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FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/13
 SPONSOR HTPWC LAST UPDATED 02/13/13 HB 183/HTPWCS
 SHORT TITLE Commercial Driver's License Retesting SB _____
 ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$0.0	\$0.0	\$0.0	Recurring	TRD Operating Budget

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 191, Commercial Driver's License Disqualification

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Transportation and Public Works Committee substitute for House Bill 183 amends the New Mexico Commercial Driver's License Act to indicate that to obtain a New Mexico driver's license a person must pass two distinct tests, a knowledge test and a skills test. Further, the bill provides that:

- 1) An applicant who does not pass a knowledge test may retake the knowledge test no more than two times per week and;
- 2) An applicant who does not pass a skills test may repeat the skills test no more than three times a year.

Finally, a new section provides that a commercial driver's license applicant who has failed the knowledge or skills test 5 times shall complete a state-recognized commercial driving training program.

FISCAL IMPLICATIONS

Note noted.

SIGNIFICANT ISSUES

The Legislative Education Study Committee provided the following background and history:

According to the Taxation and Revenue Department (TRD) analysis of HB 261 (2011), a bill that also proposed to amend this section of law:

- There were no legal or policy issues with that bill, as Federal Motor Carrier Safety Administration (FMCSA) regulations do not impose any limits of 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;
- Allowing “unlimited” testing of the knowledge portion of the examination “[would] likely result in”:
 - CDL applicants dominating the testing kiosks in Motor Vehicle Division field offices;
 - Limiting opportunity for other customers to use the kiosks for non-CDL testing and registration renewals; and
 - Increasing field office wait times.

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.

According to the TRD analysis of 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):

- Because a CDL is generally necessary for a commercial driver to earn their income, it may be appropriate to allow more frequent test attempts;
- Allowing more frequent attempts may compromise highway safety, if repeated testing allows marginally qualified commercial drivers to more easily obtain a CDL; and
- HB 97 (2009) would have made the CDL retesting provisions similar to those for non-commercial driver’s licenses.

CEB/svb:bm