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FISCAL IMPACT REPORT

ORIGINAL DATE 02/06/14

SPONSOR SJC LAST UPDATED _____ HB _____

SHORT TITLE Commercial Driver's License Retesting SB 41/SJCS

ANALYST Cerny

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI	NFI	NFI	Recurring	TRD Operating Budget

(Parenthesis () Indicate Expenditure Decreases)

Duplicates House Bill 48

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Department of Public Safety (DPS)

Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

The Senate Judiciary Committee substitute for Senate Bill 41 amends the New Mexico Commercial Driver's License Act (Section 66-5-60 NMSA 1978), to specify that a commercial driver's license applicant must pass two separate tests: a knowledge test and a skills test.

The bill increases the frequency with which an applicant who does not pass the required knowledge test may repeat the test. Under current law, an applicant may repeat each test no more than three times within one year.

SB 41 permits an applicant to repeat the knowledge test no more than twice a week. The allowable frequency with which one may repeat the skills test remains at no more than three times a year.

The substitute bill no longer requires an applicant for a commercial driver's license who has failed the skills test or the knowledge test five times to complete a state-recognized commercial driving training program.

FISCAL IMPLICATIONS

AOC analysis states that there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and challenges to its enforcement.

DPS and TRD analysis states no fiscal implications resulting from this bill.

SIGNIFICANT ISSUES

TRD analysis states that “The regulations from the Federal Motor Carrier Safety Administration (FMCSA) do not impose any limits on the number of times a person can test for a commercial driver's license or the time frame for testing. However, New Mexico's current limitation on the number of times and time frames was found to be a noteworthy business practice in the 2008 FMCSA audit.”

It is possible that allowing more frequent attempts at retesting may compromise highway safety, if repeated testing allows marginally qualified commercial drivers to more easily obtain a CDL. With no requirement for a CDL applicant to improve knowledge and skills through a mandated, state-recognized commercial driving program, applicants may simply choose to wait until a year has passed to begin retaking the tests, with no improved knowledge or skills.

However, SB 41 maintains at the current level the number of times per year that a person may take the skills test; it does increase substantially the number of times a person may retake the knowledge test from three times per year to twice a week.

PERFORMANCE IMPLICATIONS

TRD analysis states: “Minor Impact. As a practical matter, allowing CDL applicants to take the CDL knowledge test twice a week without increasing the number of testing stations in each field office may slightly reduce the availability of the testing units for other (CDL and non-CDL) customers at times.”

DUPLICATION

HB 48 duplicates this bill.

CAC/ds