "VIN Error Resolution" in the subject line. The email must include the field office contact name (requestor) and phone number; the VIN on the title; the title number; the title issue date; and the VIN on the vehicle.

- If the VIN is the same as initially entered, and:
 - a. the vehicle's model year is 1980 or earlier, an override may be performed; but,
 - b. if the model year is after 1980, the vehicle must be referred to law enforcement for a level 3 VIN inspection. If the level 3 inspection comes back clear from law enforcement, proceed with an override. If not, we cannot proceed with the transaction.

4. It is important that the field office make and keep copies of all submitted documents and contact local Police if the NCIC record shows any of the following:

- VIN is exact match of a stolen vehicle;
- Wanted/Warrant for a Person or Persons; or
- Missing Person

If the NCIC record shows a stolen vehicle, want, warrant or missing person, MVD field office personnel should immediately call local law enforcement.

Do not ever attempt to stall or detain a suspect. We are not law enforcement.

If the NCIC record shows any of those (stolen vehicle, want, warrant or missing person), tell the customer, "There seems to be some issue with your documents, and we'll need to do some research. May we please have a telephone number where we can contact you when the issue has been clarified?" Do not ever tell the customer the specifics of an NCIC exception record. If asked for specifics, tell the customer, "It's not clear what the problem is." Take the customer's telephone number and send him on his way.

If a customer demands his documents and wants to leave at any point in the process, return the original documents (keeping the copies) and allow him to leave. **Do not ever** do anything to put yourself or your co-workers in danger. Your safety and the safety of your co-workers and the public **always** comes first.

If the customer leaves before a law enforcement officer arrives, the agent should be sure to immediately complete the Incident Reporting Guide form (MVD-10017). Keep a copy, and give the original to the law enforcement officer.

Required log of all NCIC-related referrals to law enforcement agencies

Every office is required, effective immediately, to maintain a log in which all NCIC-related referrals to law enforcement are recorded at the time the contact with law enforcement is made. Each log entry must include:

- date and time of referral/contact
- customer name
- vehicle identification number (VIN)
- law enforcement agency contacted
- name of individual contacted at law enforcement agency
- name of MVD manager, supervisor or agent making the call

Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to mac.lewis@state.nm.us. Others are encouraged to direct comments or questions by phone to (888) 683-4636.
