

FORTY- SEVENTH LEGISLATURE
FIRST SESSION, 2005

SB 243/a

February 18, 2005

Madam President:

Your JUDICIARY COMMITTEE, to whom has been referred

SENATE BILL 243

has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 1, line 22, after "VIOLATIONS" insert "; CHANGING A DEFINITION; CHANGING PROVISIONS TO COMPLY WITH FEDERAL REQUIREMENTS".

2. On page 10, line 14, strike "commercial".

3. On page 11, between lines 22 and 23, insert the following new section:

"Section 3. Section 66-5-58 NMSA 1978 (being Laws 1989, Chapter 14, Section 7, as amended) is amended to read:

"66-5-58. EMPLOYER RESPONSIBILITY. -- It is unlawful for an employer [shall not] to knowingly allow, require, permit or authorize a driver to drive a commercial motor vehicle during a period in which:

A. the driver has a driver's license suspended, revoked or canceled by a state, has lost the privilege to drive a commercial motor vehicle in a state or has been disqualified from driving a commercial motor vehicle;

B. the driver has more than one driver's license as of the effective date of the provisions of the New Mexico Commercial Driver's License Act;

C. the driver, the commercial motor vehicle the driver is driving or the motor carrier operation of the employer is subject to an out-of-service order; or

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D. the driver has been convicted of a railroad-highway grade crossing violation. "".

4. Renumber the succeeding sections accordingly.

5. On page 12, lines 6 and 7, strike "developed by the department".

6. On page 13, line 20, strike "division" and insert in lieu thereof "applicant".

7. On page 13, line 25, strike "division" and insert in lieu thereof "applicant".

8. On page 15, line 20, after "year" insert ", which shall run concurrently with any revocation or suspension action for the same offense, "".

9. On page 16, between lines 3 and 4, insert the following new paragraph to read:

"(3) submits to chemical testing pursuant to the Implied Consent Act and the test results indicate an alcohol concentration of four one hundredths or more if the person is driving a commercial motor vehicle;".

10. Renumber the succeeding paragraphs accordingly.

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Respectfully submit ted,

Cisco McSorley, Chair man

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against
Yes: 6
No: 0
Excused: Harden, McSorley, Payne, Rainaldi
Absent: None

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