

AN ACT

RELATING TO MOTOR CARRIERS; REPORTING OF POSITIVE DRUG AND ALCOHOL TESTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Motor Carrier Safety Act is enacted to read:

"DRUG AND ALCOHOL TESTING PROGRAM--REPORT OF POSITIVE TEST.--

A. A motor carrier shall have an in-house drug and alcohol testing program that meets the requirements of 49 C.F.R. part 382 or be a member of a consortium, as defined in 49 C.F.R. 382.107, that provides testing that meets the requirements of C.F.R. part 382.

B. At the time of registration or renewal of registration of a commercial motor vehicle, a motor carrier shall certify to the department and to the motor vehicle division of the taxation and revenue department that the motor carrier is in compliance with the requirements of Subsection A of this section. If the motor carrier is a member of a consortium, the motor carrier shall provide the names of the persons who operate the consortium.

C. When a medical review officer of a motor carrier's testing program or of the consortium to which the motor carrier belongs determines that a positive test result

