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FISCAL IMPACT REPORT



SPONSOR: Vigil DATE TYPED: 02/06/02 HB 219

SHORT TITLE: Commercial Motor Vehicle Definitions SB _____

ANALYST: Belmares

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Department of Public Safety (DPS)
 State Highway and Transportation Department (SHTD)
 Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

House Bill 219 updates the definition of a “commercial motor carrier vehicle” and “commercial Motor Vehicle” in the Motor Transportation Act, the Motor Carrier Safety Act and the Motor Vehicle Code, in order to comply with federal regulations.

Significant Issues

The current state definition of “commercial motor vehicle” is not compatible with the revised federal definition and is no longer compatible with 49 CFR 390 (Title 49 of the Code of Federal Regulations, Part 390). The current state definition is similar to the federal definition of “commercial motor vehicle” and was initially established to mirror the federal definition; however, the federal definition has been revised resulting in an incompatible state definition when compared to the federal definition. The Motor Transportation Division (MTD) of DPS has adopted the revised federal definition through Title 18 Transportation and Highways, Chapter 2 Motor Carrier Regulation, Part 3 Motor Carrier Safety.

HB 219 modifies the definition of a “commercial motor carrier vehicle” for purposes of the Motor Transportation Act, the Motor Carrier Safety Act and the Motor Vehicle Code. In effect, HB 219 adapts state statute to correspond with the definition already embodied in the regulations of the Motor Transportation Division of DPS.

The new definition provided by HB 219 would set different size threshold for vehicles operated intrastate (26,001 lbs. or more) vs. interstate (10,001 lbs. or more), compared with one definition under present law (12,000 pounds). Vehicles for transporting persons would be excluded unless they are designed or used for more than eight persons including the driver when used for compensation, or more than 15 persons when not used for compensation. Vehicles used to transport hazardous materials would be included if they are required by federal law to carry a placard.

TECHNICAL ISSUES

In responding to HB 219, TRD indicates that the distinction between intrastate and interstate vehicles might be criticized as interfering with interstate commerce and challenged on constitutional grounds.

OTHER SUBSTANTIVE ISSUES

The state is mandated by 49 CFR Part 350 to adopt compatible commercial motor carrier and highway hazardous materials rules and regulation.

SHTD suggests that similar changes to the definition of “commercial motor carrier vehicle” might be considered in the Trip Tax Act (Section 7-15-3, Subsection B; NMSA 1978). That section currently specifies vehicles with a gross weight of 12,000 pounds or more, and does not specifically address passenger buses. Further, SHTD suggests the important issue under the Trip Tax may be in regard to vehicle registration fees rather than weight-distance taxes.

DPS has indicated that it is difficult to maintain consistency and uniformity in field enforcement if there are several different definitions within state statutes that describe a commercial motor vehicle. Additionally, HB 219 would make it easier for the Motor Transportation Division of DPS to train enforcement personnel with a single set of applicable rules and would reduce confusion among enforcement personnel and the motor carrier industry.

POSSIBLE QUESTIONS

1. Does the distinction between intrastate and interstate vehicles interfere with interstate commerce resulting in a potential challenge on constitutional grounds?

EB/njw