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## FISCAL IMPACT REPORT

SPONSOR Harper/Garcia LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 2/23/2023  
BILL  
SHORT TITLE Restricted License Experts NUMBER House Bill 267  
ANALYST Hanika-Ortiz

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
TRD (contracts and staff workload)	No fiscal impact	\$42.5	No fiscal impact	\$42.5	Nonrecurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Responses Received From

Taxation and Revenue Department (TRD)

## SUMMARY

### Synopsis of House Bill 267

House Bill 267 (HB267) amends Section 66-5-19 NMSA 1978 (Motor Vehicle, Restricted Licenses) to remove the health standards advisory board and its role in evaluating health impairment and making a recommendation relating to the issuance of a restricted driver's license. Instead, the bill would allow the Motor Vehicle Division (MVD) to seek the advice of experts to advise on physical and mental health and vision standards relating to the licensing of drivers.

The bill says if MVD has cause to believe a driver may not be qualified to be licensed, it may request a written report from a healthcare provider of the driver's choice, after the driver has again undergone an on-the-road exam and any physical, visual, or mental tests required by the division. The reports received by MVD, for the purpose of determining whether a person is qualified to be licensed, are confidential and shall not be divulged to any person or used as evidence in a trial.

Lastly, the bill repeals Section 66-5-6 NMSA 1978 (health standards advisory board).

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023,

(90 days after the Legislature adjourns) if signed into law.

## **FISCAL IMPLICATIONS**

TRD estimates the value of the time to develop, test, and implement computer systems related to the bill is \$42.5 thousand.

Presumably, the driver will incur the costs to obtain the examination and reports requested.

## **SIGNIFICANT ISSUES**

TRD says HB267 streamlines the way MVD evaluates records to determine if a driver should be granted a license, with or without restrictions. Under current law, MVD may employ medical experts to review records, but statute limits them to \$50 per hour and working no more than 20 hours per week. The bill would allow MVD to rely on healthcare records submitted by the driver.

The bill also would abolish the obsolete health standards advisory board. The board was created to advise MVD on review of driver medical records, but review criteria are now established in regulations. In addition, MVD had not been able to find physicians willing to be board members.

## **PERFORMANCE IMPLICATIONS**

The Americans with Disabilities Act passed in 1990 and amended in 2008, prohibits DMVs from denying an individual a license solely because they are afflicted with a disability.

## **ADMINISTRATIVE IMPLICATIONS**

The bill removes the advisory board functionality. MVD staff will now evaluate the extent of physical, visual, or mental impairment and, if there is reason, may request a written report from the healthcare provider of the driver's choice, which may not be a physician or nurse practitioner.

MVD will create the form a healthcare provider will use to help justify a driving privilege.

## **OTHER SUBSTANTIVE ISSUES**

When operational, the "health standards advisory board" consisted of five members of the "healing arts professions" that advised MVD on physical and mental criteria and vision standards relating to licensing drivers. The board formulated its advice from records or caused an examination and report to be made. The driver could have a written report forwarded to the board by a healing arts practitioner of their choice, and the board would consider it but only after the driver had again undergone an on-the-road examination and any physical, visual, or mental tests as recommended by the board.

AHO/al/hg