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FISCAL IMPACT REPORT

SPONSOR Vigil DATE TYPED 3/11/05 HB 669/aSCORC

SHORT TITLE Create Motor Transportation Division SB _____

ANALYST Peery

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY05 | FY06 | FY05 | FY06 | | |
| | NFI | | | | |

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 395.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of Amendment

The Amendment for House Bill 669 clarifies the Motor Transportation Division has the primary responsibility of enforcing the Motor Carrier Act, the Motor Transportation Act and the Motor Vehicle Act and in emergency situations the Criminal Code.

Synopsis of Original Bill

House Bill 669 provides an organizational structure, authority to enforce provisions of the criminal code and defines administration of the Motor Transportation Division within the Department of Public Safety. Also, the bill creates criminal offenses regarding and providing penalties for misuse of a motor transportation division uniform, badge or vehicle.

Significant Issues

Currently the Motor Transportation Division is defined in the provisions of the Motor Carrier

Act, Motor Transportation Act and Motor Carrier Safety Act (65-1-6 through 65-1-9 NMSA 1978) and other laws regulating commercial motor vehicles to include patrolling highways and establishing ports-of-entry and roadblocks (95-1-2 (J) NMSA 1978 and 65-1-11 NMSA 1978). The division obtains the authority to enforce the Motor Vehicle Code pursuant to Section 66-2-12 (B) NMSA 1978. Motor Transportation Division had the authority to enforce the Drug Enforcement Act up until 1998.

PERFORMANCE IMPLICATIONS

DPS states the proposed legislation expands the Motor Transportation Division's authority to enforce provisions of the criminal code, which they feel diminishes and dilutes the capacity of the division to enforce the laws for which they were created.

Motor Transportation Division consists of 147 authorized law enforcement officers who are commissioned as police officers, as defined in Section 29-7-7 NMSA 1978, by the director of the division. Motor Transportation Division officers deal in the course of their duties with drug trafficking, drug usage, concealed identity and other issues that are under the Criminal Code. Motor Transportation Division officers also serve as backup for the State Police and other law enforcement agencies dealing with issues such as, domestic violence, theft, aggravated assault. The officers currently have no enforcement authority to deal with these issues that come under the Criminal Code.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 395 is identical to House Bill 669.

TECHNICAL ISSUES

DPS states that in the proposed legislation where the word "chief" appears should be replaced with the work "director", and where the word "deputy chief" appears should be replaced with the work "deputy director".

OTHER SUBSTANTIVE ISSUES

DPS recommends amending the proposed legislation by striking "and the Criminal Code" from page three line 24.

RLP/rs:yr