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## FISCAL IMPACT REPORT

SPONSOR: Hanosh DATE TYPED: 3/4/03 HB 863

SHORT TITLE: Commercial Driver's Licenses DWI Revocations SB \_\_\_\_\_

ANALYST: Chavez

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
NFI	NFI		\$1.6	Non-recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Conflicts with HB 250 and SB 242

### SOURCES OF INFORMATION

Administrative Office of the District Attorney (AODA)  
 Taxation & Revenue Department (TRD)  
 New Mexico State Police (NMSP)  
 LFC Files

### SUMMARY

#### Synopsis of Bill

House Bill 863 amends § 66-5-68 of the New Mexico Commercial Driver's License Act, §66-5-52 through § 66-5-71 NMSA 1978 to provide for *lifetime* disqualification of a person from driving a commercial motor vehicle if convicted of a violation of driving a commercial motor vehicle under the influence of intoxicating liquor or drugs in violation of § 66-8-102 NMSA 1978, an ordinance of a municipality of this state or the law of another state.

- *Section 66-8-102 NMSA 1978 provides:*
  1. it is unlawful for a person who is under the influence of intoxicating liquor to drive a vehicle within this state;
  2. it is unlawful for any person who is under the influence of any drug to a degree that renders him incapable of safely driving a vehicle to drive a vehicle within this state;
  3. it is unlawful for a person who has an alcohol concentration of eight one-hundredths or more in his blood or breath to drive a vehicle within this state;

4. *Aggravated driving* while under the influence of intoxicating liquor or drugs consists of a person who:
- Has an alcohol concentration of sixteen one-hundredths or more in his blood or breath while driving a vehicle within this state;
  - Has caused bodily injury to a human being as a result of the unlawful operation of a motor vehicle while driving under the influence of intoxicating liquor or drugs; or
  - Refused to submit to chemical testing, as provided for in the Implied Consent Act and in the judgment of the court based on evidence of intoxication, presented to the court, was under the influence of intoxicating liquor or drugs.
- Currently, a commercial operator with a 0.04 or higher blood alcohol content (BAC) and a driver in violation of existing DWI laws (see above Section 66-8-102)(BAC 0.08 and above) are ineligible for a commercial driver's license for a minimum of one year.
  - This bill would leave the current law unchanged with regard to those commercial operators with a 0.04 or higher blood alcohol content. However, for those convicted of driving a commercial motor vehicle in violation of existing DWI laws, Section 66-8-102 (BAC 0.08 and above), the law is changed to make such drivers ineligible for life—not just a minimum of one year.
  - This bill places a conviction for DWI while operating a commercial vehicle on an equal level with use of a commercial motor vehicle in the commission of any felony involving production, transportation or distribution of controlled substances.

#### Significant Issues

The Taxation and Revenue Department (TRD) states that if this bill is an attempt to get the New Mexico commercial driver's license law into compliance with federal law and regulations, it must also lower the blood alcohol content limit to .04 for commercial vehicle drivers.

#### **FISCAL IMPLICATIONS**

The bill does not contain an appropriation. However, there will be a minimal administrative cost for statewide update, distribution, and documentation of statutory changes. TRD indicates that the cost estimate for systems-related changes would be \$1.6.

#### **ADMINISTRATIVE IMPLICATIONS**

According to TRD, aside from the systems-related changes, any other administrative impact should be insignificant.

#### **CONFLICT**

House Bill 863 conflicts with HB 250 and SB 242. HB 250 lowers the BAC for conviction threshold of a person operating a commercial motor vehicle to .04. It is stated by the New Mexico State Police that HB 250 and SB 242 are supported by TRD, SHTD and DPS since these bills are designed to bring the state into compliance with the Federal Commercial Drivers License re-

quirements. The state has been found to be in non-compliance with the federal requirements and is in jeopardy of losing federal highway funds.

**OTHER SUBSTANTIVE ISSUES**

It is suggested by the AODA that an alternative to this legislation is to impose a period of ineligibility shorter than life but greater than what the present law establishes (minimum of one year).

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