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FISCAL IMPACT REPORT

ORIGINAL DATE 2/6/2009

SPONSOR Miera LAST UPDATED _____ HB 335

SHORT TITLE Traffic Safety Bureau Powers & Duties SB _____

ANALYST Moser

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$10.0		\$10.0	Non- Recurring	State Road Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Transportation (NMDOT)

SUMMARY

Synopsis of Bill

House Bill 335 clarifies NMDOT Traffic Safety Bureau's authority to administer the driving school and ignition interlock programs as provided within the Motor Vehicle Code. SB 335 also gives the NMDOT Traffic Safety Bureau the authority to obtain nationwide criminal history records from persons applying for a driving school instructor license and for a license to provide and install ignition interlock devices. The intent of the bill is to protect members of the public and state interests, and further ensure the health and safety of vulnerable populations such as teenage driving school students and indigent clients who participate and pay for State-mandated DWI programs.

Applicants shall submit a set of fingerprints to the NMDOT for a nationwide criminal history screening, and the Department of Public Safety shall accept from the NMDOT such fingerprints for the purpose of conducting a nationwide criminal history screening. The bill gives the NMDOT Traffic Safety Bureau the discretion to deny a license application if the applicant's record shows that he or she represents a risk to the public or to the State.

FISCAL IMPLICATIONS

The NMDOT will absorb the start-up and operating costs using existing operating budget. The NMDOT will purchase a fingerprint card scanner (\$8,000), a computer and a printer (\$2,000), and miscellaneous supplies. The applicants will pay the existing screening application rate (approximately \$65).

SIGNIFICANT ISSUES

The NMDOT Traffic Safety Bureau is statutorily required to license and certify all driver education, driver safety, DWI school and ignition interlock providers in the State on a yearly basis. Current regulations require applicants to submit a DPS (State) background check as part of the screening process to reveal any criminal convictions that have occurred within the State. The existing screening process does not capture FBI (national) information, which means that an applicant disqualified in another state because of his criminal background may simply move to New Mexico to continue working in this area.

In 2008, NMDOT approved: 32 driver education schools and 98 instructors; 15 driver improvement schools and 29 instructors; 30 DWI Schools and 64 facilitator instructors; 55 ignition interlock service centers, 116 interlock installers and 32 interlock service technicians.

State agencies requesting nationwide criminal record checks are required by FBI regulations to have statutory authority to request and obtain this information.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

NMDOT will only be able to identify applicants with criminal convictions in New Mexico. Any criminal convictions from other states may not be identified during the licensure and screening processes. Therefore, individuals may be licensed in New Mexico who may have a disqualifying criminal conviction from another state.

GM/mt