

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: CS/HB 183

51st Legislature, 1st Session, 2013

Tracking Number: .192640.2

Short Title: Commercial Driver's License Retesting

Sponsor(s): Representative James R.J. Strickler and Others

Analyst: Kevin Force

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**HOUSE TRANSPORTATION AND PUBLIC WORKS COMMITTEE SUBSTITUTE
FOR HOUSE BILL 183**

Bill Summary:

CS/HB 183 would amend the *New Mexico Commercial Driver's License Act* to:

- allow applicants who fail their commercial driver's license (CDL) test to retake:
 - the knowledge test no more than twice a week; and
 - the skills test no more than three times a year; and
- require applicants who fail either the knowledge or the skill section of their CDL test five times to complete a state-recognized commercial driving training program.

Fiscal Impact:

HB 183 does not contain an appropriation.

Substantive Issues:

Under current law, those who fail the test may take neither part of the test more than three times a year.

According to the Taxation and Revenue Department (TRD):

- federal Motor Carrier Safety Administration (FMCSA) regulations do not impose any limits on the number of times a person can test for a commercial driver's license or the time frame for testing;
- New Mexico's limit on the number of times and the time frames was found to be a noteworthy business practice in the 2008 FMCSA audit;
- more practical approaches may include:
 - increasing the number of allowed attempts (e.g. to six times within one year);
 - replacing the three times per year limit with a specified period the applicant must wait (e.g. one week or one month) before retesting; and

- allowing a set number of attempts after which a specified waiting period would be required before the next retest; and
- this bill could impact highway safety in that an applicant who cannot pass the test after several attempts may be unfit to drive a commercial motor vehicle.

According to the TRD analysis of HB 97 (2009)¹, another bill that proposed to amend the same section of law, because a CDL is generally necessary for a commercial driver to earn his or her income, it may be appropriate to allow more frequent test attempts.

Committee Referrals:

HJC/HTPWC

Related Bills:

*HB 132 *Limit Issuance of Driver's Licenses*
*HB 161 *Driver's Licenses for Foreign Nationals*
HB 486 *Commercial Driver's License Disqualification*
HB 491 *Clarify Commercial Driver's Permit Language*
SB 36 *Penalties for Certain Motor Offenses*
SB 95 *Driver's License Validity Periods*
SB 191 *Commercial Driver's License Disqualification*
SB 202 *Farm-Related Industries Driver's License*

¹ HB 97 (2009) would have allowed an applicant to attempt the test up to three times within a six-month period. If the applicant was not successful on the third attempt, he or she would not be permitted to take the test again for at least six months from the date of the third attempt.