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FISCAL IMPACT REPORT

ORIGINAL DATE 02/09/11

SPONSOR Wirth LAST UPDATED _____ HB _____

SHORT TITLE Drivers' License Age Restrictions SB 125

ANALYST Lucero

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		Minimal \$0 - \$200.0	Minimal \$0 - \$200.0	Minimal \$0 - \$400.0	Recurring	General Fund and MVD Operating funds

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Transportation (DOT)
Aging and Long-Term Services Department
Taxation and Revenue Department (TRD)

SUMMARY

Synopsis of Bill

Senate Bill 125 proposes to amend Sections 66-5-14 and 66-5-19 NMSA 1978 of the Motor Vehicle Code to permit the Motor Vehicle Division (MVD) of the Taxation and Revenue Department (TRD) to examine all applicants for driver's licenses and motorcycle endorsements, or renewals who are 75 years of age or older. The examination shall include reflexes, reaction times, motor skills and coordination, and may include other physical or mental examinations deemed necessary by the Division.

The bill would also require a driver who is 75 years of age or older to renew their driver's license at no cost every 2 years, from age 75 to 84; every year, from age 85 to 89; and every six months, from age 90 and thereafter.

FISCAL IMPLICATIONS

The fiscal implications could be moderate if MVD is responsible for performing the examinations. The cost of outfitting all MVD offices with reflex/motor skills testing equipment and increased staff time necessary to administer additional examination components. However,

the department could require the driver to obtain a physician's examination as part of the renewal process. The bill is silent on the issue of who is responsible to administer the exam.

SIGNIFICANT ISSUES

TRD reports that the current law requires drivers license renewal every year beginning at age 75. This bill would ease the burden on the drivers aged 75 to 84 by changing the renewal requirement to every two years. This change for drivers aged 75 to 84 would ease the workload for the Motor Vehicle Division's (MVD) field office agents; however, the bill does not specify how the reflex, reaction time, and motor skill exams are to be performed and by whom. It is unclear if MVD staff have the qualifications to determine if a driver is fit to operate a vehicle.

The Department of Transportation (NMDOT) Traffic Safety Bureau participated in the 2010 SM 21 Driver Safety Task Force to study and propose changes in the Motor Vehicle Code or MVD regulations to address issues with elderly drivers and testing for older drivers. The Task Force also included members of AARP, MVD, the New Mexico Attorney General's Office, and the insurance industry. Recommendations from this Task Force are included in this bill and Senate Bill 9.

ADMINISTRATIVE IMPLICATIONS

MVD has no current capability beyond the standard road test to "test an applicant's reflexes, reaction times, motor skills and coordination" as required by this bill. Development of such capability will take substantial additional time and resources. It may be that the requirement of a physician's statement verifying that such tests have been performed and that the individual is capable of safe driving would be a more effective and manageable requirement. There may be technology available to test an applicant's reflexes, reaction times, motor skills and coordination.

Research into available technologies and associated costs, including available space in field offices will be required. Implementation of this bill will have a moderate impact for TRD. Listed are the affected programs and time estimates:

- MVD 2.0 Driver Application (240 hrs)
- MVD Mainframe Batch (160 hrs)
- User Acceptance Testing (100hrs)
- Total IT Hours: 500 hours at \$50/hour = \$25,000

MVD is in the process of implementing a major reengineering of all of its computer systems, with implementation of the new "Milagro" drivers system currently scheduled for late summer or fall of 2011. Milagro effectively requires that all of the division's available resources be dedicated to the reengineering project.

RELATIONSHIP

Relates to Senate Bill 9 "License Requirements For Drivers Under 18."

TECHNICAL ISSUES

Due to the time and resource constraints noted above, the July 1, 2011 deadline will be difficult or impossible to meet. TRD recommends that the effective date of this bill be moved out to January 1, 2012 so that the changes can be implemented in step with the Milagro drivers system.

OTHER SUBSTANTIVE ISSUES

NMDOT reports:

In 2008, 18% of individuals injured in traffic crashes were age 65 and older, according to the National Highway Traffic Safety Administration (NHTSA) center for statistics and analysis. These older drivers made up 15% of all traffic fatalities, 14% of all vehicle occupant fatalities, and 18% of all pedestrian fatalities. 80% of fatalities involving older drivers in 2008 occurred during the daytime; 72% occurred on weekdays; and 69% involved other vehicles according to the NHTSA data.

In New Mexico, 5% of all drivers in crashes were seniors (age 70 and older), although seniors comprise only 9% of New Mexico drivers according to 2008 crash data.

According to literature provided by the USAA Educational Foundation, AARP, and NHTSA, changes in vision, physical fitness and reflexes may cause safety concerns for older drivers.

A 2009 NHTSA report, *Identifying Behaviors and Situations Associated with Increased Crash Risk for Older Drivers*, identified that drivers age 70 and older had elevated risk levels under additional conditions including driveways, alleys, and at intersections controlled by stop or yield signs. Drivers age 80 and older were overrepresented in crashes. This group generally differed from those age 70 to age 79 more in terms of degree of risk elevation than in number of conditions under which risk was elevated. This was particularly the case under conditions that required navigating complex situations such as intersections, left turns, and reacting to an imminent crash.

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