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FISCAL IMPACT REPORT

SPONSOR Gardner ORIGINAL DATE 2/12/2007
LAST UPDATED 3/13/2007 HB 425/aHTPWC
SHORT TITLE Motor Carrier Drug Test Reporting SB _____
ANALYST Schuss

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$100.0	\$100.0	\$200.0	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Motor Transportation Division (MTD)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of HTRC Amendment

This amendment clarifies what is to be done when a positive test result is deemed valid. Subsection C now reads:

When a medical review officer of a motor carrier's testing program or of the consortium to which the motor carrier belongs determines that a positive test result is valid, the officer shall report the findings to the Motor Vehicle Division of the Taxation and Revenue Department. *The Motor Vehicle Division shall enter the positive test results in the commercial driver's license information system pursuant to the New Mexico Commercial Driver's License Act.*

Synopsis of Original Bill

House Bill 425 adds a new section to the Motor Carrier Safety Act. It requires that a motor carrier have an in-house drug and alcohol testing program that meets the Federal Motor Carrier Safety Administration regulations on controlled substances and alcohol use and testing. If the motor carrier is a member of a consortium as defined by federal regulations then the consortium must meet federal testing regulations as well.

At the time registration or renewal of a commercial motor vehicle, a motor carrier shall certify to the Motor Vehicle Division of the Taxation and Revenue Department that they are in compliance with the regulations. If a positive test result is determined to be valid then the findings shall also be reported to the Motor Vehicle Division of the Taxation and Revenue Department.

FISCAL IMPLICATIONS

TRD reports a need for 2 FTE's and the estimated costs which include salary, benefits, equipment, and offices/desks, etc. would be approximately \$100,000.

No fiscal implications were reported by the Motor Transportation Division.

SIGNIFICANT ISSUES

HB 425 requires that compliance of regulations and the findings of positive test results be reported to the Motor Vehicle Division of the Taxation and Revenue Department.

ADMINISTRATIVE IMPLICATIONS

TRD notes the following impact:

Implementation of House Bill 425 would require two additional full time employees (FTE) to ensure that proper action is taken and that accurate records are maintained.

1. One FTE to track and maintain records of all motor carriers' or consortia's compliance with the requirement for in-house drug and alcohol testing programs that meet federal requirements.
2. One FTE to track and maintain records of CDL drivers' positive tests results as reported by medical review officers of motor carriers' testing programs.

TECHNICAL ISSUES

According to TRD, the bill does not contain a provision for what Motor Vehicle is to do with the records of positive test results. Suggested additional language to the bill;

C. When a medical review officer of a motor carrier's testing program or of the consortium to which the motor carrier belongs determines that a positive test result is valid, the officer shall report the findings to the motor vehicle division of the taxation and revenue department. The motor vehicle division shall keep the report as part of its official records."

It is not clear what action would be taken if a determination is made that a motor carrier or consortium is not in compliance with the in-house drug and alcohol testing program certification and reporting requirements.

BS/nt