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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/17/07  
 LAST UPDATED 3/10/07      HB 701/aSPAC

SPONSOR Vigil

SHORT TITLE Commercial Driver's License Test Limits      SB \_\_\_\_\_

ANALYST Earnest

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files  
 Taxation and Revenue Department (TRD)

Responses Received From  
 Taxation and Revenue Department (TRD)

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee (SPAC) amendment reduces the number of times an applicant may take a commercial drivers' license test to three times in a three-month period. If the applicant fails on the third attempt, the applicant would not be allowed to take the test again for one year.

#### Synopsis of Bill

House Bill 701 would increase the number of times a commercial driver's license (CDL) applicant may take the knowledge and skills tests required for a CDL. The provisions of the bill would allow the applicant 6 attempts to pass the test in a six month period. If the applicant fails on the sixth attempt they would not be allowed to take the test again for one year. The current statute allows 3 attempts a year within one year.

### FISCAL IMPLICATIONS

None identified.

**SIGNIFICANT ISSUES**

According to TRD, the current statute was instituted as the result of serious concerns expressed by federal regulators. When this provision was put into law the Federal Motor Carrier Safety Administration (FMCSA) complimented NM on its efforts. Although it is not a federal mandate, FMCSA discourages states from allowing applicants to continually retest until they pass. The CDL should be issued to applicants who have demonstrated the ability to drive. Removing this provision would be considered a step backwards in the state's attempt to comply with FMCSA.

BE/mt