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## FISCAL IMPACT REPORT

SPONSOR Garcia, H. LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 2/13/2023  
BILL \_\_\_\_\_  
SHORT TITLE Emergency Suspension of Trucking Laws NUMBER House Bill 270  
ANALYST Simon

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 80

### Sources of Information

LFC Files

#### Responses Received From

Department of Transportation (NMDOT)

Department of Public Safety (DPS)

Office of Attorney General (NMAG)

## SUMMARY

### Synopsis of House Bill 270

House Bill 270 would authorize the secretary of transportation to suspend or modify vehicle size, weight, and load requirements during a declared state or federal emergency. Orders would need to be posted on the department's website.

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

Analysis from NMDOT states the agency might see a temporary reduction in permit fees in the event an emergency is declared; however, the department anticipates any impact to be de minimus.

## **SIGNIFICANT ISSUES**

HB270 would allow the secretary of transportation to temporarily waive requirements for the maximum weight of commercial vehicles during a declared state or federal emergency. Currently, federal regulations allow for exemptions to weight and size requirements for a commercial vehicle to provide relief during a declared emergency. See 49 CFR Section 390.23. Under that federal regulation, the suspension is limited to 30 days, unless extended by the Federal Motor Carrier Safety Administration. In 2022, 33 states declared an emergency to provide exemptions to commercial vehicles requirements. Declarations were made in response to wildfires (for example, in California, Oregon, and Texas), tropical storms (for example, in Florida and Georgia), or for severe storms and tornadoes (for example, in Iowa, Kentucky, North Dakota, Oklahoma, and other states).

Analysis from the Department of Transportation (NMDOT) states the agency currently cannot make an immediate suspension of New Mexico's requirements pursuant to a nationwide suspension. The department states without the ability to make an immediate suspension, there could be delays in the delivery of goods and services needed to address the declared emergency.

If HB270 were to pass and the secretary were to declare a suspension, the Department of Public Safety indicates it would recommend the secretary of transportation restrict orders to designated routes, so that overweight carriers do not travel on roadways that are not built for the weight of the vehicle.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

NMDOT notes House Bill 80 would limit an emergency declaration to 90 days, which would limit the period of any suspension to 90 days if both bills are enacted. Nationwide suspensions are limited to 30 days, unless renewed by the Federal Motor Carrier Safety Administration.

JWS/al/ne