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FISCAL IMPACT REPORT

SPONSOR HJC DATE TYPED 3/17/05 HB 785/HJCS

SHORT TITLE Commercial Driver's License Background Checks SB _____

ANALYST Ford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From

Public Education Department (PED)

Taxation and Revenue Department (TRD)

Department of Public Safety (DPS)

SUMMARY

Synopsis of Bill

The House Judiciary Committee substitute for House Bill 785 provides procedures for background checks of applicants for a hazardous material endorsement on a commercial drivers license that are required by federal law.

The bill provides for confidentiality of information received pursuant to background checks and specifies that such information shall be released only to the subject of the background check and the Motor Vehicle Division (MVD) of TRD.

The bill further provides that the fee charged for the background check shall be borne by the subject of the background check or his/her employer.

The bill provides that the results of a background check shall be subject to protest, appeal or consideration of mitigating circumstances if used as a basis to disqualify a driver. The bill creates a new section requiring the transportation security administration (TSA) of the department of homeland security to provide for an appeal of a disqualification for a commercial driver's license

hazardous materials endorsement. The bill requires the TRD to provide a copy of the procedures established by the TSA, upon request.

Finally, the bill provides that New Mexico shall conform to the federal TSA rules and review a maximum of 7 years for a background check.

Significant Issues

The bill creates a new section requiring the TSA to establish appeal procedures. New Mexico does not have the authority to enact a state law requiring the federal TSA to enact procedures. If TSA has existing procedures or creates procedures, a New Mexico law can require a state agency to provide information regarding those procedures.

FISCAL IMPLICATIONS

The bill requires commercial driver's license applicants or their employers to pay for the background check. Thus, there should be no fiscal impact to the state.

ADMINISTRATIVE IMPLICATIONS

The proposed legislation will require TRD to develop various rules to implement the provisions of this bill.

TECHNICAL ISSUES

On pages 9 and 10, Subsection N may not have any impact on the federal TSA since states cannot enact requirements for federal agencies.

EF/YR