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## FISCAL IMPACT REPORT

ORIGINAL DATE 02/16/11

SPONSOR Vigil LAST UPDATED 03/10/11 HB 414/aHTPWC

SHORT TITLE Commercial Motor Carrier Inspections SB \_\_\_\_\_

ANALYST Lucero

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY11 | FY12 | FY13 | 3 Year<br>Total Cost | Recurring<br>or Non-Rec | Fund<br>Affected |
|--------------|------|------|------|----------------------|-------------------------|------------------|
| <b>Total</b> |      | NFI  | NFI  |                      |                         |                  |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of HTPWC Amendment

House Transportation and Public Works Committee Amendment to House Bill 414 removes language from current state statute in order to comply with the federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). The act provides guidance to states on the type of documents that can be requested from interstate commercial vehicle drivers.

#### Synopsis of Original Bill

House Bill 414 amends Section 65-1-6 and Section 65-5-1 NMSA 1978 of the Motor Transportation Act to provide the authority to carry out field enforcement of the Act whenever the officer stops a commercial motor carrier vehicle being operated in violation of the Motor Transportation Act, the Motor Carrier Act, the Motor Vehicle Code, or the Criminal Code.

### FISCAL IMPLICATIONS

No fiscal impact.

## **SIGNIFICANT ISSUES**

The HTPWC amendment brings the current state statute into federal compliance SAFETEA-LU 2005 which identifies the type of documents that can be requested from commercial vehicle drivers engaged in interstate commerce. The federally allowable documents include registration, hazardous materials credentials, federal vehicle inspection standards and international fuel tax agreement.

The bill provides motor transportation officers additional authority so they can enforce the Motor Transportation Act and the Motor Carrier Act in the field as well as at ports of entry. The bill would resolve legal challenges to field enforcement efforts.

The Department of Public Safety (DPS) reports:

The bill provides the Motor Transportation Program (MTP) the legislative authority to conduct field enforcement (roadside) inspections. MTP must conduct 30% of inspections as traffic enforcement inspections. There have been four decisions from US District Court determining MTP officers do not have the legislative authority (state or federal) to conduct roadside inspections during evidence suppression hearings. The four cases totaled 4,000 pounds of illegal contraband. At the current time, the US Attorney will not adopt any case, regardless of amount, until this bill is enacted. This bill provides the legislative authority.

## **ADMINISTRATIVE IMPLICATIONS**

DPS notes without field enforcement authority, MTP may not meet the requirements of the federal Annual Commercial Vehicle Safety Plan in reference to the amount of traffic enforcement inspections to be conducted which could lead to a possible reduction in federal funding.

DL/svb:mew