FISCAL IMPACT REPORT

SPONSOR: Vigil   DATE TYPED: 03/09/03   HB   397/aHGUAC/aHTC/aHJC

SHORT TITLE: Create Motor Transportation Division   SB

ANALYST: Gilbert

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	**FY04**	**FY03**	**FY04**		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General's Office (AGO)
Motor Transportation Division (MTD)

SUMMARY

Synopsis of HJC Amendment

House Judiciary Committee amendment to House Bill 397 makes several non-substantive technical corrections.

Section 6, pertaining to qualifications of an officer, is amended to add a new subsection (D) specifying that at the time of their appointment, officers must hold a high school diploma or equivalent.

Synopsis of HTC Amendment

The House Taxation Committee amendment to House Bill 397, Section 10 pertaining to duly commissioned officers of the division, changes the definition of ex-officio deputies and agents as outlined below:

B. ex-officio deputies and agents of the officers of the taxation and revenue department and of the officers and departments within the state charged with registration of motor vehicles, the issuance of licenses to operators of motor vehicles and of the offi-

~~cers and departments of the state charged with the regulation and control of motor ve-~~
~~hicles operated upon the public highways for hire in the transportation of either pas-~~
~~sengers or property~~; and

Synopsis of HGUAC Amendment

The House Government and Urban Affairs Committee amendment to House Bill 397, clarifies that the Motor Transportation Division (MTD) is being "organized vs. "created" and adds a high school diploma or equivalent to the required minimum qualifications for a MTD officer.

Synopsis of Original Bill

House Bill 397 amends NMSA 1978, § 29-2-1.1, to create the "motor transportation division" within the Department of Public Safety (DPS). This bill would also create a petty misdemeanor for the crime of unauthorized wearing of a uniform or badge of the motor transportation division. The bill also defines unauthorized marking of a motor vehicle, but fails to specify any penalty for the commission of act.

HB 397 authorizes motor transportation division commissioned officers to be:

❑ Conservators of the peace within the state, with full power to apprehend, arrest and bring before the proper court all law violators within the state;

❑ Ex-officio deputies and agents of the officers of the taxation and revenue department and of the officers and departments within the state charged with registration of motor vehicles, the issuance of licenses to operators of motor vehicles and of the officers and departments of the state charged with the regulation and control of motor vehicles operated upon the public highways for hire in the transportation of either passengers or property; and

❑ Charged with the enforcement of all laws of the state regulating the use of highways."

Significant Issues

The April 30, 2002, Legislative Finance Committee DPS performance audit recommended that DPS should statutorily strengthen components of its law enforcement program.

ADMINISTRATIVE IMPLICATIONS

HB 397 provides no funding for the reorganization of this division.

TECHNICAL ISSUES

According to the Motor Vehicle Division, qualifications in NMSA 1978, § 29-19-5 differ from the Law Enforcement Training Act, Sec. NMSA 1978, § 29-2-1 et seq.

RLG/njw:sb/ls