

The substitute bill no longer requires an applicant for a commercial driver's license who has failed the skills test or the knowledge test five times to complete a state-recognized commercial driving training program.

FISCAL IMPLICATIONS

AOC analysis on a related bill states that there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and challenges to its enforcement.

DPS and TRD state no fiscal implications resulting from this bill.

SIGNIFICANT ISSUES

TRD analysis states that “The regulations from the Federal Motor Carrier Safety Administration (FMCSA) 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. However, New Mexico's current limitation on the number of times and time frames was found to be a noteworthy business practice in the 2008 FMCSA audit.”

It is possible that allowing more frequent attempts at retesting may compromise highway safety, if repeated testing allows marginally qualified commercial drivers to more easily obtain a CDL. With no requirement for a CDL applicant to improve knowledge and skills through a mandated, state-recognized commercial driving program, applicants may simply choose to wait until a year has passed to begin retaking the tests, with no improved knowledge or skills.

However, HB 48 maintains at the current level the number of times per year that a person may take the skills test; it does increase substantially the number of times a person may retake the knowledge test from three times per year to twice a week.

PERFORMANCE IMPLICATIONS

TRD analysis states: “Minor Impact. As a practical matter, allowing CDL applicants to take the CDL knowledge test twice a week without increasing the number of testing stations in each field office may slightly reduce the availability of the testing units for other (CDL and non-CDL) customers at times.”

RELATIONSHIP

HB 48 is closely related to SB 41.

CAC/ds:svb